

1991
SESSION LAWS
OF THE
STATE OF WASHINGTON

REGULAR SESSION
FIFTY-SECOND LEGISLATURE
Convened January 14, 1991. Adjourned April 28, 1991.

1st SPECIAL SESSION
FIFTY-SECOND LEGISLATURE
Convened June 10, 1991. Adjourned June 30, 1991.



Published at Olympia by the Statute Law Committee pursuant to Chapter 6, Laws of 1969.

DENNIS W. COOPER
Code Reviser

**WASHINGTON SESSION LAWS
GENERAL INFORMATION**

1. EDITIONS AVAILABLE.

- (a) *General Information.* The session laws are printed successively in two editions:
- (i) a temporary pamphlet edition consisting of a series of one or more paper bound pamphlets, which are published as soon as possible following the session, at random dates as accumulated; followed by
 - (ii) a permanent bound edition containing the accumulation of all laws adopted in the legislative session. Both editions contain a subject index and tables indicating code sections affected.
- (b) *Temporary pamphlet edition — where and how obtained — price.* The temporary session laws may be ordered from the Statute Law Committee, Legislative Building, Olympia, Washington 98504 at \$5.40 per set (\$5.00 plus \$.40 for state and local sales tax of 7.9%). All orders must be accompanied by payment.
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2. PRINTING STYLE — INDICATION OF NEW OR DELETED MATTER

Both editions of the session laws present the laws in the form in which they were adopted by the legislature. This style quickly and graphically portrays the current changes to existing law as follows:

- (a) In amendatory sections
 - (i) underlined matter is new matter.
 - (ii) deleted matter is (~~lined out and bracketed between double parentheses~~).
- (b) Complete new sections are prefaced by the words NEW SECTION.

3. PARTIAL VETOES

- (a) Vetoes matter is *printed in bold italics*.
- (b) Pertinent excerpts of the governor's explanation of partial vetoes are printed at the end of the chapter concerned.

4. EDITORIAL CORRECTIONS. Words and clauses inserted in the session laws pursuant to the authority of RCW 44.20.060 are enclosed in [brackets].

5. EFFECTIVE DATE OF LAWS

- (a) The state Constitution provides that unless otherwise qualified, the laws of any session take effect ninety days after adjournment sine die. The Secretary of State has determined the pertinent date for the Laws of the 1991 regular session to be July 28, 1991 (midnight July 27). The pertinent date for the Laws of the 1991 1st special session is September 29, 1991 (midnight September 28th).
- (b) Laws that carry an emergency clause take effect immediately upon approval by the Governor.
- (c) Laws that prescribe an effective date, take effect upon that date.

6. INDEX AND TABLES

A cumulative index and tables of all 1991 laws may be found at the back of the final pamphlet edition and the permanent bound edition.

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CHAPTER 308

[Substitute House Bill 2044]

TRANSPORTATION IMPROVEMENT BOARD MEMBERSHIP

Effective Date: 7/1/91

AN ACT Relating to the membership of the transportation improvement board; amending RCW 47.26.121; providing an effective date; and declaring an emergency.

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

Sec. 1. RCW 47.26.121 and 1990 c 266 s 4 are each amended to read as follows:

(1) There is hereby created a transportation improvement board of ~~((fifteen))~~ seventeen members, six of whom shall be county members and six of whom shall be city members. The remaining members shall be: (a) The assistant secretary of the department of transportation whose primary responsibilities relate to planning and public transportation; (b) the assistant secretary for highways of the department of transportation; ~~((and))~~ (c) ~~((state aid engineer))~~ assistant secretary for local programs of the department of transportation; (d) a representative of a public transit system; and (e) a private sector representative.

(2) Of the county members of the board, one member shall be a county engineer from a county of the first class or larger; one member shall be a county engineer from a county of the second class or smaller; one member shall be the executive director of the county road administration board, created by RCW 36.78.060; two members shall be county executives, council members, or commissioners from counties of the first class or larger; one member shall be a county executive, council member, or commissioner from a county of the second class or smaller. All county members of the board, except the executive director of the county road administration board, shall be appointed. Not more than one county member of the board shall be from any one county. For the purposes of this subsection, the term "county engineer" ~~((shall))~~ means the director of public works in any county in which such a position exists.

(3) Of the city members of the board two shall be chief city engineers, public works directors, or other city employees with responsibility for public works activities, of cities over twenty thousand population; one shall be a chief city engineer, public works director, or other city employee with responsibility for public works activities, of a city of less than twenty thousand population; two shall be mayors, commissioners, or city council members of cities of more than twenty thousand population; and one shall be a mayor, commissioner, or council member of a city of less than twenty thousand population. All of the city members shall be appointed. Not more than one city member of the board shall be from any one city.

(4) The transit member shall be a general manager, executive director, or transit director of a city-owned transit system, county transportation authority, metropolitan municipal corporation, or public transportation benefit area.

(5) The private sector member shall be a citizen with business, management, and transportation related experience and shall be active in a business community-based transportation organization.

(6) Appointments of county ~~((and))~~, city, transit, and private sector representatives shall be made by the secretary of the department of transportation, with ~~((initial))~~ appointments to be made by July 1, ~~((1988))~~ 1991. Appointees shall be chosen from a list of two persons for each position nominated by the Washington state association of counties for county members ~~((and))~~, the association of Washington cities for city members, and the Washington state transit association for the transit member. ~~((Except as provided in subsection (5) of this section, terms of appointment are four years.))~~ In the case of a vacancy, the appointment shall be only for the remainder of the unexpired term in which the vacancy has occurred. A vacancy shall be deemed to have occurred on the board when any member elected to public office completes that term of office or is removed therefrom for any reason or when any member employed by a political subdivision terminates such employment for whatsoever reason.

~~((5) The initial appointment to the board for three county representatives and three city representatives shall be for terms of two years and the remainder of the))~~ (7) Appointments shall be for terms of four years. Terms of all appointed members shall expire on June 30th of even-numbered years.

~~((6))~~ (8) The board shall elect a chair from among its members for a two-year term.

~~((7))~~ (9) Expenses of the board, including administration of the transportation improvement program, shall be paid from the urban arterial account.

NEW SECTION. Sec. 2. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1991.

Passed the House March 20, 1991.

Passed the Senate April 19, 1991.

Approved by the Governor May 20, 1991.

Filed in Office of Secretary of State May 20, 1991.

CHAPTER 309

[Engrossed Substitute House Bill 1677]

HIGH CAPACITY TRANSPORTATION PLANNING AND FUNDING

Effective Date: 7/28/91

AN ACT Relating to high capacity transportation funding and planning; amending RCW 35.58.273, 81.104.030, 81.104.110, 81.104.140, and 82.44.150; and creating a new section.

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

Sec. 1. RCW 35.58.273 and 1990 c 42 s 316 are each amended to read as follows:

(1) Through June 30, 1992, any municipality (~~(within a class AA county, or within a class A county contiguous to a class AA county, or within a second class county contiguous to a class A county that is contiguous to a class AA county)~~), as defined in this subsection, is authorized to levy and collect a special excise tax not exceeding .7824 percent and beginning July 1, 1992, .725 percent on the fair market value of every motor vehicle owned by a resident of such municipality for the privilege of using such motor vehicle provided that in no event shall the tax be less than one dollar and, subject to RCW 82.44.150 (~~((5) and (6))~~) (3) and (4), the amount of such tax shall be credited against the amount of the excise tax levied by the state under RCW 82.44.020. As used in this subsection, the term "municipality" means a municipality that is located within (a) each county with a population of two hundred ten thousand or more and (b) each county with a population of from one hundred twenty-five thousand to less than two hundred ten thousand except for those counties that do not border a county with a population as described under subsection (a) of this subsection.

(2) Through June 30, 1992, any other municipality is authorized to levy and collect a special excise tax not exceeding .815 percent, and beginning July 1, 1992, .725 percent on the fair market value of every motor vehicle owned by a resident of such municipality for the privilege of using such motor vehicle provided that in no event shall the tax be less than one dollar and, subject to RCW 82.44.150 (3) and (4), the amount of such tax shall be credited against the amount of the excise tax levied by the state under RCW 82.44.020. Before utilization of any excise tax moneys collected under authorization of this section for acquisition of right of way or construction of a mass transit facility on a separate right of way the municipality shall adopt rules affording the public an opportunity for "corridor public hearings" and "design public hearings" as herein defined, which rule shall provide in detail the procedures necessary for public participation in the following instances: (a) prior to adoption of location and design plans having a substantial social, economic or environmental effect upon the locality upon which they are to be constructed or (b) on such mass rapid

transit systems operating on a separate right of way whenever a substantial change is proposed relating to location or design in the adopted plan. In adopting rules the municipality shall adhere to the provisions of the Administrative Procedure Act.

(3) A "corridor public hearing" is a public hearing that: (a) is held before the municipality is committed to a specific mass transit route proposal, and before a route location is established; (b) is held to afford an opportunity for participation by those interested in the determination of the need for, and the location of, the mass rapid transit system; (c) provides a public forum that affords a full opportunity for presenting views on the mass rapid transit system route location, and the social, economic and environmental effects on that location and alternate locations: PROVIDED, That such hearing shall not be deemed to be necessary before adoption of an overall mass rapid transit system plan by a vote of the electorate of the municipality.

(4) A "design public hearing" is a public hearing that: (a) is held after the location is established but before the design is adopted; and (b) is held to afford an opportunity for participation by those interested in the determination of major design features of the mass rapid transit system; and (c) provides a public forum to afford a full opportunity for presenting views on the mass rapid transit system design, and the social, economic, environmental effects of that design and alternate designs.

Sec. 2. RCW 81.104.030 and 1990 c 43 s 24 are each amended to read as follows:

(1) In any ~~((class A))~~ county with a population of from two hundred ten thousand to less than one million that is not bordered by a ~~((class AA))~~ county with a population of one million or more, and in ~~((counties of the first class and smaller))~~ each county with a population of less than two hundred ten thousand, city-owned transit systems, county transportation authorities, metropolitan municipal corporations, and public transportation benefit areas may elect to establish high capacity transportation service. Such agencies shall form a regional policy committee with proportional representation based upon population distribution within the designated service area and a representative of the department of transportation, or such agencies may use the designated metropolitan planning organization as the regional policy committee.

(a) City-owned transit systems, county transportation authorities, metropolitan municipal corporations, and public transportation benefit areas participating in joint regional policy committees shall seek voter approval within their own service boundaries of a high capacity transportation system plan and an implementation program including a financing program.

(b) An interim regional authority may be formed pursuant to RCW 81.104.040(2) and shall seek voter approval of a high capacity transportation plan and financing program within its proposed service boundaries.

(2) City-owned transit systems, county transportation authorities, metropolitan municipal corporations, and public transportation benefit areas in counties adjoining state or international boundaries are authorized to participate in the regional high capacity transportation programs of an adjoining state or nation.

Sec. 3. RCW 81.104.110 and 1990 c 43 s 32 are each amended to read as follows:

The legislature recognizes that the planning process described in RCW 81.104.100 provides a recognized framework for guiding high capacity transportation studies. However, the process cannot guarantee appropriate transit decisions unless key study assumptions are reasonable.

To assure appropriate project assumptions and to provide for review of project results, the department of transportation shall develop independent oversight procedures which are appropriate to the scope of any project for which high capacity transportation account funds are requested.

An expert review panel shall be appointed to provide independent technical review for any project which is to be funded in whole or in part by the imposition of any voter-approved local option funding sources enumerated in RCW 81.104.140.

(1) The expert review panel shall consist of five to ten members who are recognized experts in relevant fields, such as transit operations, planning, emerging transportation technologies, engineering, finance, law, the environment, geography, economics, and political science.

(2) The expert review panel shall be selected cooperatively by the chair of the legislative transportation committee, the secretary of the department of transportation, and the governor to assure a balance of disciplines. In the case of counties adjoining another state or Canadian province the expert review panel membership shall be selected cooperatively with representatives of the adjoining state or Canadian province.

(3) The chair of the expert review panel shall be designated by the appointing body.

(4) The expert review panel shall serve without compensation but shall be reimbursed for expenses according to chapter 43.03 RCW.

(5) Funds appropriated for expenses of the expert panel shall be administered by the department of transportation.

(6) The expert panel shall review all reports required in RCW 81.104.100(2)(b)(vi) but shall concentrate on service modes and concepts, costs, patronage, financing, and project evaluation.

(7) The expert panel shall provide timely reviews and comments on individual project reports and study conclusions to the governor, the legislative transportation committee, the department of transportation, and the submitting lead transit agency. In the case of counties adjoining another state or Canadian province, the expert review panel shall provide its reviews,

comments, and conclusions to the representatives of the adjoining state or Canadian province.

(8) The legislative transportation committee shall contract for consulting services for expert review panels. The amount of consultant support shall be negotiated with each expert review panel by the legislative transportation committee and shall be paid from the high capacity transportation account.

Sec. 4. RCW 81.104.140 and 1990 c 43 s 35 are each amended to read as follows:

(1) Agencies authorized to provide high capacity transportation service, including city-owned transit systems, county transportation authorities, metropolitan municipal corporations and public transportation benefit areas, are hereby granted dedicated funding sources for such systems. These dedicated funding sources, as set forth in RCW 81.104.150, 81.104.160, and 81.104.170, are authorized only for agencies located in ~~((class AA counties, class A counties, counties of the first class which border another state, and counties which, on March 14, 1990, are of the second class and which adjoin class A counties))~~ (a) each county with a population of two hundred ten thousand or more and (b) each county with a population of from one hundred twenty-five thousand to less than two hundred ten thousand except for those counties that do not border a county with a population as described under subsection (a) of this subsection.

(2) Agencies providing high capacity transportation service should also seek other funds, including federal, state, local, and private sector assistance.

(3) Funding sources should satisfy each of the following criteria to the greatest extent possible:

- (a) Acceptability;
- (b) Ease of administration;
- (c) Equity;
- (d) Implementation feasibility;
- (e) Revenue reliability; and
- (f) Revenue yield.

(4) Agencies participating in regional high capacity transportation system development through interlocal agreements or a conference-approved interim regional rail authority or subregional process as defined in RCW 81.104.040 are authorized to levy and collect the following voter-approved local option funding sources:

- (a) Employer tax as provided in RCW 81.104.150;
 - (b) Special motor vehicle excise tax as provided in RCW 81.104.160;
- and
- (c) Sales and use tax as provided in RCW 81.104.170.

Revenues from these taxes may be used only to support those purposes prescribed in subsection (8) of this section. Before an agency may impose

any of the taxes enumerated in this section and authorized in RCW 81.104.150, 81.104.160, and 81.104.170, it must comply with the process prescribed in RCW 81.104.100 and 81.104.110.

(5) Authorization in subsection (4) of this section shall not adversely affect the funding authority of existing transit agencies. Local option funds may be used to support implementation of interlocal agreements with respect to the establishment of regional high capacity transportation service. Local jurisdictions shall retain control over moneys generated within their boundaries, although funds may be commingled for planning, construction, and operation of high capacity transportation systems as set forth in the agreements.

(6) Agencies providing high capacity transportation service may contract with the state for collection and transference of local option revenue.

(7) Dedicated high capacity transportation funding shall be subject to voter approval by a simple majority.

(8) Agencies providing high capacity transportation service shall retain responsibility for revenue encumbrance, disbursement, and bonding. Funds may be used for any purpose relating to planning, construction, and operation of high capacity transportation, commuter rail, and feeder transportation systems.

Sec. 5. RCW 82.44.150 and 1990 c 42 s 308 are each amended to read as follows:

(1) The director of licensing shall, on the twenty-fifth day of February, May, August, and November of each year, advise the state treasurer of the total amount of motor vehicle excise taxes remitted to the department during the preceding calendar quarter ending on the last day of March, June, September, and December, respectively, except for those payable under RCW 82.44.030, from motor vehicle owners residing within each municipality which has levied a tax under RCW 35.58.273, which amount of excise taxes shall be determined by the director as follows:

The total amount of motor vehicle excise taxes remitted to the department, except those payable under RCW 82.44.030, from each county shall be multiplied by a fraction, the numerator of which is the population of the municipality residing in such county, and the denominator of which is the total population of the county in which such municipality or portion thereof is located. The product of this computation shall be the amount of excise taxes from motor vehicle owners residing within such municipality or portion thereof. Where the municipality levying a tax under RCW 35.58.273 is located in more than one county, the above computation shall be made by county, and the combined products shall provide the total amount of motor vehicle excise taxes from motor vehicle owners residing in the municipality as a whole. Population figures required for these computations shall be supplied to the director by the office of financial management, who shall adjust the fraction annually.

(2) On the first day of the months of January, April, July, and October of each year, the state treasurer based upon information provided by the department shall, from motor vehicle excise taxes deposited in the general fund, under RCW 82.44.110(7), make the following deposits:

(a) To the high capacity transportation account created in RCW 47-.78.010, a sum equal to four and five-tenths percent of the special excise tax levied under RCW 35.58.273 by those municipalities authorized to levy a special excise tax within ~~((a class AA county, or within a class A county contiguous to a class AA county, or within a second class county contiguous to a class A county that is contiguous to a class AA county))~~ (i) each county with a population of two hundred ten thousand or more and (ii) each county with a population of from one hundred twenty-five thousand to less than two hundred ten thousand except for those counties that do not border a county with a population as described in subsection (i) of this subsection;

(b) To the central Puget Sound public transportation account created in RCW 82.44.180, for revenues distributed after December 31, 1992, within a ~~((class AA county or within a class A county contiguous to a class AA))~~ county with a population of one million or more and a county with a population of from two hundred thousand to less than one million bordering a county with a population of one million or more, a sum equal to the difference between (i) the special excise tax levied and collected under RCW 35.58.273 by those municipalities authorized to levy and collect a special excise tax subject to the requirements of subsections (3) and (4) of this section and (ii) the special excise tax that the municipality would otherwise have been eligible to levy and collect at a tax rate of .815 percent and been able to match with locally generated tax revenues, other than the excise tax imposed under RCW 35.58.273, budgeted for any public transportation purpose. Before this deposit, the sum shall be reduced by an amount equal to the amount distributed under (a) of this subsection for each of the municipalities within the counties to which this subsection (2)(b) applies; however, any transfer under this subsection (2)(b) must be greater than zero;

(c) To the public transportation systems account created in RCW 82.44.180, for revenues distributed after December 31, 1992, within counties not described in (b) of this subsection, a sum equal to the difference between (i) the special excise tax levied and collected under RCW 35.58-.273 by those municipalities authorized to levy and collect a special excise tax subject to the requirements of subsections (3) and (4) of this section and (ii) the special excise tax that the municipality would otherwise have been eligible to levy and collect at a tax rate of .815 percent and been able to match with locally generated tax revenues, other than the excise tax imposed under RCW 35.58.273, budgeted for any public transportation purpose. Before this deposit, the sum shall be reduced by an amount equal to

the amount distributed under (a) of this subsection for each of the municipalities within the counties to which this subsection (2)(c) applies; however, any transfer under this subsection (2)(c) must be greater than zero; and

(d) To the transportation fund created in RCW 82.44.180, for revenues distributed after June 30, 1991, a sum equal to the difference between (i) the special excise tax levied and collected under RCW 35.58.273 by those municipalities authorized to levy and collect a special excise tax subject to the requirements of subsections (3) and (4) of this section and (ii) the special excise tax that the municipality would otherwise have been eligible to levy and collect at a tax rate of .815 percent notwithstanding the requirements set forth in subsections (3) through (6) of this section, reduced by an amount equal to distributions made under (a), (b), and (c) of this subsection.

(3) On the first day of the months of January, April, July, and October of each year, the state treasurer, based upon information provided by the department, shall remit motor vehicle excise tax revenues imposed and collected under RCW 35.58.273 as follows:

(a) The amount required to be remitted by the state treasurer to the treasurer of any municipality levying the tax shall not exceed in any calendar year the amount of locally-generated tax revenues, excluding the excise tax imposed under RCW 35.58.273 for the purposes of this section, which shall have been budgeted by the municipality to be collected in such calendar year for any public transportation purposes including but not limited to operating costs, capital costs, and debt service on general obligation or revenue bonds issued for these purposes; and

(b) In no event may the amount remitted in a single calendar quarter exceed the amount collected on behalf of the municipality under RCW 35.58.273 during the calendar quarter next preceding the immediately preceding quarter.

(4) At the close of each calendar year accounting period, but not later than April 1, each municipality that has received motor vehicle excise taxes under subsection (3) of this section shall transmit to the director of licensing and the state auditor a written report showing by source the previous year's budgeted tax revenues for public transportation purposes as compared to actual collections. Any municipality that has not submitted the report by April 1 shall cease to be eligible to receive motor vehicle excise taxes under subsection (3) of this section until the report is received by the director of licensing. If a municipality has received more or less money under subsection (3) of this section for the period covered by the report than it is entitled to receive by reason of its locally-generated collected tax revenues, the director of licensing shall, during the next ensuing quarter that the municipality is eligible to receive motor vehicle excise tax funds, increase or decrease the amount to be remitted in an amount equal to the difference

between the locally-generated budgeted tax revenues and the locally-generated collected tax revenues. In no event may the amount remitted for a calendar year exceed the amount collected on behalf of the municipality under RCW 35.58.273 during that same calendar year. At the time of the next fiscal audit of each municipality, the state auditor shall verify the accuracy of the report submitted and notify the director of licensing of any discrepancies.

(5) The motor vehicle excise taxes imposed under RCW 35.58.273 and required to be remitted under this section shall be remitted without legislative appropriation.

(6) Any municipality levying and collecting a tax under RCW 35.58.273 which does not have an operating, public transit system or a contract for public transportation services in effect within one year from the initial effective date of the tax shall return to the state treasurer all motor vehicle excise taxes received under subsection (3) of this section.

NEW SECTION. Sec. 6. The 1991 amendments to RCW 35.58.273, 81.104.030, 81.104.140, and 82.44.150 in chapter —, Laws of 1991 (SHB 1201) are each repealed.

Passed the House March 15, 1991.

Passed the Senate April 17, 1991.

Approved by the Governor May 20, 1991.

Filed in Office of Secretary of State May 20, 1991.

CHAPTER 310

[Substitute House Bill 2050]

COUNTY FERRY SYSTEM FUNDING

Effective Date: 7/28/91

AN ACT Relating to county ferry systems; and amending RCW 47.56.725 and 46.68.100.

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

Sec. 1. RCW 47.56.725 and 1984 c 7 s 286 are each amended to read as follows:

(1) The department is hereby authorized to enter into a continuing agreement with Pierce, Skagit, and Whatcom counties pursuant to which the department shall, from time to time, direct the distribution to each of the counties the amounts authorized in subsection (2) of this section in accordance with RCW 46.68.100.

(2) The department is authorized to include in each ~~((such continuing))~~ agreement a provision for the distribution of funds to each ~~((such))~~ county ~~((funds))~~ to reimburse the county for fifty percent of the deficit incurred during each previous fiscal year in the operation and maintenance of the ferry system owned and operated by the county ~~((commencing with the~~

~~fiscal year ending June 30, 1976)). The total amount to be reimbursed to Pierce, Skagit, and Whatcom counties collectively shall not exceed ((five hundred thousand)) one million dollars in any biennium. Each county agreement shall contain a requirement that the county shall maintain tolls on its ferries at ((levels sufficient to produce aggregate annual revenues at least equal to the annual revenue of the county's ferry system in calendar year 1975)) least equal to tolls in place on January 1, 1990.~~

(3) The annual fiscal year operating and maintenance deficit, if any, shall be determined by Pierce, Skagit, and Whatcom counties subject to review and approval of the department. The annual fiscal year operating and maintenance deficit is defined as the total of operations and maintenance expenditures less the sum of ferry toll revenues and that portion of fuel tax revenue distributions which are attributable to the county ferry as determined by the department. Distribution of the amounts authorized by subsection (2) of this section by the state treasurer shall be directed by the department upon the receipt of properly executed vouchers from each county.

(4) The county road administration board may evaluate requests by Pierce, Skagit, Wahkiakum, and Whatcom counties for county ferry capital improvement funds. The board shall evaluate the requests and, if approved by a majority of the board, submit the requests to the legislature for funding out of the amounts available under RCW 46.68.100(3). Any county making a request under this subsection shall first seek funding through the public works trust fund, or any other available revenue source, where appropriate.

Sec. 2. RCW 46.68.100 and 1986 c 66 s 1 are each amended to read as follows:

From the net tax amount in the motor vehicle fund there shall be paid monthly as funds accrue the following sums:

(1) To the cities and towns, to be distributed as provided by RCW 46.68.110, sums equal to six and ninety-two hundredths percent of the net tax amount;

(2) To the cities and towns, to be expended as provided by RCW 46.68.115, sums equal to four and sixty-one hundredths percent of the net tax amount;

(3) To the counties, sums equal to twenty-two and seventy-eight hundredths percent of the net tax amount (a) out of which there shall be distributed from time to time, as directed by the department of transportation, those sums as may be necessary to carry out the provisions of RCW 47.56.725, and (b) less any amounts appropriated to the county road administration board to implement the provisions of RCW 47.56.725(4), with the balance of such county share to be distributed monthly as the same accrues for distribution in accordance with RCW 46.68.120;

(4) To the urban arterial trust account in the motor vehicle fund, sums equal to seven and twelve hundredths percent of the net tax amount;

(5) To the state, to be expended as provided by RCW 46.68.130, sums equal to forty-five and twenty-six hundredths percent of the net tax amount;

(6) To the state, to be expended as provided by RCW 46.68.150 as now or hereafter amended, sums equal to six and ninety-five hundredths percent of the net tax amount;

(7) To the Puget Sound capital construction account in the motor vehicle fund sums equal to three and twenty-one hundredths percent of the net tax amount;

(8) To the Puget Sound ferry operations account in the motor vehicle fund sums equal to three and fifteen hundredths percent of the net tax amount.

Nothing in this section or in RCW 46.68.090 or 46.68.130 may be construed so as to violate any terms or conditions contained in any highway construction bond issues now or hereafter authorized by statute and whose payment is by such statute pledged to be paid from any excise taxes on motor and special vehicle fuels.

Passed the House March 20, 1991.

Passed the Senate April 10, 1991.

Approved by the Governor May 20, 1991.

Filed in Office of Secretary of State May 20, 1991.

CHAPTER 311

[Substitute House Bill 1137]

CRIMINAL JUSTICE PURPOSES DEFINED FOR PROVISION ASSISTANCE TO LOCAL GOVERNMENTS

Effective Date: 5/20/91

AN ACT Relating to local government; amending RCW 82.14.310, 82.14.315, 82.14.320, 82.14.330, 82.14.340, and 63.29.190; creating a new section; and declaring an emergency.

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

Sec. 1. RCW 82.14.310 and 1990 2nd ex.s. c 1 s 102 are each amended to read as follows:

(1) The county criminal justice assistance account is created in the state treasury. The account shall consist of all motor vehicle excise tax receipts deposited into the account under chapter 82.44 RCW.

(2) The moneys deposited in the county criminal justice assistance account for distribution under this section shall be distributed at such times as distributions are made under RCW 82.44.150 and on the relative basis of each county's funding factor as determined under this subsection.

(a) A county's funding factor is the sum of:

(i) The population of the county, divided by one thousand, and multiplied by two-tenths;

(ii) The crime rate of the county, multiplied by three-tenths; and

(iii) The annual number of criminal cases filed in the county superior court, for each one thousand in population, multiplied by five-tenths.

(b) Under this section and RCW 82.14.320 and 82.14.330:

(i) The population of the county or city shall be as last determined by the office of financial management;

(ii) The crime rate of the county or city is the annual occurrence of specified criminal offenses, as calculated in the most recent annual report on crime in Washington state as published by the Washington association of sheriffs and police chiefs, for each one thousand in population;

(iii) The annual number of criminal cases filed in the county superior court shall be determined by the most recent annual report of the courts of Washington, as published by the office of the administrator for the courts.

(iv) Distributions and eligibility for distributions in the 89-91 biennium shall be based on 1988 figures for both the crime rate as described under (ii) of this subsection and the annual number of criminal cases that are filed as described under (iii) of this subsection. Future distributions shall be based on the most recent figures for both the crime rate as described under (ii) of this subsection and the annual number of criminal cases that are filed as described under (iii) of this subsection.

(3) Moneys distributed under this section shall be expended exclusively for criminal justice purposes and shall not be used to replace or supplant existing funding. Criminal justice purposes are defined as activities that substantially assist the criminal justice system, which may include circumstances where ancillary benefit to the civil justice system occurs. Existing funding for purposes of this subsection is defined as calendar year 1989 actual operating expenditures for criminal justice purposes. Calendar year 1989 actual operating expenditures for criminal justice purposes exclude the following: Expenditures for extraordinary events not likely to reoccur, changes in contract provisions for criminal justice services, beyond the control of the local jurisdiction receiving the services, and major nonrecurring capital expenditures.

(4) This section expires January 1, 1994.

Sec. 2. RCW 82.14.315 and 1990 2nd ex.s. c 1 s 103 are each amended to read as follows:

(1) The moneys appropriated for distribution under this section shall be distributed at such times as distributions are made under RCW 82.44-.150. Such moneys shall be distributed to the counties of the state ratably on the basis of population as last determined by the office of financial management.

(2) Moneys distributed under this section shall be expended exclusively for criminal justice purposes and shall not be used to replace or supplant

existing funding. Criminal justice purposes are defined as activities that substantially assist the criminal justice system, which may include circumstances where ancillary benefit to the civil justice system occurs. Existing funding for purposes of this subsection is defined as calendar year 1989 actual operating expenditures for criminal justice purposes. Calendar year 1989 actual operating expenditures for criminal justice purposes exclude the following: Expenditures for extraordinary events not likely to reoccur, changes in contract provisions for criminal justice services, beyond the control of the local jurisdiction receiving the services, and major nonrecurring capital expenditures.

(3) This section expires July 1, 1991.

***Sec. 3. RCW 82.14.320 and 1990 2nd ex.s. c 1 s 104 are each amended to read as follows:**

(1) The municipal criminal justice assistance account is created in the state treasury. The account shall consist of all motor vehicle excise tax receipts deposited into the account under chapter 82.44 RCW.

(2) No city may receive a distribution under this section from the municipal criminal justice assistance account unless:

(a) The city has a crime rate in excess of one hundred twenty-five percent of the state-wide average as calculated in the most recent annual report on crime in Washington state as published by the Washington association of sheriffs and police chiefs;

(b) The city has levied the tax authorized in RCW 82.14.030(2) at the maximum rate or the tax authorized in RCW 82.46.010(2) at the maximum rate; and

(c) The city has a per capita yield from the tax imposed under RCW 82.14.030(1) at the maximum rate of less than one hundred fifty percent of the state-wide average per capita yield for all cities from such local sales and use tax.

(3) The moneys deposited in the municipal criminal justice (~~assistance~~) assistance account for distribution under this section shall be distributed at such times as distributions are made under RCW 82.44.150. The distributions shall be made as follows:

(a) Thirty percent of the moneys shall be distributed ratably based on population as last determined by the office of financial management to those cities eligible under subsection (2) of this section that have a crime rate determined under subsection (2)(a) of this section which is greater than two times the state-wide average crime rate. No city may receive more than fifty percent of any moneys distributed under this subsection (a).

(b) The remainder of the moneys shall be distributed to all cities eligible under subsection (2) of this section ratably based on population as last determined by the office of financial management.

(4) No city may receive more than thirty percent of all moneys distributed under subsection (3) of this section.

(5) Moneys distributed under this section shall be expended exclusively for criminal justice purposes and shall not be used to replace or supplant existing funding. Criminal justice purposes are defined as activities that substantially assist the criminal justice system, which may include circumstances where ancillary benefit to the civil justice system occurs. Existing funding for purposes of this subsection is defined as calendar year 1989 actual operating expenditures for criminal justice purposes. Calendar year 1989 actual operating expenditures for criminal justice purposes exclude the following: Expenditures for extraordinary events not likely to reoccur, changes in contract provisions for criminal justice services, beyond the control of the local jurisdiction receiving the services, and major nonrecurring capital expenditures.

(6) Beginning January 1, 1992, no city with a population in excess of four hundred thousand shall receive any distribution of moneys from the municipal criminal justice assistance account until the city has entered an agreement with the office of court administrator regarding the utilization of the district and municipal court information system. The agreement shall require any municipal court system of such cities to be linked to the system and be fully capable of on-line use of the data contained therein. The agreement shall specify a date by which such linkage and use shall be effective and in no event shall the date be later than January 1, 1994, unless funding is not made available by the legislature, in which case the date for linkage shall be postponed only until such funding is available.

(7) This section expires January 1, 1994.

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

Sec. 4. RCW 82.14.330 and 1990 2nd ex.s. c 1 s 105 are each amended to read as follows:

(1) The moneys deposited in the municipal criminal justice assistance account for distribution under this section shall be distributed at such times as distributions are made under RCW 82.44.150. Such moneys shall be distributed to the cities of the state as follows:

(a) For fiscal year 1991, each city with a population of under ten thousand shall receive a distribution of three thousand two hundred fifty dollars. Any remaining moneys shall be distributed to all cities ratably on the basis of population as last determined by the office of financial management.

(b) For fiscal year 1992 and thereafter, each city with a population of under ten thousand shall receive a distribution of two thousand seven hundred fifty dollars. Any remaining moneys shall be distributed to all cities ratably on the basis of population as last determined by the office of financial management.

(2) Moneys distributed under this section shall be expended exclusively for criminal justice purposes and shall not be used to replace or supplant existing funding. Criminal justice purposes are defined as activities that

substantially assist the criminal justice system, which may include circumstances where ancillary benefit to the civil justice system occurs. Existing funding for purposes of this subsection is defined as calendar year 1989 actual operating expenditures for criminal justice purposes. Calendar year 1989 actual operating expenditures for criminal justice purposes exclude the following: Expenditures for extraordinary events not likely to reoccur, changes in contract provisions for criminal justice services, beyond the control of the local jurisdiction receiving the services, and major nonrecurring capital expenditures.

(3) This section expires January 1, 1994.

Sec. 5. RCW 82.14.340 and 1990 2nd ex.s. c 1 s 901 are each amended to read as follows:

The legislative authority of any county with a population of two hundred thousand or more, any county located east of the crest of the Cascade mountains with a population of one hundred fifty thousand or more, and any other county with a population of one hundred fifty thousand or more that has had its population increase by at least twenty-four percent during the preceding nine years, as certified by the office of financial management for the first day of April of each year, may and, if requested by resolution of the governing bodies of cities in the county with an aggregate population equal to or greater than fifty percent of the total population of the county, as last determined by the office of financial management, shall submit an authorizing proposition to the voters of the county and if approved by a majority of persons voting, fix and impose a sales and use tax in accordance with the terms of this chapter.

The tax authorized in this section shall be in addition to any other taxes authorized by law and shall be collected from those persons who are taxable by the state pursuant to chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within such county. The rate of tax shall equal one-tenth of one percent of the selling price (in the case of a sales tax) or value of the article used (in the case of a use tax).

When distributing moneys collected under this section, the state treasurer shall distribute ten percent of the moneys to the county in which the tax was collected. The remainder of the moneys collected under this section shall be distributed to the county and the cities within the county ratably based on population as last determined by the office of financial management. In making the distribution based on population, the county shall receive that proportion that the unincorporated population of the county bears to the total population of the county and each city shall receive that proportion that the city incorporated population bears to the total county population.

Moneys received from any tax imposed under this section shall be expended exclusively for criminal justice purposes and shall not be used to replace or supplant existing funding. Criminal justice purposes are defined as

activities that substantially assist the criminal justice system, which may include circumstances where ancillary benefit to the civil justice system occurs. Existing funding for purposes of this subsection is defined as calendar year 1989 actual operating expenditures for criminal justice purposes. Calendar year 1989 actual operating expenditures for criminal justice purposes exclude the following: Expenditures for extraordinary events not likely to reoccur, changes in contract provisions for criminal justice services, beyond the control of the local jurisdiction receiving the services, and major nonrecurring capital expenditures.

This section expires January 1, 1994.

NEW SECTION. Sec. 6. The changes contained in sections 2, 3, 4, and 5 of this act are remedial, curative, and clarify ambiguities in prior existing law. These changes shall apply retroactively to July 1, 1990.

Sec. 7. RCW 63.29.190 and 1990 2nd ex.s. c 1 s 301 are each amended to read as follows:

(1) Except as otherwise provided in subsections (2) and (3) of this section, a person who is required to file a report under RCW 63.29.170, within six months after the final date for filing the report as required by RCW 63.29.170, shall pay or deliver to the department all abandoned property required to be reported. Counties, cities, towns, and other municipal and quasi-municipal corporations that hold funds representing warrants canceled pursuant to RCW 36.22.100 and 39.56.040, uncashed checks, excess proceeds from property tax and irrigation district foreclosures, and property tax overpayments or refunds may retain the funds until the owner notifies them and establishes ownership as provided in RCW 63.29.135. Counties, cities, towns, or other municipal or quasi-municipal corporations shall provide to the department a report of property it is holding pursuant to this section. The report shall identify the property and owner in the manner provided in RCW 63.29.170 and the department shall publish the information as provided in RCW 63.29.180.

(2) If the owner establishes the right to receive the abandoned property to the satisfaction of the holder before the property has been delivered or it appears that for some other reason the presumption of abandonment is erroneous, the holder need not pay or deliver the property to the department, and the property will no longer be presumed abandoned. In that case, the holder shall file with the department a verified written explanation of the proof of claim or of the error in the presumption of abandonment.

(3) Property reported under RCW 63.29.170 for which the holder is not required to report the name of the apparent owner must be delivered to the department at the time of filing the report.

(4) The holder of an interest under RCW 63.29.100 shall deliver a duplicate certificate or other evidence of ownership if the holder does not issue certificates of ownership to the department. Upon delivery of a duplicate certificate to the department, the holder and any transfer agent, registrar, or

other person acting for or on behalf of a holder in executing or delivering the duplicate certificate is relieved of all liability of every kind in accordance with RCW 63.29.200 to every person, including any person acquiring the original certificate or the duplicate of the certificate issued to the department, for any losses or damages resulting to any person by the issuance and delivery to the department of the duplicate certificate.

NEW SECTION. Sec. 8. 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. 9. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House March 1, 1991.

Passed the Senate April 8, 1991.

Approved by the Governor May 20, 1991, with the exception of certain items which were vetoed.

Filed in Office of Secretary of State May 20, 1991.

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

"I am returning herewith, without my approval as to section 3, Substitute House Bill No. 1137 entitled:

"AN ACT Relating to local government."

Substitute House Bill No. 1137 is intended to clarify the definition of "criminal justice purposes" and to establish a base year against which to judge supplanting prohibitions of Chapter 1, laws of 1990, 2nd Extraordinary Session. That measure provided financial assistance to local governments to address the critical needs of their criminal justice programs.

Apart from the direction that the financial assistance provided be used for criminal justice purposes and that it not replace existing funds, local governments were left with the discretion to use these funds where most needed in their communities. This principle of local determination is an important element in the effective use of these resources.

Section 3 of Substitute House Bill No. 1137 violates this principle by requiring the city of Seattle to enter into an agreement with the office of the administrator for the courts to link to the district and municipal court information system in order to receive funds from the municipal criminal justice assistance account. Although the efficient use of criminal justice information is a laudable goal, I cannot support withholding critically needed funds to effect an administrative agreement between a state agency and local government.

In addition, the Task Force on City and County Finances was given the mandate to examine "statutory or administrative changes that will promote efficiencies in local government, including multijurisdictional coordination of services". The extent to which criminal justice assistance funds should be used to promote specific activities at the local level is appropriately left to the task force to recommend.

By my veto of section 3, I do not intend to nullify the definitions provided for the appropriate uses of local government assistance authorized last year. However, the limitations of gubernatorial veto power to entire sections of legislation require that

the whole of section 3 be vetoed. I urge the State Auditor to recognize the Legislature's intentions with respect to these definitions in reviewing the appropriate use of criminal justice funds by local governments.

With the exception of section 3, Substitute House Bill No. 1137 is approved."

CHAPTER 312

[House Bill 1489]

TELECOMMUNICATIONS—RIGHT OF PRIVACY—EXCEPTIONS

Effective Date: 7/28/91

AN ACT Relating to the right of privacy; and amending RCW 9.73.070.

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

Sec. 1. RCW 9.73.070 and 1967 ex.s. c 93 s 5 are each amended to read as follows:

(1) The provisions of this chapter shall not apply to any activity in connection with services provided by a common carrier pursuant to its tariffs on file with the Washington utilities and transportation commission or the Federal Communication Commission and any activity of any officer, agent or employee of a common carrier who performs any act otherwise prohibited by this law in the construction, maintenance, repair and operations of the common carrier's communications services, facilities, or equipment or incident to the use of such services, facilities or equipment. Common carrier as used in this section means any person engaged as a common carrier or public service company for hire in intrastate, interstate or foreign communication by wire or radio or in intrastate, interstate or foreign radio transmission of energy.

(2) The provisions of this chapter shall not apply to any common carrier automatic number, caller, or location identification service, including an enhanced 911 emergency service, that has been approved by the Washington utilities and transportation commission.

Passed the House March 13, 1991.

Passed the Senate April 8, 1991.

Approved by the Governor May 21, 1991.

Filed in Office of Secretary of State May 21, 1991.

CHAPTER 313

[Engrossed Substitute House Bill 1881]

DISTRICT COURT JUDGES—DETERMINATION OF NUMBER

Effective Date: 7/28/91

AN ACT Relating to determining the number of district court judges; amending RCW 3.34.010 and 3.34.020; adding a new section to chapter 3.34 RCW; and creating a new section.

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

**Sec. 1. RCW 3.34.010 and 1989 c 227 s 6 are each amended to read as follows:*

The number of district judges ((to be elected in each county shall be: Adams, three; Asotin, one; Benton, two; Chelan, one; Clallam, one; Clark, four; Columbia, one; Cowlitz, two; Douglas, one; Ferry, two; Franklin, one; Garfield, one; Grant, one; Grays Harbor, two; Island, three; Jefferson, one; King, twenty-four; Kitsap, two; Kittitas, two; Klickitat, two; Lewis, two; Lincoln, one; Mason, one; Okanogan, two; Pacific, three; Pend Oreille, two; Pierce, eight; San Juan, one; Skagit, three; Skamania, one; Snohomish, eight; Spokane, eight; Stevens, two; Thurston, one; Wahkiakum, one; Walla Walla, three; Whatcom, two; Whitman, two; Yakima, six: PROVIDED, That this number may be increased in accordance with a resolution of the county commissioners under RCW 3.34.020)) in each county shall be the base number of full and part-time district judges that are in office as of January 1, 1992, and may only be changed thereafter as provided in RCW 3.34.020 and section 3 of this act.

**Sec. 1 was vetoed, see message at end of chapter.*

Sec. 2. RCW 3.34.020 and 1987 c 202 s 112 are each amended to read as follows:

((In each district having a population of forty thousand or more but less than sixty thousand, there shall be elected one full time district judge; in each district having a population of sixty thousand but less than one hundred twenty-five thousand, there shall be elected two full time judges; in each district having a population of one hundred twenty-five thousand but less than two hundred thousand, there shall be elected three full time judges; and in each district having a population of two hundred thousand or more there shall be elected one additional full time judge for each additional one hundred thousand persons or fraction thereof. If a district having one or more full time judges should change in population, for reasons other than change in district boundaries, sufficiently to require a change in the number of judges previously authorized to it, the change shall be made by the county legislative authority without regard to RCW 3.34.010 as now or hereafter amended and shall become effective on the second Monday of January of the year following. Upon any redistricting of the county thereafter the number of judges in the county shall be designated under RCW 3.34.010. In a district having a population of one hundred twenty thousand people or more adjoining a metropolitan county of another state which has a population in excess of five hundred thousand, there shall be one full time judge in addition to the number otherwise allowed by this section and without regard to RCW 3.34.030 or resolution of the county legislative authority. The county legislative authority may by resolution make a part time position a full time office. The county legislative authority may by resolution provide for the election of one full time judge in addition to the number of full time judges authorized:))

(1) Any change in the number of full and part-time district judges after January 1, 1992, shall be determined by the legislature after receiving a recommendation from the supreme court. The supreme court shall make its recommendations to the legislature based on a weighted caseload analysis that takes into account the following:

(a) The extent of time that existing judges have available to hear cases in that court;

(b) A measurement of the judicial time needed to process various types of cases;

(c) A determination of the time required to process each type of case to the individual court workload;

(d) A determination of the amount of a judge's annual work time that can be devoted exclusively to processing cases; and

(e) An assessment of judicial resource needs, including annual case filings, and case weights and the judge year value determined under the weighted caseload method.

(2) The administrator for the courts, under the supervision of the supreme court, may consult with the board of judicial administration, the judicial council, and the district and municipal court judge's association in developing the procedures and methods of applying the weighted caseload analysis.

(3) For each recommended change from the number of full and part-time district judges in any county as of January 1, 1992, the administrator for the courts, under the supervision of the supreme court, shall complete a judicial impact note detailing any local or state cost associated with such recommended change.

(4) If the legislature approves an increase in the base number of district judges in any county as of January 1, 1992, such increase in the base number of district judges and all related costs may be paid for by the county from moneys provided under RCW 82.14.310, and any such costs shall be deemed to be expended for criminal justice purposes as provided in RCW 82.14.315, and such expenses shall not constitute a supplanting of existing funding.

(5)(a) A county legislative authority that desires to change the number of full or part-time district judges from the base number on January 1, 1992, must first request the assistance of the supreme court. The administrator for the courts, under the supervision of the supreme court, shall conduct a weighted caseload analysis and make a recommendation of its findings to the legislature for consideration as provided in this section.

(b) The legislative authority of any county may change a part-time district judge position to a full-time position.

NEW SECTION. Sec. 3. A new section is added to chapter 3.34 RCW to read as follows:

Any additional district judge positions created under RCW 3.34.020 shall be effective only if the legislative authority of the affected county documents its approval of any additional positions and its agreement that it will pay out of county funds, without reimbursement from the state, the expenses of such additional judicial positions as provided by statute. The additional expenses include, but are not limited to, expenses incurred for court facilities. The legislative authority of any such county may, at its discretion, phase in any judicial positions over a period of time not to exceed two years from the effective date of the additional district judge positions.

NEW SECTION. Sec. 4. The supreme court shall compile a report for the law and justice committee of the senate and the judiciary committee of the house of representatives no later than December 1, 1991, that documents the number of full and part-time district judges by county, and a process to be used in applying a weighted caseload analysis to changing the number of district judges after the effective date of this act. The report may recommend any suggested changes that may be made to a weighted caseload analysis, its impact, costs, or any other issues affecting the number of district judges in the state.

Passed the House March 20, 1991.

Passed the Senate April 12, 1991.

Approved by the Governor May 21, 1991, with the exception of certain items which were vetoed.

Filed in Office of Secretary of State May 21, 1991.

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

"I am returning herewith, without my approval as to section 1, Engrossed Substitute House Bill No. 1881 entitled:

"AN ACT Relating to determining the number of district court judges."

This bill authorizes the use of the weighted caseload analysis as the basis for determining the number of full and part-time district court judges.

RCW 3.34.010 is amended in both section 1 of Engrossed Substitute House Bill No. 1881 and section 1 of House Bill No. 1467 which adds additional district court judges. If both of these sections became law, they would be in conflict. This would create confusion in the implementation of the weighted caseload method as well as jeopardizing the new district court judge positions.

I am assured that the enactment of section 1 of Engrossed Substitute House Bill No. 1881 is not necessary in order to facilitate the weighted caseload method. To insure that this new program can be implemented without legal confusion, I have vetoed section 1 of Engrossed Substitute House Bill No. 1881.

With the exception of section 1, Engrossed Substitute House Bill No. 1881 is approved."

CHAPTER 314

[Engrossed Substitute House Bill 1341]

TIMBER IMPACT AREAS—ECONOMIC GROWTH AND DEVELOPMENT PROGRAMS

Effective Date: 7/28/91 – Except Section 25 which becomes effective on 7/1/93; & Section 20 which becomes effective on 5/21/91.

AN ACT Relating to economic development; amending RCW 43.210.030, 43.168.020, 43.160.010, 43.160.020, 43.160.076, 43.17.065, and 53.36.030; reenacting and amending RCW 43.210.050; adding new sections to chapter 43.31 RCW; adding new sections to chapter 43.210 RCW; adding new sections to chapter 43.131 RCW; adding new sections to chapter 43.160 RCW; adding a new section to chapter 43.168 RCW; creating new sections; repealing RCW 43.160.076; providing an effective date; 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 finds that:

(1) Cutbacks in allowable sales of old growth timber in Washington state pose a substantial threat to the region and the state with massive layoffs, loss of personal income, and declines in state revenues;

(2) The timber impact areas are of critical significance to the state because of their leading role in the overall economic well-being of the state and their importance to the quality of life to all residents of Washington, and that these regions require a special state effort to diversify the local economy;

(3) There are key opportunities to broaden the economic base in the timber impact areas including agriculture, high-technology, tourism, and regional exports; and

(4) A coordinated state, local, and private sector effort offers the greatest potential to promote economic diversification and to provide support for new projects within the region.

The legislature further finds that if a special state effort does not take place the decline in allowable timber sales may result in a loss of six thousand logging and milling jobs; two hundred million dollars in direct wages and benefits; twelve thousand indirect jobs; and three hundred million dollars in indirect wages and benefits.

It is the intent of the legislature to develop comprehensive programs to provide diversified economic development and promote job creation and employment opportunities for the citizens of the timber impact areas.

NEW SECTION. Sec. 2. For the purposes of sections 2 through 10 of this act:

(1) "Board" means the economic recovery coordination board;

(2) "Timber impact area" means a county having a population of less than five hundred thousand, or a city or town located within a county having a population of less than five hundred thousand, and meeting two of the

following three criteria, as determined by the employment security department, for the most recent year such data is available: (a) A lumber and wood products employment location quotient at or above the state average; (b) projected or actual direct lumber and wood products job losses of one hundred positions or more, except counties having a population greater than two hundred thousand but less than five hundred thousand must have direct lumber and wood products job losses of one thousand positions or more; or (c) an annual unemployment rate twenty percent or more above the state average.

NEW SECTION. Sec. 3. (1) The governor shall appoint a timber recovery coordinator. The coordinator shall coordinate the state and federal economic and social programs targeted to timber impact areas.

(2) The coordinator's responsibilities shall include but not be limited to:

(a) Serving as executive secretary of the economic recovery coordination board and directing staff associated with the board.

(b) Chairing the agency timber task force and directing staff associated with the task force.

(c) Coordinating and maximizing the impact of state and federal assistance to timber impact areas.

(d) Coordinating and expediting programs to assist timber impact areas.

(e) Providing the legislature with a status and impact report on the timber recovery program in January 1992.

(3) This section shall expire June 30, 1993.

NEW SECTION. Sec. 4. (1) There is established the agency timber task force. The task force shall be chaired by the timber recovery coordinator. It shall be the responsibility of the coordinator that all directives of this act are carried out expeditiously by the agencies represented in the task force. The task force shall consist of the directors, or representatives of the directors, of the following agencies: The department of trade and economic development, department of community development, employment security department, department of social and health services, state board for community college education, state board for vocational education, or its replacement entity, department of natural resources, department of transportation, state energy office, department of wildlife, University of Washington center for international trade in forest products, and department of ecology. The task force may consult and enlist the assistance of the following: The higher education coordinating board, University of Washington college of forest resources, Washington State University school of forestry, Northwest policy center, state superintendent of public instruction, the Evergreen partnership, Washington association of counties, and rural development council.

(2) This section shall expire June 30, 1993.

NEW SECTION. Sec. 5. The Washington state institute for public policy at The Evergreen State College shall design an evaluation mechanism for the timber recovery act and undertake an evaluation of the act's effectiveness by November 1, 1993. The agencies implementing the timber recovery programs under this act shall assist the institute for public policy in this evaluation.

NEW SECTION. Sec. 6. (1) There is established the economic recovery coordination board consisting of one representative, appointed by the governor, from each county that is a timber impact area. The timber recovery coordinator shall also be a member of the board. Each associate development organization from counties that are timber impact areas, in consultation with the county legislative authority, shall submit to the governor the names of three nominees representing different interests in each county. Within sixty days after the effective date of this section, the governor shall select one nominee from each list submitted by associate development organizations. In making the appointments, the governor shall endeavor to ensure that the board represents a diversity of backgrounds. Vacancies shall be filled in the same manner as the original appointment.

(2) The board shall:

(a) Advise the timber recovery coordinator and the agency timber task force on issues relating to timber impact area economic and social development, and review and provide recommendations on proposals for the diversification of the timber impact areas presented to it by the timber recovery coordinator.

(b) Respond to the needs and concerns of citizens at the local level.

(c) Develop strategies for the economic recovery of timber impact areas.

(d) Provide recommendations to the governor, the legislature, and congress on land management and economic and regulatory policies that affect timber impact areas.

(e) Recommend to the legislature any changes or improvements in existing programs designed to benefit timber impact areas.

(3) Members of the board and committees shall receive no compensation but shall be reimbursed for travel expenses under RCW 43.03.050 and 43.03.060.

(4) This section shall expire June 30, 1993.

NEW SECTION. Sec. 7. The department of trade and economic development, as a member of the agency timber task force and in consultation with the board, shall:

(1) Implement an expanded value-added forest products development industrial extension program. The department shall provide technical assistance to small and medium-sized forest products companies to include:

(a) Secondary manufacturing product development;

(b) Plant and equipment maintenance;

- (c) Identification and development of domestic market opportunities;
- (d) Building products export development assistance;
- (e) At-risk business development assistance;
- (f) Business network development; and
- (g) Timber impact area industrial diversification.

(2) Provide local contracts for small and medium-sized forest product companies, start-ups, and business organizations for business feasibility, market development, and business network contracts that will benefit value-added production efforts in the industry.

(3) Contract with local business organizations in timber impact areas for development of programs to promote industrial diversification. In addition, the department shall develop an interagency agreement with the department of community development for local capacity-building grants to local governments and community-based organizations in timber impact areas, which may include long-range planning and needs assessments.

For the 1991-93 biennium, the department of trade and economic development shall use funds appropriated for this section for contracts and for no more than two additional staff positions.

NEW SECTION. Sec. 8. The department of trade and economic development shall increase the resources available to associate development organizations in counties meeting the following criteria, as determined by the employment security department: (1) A lumber and wood products employment location quotient at or above the state average; (2) a direct lumber and wood products job loss of one hundred positions or more; and (3) an annual unemployment rate twenty percent above the state average. These resources are for the purpose of providing economic and community development services in timber impact areas and providing resource and referral services to the community regarding state and local economic and community development services.

NEW SECTION. Sec. 9. The department of community development as a part of the agency timber task force and in consultation with the board, shall implement a community assistance program to enable communities to build local capacity for sustainable economic development efforts. The program shall provide resources and technical assistance to timber impact areas.

In addition, the department shall develop an interagency agreement with the department of trade and economic development for local capacity-building grants to local governments and community-based organizations in timber impact areas.

NEW SECTION. Sec. 10. In order to explore economic diversification options in timber impact areas and address urban congestion, the Washington state air transportation commission study shall consider the

possibility of locating an airport facility designed to relieve air traffic overflow from Seattle-Tacoma international airport in Grays Harbor county.

The commission shall consider airport facilities currently in use in Grays Harbor county, the property set aside at the uncompleted Satsop nuclear site, the distance from operating port facilities, the desires of the community, and linkage with the Interstate 5 corridor by rapid transit rail service.

NEW SECTION. Sec. 11. (1) The Pacific Northwest export assistance project is hereby created for the following purposes:

(a) To assist manufacturers relatively new to exporting with gross annual revenues less than twenty-five million dollars with comprehensive services for designing and managing introductory export strategies and in securing financing and credit guarantees for export transactions;

(b) To provide, in cooperation with the export promotion services offered by the department of trade and economic development and the Washington state department of agriculture, information and assistance to manufacturers with gross annual revenues less than twenty-five million dollars about the methods and procedures of structuring company specific export financing and credit guarantee alternatives; or

(c) To provide information to their clients about opportunities in organizing cooperative export networks, foreign sales corporations, or export trading companies under the United States export trading company act of 1982, for the purpose of increasing their comparative sales volume and ability to export their products to foreign markets.

(2) The Pacific Northwest export assistance project is a separate branch of the small business export finance assistance center for accounting and auditing purposes.

(3) The Pacific Northwest export assistance project is subject to the authority of the small business export finance assistance center, under RCW 43.210.020, and shall be governed and managed by the board of directors, under RCW 43.210.030.

NEW SECTION. Sec. 12. (1) The small business export finance assistance center has the following powers and duties when exercising its authority under section 11(3) of this act:

(a) Solicit and accept grants, contributions, and any other financial assistance from the federal government, federal agencies, and any other public or private sources to carry out its purposes;

(b) Offer comprehensive export assistance and counseling to manufacturers relatively new to exporting with gross annual revenues less than twenty-five million dollars. As close to ninety percent as possible of each year's new cadre of clients must have gross annual revenues of less than five million dollars at the time of their initial contract. At least fifty percent of each year's new cadre of clients shall be from timber impact areas as defined in section 2 of this act. Counseling may include, but not be limited to,

helping clients obtain debt or equity financing, in constructing competent proposals, and assessing federal guarantee and/or insurance programs that underwrite exporting risk; assisting clients in evaluating their international marketplace by developing marketing materials, assessing and selecting targeted markets; assisting firms in finding foreign customers by conducting foreign market research, evaluating distribution systems, selecting and assisting in identification of and/or negotiations with foreign agents, distributors, retailers, and by promoting products through attending trade shows abroad; advising companies on their products, guarantees, and after sales service requirements necessary to compete effectively in a foreign market; designing a competitive strategy for a firm's products in targeted markets and methods of minimizing their commercial and political risks; securing for clients specific assistance as needed, outside the center's field of expertise, by referrals to other public or private organizations. The Pacific Northwest export assistance project shall focus its efforts on facilitating export transactions for its clients, and in doing so, provide such technical services as are appropriate to accomplish its mission either with staff or outside consultants;

(c) Sign three-year counseling agreements with its clients that provide for termination if adequate funding for the Pacific Northwest export assistance project is not provided in future appropriations. Counseling agreements shall not be renewed unless there are compelling reasons to do so, and under no circumstances shall they be renewed for more than two additional years. A counseling agreement may not be renewed more than once. The counseling agreements shall have mutual performance clauses, that if not met, will be grounds for releasing each party, without penalty, from the provisions of the agreement. Clients shall be immediately released from a counseling agreement with the Pacific Northwest export assistance project, without penalty, if a client wishes to switch to a private export management service and produces a valid contract signed with a private export management service, or if the president of the small business export finance assistance center determines there are compelling reasons to release a client from the provisions of the counseling agreement;

(d) May contract with private or public international trade education services to provide Pacific Northwest export assistance project clients with training in international business. The president and board of directors shall decide the amount of funding allocated for educational services based on the availability of resources in the operating budget of the Pacific Northwest export assistance project;

(e) May contract with the Washington state international trade fair to provide services for Pacific Northwest export assistance project clients to participate in one trade show annually. The president and board of directors shall decide the amount of funding allocated for trade fair assistance based

on the availability of resources in the operating budget of the Pacific Northwest export assistance project;

(f) Provide biennial assessments of its performance. Project personnel shall work with the department of revenue and employment security department to confidentially track the performance of the project's clients in increasing tax revenues to the state, increasing gross sales revenues and volume of products destined to foreign clients, and in creating new jobs for Washington citizens. A biennial report shall be prepared for the governor and legislature to assess the costs and benefits to the state from creating the project. The president of the small business export finance assistance center shall design an appropriate methodology for biennial assessments in consultation with the director of the department of trade and economic development and the director of the Washington state department of agriculture. The department of revenue and the employment security department shall provide data necessary to complete this biennial evaluation, if the data being requested is available from existing data bases. Client-specific information generated from the files of the department of revenue and the employment security department for the purposes of this evaluation shall be kept strictly confidential by each department and the small business export finance assistance center;

(g) Take whatever action may be necessary to accomplish the purposes set forth in sections 11 through 14 of this act; and

(h) Limit its assistance to promoting the exportation of value-added manufactured goods. The project shall not provide counseling or assistance, under any circumstances, for the importation of foreign made goods into the United States.

(2) The Pacific Northwest export assistance project shall not, under any circumstances, assume ownership or take title to the goods of its clients.

(3) The Pacific Northwest export assistance project may not use any Washington state funds which come from the public treasury of the state of Washington to make loans or to make any payment under a loan guarantee agreement. Under no circumstances may the center use any funds received under RCW 43.210.050 to make or assist in making any loan or to pay or assist in paying any amount under a loan guarantee agreement. Debts of the center shall be center debts only and may be satisfied only from the resources of the center. The state of Washington shall not in any way be liable for such debts.

(4) The Pacific Northwest export assistance project shall make every effort to seek nonstate funds to supplement its operations.

(5) The Pacific Northwest export assistance project shall take whatever steps are necessary to provide its services, if requested, to the states of Oregon, Idaho, Montana, Alaska, and the Canadian provinces of British

Columbia and Alberta. Interstate services shall not be provided by the Pacific Northwest export assistance project during its first biennium of operation. The provision of services may be temporary and subject to the payment of fees, or each state may request permanent services contingent upon a level of permanent funding adequate for services provided. Temporary services and fees may be negotiated by the small business export finance assistance center's president subject to approval of the board of directors. The president of the small business export finance assistance center may enter into negotiations with neighboring states to contract for delivery of the project's services. Final contracts for providing the project's counseling and services outside of the state of Washington on a permanent basis shall be subject to approval of the governor, appropriate legislative oversight committees, and the small business export finance assistance center's board of directors.

(6) The small business export finance assistance center may receive such gifts, grants, and endowments from public or private sources as may be made from time to time, in trust or otherwise, for the use and benefit of the purposes of the Pacific Northwest export assistance project and expend the same or any income therefrom according to the terms of the gifts, grants, or endowments.

(7) The president of the small business export finance assistance center, in consultation with the board of directors, may use the following formula in determining the number of clients that can be reasonably served by the Pacific Northwest export assistance project relative to its appropriation. Divide the amount appropriated for administration of the Pacific Northwest export assistance project by the marginal cost of adding each additional Pacific Northwest export assistance project client. For the purposes of this calculation, and only for the first biennium of operation, the biennial marginal cost of adding each additional Pacific Northwest export assistance project client shall be fifty-seven thousand ninety-five dollars. The biennial marginal cost of adding each additional client after the first biennium of operation shall be established from the actual operating experience of the Pacific Northwest export assistance project.

(8) All receipts from the Pacific Northwest export assistance project shall be deposited into the general fund.

NEW SECTION. Sec. 13. The department of trade and economic development shall adopt rules under chapter 34.05 RCW as necessary to carry out the purposes of sections 11 through 14 of this act.

NEW SECTION. Sec. 14. The small business export finance assistance center fund is created in the custody of the state treasurer. Expenditures from the fund may be used only for the purposes of funding the services of the small business export finance assistance center and its projects under this chapter. Only the director of the department of trade and economic development or the director's designee may authorize expenditures

from the fund. The director of the department of trade and economic development shall not withhold funds appropriated for the administration of the small business export finance assistance center and its projects, if the small business export finance assistance center complies with the provisions of its contract under RCW 43.210.050 and section 11 of this act. Funding appropriated by the state of Washington shall not be used to provide services to other states or provinces. The fund is subject to allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures.

Sec. 15. RCW 43.210.030 and 1985 c 231 s 3 are each amended to read as follows:

The small business export finance assistance center and its branches shall be governed and managed by a board of ~~((seventeen))~~ nineteen directors appointed by the governor and confirmed by the senate. The directors shall serve terms of six years except that two of the original directors shall serve for two years and two of the original directors shall serve for four years. The directors may provide for the payment of their expenses. The directors shall include a representative of a not-for-profit corporation formed for the purpose of facilitating economic development, at least two representatives of state financial institutions engaged in the financing of export transactions, a representative of a port district, and a representative of organized labor. Of the remaining board members, there shall be ~~((a representative of the governor;))~~ one representative of business from the area west of Puget Sound, one representative of business from the area east of Puget Sound and west of the Cascade range, one representative of business from the area east of the Cascade range and west of the Columbia river, ~~((and))~~ one representative of business from the area east of the Columbia river, the director of the department of trade and economic development, and the director of the department of agriculture. One of the directors shall be a representative of the public selected from the area in the state west of the Cascade mountain range and one director shall be a representative of the public selected from that area of the state east of the Cascade mountain range. One director shall be a representative of the public at large. The directors shall be broadly representative of geographic areas of the state, and the representatives of businesses shall represent at least four different industries in different sized businesses as follows: (a) One representative of a company employing fewer than one hundred persons; (b) one representative of a company employing between one hundred and five hundred persons; ~~((and))~~ (c) ~~((two))~~ one representative~~((s))~~ of ~~((companies))~~ a company employing more than five hundred persons; (d) one representative from an export management company; and (e) one representative from an agricultural or food processing company. Any vacancies on the board due to the expiration of a term or for any other reason shall be filled by appointment by the governor for the unexpired term.

Sec. 16. RCW 43.210.050 and 1985 c 466 s 64 and 1985 c 231 s 5 are each reenacted and amended to read as follows:

The small business export finance assistance center formed under RCW 43.210.020 and 43.210.030 ~~((is eligible to receive consideration for))~~ shall enter into a contract under this chapter ~~((from the))~~ with the department of trade and economic development or its statutory successor. The contract shall require the center to provide export assistance services, ~~((may not have a duration of longer than two years.))~~ consistent with sections 11 through 14 of this act, shall have a duration of two years, and shall require the center to aggressively seek to fund its continued operation from nonstate funds. The contract shall also require the center to report ~~((at least twice))~~ annually to the department on its success in obtaining nonstate funding. Upon expiration of the contract, any provisions within the contract applicable to the Pacific Northwest export assistance project shall be automatically renewed without change provided the legislature appropriates funds for administration of the small business export assistance center and the Pacific Northwest export assistance project. The provisions of the contract related to the Pacific Northwest export assistance project may be changed at any time if the director of the department of trade and economic development or the president of the small business export finance assistance center present compelling reasons supporting the need for a contract change to the board of directors and a majority of the board of directors agrees to the changes. The department of agriculture shall be included in the contracting negotiations with the department of trade and economic development and the small business export finance assistance center when the Pacific Northwest export assistance project provides export services to industrial sectors within the administrative domain of the Washington state department of agriculture. The department of trade and economic development, the small business export finance assistance center, and, if appropriate, the department of agriculture, shall report annually, as one group, to the appropriate legislative oversight committees on the progress of the Pacific Northwest export assistance project.

NEW SECTION. Sec. 17. A new section is added to chapter 43.131 RCW to read as follows:

The Pacific Northwest export assistance project shall be terminated on June 30, 1996, as provided in section 18 of this act.

NEW SECTION. Sec. 18. A new section is added to chapter 43.131 RCW to read as follows:

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 1997:

- (1) RCW 43.210.— and 1991 c — s 11 (section 11 of this act);
- (2) RCW 43.210.— and 1991 c — s 12 (section 12 of this act);
- (3) RCW 43.210.— and 1991 c — s 13 (section 13 of this act); and
- (4) RCW 43.210.— and 1991 c — s 14 (section 14 of this act).

Sec. 19. RCW 43.168.020 and 1988 c 42 s 18 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Committee" means the Washington state development loan fund committee.

(2) "Department" means the department of community development.

(3) "Director" means the director of the department of community development.

(4) "Distressed area" means: (a) A county which has an unemployment rate which is twenty percent above the state average for the immediately previous three years; (b) a metropolitan statistical area, as defined by the office of federal statistical policy and standards, United States department of commerce, in which the average level of unemployment for the calendar year immediately preceding the year in which an application is filed under this chapter exceeds the average state unemployment for such calendar year by twenty percent. Applications under this subsection (4)(b) shall be filed by April 30, 1989; ((or)) (c) an area within a county, which area: (i) Is composed of contiguous census tracts; (ii) has a minimum population of five thousand persons; (iii) has at least seventy percent of its families and unrelated individuals with incomes below eighty percent of the county's median income for families and unrelated individuals; and (iv) has an unemployment rate which is at least forty percent higher than the county's unemployment rate; or (d) a county designated as a timber impact area under section 2 of this act if an application is filed by July 1, 1993. For purposes of this definition, "families and unrelated individuals" has the same meaning that is ascribed to that term by the federal department of housing and urban development in its regulations authorizing action grants for economic development and neighborhood revitalization projects.

(5) "Fund" means the Washington state development loan fund.

(6) "Local development organization" means a nonprofit organization which is organized to operate within an area, demonstrates a commitment to a long-standing effort for an economic development program, and makes a demonstrable effort to assist in the employment of unemployed or underemployed residents in an area.

(7) "Project" means the establishment of a new or expanded business in an area which when completed will provide employment opportunities. "Project" also means the retention of an existing business in an area which when completed will provide employment opportunities.

NEW SECTION. Sec. 20. A new section is added to chapter 43.168 RCW to read as follows:

Any funds appropriated by the legislature to the development loan fund for purposes of the timber recovery act shall be used for development loans in timber impact areas as defined in section 2 of this act.

Sec. 21. RCW 43.160.010 and 1989 c 431 s 61 are each amended to read as follows:

(1) The legislature finds that it is the public policy of the state of Washington to direct financial resources toward the fostering of economic development through the stimulation of investment and job opportunities and the retention of sustainable existing employment for the general welfare of the inhabitants of the state. Reducing unemployment and reducing the time citizens remain jobless is important for the economic welfare of the state. A valuable means of fostering economic development is the construction of public facilities which contribute to the stability and growth of the state's economic base. Strengthening the economic base through issuance of industrial development bonds, whether single or umbrella, further serves to reduce unemployment. Consolidating issues of industrial development bonds when feasible to reduce costs additionally advances the state's purpose to improve economic vitality. Expenditures made for these purposes as authorized in this chapter are declared to be in the public interest, and constitute a proper use of public funds. A community economic revitalization board is needed which shall aid the development of economic opportunities. The general objectives of the board should include:

(a) Strengthening the economies of areas of the state which have experienced or are expected to experience chronically high unemployment rates or below average growth in their economies;

(b) Encouraging the diversification of the economies of the state and regions within the state in order to provide greater seasonal and cyclical stability of income and employment;

(c) Encouraging wider access to financial resources for both large and small industrial development projects;

(d) Encouraging new economic development or expansions to maximize employment;

(e) Encouraging the retention of viable existing firms and employment; and

(f) Providing incentives for expansion of employment opportunities for groups of state residents that have been less successful relative to other groups in efforts to gain permanent employment.

(2) The legislature also finds that the state's economic development efforts can be enhanced by, in certain instances, providing funds to improve state highways in the vicinity of new industries considering locating in this state or existing industries that are considering significant expansion.

(a) The legislature finds it desirable to provide a process whereby the need for diverse public works improvements necessitated by planned economic development can be addressed in a timely fashion and with coordination among all responsible governmental entities.

(b) It is the intent of the legislature to create an economic development account within the motor vehicle fund from which expenditures can be

made by the department of transportation for state highway improvements necessitated by planned economic development. All such improvements must first be approved by the state transportation commission and the community economic revitalization board in accordance with the procedures established by RCW 43.160.074 and 47.01.280. It is further the intent of the legislature that such improvements not jeopardize any other planned highway construction projects. The improvements are intended to be of limited size and cost, and to include such items as additional turn lanes, signalization, illumination, and safety improvements.

(3) The legislature also finds that the state's economic development efforts can be enhanced by providing funds to improve markets for those recyclable materials representing a large fraction of the waste stream. The legislature finds that public facilities which result in private construction of processing or remanufacturing facilities for recyclable materials are eligible for consideration from the board.

(4) The legislature finds that sharing economic growth state-wide is important to the welfare of the state. Timber impact areas do not share in the economic vitality of the Puget Sound region. Infrastructure is one of several ingredients that are critical for economic development. Timber impact areas generally lack the infrastructure necessary to diversify and revitalize their economies. It is, therefore, the intent of the legislature to increase the availability of funds to help provide infrastructure to timber impact areas.

Sec. 22. RCW 43.160.020 and 1985 c 466 s 58 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Board" means the community economic revitalization board.

(2) "Bond" means any bond, note, debenture, interim certificate, or other evidence of financial indebtedness issued by the board pursuant to this chapter.

(3) "Department" means the department of trade and economic development or its successor with respect to the powers granted by this chapter.

(4) "Financial institution" means any bank, savings and loan association, credit union, development credit corporation, insurance company, investment company, trust company, savings institution, or other financial institution approved by the board and maintaining an office in the state.

(5) "Industrial development facilities" means "industrial development facilities" as defined in RCW 39.84.020.

(6) "Industrial development revenue bonds" means tax-exempt revenue bonds used to fund industrial development facilities.

(7) "Local government" means any port district, county, city, or town.

(8) "Sponsor" means any of the following entities which customarily provide service or otherwise aid in industrial or other financing and are approved as a sponsor by the board: A bank, trust company, savings bank, investment bank, national banking association, savings and loan association, building and loan association, credit union, insurance company, or any other financial institution, governmental agency, or holding company of any entity specified in this subsection.

(9) "Umbrella bonds" means industrial development revenue bonds from which the proceeds are loaned, transferred, or otherwise made available to two or more users under this chapter.

(10) "User" means one or more persons acting as lessee, purchaser, mortgagor, or borrower under a financing document and receiving or applying to receive revenues from bonds issued under this chapter.

(11) "Timber impact area" means a county having a population of less than five hundred thousand, or a city or town located within a county having a population of less than five hundred thousand, and meeting two of the following three criteria, as determined by the employment security department, for the most recent year such data is available: (a) A lumber and wood products employment location quotient at or above the state average; (b) projected or actual direct lumber and wood products job losses of one hundred positions or more, except counties having a population greater than two hundred thousand but less than five hundred thousand must have direct lumber and wood products job losses of one thousand positions or more; or (c) an annual unemployment rate twenty percent or more above the state average.

NEW SECTION. Sec. 23. A new section is added to chapter 43.160 RCW to read as follows:

(1) The economic development account is created within the public facilities construction loan revolving fund under RCW 43.160.080. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for the purposes of RCW 43.160.010(4) and this section. The account is subject to allotment procedures under chapter 43.88 RCW.

(2) Applications under this section for assistance from the economic development account are subject to all of the applicable criteria set forth under this chapter, as well as procedures and criteria established by the board, except as otherwise provided.

(3) Eligible applicants under this section are limited to political subdivisions of the state in timber impact areas that demonstrate, to the satisfaction of the board, the local economy's dependence on the forest products industry.

(4) Applicants must demonstrate that their request is part of an economic development plan consistent with applicable state planning requirements. Applicants must demonstrate that tourism projects have been

approved by the local government and are part of a regional tourism plan approved by the local and regional tourism organizations. Industrial projects must be approved by the local government and the associate development organization.

(5) Publicly owned projects may be financed under this section upon proof by the applicant that the public project is a necessary component of, or constitutes in whole, a tourism project.

(6) Applications must demonstrate local match and participation. Such match may include: Land donation, other public or private funds or both, or other means of local commitment to the project.

(7) Board financing for feasibility studies shall not exceed twenty-five thousand dollars per study. Board funds for feasibility studies may be provided as a grant and require a dollar for dollar match with up to one-half in-kind match allowed.

(8) Board financing for tourism projects shall not exceed two hundred fifty thousand dollars. Other public facility projects under this section shall not exceed five hundred thousand dollars. Loans with flexible terms and conditions to meet the needs of the applicants shall be provided. Grants may also be authorized, but only when, and to the extent that, a loan is not reasonably possible, given the limited resources of the political subdivision.

(9) The board shall develop guidelines for allowable local match and feasibility studies.

(10) Applications under this section need not demonstrate evidence that specific private development or expansion is ready to occur or will occur if funds are provided.

(11) The board shall establish guidelines for making grants and loans under this section to ensure that the requirements of this chapter are complied with. The guidelines shall include:

(a) A process to equitably compare and evaluate applications from competing communities.

(b) Criteria to ensure that approved projects will have a high probability of success and are likely to provide long-term economic benefits to the community. The criteria shall include: (i) A minimum amount of local participation, determined by the board per application, to verify community support for the project; (ii) an analysis that establishes the project is feasible using standard economic principles; and (iii) an explanation from the applicant regarding how the project is consistent with the communities' economic strategy and goals.

(c) A method of evaluating the impact of the loans or grants on the economy of the community and whether the loans or grants achieved their purpose.

Sec. 24. RCW 43.160.076 and 1985 c 446 s 6 are each amended to read as follows:

(1) Except as authorized to the contrary under subsection (2) of this section, from all funds available to the board for loans and grants, the board shall spend at least ~~((twenty))~~ fifty percent for grants and loans for projects in distressed counties or timber impact areas. For purposes of this section, the term "distressed counties" includes any county, in which the average level of unemployment for the three years before the year in which an application for a loan or grant is filed, exceeds the average state employment for those years by twenty percent.

(2) If at any time during the last six months of a biennium the board finds that the actual and anticipated applications for qualified projects in distressed counties or timber impact areas are clearly insufficient to use up the ~~((twenty))~~ fifty percent allocation, then the board shall estimate the amount of the insufficiency and during the remainder of the biennium may use that amount of the allocation for loans and grants for projects not located in distressed counties or timber impact areas.

NEW SECTION. Sec. 25. A new section is added to chapter 43.160 RCW to read as follows:

(1) Except as authorized to the contrary under subsection (2) of this section, from all funds available to the board for loans and grants, the board shall spend at least twenty percent for grants and loans for projects in distressed counties. For purposes of this section, the term "distressed counties" includes any county, in which the average level of unemployment for the three years before the year in which an application for a loan or grant is filed, exceeds the average state employment for those years by twenty percent.

(2) If at any time during the last six months of a biennium the board finds that the actual and anticipated applications for qualified projects in distressed counties are clearly insufficient to use up the twenty percent allocation, then the board shall estimate the amount of the insufficiency and during the remainder of the biennium may use that amount of the allocation for loans and grants for projects not located in distressed counties.

NEW SECTION. Sec. 26. (1) For the period beginning July 1, 1991, and ending June 30, 1993, in timber impact areas the public works board may award low-interest or interest-free loans to local governments for construction of new public works facilities that stimulate economic growth or diversification.

(2) For the purposes of this section and section 27 of this act:

(a) "Public facilities" means bridge, road and street, domestic water, sanitary sewer, and storm sewer systems.

(b) "Timber impact area" means a county having a population of less than five hundred thousand, or a city or town located within a county having a population of less than five hundred thousand, and meeting two of the following three criteria, as determined by the employment security department, for the most recent year such data is available: (i) A lumber and

wood products employment location quotient at or above the state average; (ii) projected or actual direct lumber and wood products job losses of one hundred positions or more, except counties having a population greater than two hundred thousand but less than five hundred thousand must have direct lumber and wood products job losses of one thousand positions or more; or (iii) an annual unemployment rate twenty percent or more above the state average.

(3) The loans may have a deferred payment of up to five years but shall be repaid within twenty years. The public works board may require other terms and conditions and may charge such rates of interest on its loans as it deems appropriate to carry out the purposes of this section. Repayments shall be made to the public works assistance account.

(4) The board may make such loans irrespective of the annual loan cycle and reporting required in RCW 43.155.070.

NEW SECTION, Sec. 27. (1) As authorized by section 26 of this act, the board shall establish criteria for awarding loans to local governments in timber impact areas including, but not limited to, the following:

(a) If a county or city, the local government must be imposing the tax authorized by chapter 82.46 RCW at a rate of at least one-quarter of one percent;

(b) The local government must have in place a capital improvement plan meeting standards established by the board and an economic development plan meeting standards established by the department;

(c) The local economy must have experienced or be about to experience employment losses due to the timber economy;

(d) The proposed project must provide an opportunity to create or retain jobs within the local economy. Priority may be given to those projects that provide an opportunity to retain or create jobs for the pool of local workers affected by the timber economy;

(e) The local government must provide reasonable assurances of its ability to repay the debt; and

(f) The local government must meet any additional guidelines and criteria established by the board for awarding loan funds.

(2) Existing debt or other financial obligations of the local government shall not be refinanced under this section and section 26 of this act.

(3) The board shall award loans only to those projects that meet the criteria and will fulfill the purpose of this section and section 26 of this act. Any funds not obligated at the close of the biennium shall be returned to the public works assistance account.

Sec. 28. RCW 43.17.065 and 1990 1st ex.s. c 17 s 77 are each amended to read as follows:

(1) Where power is vested in a department to issue permits, licenses, certifications, contracts, grants, or otherwise authorize action on the part of

individuals, businesses, local governments, or public or private organizations, such power shall be exercised in an expeditious manner. All departments with such power shall cooperate with officials of the business assistance center of the department of trade and economic development, and any other state officials, when such officials request timely action on the part of the issuing department.

(2) After August 1, 1991, any agency to which subsection (1) of this section applies shall, with regard to any permits or other actions that are necessary for economic development in timber impact areas, as defined in section 2 of this act, respond to any completed application within forty-five days of its receipt; any response, at a minimum, shall include:

(a) The specific steps that the applicant needs to take in order to have the application approved; and

(b) The assistance that will be made available to the applicant by the agency to expedite the application process.

(3) The agency timber task force established in section 4 of this act shall oversee implementation of this section.

(4) Each agency shall define what constitutes a completed application and make this definition available to applicants.

Sec. 29. RCW 53.36.030 and 1990 c 254 s 1 are each amended to read as follows:

((★)) (1)(a) Except as provided in (b) of this subsection, a port district may at any time contract indebtedness or borrow money for district purposes and may issue general obligation bonds therefor not exceeding an amount, together with any existing indebtedness of the district not authorized by the voters, of one-fourth of one percent of the value of the taxable property in the district(~~(; and;)).~~

(b) Port districts having less than eight hundred million dollars in value of taxable property may at any time contract indebtedness or borrow money for port district purposes and may issue general obligation bonds therefor not exceeding an amount, combined with existing indebtedness of the district not authorized by the voters, of three-eighths of one percent of the value of the taxable property in the district. Prior to contracting for any indebtedness authorized by this subsection (1)(b), the port district must have a comprehensive plan for harbor improvements or industrial development and a long-term financial plan approved by the department of community development. The department of community development is immune from any liability for its part in reviewing or approving port district's improvement or development plans, or financial plans. Any indebtedness authorized by this subsection (1)(b) may be used only to acquire or construct a facility, and, prior to contracting for such indebtedness, the port district must have a lease contract for a minimum of five years for the facility to be acquired or constructed by the debt.

(2) With the assent of three-fifths of the voters voting thereon at a general or special port election called for that purpose, a port district may contract indebtedness or borrow money for district purposes and may issue general obligation bonds therefor provided the total indebtedness of the district at any such time shall not exceed three-fourths of one percent of the value of the taxable property in the district(~~(- PROVIDED FURTHER, That))~~).

(3) In addition to the indebtedness authorized under subsections (1) and (2) of this section, port districts having less than two hundred million dollars in value of taxable property and operating a municipal airport may at any time contract indebtedness or borrow money for airport capital improvement purposes and may issue general obligation bonds therefor not exceeding an additional one-eighth of one percent of the value of the taxable property in the district without authorization by the voters; and, with the assent of three-fifths of the voters voting thereon at a general or special port election called for that purpose, may contract indebtedness or borrow money for airport capital improvement purposes and may issue general obligation bonds therefor for an additional three-eighths of one percent provided the total indebtedness of the district for all port purposes at any such time shall not exceed one and one-fourth percent of the value of the taxable property in the district.

(4) Any port district may issue general district bonds evidencing any indebtedness, payable at any time not exceeding fifty years from the date of the bonds. ~~((Such))~~ Any contract for indebtedness or borrowed money authorized by RCW 53.36.030(1)(b) shall not exceed twenty-five years. The bonds shall be issued and sold in accordance with chapter 39.46 RCW.

(5) Elections required under this section shall be held as provided in RCW 39.36.050.

(6) For the purpose of this section, "indebtedness of the district" shall not include any debt of a county-wide district with a population less than twenty-five hundred people when the debt is secured by a mortgage on property leased to the federal government; and the term "value of the taxable property" shall have the meaning set forth in RCW 39.36.015.

~~((Such bonds shall be issued and sold in accordance with chapter 39.46 RCW.))~~

NEW SECTION. Sec. 30. A new section is added to chapter 43.31 RCW to read as follows:

(1)(a) Subject to funding for this subsection, the department shall contract with the small business export finance assistance center, created in chapter 43.210 RCW, to assist businesses in timber impact areas obtain financing for the export of their products. The department shall assist the small business export finance assistance center to ensure the services available under this subsection are understood and accessible in timber impact areas.

(b) Subject to funding for the necessary reserve funds, the Washington economic development finance authority, created in chapter 43.163 RCW, shall provide financing for export transactions where the product being exported is produced in a timber impact area.

(2) The department may make rules that are necessary to carry out this section and to coordinate the service described in this section and to prioritize the services based on greatest negative impact from the harvest reductions.

(3) For purposes of this section, the definitions of "timber impact area" is the same as section 2 of this act.

NEW SECTION. Sec. 31. (1) Sections 2 through 10 of this act are each added to chapter 43.31 RCW.

(2) Sections 11 through 14 of this act are each added to chapter 43-.210 RCW.

NEW SECTION. Sec. 32. RCW 43.160.076 and 1991 c — s 24 (section 24 of this act) & 1985 c 446 s 6 are each repealed effective June 30, 1993.

NEW SECTION. Sec. 33. Section 23 of this act expires June 30, 1993.

NEW SECTION. Sec. 34. Section 25 of this act shall take effect July 1, 1993.

NEW SECTION. Sec. 35. Section 20 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

NEW SECTION. Sec. 36. If specific funding for the purposes of section 5 of this act, referencing this act by section and bill number, is not provided by June 30, 1991, in the omnibus appropriations act, section 5 of this act shall be null and void.

NEW SECTION. Sec. 37. If specific funding for the purposes of section 7 of this act, referencing this act by section and bill number, is not provided by June 30, 1991, in the omnibus appropriations act, section 7 of this act shall be null and void.

NEW SECTION. Sec. 38. If specific funding for the purposes of section 8 of this act, referencing this act by section and bill number, is not provided by June 30, 1991, in the omnibus appropriations act, section 8 of this act shall be null and void.

NEW SECTION. Sec. 39. If specific funding for the purposes of section 9 of this act, referencing this act by section and bill number, is not provided by June 30, 1991, in the omnibus appropriations act, section 9 of this act shall be null and void.

NEW SECTION. Sec. 40. If specific funding for the purposes of sections 11 through 18 of this act, referencing this act by section and bill numbers, is not provided by June 30, 1991, in the omnibus appropriations act, sections 11 through 18 of this act shall be null and void.

NEW SECTION. Sec. 41. If specific funding for the purposes of section 30 of this act, referencing this act by section and bill number, is not provided by June 30, 1991, in the omnibus appropriations act, section 30 of this act shall be null and void.

Passed the House April 28, 1991.

Passed the Senate April 28, 1991.

Approved by the Governor May 21, 1991.

Filed in Office of Secretary of State May 21, 1991.

CHAPTER 315

[Engrossed Substitute Senate Bill 5555]

TIMBER IMPACT AREAS—TRAINING AND RETRAINING PROGRAMS AND COORDINATION OF NONECONOMIC DEVELOPMENT PROGRAMS

Effective Date: 5/21/91 – Except Section 4 which becomes effective on 7/1/91.

AN ACT Relating to economic and employment impact of timber harvest variation in Washington state; amending RCW 28B.50.030; adding new sections to chapter 28B.50 RCW; adding new sections to chapter 28B.80 RCW; adding new sections to chapter 43.63A RCW; adding a new section to chapter 50.22 RCW; adding a new section to chapter 70.47 RCW; adding a new chapter to Title 50 RCW; creating new sections; providing an effective date; and declaring an emergency.

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

NEW SECTION. Sec. 1. The legislature finds that:

(1) The economic health and well-being of timber-dependent communities is of substantial public concern. The significant reduction in annual timber harvest levels likely will result in reduced economic activity and persistent unemployment and underemployment over time, which would be a serious threat to the safety, health, and welfare of residents of the timber impact areas, decreasing the value of private investments and jeopardizing the sources of public revenue.

(2) Timber impact areas are most often located in areas that are experiencing little or no economic growth, creating an even greater risk to the health, safety, and welfare of these communities. The ability to remedy problems caused by the substantial reduction in harvest activity is beyond the power and control of the regulatory process and influence of the state, and the ordinary operations of private enterprise without additional governmental assistance are insufficient to adequately remedy the resulting problems of poverty and unemployment.

(3) To address these concerns, it is the intent of the legislature to increase training and retraining services accessible to timber impact areas, and provide for coordination of noneconomic development services in timber

impact areas as economic development efforts will not succeed unless social, housing, health, and other needs are addressed.

NEW SECTION. Sec. 2. (1) Coordination of the programs in this act shall be through the economic recovery coordination board created in section 6, chapter ____, Laws of 1991 (Engrossed Substitute House Bill No. 1341), the timber recovery coordinator created in section 3, chapter ____, Laws of 1991 (Engrossed Substitute House Bill No. 1341), and the agency timber task force created in section 4, chapter ____, Laws of 1991 (Engrossed Substitute House Bill No. 1341).

(2) This section shall expire June 30, 1993.

NEW SECTION. Sec. 3. (1) Subject to the availability of state or federal funds, the employment security department, as a member of the agency timber task force and in consultation with the economic recovery coordination board, shall consult with and may subcontract with local educational institutions, local businesses, local labor organizations, local associate development organizations, local private industry councils, local social service organizations, and local governments in carrying out a program of training and services, including training through the self-employment and enterprise development (SEED) program, for dislocated workers in timber impact areas.

(2) The department shall conduct a survey to determine the actual future employment needs and jobs skills in timber impact areas.

(3) The department shall coordinate the services provided in this section with all other services provided by the department and with the other economic recovery efforts undertaken by state and local government agencies on behalf of the timber impact areas.

(4) The department shall make every effort to procure additional federal and other moneys for the efforts enumerated in this section.

(5) For the purposes of this section, "timber impact area" means a county having a population of less than five hundred thousand, or a city or town located within a county having a population of less than five hundred thousand, and meeting two of the following three criteria, as determined by the employment security department, for the most recent year such data is available: (a) A lumber and wood products employment location quotient at or above the state average; (b) projected or actual direct lumber and wood products job losses of one hundred positions or more, except counties having a population greater than two hundred thousand but less than five hundred thousand must have direct lumber and wood products job losses of one thousand positions or more; or (c) an annual unemployment rate twenty percent or more above the state average.

NEW SECTION. Sec. 4. A new section is added to chapter 50.22 RCW to read as follows:

(1) An additional benefit period is established for counties identified under subsection (2) of this section beginning on the first Sunday after the effective date of this section and for the forest products industry beginning with the third week after the first Sunday after the effective date of this section. Benefits shall be paid as provided in subsection (3) of this section to exhaustees eligible under subsection (4) of this section.

(2) The additional benefit period applies to counties having a population of less than five hundred thousand beginning with the third week after a week in which the commissioner determines that a county meets two of the following three criteria, as determined by the department, for the most recent year in which such data is available: (a) A lumber and wood products employment location quotient at or above the state average; (b) projected or actual direct lumber and wood products job losses of one hundred positions or more, except counties having a population greater than two hundred thousand but less than five hundred thousand must have direct lumber and wood products job losses of one thousand positions or more; or (c) an annual unemployment rate twenty percent or more above the state average. The additional benefit period for a county may end no sooner than fifty-two weeks after the additional benefit period begins.

(3) Additional benefits shall be paid as follows:

(a) No new claims for additional benefits shall be accepted for weeks beginning after July 3, 1993, but for claims established on or before July 3, 1993, weeks of unemployment occurring after July 3, 1993, shall be compensated as provided in this section.

(b) The total additional benefit amount shall be fifty-two times the individual's weekly benefit amount, reduced by the total amount of regular benefits and extended benefits paid, or deemed paid, with respect to the benefit year. Additional benefits shall not be payable for weeks more than one year beyond the end of the benefit year of the regular claim, and shall be payable for up to five weeks following the completion of the training required by this section.

(c) The weekly benefit amount shall be calculated as specified in RCW 50.22.040.

(d) Benefits paid under this section shall be paid under the same terms and conditions as regular benefits and shall not be charged to the experience rating account of individual employers. The additional benefit period shall be suspended with the start of an extended benefit period, or any totally federally funded benefit program, with eligibility criteria and benefits comparable to the program established by this section, and shall resume the first week following the end of the federal program.

(4) An additional benefit eligibility period is established for any exhaustee who:

(a)(i) At the time of last separation from employment, resided in or was employed in a county identified under subsection (2) of this section; or

(ii) During his or her base year, earned wages in at least six hundred eighty hours in the forest products industry, which shall be determined by the department but shall include the industries assigned the major group standard industrial classification codes "24" and "26" and the industries involved in the harvesting and management of logs, transportation of logs and wood products, processing of wood products, and the manufacturing and distribution of wood processing and logging equipment. The commissioner may adopt rules further interpreting the industries covered under this subsection. For the purposes of this subsection, "standard industrial classification code" means the code identified in RCW 50.29.025(6)(c); and

(b) (i) Has received notice of termination or lay off; and

(ii) Is unlikely to return to employment in his or her principal occupation or previous industry because of a diminishing demand within his or her labor market for his or her skills in the occupation or industry; and

(c)(i) Is notified by the department of the requirements of this section and develops an individual training program that is submitted to the commissioner for approval not later than sixty days after the individual is notified of the requirements of this section, and enters the approved training program not later than ninety days after the date of the individual's termination or layoff, or ninety days after the effective date of this section, whichever is later, unless the department determines that the training is not available during the ninety-day period, in which case the individual shall enter training as soon as it is available; or

(ii) Is enrolled in training approved under this section on a full-time basis and maintains satisfactory progress in the training; and

(d) Does not receive a training allowance or stipend under the provisions of any federal or state law.

(5) For the purposes of this section:

(a) "Training program" means:

(i) A remedial education program determined to be necessary after counseling at the educational institution in which the individual enrolls pursuant to his or her approved training program; or

(ii) A vocational training program at an educational institution that:

(A) Is training for a labor demand occupation;

(B) Is likely to facilitate a substantial enhancement of the individual's marketable skills and earning power; and

(C) Does not include on-the-job training or other training under which the individual is paid by an employer for work performed by the individual during the time that the individual receives additional benefits under subsection (1) of this section.

(b) "Educational institution" means an institution of higher education as defined in RCW 28B.10.016 or an educational institution as defined in RCW 28C.04.410(3).

(c) "Training allowance or stipend" means discretionary use, cash-in-hand payments available to the individual to be used as the individual sees fit, but does not mean direct or indirect compensation for training costs, such as tuition or books and supplies.

(6) The commissioner shall adopt rules as necessary to implement this section.

NEW SECTION. Sec. 5. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Department" means the employment security department.

(2) "Dislocated forest products worker" means a forest products worker who: (a)(i) Has been terminated or received notice of termination from employment and is unlikely to return to employment in the individual's principal occupation or previous industry because of a diminishing demand for his or her skills in that occupation or industry; or (ii) is self-employed and has been displaced from his or her business because of the diminishing demand for the business's services or goods; and (b) at the time of last separation from employment, resided in or was employed in a timber impact area.

(3) "Forest products worker" means a worker in the forest products industries affected by the reduction of forest fiber enhancement, transportation, or production. The workers included within this definition shall be determined by the employment security department, but shall include workers employed in the industries assigned the major group standard industrial classification codes "24" and "26" and the industries involved in the harvesting and management of logs, transportation of logs and wood products, processing of wood products, and the manufacturing and distribution of wood processing and logging equipment. The commissioner may adopt rules further interpreting these definitions. For the purposes of this subsection, "standard industrial classification code" means the code identified in RCW 50.29.025(6)(c).

(4) "Program" means the employment and career orientation program for dislocated forest products workers administered by the employment security department in conjunction with the department of natural resources.

(5) "Enrollee" means any person enrolled in the program.

(6) "Project" means the natural resource worker project.

(7) "Timber impact area" means a county having a population of less than five hundred thousand, or a city or town located within a county having a population of less than five hundred thousand, and meeting two of the following three criteria, as determined by the employment security department, for the most recent year such data is available: (a) A lumber and wood products employment location quotient at or above the state average; (b) projected or actual direct lumber and wood products job losses of one hundred positions or more, except counties having a population greater than two hundred thousand but less than five hundred thousand must have direct

lumber and wood products job losses of one thousand positions or more; or (c) an annual unemployment rate twenty percent or more above the state average.

NEW SECTION. Sec. 6. It is the purpose of this chapter to establish programs that offer dislocated forest products workers, in timber impact areas, opportunities for forest-related employment that utilizes their unique skills. Employment under the program shall not result in the displacement or partial displacement of currently employed workers. This includes, but is not limited to, state employees or currently or normally contracted service employees.

NEW SECTION. Sec. 7. (1) Employment opportunities under the program shall consist of activities that improve the value of state lands and waters. These activities may include, but are not limited to, thinning and precommercial thinning, pruning, slash removal, reforestation, fire suppression, trail maintenance, maintenance of recreational facilities, dike repair, development and maintenance of tourist facilities, and stream enhancement.

(2) Enrollees in the program shall receive medical and dental benefits as provided under chapter 41.05 RCW, but are exempt from the provisions of chapter 41.06 RCW. Each week, enrollees shall not work more than thirty-two hours in this program and must participate in eight hours of career orientation as established in section 8 of this act. Participation in the program is limited to six months.

NEW SECTION. Sec. 8. (1) The department shall recruit program applicants and provide employment opportunities by:

(a) Notifying dislocated forest products workers who are receiving unemployment benefits, or dislocated forest products workers who have exhausted unemployment benefits, of their eligibility for the program.

(b) Establishing procedures for dislocated forest products workers to apply to the program.

(c) Developing a pool of workers eligible to enroll in the program.

(d) Contracting with the department of natural resources to provide employment opportunities for not less than two hundred eligible enrollees.

(2) The department shall provide career orientation services to enrollees in the program. The career orientation services shall include, but are not limited to, counseling on employment options and assistance in accessing retraining programs, and assistance in accessing social service programs.

(3) The department shall provide at least eight hours of career counseling each week for program enrollees.

NEW SECTION. Sec. 9. (1) The department of natural resources shall enroll candidates in the program from a pool of eligible workers developed by the department.

(2) The department of natural resources shall provide compensation for enrollees.

NEW SECTION. Sec. 10. The legislature finds that an increase in unemployment due to the declining timber economy in the state is imminent. The legislature further recognizes that employment opportunities in state and local government in other natural resource management professions exist and that dislocated forest products workers in the timber-related professions represent a potential work force in the areas of fisheries, wildlife, and recreation.

NEW SECTION. Sec. 11. The department, subject to the availability of funding, shall establish the natural resource worker project. The project shall terminate on July 1, 1996, and shall provide employment and training opportunities for dislocated forest products workers in the areas of fisheries, wildlife, recreation, and other natural resource professions. The department of personnel shall approve the project. The goal of the project is to allow project employees to be, upon termination of their participation in the project, eligible for permanent employment with the departments of wildlife, fisheries, ecology, and natural resources, and the parks and recreation commission.

NEW SECTION. Sec. 12. The department shall use nonfederal funds that it receives for dislocated forest products workers to contract with the departments of wildlife, fisheries, ecology, and natural resources, and the parks and recreation commission to hire project participants to conduct tasks in the areas of fisheries, wildlife, forestry, ecology, and recreation.

NEW SECTION. Sec. 13. The project shall include the following elements:

- (1) Recruitment of dislocated forest products workers;
- (2) Placement in the departments of wildlife, fisheries, ecology, and natural resources, and the parks and recreation commission;
- (3) On-the-job training in entry-level natural resource management skills;
- (4) Comparable salaries and benefits to entry-level positions already existing in the departments of wildlife, fisheries, ecology, and natural resources, and the parks and recreation commission.

NEW SECTION. Sec. 14. The department, along with the departments of personnel, wildlife, fisheries, ecology, and natural resources, and the parks and recreation commission shall report annually to the legislature on November 1 of each year beginning November 1, 1992, and until November 1, 1995.

The report shall include, at a minimum, the following elements:

- (1) The number of project employees;
- (2) The number and description of positions filled, by agency;
- (3) Training received;
- (4) Duration of employment; and
- (5) Placement in permanent positions.

Sec. 15. RCW 28B.50.030 and 1985 c 461 s 14 are each amended to read as follows:

As used in this chapter, unless the context requires otherwise, the term:

(1) "System" shall mean the state system of community colleges, which shall be a system of higher education;

(2) "College board" shall mean the state board for community college education created by this chapter;

(3) "Director" shall mean the administrative director for the state system of community colleges;

(4) "District" shall mean any one of the community college districts created by this chapter;

(5) "Board of trustees" shall mean the local community college board of trustees established for each community college district within the state;

(6) "Council" shall mean the coordinating council for occupational education;

(7) "Occupational education" shall mean that education or training that will prepare a student for employment that does not require a baccalaureate degree;

(8) "K-12 system" shall mean the public school program including kindergarten through the twelfth grade;

(9) "Common school board" shall mean a public school district board of directors;

(10) "Community college" shall include where applicable, vocational-technical and adult education programs conducted by community colleges and vocational-technical institutes whose major emphasis is in post-high school education;

(11) "Adult education" shall mean all education or instruction, including academic, vocational education or training, and "occupational education" provided by public educational institutions, including common school districts for persons who are eighteen years of age and over or who hold a high school diploma or certificate: PROVIDED, That "adult education" shall not include academic education or instruction for persons under twenty-one years of age who do not hold a high school degree or diploma and who are attending a public high school for the sole purpose of obtaining a high school diploma or certificate: PROVIDED, FURTHER, That "adult education" shall not include education or instruction provided by any four year public institution of higher education: AND PROVIDED FURTHER, That adult education shall not include education or instruction provided by a vocational-technical institute;

(12) "Dislocated forest product worker" shall mean a forest products worker who: (a)(i) Has been terminated or received notice of termination from employment and is unlikely to return to employment in the individual's principal occupation or previous industry because of a diminishing demand for his or her skills in that occupation or industry; or (ii) is self-

employed and has been displaced from his or her business because of the diminishing demand for the business's services or goods; and (b) at the time of last separation from employment, resided in or was employed in a timber impact area;

(13) "Forest products worker" shall mean a worker in the forest products industries affected by the reduction of forest fiber enhancement, transportation, or production. The workers included within this definition shall be determined by the employment security department, but shall include workers employed in the industries assigned the major group standard industrial classification codes "24" and "26" and the industries involved in the harvesting and management of logs, transportation of logs and wood products, processing of wood products, and the manufacturing and distribution of wood processing and logging equipment. The commissioner may adopt rules further interpreting these definitions. For the purposes of this subsection, "standard industrial classification code" means the code identified in RCW 50.29.025(6)(c);

(14) "Timber impact area" shall mean a county having a population of less than five hundred thousand, or a city or town located within a county having a population of less than five hundred thousand, and meeting two of the following three criteria, as determined by the employment security department, for the most recent year such data is available: (a) A lumber and wood products employment location quotient at or above the state average; (b) projected or actual direct lumber and wood products job losses of one hundred positions or more, except counties having a population greater than two hundred thousand but less than five hundred thousand must have direct lumber and wood products job losses of one thousand positions or more; or (c) an annual unemployment rate twenty percent or more above the state average.

NEW SECTION. Sec. 16. A new section is added to chapter 28B.50 RCW to read as follows:

To the extent that funds are specifically appropriated therefor, the state board for community college education shall provide training and retraining in timber impact areas as follows:

(1) Disbursement of funds to individual community colleges for supplemental slots in cases where enrollment demand exceeds allocation;

(2) Pilot projects for innovative approaches to literacy and employment training. Pilot projects may include, but are not limited to:

(a) Training for cranberry industry research, coordinated by the Washington State University coastal research unit, Long Beach;

(b) Training through Grays Harbor Community College for dislocated forest products workers to fill positions as safety training and vessel inspectors. They shall contract with those organizations deemed appropriate to carry out this program;

(c) Training through Skagit Valley Community College for dislocated forest products workers in natural resources technical programs in stream enhancement, including waters upstream or downstream as well as adjacent to state lands; water quality enhancement; irrigation repair; and the building of shellfish beds;

(d) Training for agricultural development, diversification, marketing, and processing programs in timber impact areas.

Nothing in subsection (2) of this section shall be construed to provide priority for the projects listed in subsection (2) of this section.

For the purposes of this section, the number of full-time equivalent students to be served during any biennium shall be determined by the applicable omnibus appropriations act and shall be in addition to the community college enrollment level funded by the applicable omnibus appropriations act.

NEW SECTION. Sec. 17. A new section is added to chapter 28B.50 RCW to read as follows:

(1) The state board for community college education shall administer a program designed to provide higher education opportunities to dislocated forest products workers and their unemployed spouses who are enrolled in a community or technical college for ten or more credit hours per quarter. In administering the program, the college board shall have the following powers and duties:

(a) With the assistance of an advisory committee, design a procedure for selecting dislocated forest products workers to participate in the program;

(b) Allocate funding to community and technical colleges attended by participants;

(c) Monitor the program and report on participants' progress and outcomes; and

(d) Report to the legislature by December 1, 1993, on the status of the program.

(2) Unemployed spouses of eligible dislocated forest products workers may participate in the program, but tuition and fees may be waived under the program only for the worker or the spouse and not both.

(3) The boards of trustees of the community and technical colleges shall waive tuition and fees for program participants, for a maximum of six quarters within a two-year period.

(4) During any biennium, the number of full-time equivalent students to be served in this program shall be determined by the applicable omnibus appropriations act, and shall be in addition to the community college enrollment level funded by the applicable omnibus appropriations act.

NEW SECTION. Sec. 18. A new section is added to chapter 28B.80 RCW to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout sections 19 through 21 of this act.

(1) "Board" means the higher education coordinating board.

(2) "Dislocated forest products worker" means a forest products worker who: (a)(i) Has been terminated or received notice of termination from employment and is unlikely to return to employment in the individual's principal occupation or previous industry because of a diminishing demand for his or her skills in that occupation or industry; or (ii) is self-employed and has been displaced from his or her business because of the diminishing demand for the business's services or goods; and (b) at the time of last separation from employment, resided in or was employed in a timber impact area.

(3) "Forest products worker" means a worker in the forest products industries affected by the reduction of forest fiber enhancement, transportation, or production. The workers included within this definition shall be determined by the employment security department, but shall include workers employed in the industries assigned the major group standard industrial classification codes "24" and "26" and the industries involved in the harvesting and management of logs, transportation of logs and wood products, processing of wood products, and the manufacturing and distribution of wood processing and logging equipment. The commissioner may adopt rules further interpreting these definitions. For the purposes of this subsection, "standard industrial classification code" means the code identified in RCW 50.29.025(6)(c).

(4) "Timber impact area" means a county having a population of less than five hundred thousand, or a city or town located within a county having a population of less than five hundred thousand, and meeting two of the following three criteria, as determined by the employment security department, for the most recent year such data is available: (a) A lumber and wood products employment location quotient at or above the state average; (b) projected or actual direct lumber and wood products job losses of one hundred positions or more, except counties having a population greater than two hundred thousand but less than five hundred thousand must have direct lumber and wood products job losses of one thousand positions or more; or (c) an annual unemployment rate twenty percent or more above the state average.

NEW SECTION. Sec. 19. A new section is added to chapter 28B.80 RCW to read as follows:

The board shall administer a program designed to provide upper division higher education opportunities to dislocated forest products workers, their spouses, and others in timber impact areas. In administering the program, the board shall have the following powers and duties:

(1) Distribute funding for institutions of higher education to service placebound students in the timber impact areas meeting the following criteria, as determined by the employment security department: (a) A lumber and wood products employment location quotient at or above the state average; (b) a direct lumber and wood products job loss of one hundred positions or more; and (c) an annual unemployment rate twenty percent above the state average;

(2) Appoint an advisory committee to assist the board in program design and future project selection;

(3) Monitor the program and report on student progress and outcome; and

(4) Report to the legislature by December 1, 1993, on the status of the program.

NEW SECTION. Sec. 20. A new section is added to chapter 28B.80 RCW to read as follows:

(1) The board shall contract with institutions of higher education to provide upper division classes to serve additional placebound students in the timber impact areas meeting the following criteria, as determined by the employment security department: (a) A lumber and wood products employment location quotient at or above the state average; (b) a direct lumber and wood products job loss of one hundred positions or more; and (c) an annual unemployment rate twenty percent above the state average; and which are not served by an existing state-funded upper division degree program. The number of full-time equivalent students served in this manner shall be determined by the applicable omnibus appropriations act. The board may direct that all the full-time equivalent enrollments be served in one of the eligible timber impact areas if it should determine that this would be the most viable manner of establishing the program and using available resources. The institutions shall utilize telecommunication technology, if available, to carry out the purposes of this section. The institutions providing the service shall waive the tuition, service, and activities fees for dislocated forest products workers or their unemployed spouses enrolled as one of the full-time equivalent students allocated to the college under this section.

(2) Unemployed spouses of eligible dislocated forest products workers may participate in the program, but tuition and fees may be waived under the program only for the worker or the spouse and not both.

(3) For any eligible participant, tuition shall be waived for a maximum of four semesters or six quarters within a two-year time period and the participant must be enrolled for a minimum of ten credits per semester or quarter.

NEW SECTION. Sec. 21. A new section is added to chapter 28B.80 RCW to read as follows:

Dislocated forest products workers and their spouses shall receive priority for attendance in upper division courses allocated under section 20 of this act. Remaining allocations may be distributed to others in the timber impact area.

NEW SECTION. Sec. 22. A new section is added to chapter 70.47 RCW to read as follows:

(1) The administrator, when specific funding is provided and where feasible, shall make the basic health plan available to dislocated forest products workers and their families in timber impact areas. The administrator shall prioritize making the plan available under this section to the timber impact areas meeting the following criteria, as determined by the employment security department: (a) A lumber and wood products employment location quotient at or above the state average; (b) a direct lumber and wood products job loss of one hundred positions or more; and (c) an annual unemployment rate twenty percent above the state average.

(2) Dislocated forest products workers assisted under this section shall meet the requirements of enrollee as defined in RCW 70.47.020(4).

(3) For purposes of this section, (a) "dislocated forest products worker" means a forest products worker who: (i)(A) Has been terminated or received notice of termination from employment and is unlikely to return to employment in the individual's principal occupation or previous industry because of a diminishing demand for his or her skills in that occupation or industry; or (B) is self-employed and has been displaced from his or her business because of the diminishing demand for the business's services or goods; and (ii) at the time of last separation from employment, resided in or was employed in a timber impact area; (b) "forest products worker" means a worker in the forest products industries affected by the reduction of forest fiber enhancement, transportation, or production. The workers included within this definition shall be determined by the employment security department, but shall include workers employed in the industries assigned the major group standard industrial classification codes "24" and "26" and the industries involved in the harvesting and management of logs, transportation of logs and wood products, processing of wood products, and the manufacturing and distribution of wood processing and logging equipment. The commissioner may adopt rules further interpreting these definitions. For the purposes of this subsection, "standard industrial classification code" means the code identified in RCW 50.29.025(6)(c); and (c) "timber impact area" means a county having a population of less than five hundred thousand, or a city or town located within a county having a population of less than five hundred thousand, and meeting two of the following three criteria, as determined by the employment security department, for the most recent year such data is available: (i) A lumber and wood products employment location quotient at or above the state average; (ii) projected or actual direct

lumber and wood products job losses of one hundred positions or more, except counties having a population greater than two hundred thousand but less than five hundred thousand must have direct lumber and wood products job losses of one thousand positions or more; or (iii) an annual unemployment rate twenty percent or more above the state average.

NEW SECTION. Sec. 23. (1) The department of community development, as a member of the agency timber task force and in consultation with the economic recovery coordination board, shall establish and administer the emergency mortgage and rental assistance program. The department shall identify the communities most adversely affected by reductions in timber harvest levels and shall prioritize assistance under this program to these communities. The department shall work with the department of social and health services and the timber recovery coordinator to develop the program in timber impact areas. Organizations eligible to receive funds for distribution under the program are those organizations that are eligible to receive assistance through the Washington housing trust fund.

(2) The goals of the program are to:

(a) Provide temporary emergency mortgage or rental assistance loans on behalf of dislocated forest products workers in timber impact areas who are unable to make current mortgage or rental payments on their permanent residences and are subject to immediate eviction for nonpayment of mortgage installments or nonpayment of rent;

(b) Prevent the dislocation of individuals and families from their permanent residences and their communities; and

(c) Maintain economic and social stability in timber impact areas.

NEW SECTION. Sec. 24. Emergency mortgage assistance shall be provided under the following general guidelines:

(1) Loans provided under the program shall not exceed an amount equal to twenty-four months of mortgage payments.

(2) The maximum loan amount allowed under the program shall not exceed twenty thousand dollars.

(3) Loans shall be made to applicants who meet specific income guidelines established by the department.

(4) Loan payments shall be made directly to the mortgage lender.

(5) Loans shall be granted on a first-come, first-served basis.

(6) Repayment of loans provided under the program must not take more than twenty years.

(7) The department may provide for emergency short-term loans.

NEW SECTION. Sec. 25. Emergency rental assistance shall be provided under the following general guidelines:

(1) Rental assistance provided under the program may be in the form of loans or grants and shall not exceed an amount equal to twenty-four months of mortgage payments.

(2) Rental assistance shall be made to applicants who meet specific income guidelines established by the department.

(3) Rental payments shall be made directly to the landlord.

(4) Rental assistance shall be granted on a first-come, first-served basis.

NEW SECTION. Sec. 26. To be eligible for assistance under the program, an applicant must:

(1) Be unable to keep mortgage or rental payments current, due to a loss of employment, and shall be at significant risk of eviction;

(2) Have his or her permanent residence located in an eligible community;

(3) If requesting emergency mortgage assistance, be the owner of an equitable interest in the permanent residence and intend to reside in the home being financed;

(4) Be actively seeking new employment or be enrolled in a training program approved by the director; and

(5) Submit an application for assistance to an organization eligible to receive funds under section 23 of this act by June 30, 1996.

NEW SECTION. Sec. 27. The department shall carry out the following duties:

(1) Administer the program;

(2) Identify organizations eligible to receive funds to implement the program;

(3) Develop and adopt the necessary rules and procedures for implementation of the program and for dispersal of program funds to eligible organizations;

(4) Establish the interest rate for repayment of loans at two percent below the market rate;

(5) Work with lending institutions and social service providers in the eligible communities to assure that all eligible persons are informed about the program;

(6) Utilize federal and state programs that complement or facilitate carrying out the program;

(7) Submit a report to the senate commerce and labor committee and the house of representatives housing committee by January 31, 1992.

NEW SECTION. Sec. 28. (1) The department of social and health services shall help families and workers in timber impact areas make the transition through economic difficulties and shall provide services to assist workers to gain marketable skills. The department, as a member of the agency timber task force and in consultation with the economic recovery coordination board, and, where appropriate, under an interagency agreement with the department of community development, shall provide grants through the office of the secretary for services to the unemployed in timber

impact areas, including providing direct or referral services, establishing and operating service delivery programs, and coordinating delivery programs and delivery of services. These grants may be awarded for family support centers, reemployment centers, or other local service agencies.

(2) The services provided through the grants may include, but need not be limited to: Credit counseling; social services including marital counseling; psychotherapy or psychological counseling; mortgage foreclosures and utilities problems counseling; drug and alcohol abuse services; medical services; and residential heating and food acquisition.

(3) Funding for these services shall be coordinated through the economic recovery coordination board which will establish a fund to provide child care assistance, mortgage assistance, and counseling which cannot be met through current programs. No funds shall be used for additional full-time equivalents for administering this section.

(4)(a) Grants for family support centers are intended to provide support to families by responding to needs identified by the families and communities served by the centers. Services provided by family support centers may include parenting education, child development assessments, health and nutrition education, counseling, and information and referral services. Such services may be provided directly by the center or through referral to other agencies participating in the interagency team.

(b) The department shall consult with the council on child abuse or neglect regarding grants for family support centers.

(5) "Timber impact area" means a county having a population of less than five hundred thousand, or a city or town located within a county having a population of less than five hundred thousand, and meeting two of the following three criteria, as determined by the employment security department, for the most recent year such data is available: (a) A lumber and wood products employment location quotient at or above the state average; (b) projected or actual direct lumber and wood products job losses of one hundred positions or more, except counties having a population greater than two hundred thousand but less than five hundred thousand must have direct lumber and wood products job losses of one thousand positions or more; or (c) an annual unemployment rate twenty percent or more above the state average.

NEW SECTION. Sec. 29. The Washington public policy institute at The Evergreen State College shall design an evaluation mechanism and shall undertake, by November 1, 1993, an evaluation of the effectiveness of the programs contained in this act. The agencies implementing the programs contained in this act shall assist the institute in the evaluation.

NEW SECTION. Sec. 30. To the extent that funds are specifically appropriated in the omnibus operating budget appropriations act for the

1991-93 biennium, the department of community development shall enhance the two reemployment centers in timber impact areas in order to continue providing referral services, counseling, and support.

NEW SECTION. Sec. 31. 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. 32. If any part of this act is found to be in conflict with federal requirements which are a prescribed condition to the allocation of federal funds to the state or the eligibility of employers in this state for federal unemployment tax credits, the conflicting part of this act is hereby declared to be inoperative solely to the extent of the conflict, and such finding or determination shall not affect the operation of the remainder of this act. The rules under this act shall meet federal requirements which are a necessary condition to the receipt of federal funds by the state or the granting of federal unemployment tax credits to employers in this state.

NEW SECTION. Sec. 33. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately, except for section 4 of this act, which shall take effect July 1, 1991.

NEW SECTION. Sec. 34. If specific funding for the purposes of sections 5 through 9 of this act, referencing sections 5 through 9 of this act by bill and section numbers, is not provided by June 30, 1991, in the omnibus appropriations act, sections 5 through 9 of this act shall be null and void.

NEW SECTION. Sec. 35. If specific funding for the purposes of sections 10 through 14 of this act, referencing sections 10 through 14 of this act by bill and section numbers, is not provided by June 30, 1991, in the omnibus appropriations act, sections 10 through 14 of this act shall be null and void.

NEW SECTION. Sec. 36. If specific funding for the purposes of sections 23 through 27 of this act, referencing sections 23 through 27 of this act by bill and section numbers, is not provided by June 30, 1991, in the omnibus appropriations act, sections 23 through 27 of this act shall be null and void.

NEW SECTION. Sec. 37. If specific funding for the purposes of section 28, 29, or 30 of this act, referencing such section or sections by bill and section numbers, is not provided by June 30, 1991, in the omnibus appropriations act, each section not referenced shall be null and void.

NEW SECTION. Sec. 38. (1) Sections 5 through 14 of this act shall constitute a new chapter in Title 50 RCW.

(2) Sections 23 through 27 of this act are each added to chapter 43-.63A RCW.

Passed the Senate April 28, 1991.

Passed the House April 28, 1991.

Approved by the Governor May 21, 1991.

Filed in Office of Secretary of State May 21, 1991.

CHAPTER 316

[Engrossed Substitute House Bill 1877]

OLYMPIC NATURAL RESOURCES CENTER

Effective Date: 7/28/91

AN ACT Relating to natural resource management research; amending RCW 76.12.210; and adding new sections to chapter 76.12 RCW.

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

NEW SECTION. Sec. 1. The legislature finds that conflicts over the use of natural resources essential to the state's residents, especially forest and ocean resources, have increased dramatically. There are growing demands that these resources be fully utilized for their commodity values, while simultaneously there are increased demands for protection and preservation of these same resources. While these competing demands are most often viewed as mutually exclusive, recent research has suggested that commodity production and ecological values can be integrated. It is the intent of the legislature to foster and support the research and education necessary to provide sound scientific information on which to base sustainable forest and marine industries, and at the same time sustain the ecological values demanded by much of the public.

Sec. 2. RCW 76.12.210 and 1989 c 424 s 4 are each amended to read as follows:

~~((†))~~ The Olympic ~~((institute for old growth forest and ocean research and education))~~ natural resources center is hereby created at the University of Washington in the college of forest resources and the college of ocean and fishery sciences. The ~~((institute))~~ center shall ~~((be located))~~ maintain facilities and programs in the western portion of the Olympic Peninsula. Its purpose shall be to demonstrate innovative management methods which successfully integrate environmental and economic interests into pragmatic management of forest and ocean resources. The ~~((institute))~~ center shall combine research and educational opportunities with experimental forestry, oceans management, and traditional management knowledge into an overall program which demonstrates that management based on sound economic principles is made superior when combined with new methods of management based on ecological principles. ~~((The institute shall~~

~~be jointly supported by the college of forest resources and the college of ocean and fishery science.~~

~~(2) There is hereby appropriated from the general fund to the University of Washington the sum of one hundred fifty thousand dollars, or as much thereof as may be necessary, for the biennium ending June 30, 1991, for the purpose of preparing a development plan for the institute. The development plan shall involve policy makers from state, federal, tribal, business, and environmental interests in the preparation of management plans and as it develops programs and shall be guided by the recommendation of the old growth commission appointed by the commissioner of public lands.))~~

The programs developed by the center shall include the following:

(1) Research and education on a broad range of ocean resources problems and opportunities in the region, such as estuarine processes, ocean and coastal management, offshore development, fisheries and shellfish enhancement, and coastal business development, tourism, and recreation. In developing this component of the center's program, the center shall collaborate with coastal educational institutions such as Grays Harbor community college and Peninsula community college;

(2) Research and education on forest resources management issues on the landscape, ecosystem, or regional level, including issues that cross legal and administrative boundaries;

(3) Research and education that broadly integrates marine and terrestrial issues, including interactions of marine, aquatic, and terrestrial ecosystems, and that identifies options and opportunities to integrate the production of commodities with the preservation of ecological values. Where appropriate, programs shall address issues and opportunities that cross legal and administrative boundaries;

(4) Research and education on natural resources and their social and economic implications, and on alternative economic and social bases for sustainable, healthy, resource-based communities;

(5) Educational opportunities such as workshops, short courses, and continuing education for resource professionals, policy forums, information exchanges including international exchanges where appropriate, conferences, student research, and public education; and

(6) Creation of a neutral forum where parties with diverse interests are encouraged to address and resolve their conflicts.

NEW SECTION. Sec. 3. The Olympic natural resources center shall operate under the authority of the board of regents of the University of Washington. It shall be administered by a director appointed jointly by the deans of the college of forest resources and the college of ocean and fishery sciences. The director shall be a member of the faculty of one of those colleges. The director shall appoint and maintain a scientific or technical committee, and other committees as necessary, to advise the director on the efficiency, effectiveness, and quality of the center's activities.

A policy advisory board consisting of eleven members shall be appointed by the governor to advise the deans and the director on policies for the center that are consistent with the purposes of the center. Membership on the policy advisory board shall broadly represent the various interests concerned with the purposes of the center, including state and federal government, environmental organizations, local community, timber industry, and Indian tribes.

Service on boards and committees of the center shall be without compensation but actual travel expenses incurred in connection with service to the center may be reimbursed from appropriated funds in accordance with RCW 43.03.050 and 43.03.060.

NEW SECTION. Sec. 4. The center may solicit gifts, grants, conveyances, bequests, and devises, whether real or personal property, or both, in trust or otherwise, to be directed to the center for carrying out the purposes of the center. The center may solicit contracts for work, financial and in-kind contributions, and support from private industries, interest groups, federal and state sources, and other sources. It may also use separately appropriated funds of the University of Washington for the center's activities.

NEW SECTION. Sec. 5. Sections 1, 3, and 4 of this act are each added to chapter 76.12 RCW.

NEW SECTION. Sec. 6. 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.

Passed the House March 14, 1991.

Passed the Senate April 9, 1991.

Approved by the Governor May 21, 1991.

Filed in Office of Secretary of State May 21, 1991.

CHAPTER 317

[Substitute House Bill 1954]

AGRICULTURAL NUISANCES

Effective Date: 7/28/91

AN ACT Relating to agricultural nuisances; and amending RCW 7.48.305 and 7.48.310.

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

***Sec. 1. RCW 7.48.305 and 1979 c 122 s 2 are each amended to read as follows:**

Notwithstanding any other provision of this chapter, agricultural activities conducted on farmland, if consistent with good agricultural practices and established prior to surrounding nonagricultural activities, are presumed to be reasonable and ((do)) shall not be found to constitute a nuisance unless the activity has a substantial adverse effect on the public health and safety.

If that agricultural activity is undertaken in conformity with federal, state, and local laws and regulations, it is presumed to be good agricultural practice and not adversely affecting the public health and safety, and as such shall not be restricted as to the time during which it may be conducted.

Nothing in this section shall affect or impair any right to sue for damages.

*Sec. 1 was vetoed, see message at end of chapter.

Sec. 2. RCW 7.48.310 and 1979 c 122 s 3 are each amended to read as follows:

As used in RCW 7.48.305:

(1) "Agricultural activity" means a condition or activity which occurs on a farm in connection with the commercial production of farm products and includes, but is not limited to, ~~((the growing or raising of horticultural and viticultural crops, berries, poultry, livestock, grain, mint, hay, and dairy products))~~ marketed produce at roadside stands or farm markets; noise; odors; dust; fumes; operation of machinery and irrigation pumps; movement, including, but not limited to, use of current county road ditches, streams, rivers, canals, and drains, and use of water for agricultural activities; ground and aerial application of seed, fertilizers, conditioners, and plant protection products; employment and use of labor; roadway movement of equipment and livestock; protection from damage by wildlife; prevention of trespass; construction and maintenance of buildings, fences, roads, bridges, ponds, drains, waterways, and similar features and maintenance of stream-banks and watercourses; and conversion from one agricultural activity to another.

(2) "Farm" means the land, buildings, freshwater ponds, freshwater culturing and growing facilities, and machinery used in the commercial production of farm products.

(3) "Farmland" means land or freshwater ponds devoted primarily to the production, for commercial purposes, of livestock, freshwater aquacultural, or other agricultural commodities.

(4) "Farm product" means those plants and animals useful to humans and includes, but is not limited to, forages and sod crops, dairy and dairy products, poultry and poultry products, livestock, including breeding, grazing, and recreational equine use, fruits, vegetables, flowers, seeds, grasses, trees, freshwater fish and fish products, apiaries, equine and other similar products, or any other product which incorporates the use of food, feed, fiber, or fur.

Passed the House March 20, 1991.

Passed the Senate April 9, 1991.

Approved by the Governor May 21, 1991, with the exception of certain items which were vetoed.

Filed in Office of Secretary of State May 21, 1991.

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

"I am returning herewith, without my approval as to section 1, Substitute House Bill No. 1954 entitled:

"AN ACT Relating to agricultural nuisances."

This bill expands the list of agricultural activities which are included within the exemption to statutory nuisance provisions. Because of its importance as a message, I am going to sign section 2 of this legislation. I would hope that the agricultural community becomes more involved in advocating for strong growth management regulation. The problems addressed by this legislation could better be addressed by controlling growth and preserving agricultural lands for agricultural purposes. Limiting nuisance litigation does not prevent the intrusion of urban uses into prime agricultural areas. The conflicts will only continue to escalate.

However, I have vetoed section 1 primarily because of the ambiguity that it creates regarding other important regulatory programs. As originally drafted, the bill indicated that reasonable agricultural activities could not be restricted as to "time of day." As the bill passed, it does not allow restrictions as to "time." This could mean time of day or it could mean a season. Although this section was intended to address local noise ordinances, there are other regulatory programs that occasionally restrict agricultural activities based on seasonal criteria. For example, some activities may be limited during specific months to protect juvenile salmon. To address concerns raised by this ambiguity, I have vetoed section 1.

With the exception of section 1, Substitute House Bill No. 1954 is approved."

CHAPTER 318

[Engrossed Substitute House Bill 2151]

HIGH CAPACITY TRANSPORTATION DEVELOPMENT

Effective Date: 7/28/91

AN ACT Relating to high capacity transportation systems; amending RCW 81.104.010, 81.104.020, 81.104.030, 81.104.040, 81.104.050, 81.104.060, 81.104.080, 81.104.090, 81.104.100, 81.104.110, 81.104.140, 81.104.160, 82.80.020, 36.57A.040, 36.57A.055, and 36.57A.140; and creating a new section.

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

Sec. 1. RCW 81.104.010 and 1990 c 43 s 22 are each amended to read as follows:

Increasing congestion on Washington's roadways calls for identification and implementation of high capacity transportation system alternatives. "High capacity transportation system" means a system of public transportation services(;) within an urbanized region operating principally on exclusive rights of way, and the supporting services and facilities necessary to implement such a system, including high occupancy vehicle lanes, which taken as a whole, provides a substantially higher level of passenger capacity, speed, and service frequency than traditional public transportation systems operating principally ((om)) in general purpose ((roadway rights of way)) roadways. The legislature believes that local jurisdictions should coordinate and be responsible for high capacity transportation policy development, program planning, and implementation. The state should assist by working with local agencies on issues involving rights of way, partially financing

projects meeting established state criteria including development and completion of the high occupancy vehicle lane system, authorizing local jurisdictions to finance high capacity transportation systems through voter-approved tax options, and providing technical assistance and information.

Sec. 2. RCW 81.104.020 and 1990 c 43 s 23 are each amended to read as follows:

The department of transportation's current policy role in transit is expanded to include other high capacity transportation development as part of a multimodal transportation system.

(1) The department of transportation shall implement a program for high capacity transportation coordination, planning, and technical studies with appropriations from the high capacity transportation account.

(2) The department shall assist local jurisdictions and ~~((metropolitan))~~ regional transportation planning organizations with high capacity transportation planning efforts.

Sec. 3. RCW 81.104.030 and 1990 c 43 s 24 are each amended to read as follows:

(1) In any ~~((class A))~~ county with a population of from two hundred ten thousand to less than one million that is not bordered by a ~~((class AA))~~ county with a population of one million or more, and in ~~((counties of the first class and smaller))~~ each county with a population of less than two hundred ten thousand, city-owned transit systems, county transportation authorities, metropolitan municipal corporations, and public transportation benefit areas may elect to establish high capacity transportation service. Such agencies shall form a regional policy committee with proportional representation based upon population distribution within the designated service area and a representative of the department of transportation.

~~((a))~~ City-owned transit systems, county transportation authorities, metropolitan municipal corporations, and public transportation benefit areas participating in joint regional policy committees shall seek voter approval within their own service boundaries of a high capacity transportation system plan and ~~((an implementation program including a))~~ financing ~~((program:~~

~~(b) An interim regional authority may be formed pursuant to RCW 81.104.040(2) and shall seek voter approval of a high capacity transportation plan and financing program within its proposed service boundaries))~~ plan.

(2) City-owned transit systems, county transportation authorities, metropolitan municipal corporations, and public transportation benefit areas in counties adjoining state or international boundaries are authorized to participate in the regional high capacity transportation programs of an adjoining state or ~~((nation))~~ Canadian province.

Sec. 4. RCW 81.104.040 and 1990 c 43 s 25 are each amended to read as follows:

(1) Agencies in ~~((a class AA))~~ each county with a population of one million or more, and in ((class A counties)) each county with a population of from two hundred ten thousand to less than one million bordering a ((class AA)) county with a population of one million or more that are currently authorized to provide high capacity transportation planning and operating services, including but not limited to city-owned transit systems, county transportation authorities, metropolitan municipal corporations, and public transportation benefit areas, must establish through interlocal agreements a joint regional policy committee with proportional representation based upon the population distribution within each agency's designated service area, as determined by the parties to the agreement.

(a) The membership of the joint regional policy committee shall consist of locally elected officials who serve on the legislative authority of the existing transit systems and a representative from the department of transportation. Nonvoting membership for elected officials from adjoining counties may be allowed at the committee's discretion.

(b) The joint regional policy committee shall be responsible for the preparation and adoption of a regional high capacity transportation implementation program, which shall include the system plan, project plans, and ((an implementation program including)) a financing ((package)) plan. This ~~((plan))~~ program shall be in conformance with the ~~((metropolitan))~~ regional transportation planning organization's regional transportation plan and consistent with RCW 81.104.080.

~~(c) ((Interlocal agreements shall be executed within two years of March 14, 1990:))~~ The joint regional policy committee shall present a high capacity transportation system plan and ~~((local funding program))~~ financing plan to the boards of directors of the transit agencies within the service area for adoption.

(d) Transit agencies shall present the adopted high capacity transportation system plan and financing ~~((program))~~ plan for voter approval within four years of the execution of the interlocal agreements. A simple majority vote is required for approval of the high capacity transportation system plan and financing ~~((program))~~ plan in any service district within each county. The implementation ((of the)) program may proceed in any service area approving the ((plan and program)) system and financing plans.

~~(2) ((If interlocal agreements have not been executed within two years from March 14, 1990, the designated metropolitan planning organization shall convene within one hundred eighty days a conference to be attended by an elected representative selected by the legislative authority of each city and county in a class AA county and in class A counties bordering a class AA county:~~

~~(a) Public notice of the conference shall occur thirty days before the date of the conference:~~

~~(b) The purpose of the conference is to evaluate the need for developing high capacity transportation service in a class AA county and in class A counties bordering a class AA county and to determine the desirability of a regional approach to developing such service.~~

~~(c) The conference may elect to continue high capacity transportation efforts on a subregional basis through existing transit planning and operating agencies.~~

~~(d) The conference may elect to pursue regional development by creating a multicounty interim regional high capacity transportation authority. Conference members shall determine the structure and composition of any interim regional authority.~~

~~(i) The interim regional authority shall propose a permanent authority or authorities for voter approval. Permanent regional authorities shall become the responsible agencies for planning, construction, operations, and funding of high capacity transportation systems within their service boundaries. Funding sources for a regional high capacity transportation authority or authorities are separate from currently authorized funding sources for city-owned transit systems, county transportation authorities, metropolitan municipal authorities, or public transportation benefit areas.~~

~~(ii) State and local jurisdictions, county transportation authorities, metropolitan municipal corporations, or public transportation benefit areas shall retain responsibility for existing facilities and/or services, unless the responsibility is transferred to the high capacity transportation authority or authorities by interlocal agreement.~~

~~(3) If, within four years of the execution of the interlocal agreements, a high capacity transportation plan and financing program has been approved by a simple majority vote within a participating jurisdiction, that jurisdiction may proceed with high capacity transportation development. If within four years of the execution of the interlocal agreements, a high capacity transportation plan and program has not been approved by a simple majority vote within one or more of the participating jurisdictions, the joint regional policy committee shall convene within one hundred eighty days, a conference to be attended by participating jurisdictions within which a plan and financing program have not been approved. Such a conference shall be for the same purpose and shall be subject to the same conditions as described in subsection (2) of this section.~~

~~(4)) High capacity transportation ((service)) planning, construction, operations, and funding shall be governed through the interlocal agreement process, including but not limited to provision for a cost allocation and distribution formula, service corridors, station area locations, right of way transfers, and feeder transportation systems. The interlocal agreement shall include a mechanism for resolving conflicts among parties to the agreement.~~

Sec. 5. RCW 81.104.050 and 1990 c 43 s 26 are each amended to read as follows:

Regional high capacity transportation service boundaries may be expanded beyond the established service district through interlocal agreements among the transit agencies and the local jurisdictions within which such expanded service is proposed.

Sec. 6. RCW 81.104.060 and 1990 c 43 s 27 are each amended to read as follows:

~~((1))~~ (1) The state's planning role in high capacity transportation development as one element of a multimodal transportation system should facilitate cooperative state and local planning efforts.

~~((1+))~~ (2) The department of transportation may serve as a contractor for high capacity transportation system and project design, administer construction, and assist agencies authorized to provide service in the acquisition, preservation, and joint use of rights of way.

~~((2))~~ (3) The department and local jurisdictions shall continue to cooperate with respect to the development of ~~((park-and-ride))~~ high occupancy vehicle lanes and related facilities, associated roadways, transfer stations, people mover systems developed either by the public or private sector, and other related projects.

~~((3))~~ (4) The department in cooperation with local jurisdictions shall develop policies which enhance the development of high speed ~~((intercity))~~ interregional systems by both the private and the public sector. These policies may address joint use of rights of way, identification and preservation of transportation corridors, and joint development of stations and other facilities.

Sec. 7. RCW 81.104.080 and 1990 c 43 s 29 are each amended to read as follows:

~~((Regional transportation plans should be considered in adopting local land use plans.))~~ Where applicable, regional transportation plans and local ~~((land-use))~~ comprehensive plans ~~((should))~~ shall address the ~~((impacts-of))~~ relationship between urban growth ~~((on))~~ and an effective high capacity transportation ~~((planning and development))~~ system plan, and provide for cooperation between local jurisdictions and transit agencies.

(1) Regional high capacity transportation plans shall be included in the designated ~~((metropolitan))~~ regional transportation planning organization's regional transportation plan review and update process to facilitate development of a coordinated multimodal transportation system and to meet federal funding requirements.

(2) ~~((The state and local jurisdictions))~~ Interlocal agreements between transit authorities, cities, and counties shall ~~((cooperate in encouraging))~~ set forth conditions for assuring land uses compatible with development of high capacity transportation systems. These include developing sufficient land use densities through local actions in high capacity transportation corridors and near passenger stations, preserving transit rights of way, and protecting the

region's environmental quality. The implementation program for high capacity transportation systems shall favor cities and counties with supportive land use plans. In developing local actions intended to carry out these policies (~~(local governments)~~) cities and counties shall insure the opportunity for public comment and participation in the siting of such facilities, including stations or transfer facilities. Agencies providing high capacity transportation services, in cooperation with public and private interests, shall promote transit-compatible land uses and development which includes joint development.

(3) Interlocal agreements shall be consistent with state planning goals as set forth in chapter 36.70A RCW. Agreements shall also include plans for concentrated employment centers, mixed-use development, and housing densities that support high capacity transportation systems.

(4) Agencies providing high capacity transportation service and other transit agencies shall develop a cooperative process for the planning, development, operations, and funding of feeder transportation systems. Feeder systems may include existing and future intercity passenger systems and alternative technology people mover systems which may be developed by the private or public sector.

~~((4) Jurisdictions, working through))~~ (5) Cities and counties along corridors designated in a high capacity transportation system plan shall enter into agreements with their designated ((metropolitan)) regional transportation planning organizations, ((shall manage)) for the purpose of participating in a right of way preservation review process which includes activities to promote the preservation of the high capacity transportation rights of way. The regional transportation planning organization shall serve as the coordinator of the review process.

(a) ~~((Jurisdictions))~~ Cities and counties shall forward all development proposals for projects within and adjoining to the rights of way proposed for preservation to the designated ~~((metropolitan))~~ regional transportation planning organizations, which shall distribute the proposals for ((local and regional agency)) review by parties to the right of way preservation review process.

(b) The ~~((metropolitan))~~ regional transportation planning organizations shall also review proposals for conformance with the regional transportation plan and associated regional development strategies. The designated ~~((metropolitan))~~ regional transportation planning organization shall within ninety days compile local and regional agency comments and communicate the same to the originating jurisdiction and the joint regional policy committee ~~((or, if established, a regional high capacity transportation authority)).~~

Sec. 8. RCW 81.104.090 and 1990 c 43 s 30 are each amended to read as follows:

The department of transportation shall(~~(, upon dissolution of the rail development commission, assume responsibility)~~) be responsible for distributing amounts appropriated from the high capacity transportation account and shall prioritize funding requests based on criteria in subsection (3) of this section.

(1) The department shall establish an advisory council of policy and technical experts pursuant to RCW 47.01.091 to assist in the review of requests for high capacity transportation account funds. The council shall be comprised of one representative from each congressional district, a designee of the governor, the executive director or a designee of the transportation improvement board, the director of the Washington state transportation center, and the chair or designee of the legislative transportation committee.

(2) State high capacity transportation account funds may provide up to eighty percent matching assistance for high capacity transportation planning efforts (~~(and for support of interim regional high capacity transportation authorities)~~).

(3) Authorizations for state funding for high capacity transportation planning projects shall be subject to the following criteria:

(a) Conformance with the designated (~~(metropolitan)~~) regional transportation planning organization's regional transportation plan;

(b) Local matching funds;

(c) Demonstration of projected improvement in regional mobility;

(d) Conformance with planning requirements prescribed in RCW 81.104.100, and if five hundred thousand dollars or more in state funding is requested, conformance with the requirements of RCW 81.104.110; and

(e)(~~(i)~~) Establishment, through interlocal agreements, of a joint regional policy committee (~~(with proportional representation based upon population distribution within each agency's designated service area)~~) as defined in RCW 81.104.030(;

(ii) ~~Establishment of a demonstrated regional agreement through a multijurisdictional conference to pursue high capacity transportation development on a subregional basis through established transit planning and operating agencies as defined in RCW 81.104.040; or~~

(iii) ~~Establishment, through a multijurisdictional conference, of an interim high capacity transportation authority as defined in RCW 81.104.040.~~

(4) The department of transportation shall provide general review and monitoring of the system and project planning process prescribed in RCW 81.104.100.

Sec. 9. RCW 81.104.100 and 1990 c 43 s 31 are each amended to read as follows:

To assure (~~(the adoption)~~) development of an effective high capacity transportation system, local authorities shall follow the following planning process:

(1) ~~((System))~~ Regional, multimodal transportation planning is the ongoing urban transportation planning process conducted in each urbanized area by its ~~((metropolitan))~~ regional transportation planning organization. During this process, regional transportation goals are identified, travel patterns are analyzed, and future land use and travel are projected. The ~~((system-planning))~~ process provides a comprehensive view of the region's transportation needs but does not select ~~((a))~~ specified modes to serve those needs. ~~((System-planning))~~ The process shall identify a priority corridor or corridors for further study of high capacity transportation facilities if it is deemed feasible by local officials.

(2) ~~((a) Project))~~ High capacity transportation system planning is the detailed evaluation of a range of high capacity transportation system options, including ~~((i))~~: Do nothing, ~~((ii))~~ low capital, and ~~((iii))~~ ranges of higher capital facilities. To the extent possible this evaluation shall take into account the urban mass transportation administration's requirements identified in subsection (3) of this section.

~~((b) Project))~~ High capacity transportation system planning shall proceed as follows:

~~((i))~~ (a) Organization and management. The responsible local transit agency or agencies shall define roles for various local agencies, review background information, provide for public involvement, and develop a detailed work plan for the ~~((project))~~ system planning process.

~~((ii))~~ (b) Development of options. Options to be studied shall be developed to ensure an appropriate range of technologies and service policies can be evaluated. A do-nothing option and a low capital option that maximizes the current system shall be developed. Several higher capital options that consider a range of capital expenditures for several candidate technologies shall be developed.

~~((iii))~~ (c) Analysis methods. The local transit agency shall develop reports describing the analysis and assumptions for the estimation of capital costs, operating and maintenance costs, methods for travel forecasting, a financial plan and an evaluation methodology.

~~((iv) Study of options:))~~ (d) The system plan submitted to the voters pursuant to RCW 81.04.140 [81.104.140] shall address, but is not limited to the following issues:

(i) Identification of level and types of high capacity transportation services to be provided;

(ii) A plan of high occupancy vehicle lanes to be constructed;

(iii) Identification of route alignments and station locations with sufficient specificity to permit calculation of costs, ridership, and system impacts;

(iv) Performance characteristics of technologies in the system plan;

(v) Patronage forecasts;

(vi) A financing plan describing: Phasing of investments; capital and operating costs and expected revenues; cost-effectiveness represented by a total cost per system rider and new rider estimate; estimated ridership and the cost of service for each individual high capacity line; and identification of the operating revenue to operating expense ratio.

The financing plan shall specifically differentiate the proposed use of funds between high capacity transportation facilities, high occupancy vehicle facilities, and expanded local/feeder service;

(vii) Description of the relationship between the high capacity transportation system plan and adopted land use plans;

(viii) An assessment of social, economic, and environmental impacts; and

(ix) Mobility characteristics of the system presented, including but not limited to: Qualitative description of system/service philosophy and impacts; qualitative system reliability; travel time and number of transfers between selected residential, employment, and activity centers; and system and activity center mode splits.

(3) High capacity transportation project planning is the detailed identification of alignments, station locations, equipment and systems, construction schedules, environmental effects, and costs. High capacity transportation project planning shall proceed as follows: The local transit agency shall ((use the methods described in (iii) of this subsection to)) analyze and produce ((impact)) information needed for ((project evaluation and for)) the preparation of ((an)) environmental impact statements. The impact ((evaluation)) statements shall address the impact that development of such a ((project)) system will have on abutting or nearby ((residential or commercial)) property owners. The process of identification of ((corridors)) alignments and station locations shall include notification of affected property owners by normal legal publication. At minimum, such notification shall include notice on the same day for at least three weeks in at least two newspapers of general circulation in the county where such project is proposed. Special notice of hearings by the conspicuous posting of notice, in a manner designed to attract public attention, in the vicinity of areas identified for station locations or transfer sites shall also be provided.

((v) Review and monitor. The department of transportation shall provide project review and monitoring in cooperation with the expert review panel identified in RCW 81.104.110. In addition, the local transit agency shall maintain a continuous public involvement program and seek involvement of other government agencies.

(vi) Detailed planning process.)) In order to increase the likelihood of future federal funding, the ((system and)) project planning processes shall follow the urban mass transportation administration's requirements as described in "Procedures and Technical Methods for Transit Project Planning", published by the United States department of transportation, urban

mass transportation administration, September 1986, or the most recent edition. Nothing in this subsection shall be construed to preclude detailed evaluation of more than one corridor in the planning process.

The department of transportation shall provide system and project planning review and monitoring in cooperation with the expert review panel identified in RCW 81.104.110. In addition, the local transit agency shall maintain a continuous public involvement program and seek involvement of other government agencies.

Sec. 10. RCW 81.104.110 and 1990 c 43 s 32 are each amended to read as follows:

The legislature recognizes that the planning ~~((process))~~ processes described in RCW 81.104.100 provide~~(s)~~ a recognized framework for guiding high capacity transportation studies. However, the process cannot guarantee appropriate ~~((transit))~~ decisions unless key study assumptions are reasonable.

To assure appropriate ~~((project))~~ system plan assumptions and to provide for review of ~~((project))~~ system plan results, ~~((the department of transportation shall develop independent oversight procedures which are appropriate to the scope of any project for which high capacity transportation account funds are requested:))~~ an expert review panel shall be appointed to provide independent technical review for development of any ~~((project))~~ system plan which is to be funded in whole or in part by the imposition of any voter-approved local option funding sources enumerated in RCW 81.104.140.

(1) The expert review panel shall consist of ten members who are recognized experts in relevant fields, such as transit operations, planning, emerging transportation technologies, engineering, finance, law, the environment, geography, economics, and political science.

(2) The expert review panel shall be selected cooperatively by the chair of the legislative transportation committee, the secretary of the department of transportation, and the governor to assure a balance of disciplines.

(3) The chair of the expert review panel shall be designated by the appointing ~~((body))~~ authorities.

(4) The expert review panel shall serve without compensation but shall be reimbursed for expenses according to chapter 43.03 RCW.

(5) The panel shall carry out the duties set forth in subsections (6) and (7) of this section until the date on which an election is held to consider the high capacity transportation system and financing plans. Funds appropriated for expenses of the expert panel shall be administered by the department of transportation.

(6) The expert panel shall review all reports required in RCW 81.104.100(2)~~((b)(vi) but)~~ and shall concentrate on service modes and concepts, costs, patronage~~(;)~~ and financing~~((and project))~~ evaluations.

(7) The expert panel shall provide timely reviews and comments on individual ((project)) reports and study conclusions to the governor, the legislative transportation committee, the department of transportation, the regional transportation planning organization, the joint regional policy committee, and the submitting lead transit agency.

(8) The legislative transportation committee shall contract for consulting services for expert review panels. The amount of consultant support shall be negotiated with each expert review panel by the legislative transportation committee and shall be paid from appropriations for that purpose from the high capacity transportation account.

Sec. 11. RCW 81.104.140 and 1990 c 43 s 35 are each amended to read as follows:

(1) Agencies authorized to provide high capacity transportation service, including city-owned transit systems, county transportation authorities, metropolitan municipal corporations and public transportation benefit areas, are hereby granted dedicated funding sources for such systems. These dedicated funding sources, as set forth in RCW 81.104.150, 81.104.160, and 81.104.170, are authorized only for agencies located in (~~class AA counties, class A counties, counties of the first class which border another state, and counties which, on March 14, 1990, are of the second class and which adjoin class A counties~~) (a) each county with a population of two hundred ten thousand or more and (b) each county with a population of from one hundred twenty-five thousand to less than two hundred ten thousand except for those counties that do not border a county with a population as described under (a) of this subsection.

(2) Agencies (~~providing~~) planning to construct and operate a high capacity transportation ((service)) system should also seek other funds, including federal, state, local, and private sector assistance.

(3) Funding sources should satisfy each of the following criteria to the greatest extent possible:

- (a) Acceptability;
- (b) Ease of administration;
- (c) Equity;
- (d) Implementation feasibility;
- (e) Revenue reliability; and
- (f) Revenue yield.

(4) Agencies participating in regional high capacity transportation system development through interlocal agreements (~~or a conference-approved interim regional rail authority or subregional process as defined in RCW 81.104.040~~) are authorized to levy and collect the following voter-approved local option funding sources:

- (a) Employer tax as provided in RCW 81.104.150;
- (b) Special motor vehicle excise tax as provided in RCW 81.104.160;

and

(c) Sales and use tax as provided in RCW 81.104.170.

Revenues from these taxes may be used only to support those purposes prescribed in subsection ~~((f8))~~ (10) of this section. Before ~~((an agency may))~~ the date of an election authorizing an agency to impose any of the taxes enumerated in this section and authorized in RCW 81.104.150, 81.104.160, and 81.104.170, ((it)) the agency must comply with the process prescribed in RCW 81.104.100 (1) and (2) and 81.104.110. No construction on exclusive right of way may occur before the requirements of RCW 81.104.100(3) are met.

(5) Authorization in subsection (4) of this section shall not adversely affect the funding authority of existing transit agencies. Local option funds may be used to support implementation of interlocal agreements with respect to the establishment of regional high capacity transportation service. Local jurisdictions shall retain control over moneys generated within their boundaries, although funds may be commingled with those generated in other areas for planning, construction, and operation of high capacity transportation systems as set forth in the agreements.

(6) Agencies ~~((providing))~~ planning to construct and operate high capacity transportation ((service)) systems may contract with the state for collection and transference of voter-approved local option revenue.

(7) Dedicated high capacity transportation funding sources authorized in RCW 81.104.150, 81.104.160, and 81.104.170 shall be subject to voter approval by a simple majority. A single ballot proposition may seek approval for one or more of the authorized taxing sources. The ballot title shall reference the document identified in subsection (8) of this section.

(8) Agencies shall provide to the registered voters in the area a document describing the systems plan and the financing plan set forth in RCW 81.104.100. It shall also describe the relationship of the system to regional issues such as development density at station locations and activity centers, and the interrelationship of the system to adopted land use and transportation demand management goals within the region. This document shall be provided to the voters at least twenty days prior to the date of the election.

(9) For any election in which voter approval is sought for a high capacity transportation system plan and financing plan pursuant to RCW 81.104.040, a local voter's pamphlet shall be produced as provided in chapter 29.81A RCW.

(10) Agencies providing high capacity transportation service shall retain responsibility for revenue encumbrance, disbursement, and bonding. Funds may be used for any purpose relating to planning, construction, and operation of high capacity transportation systems, commuter rail systems, and feeder transportation systems.

Sec. 12. RCW 81.104.160 and 1990 c 43 s 42 are each amended to read as follows:

Any city that operates a transit system, county transportation authority, metropolitan municipal corporation, or public transportation benefit area, solely for the purpose of providing high capacity transportation service may submit an authorizing proposition to the voters, and if approved, may levy and collect an excise tax, at a rate approved by the voters, but not exceeding eighty one-hundredths of one percent on the value, under chapter 82.44 RCW, of every motor vehicle owned by a resident of such city, county transportation authority, metropolitan municipal corporation, or public transportation benefit area. In any county imposing a motor vehicle excise tax surcharge pursuant to RCW 81.100.060, the maximum tax rate under this section shall be reduced to a rate equal to eighty one-hundredths of one percent on the value less the equivalent motor vehicle excise tax rate of the surcharge imposed pursuant to RCW 81.100.060. (~~This authority may be exercised only if all local agencies which are parties to an interlocal agreement or members of a regional authority under RCW 81.104.040 are imposing the tax at the same rate.~~) This rate shall not apply to vehicles licensed under RCW 46.16.070 except vehicles with an unladen weight of six thousand pounds or less, RCW 46.16.079, 46.16.080, 46.16.085, or 46.16.090.

Sec. 13. RCW 82.80.020 and 1990 c 42 s 206 are each amended to read as follows:

(1) The legislative authority of a county may fix and impose an additional fee, not to exceed fifteen dollars per vehicle, for each vehicle that is subject to license fees under RCW 46.16.060 and is determined by the department of licensing to be registered within the boundaries of the county.

(2) The department of licensing shall administer and collect the fee. The department shall deduct a percentage amount, as provided by contract, not to exceed two percent of the taxes collected, for administration and collection expenses incurred by it. The remaining proceeds shall be remitted to the custody of the state treasurer for monthly distribution under RCW 82.80.080.

(3) The proceeds of this fee shall be used strictly for transportation purposes in accordance with RCW 82.80.070.

(4) A county imposing this fee shall delay the effective date at least six months from the date the ordinance is enacted to allow the department of licensing to implement administration and collection of the fee.

(5) The legislative authority of a county may develop and initiate a refund process of the fifteen dollar fee to the registered owners of vehicles residing within the boundaries of the county who are sixty-one years old or older at the time of payment of the fee and whose household income for the previous calendar year is eighteen thousand dollars or less or who has a physical disability and who has paid the fifteen dollar additional fee.

NEW SECTION. Sec. 14. The legislature recognizes that certain communities have important cultural, economic, or transportation linkages

to communities in other counties. Many public services can most efficiently be delivered from public agencies located in counties other than the county within which the community is located. It is the intent of the legislature by enacting sections 15 through 17 of this act to further more effective public transportation linkages between communities, regardless of county association, in order to better serve state citizen needs.

Sec. 15. RCW 36.57A.040 and 1983 c 65 s 2 are each amended to read as follows:

At the time of its formation no public transportation benefit area may include only a part of any city, and every city shall be either wholly included or wholly excluded from the boundaries of such area. Notwithstanding any other provision of law, if subsequent to the formation of a public transportation benefit area additional area became or will become a part of a component city by annexation, merger, or otherwise, the additional area shall be included within the boundaries of the transportation benefit area and be subject to all taxes and other liabilities and obligations of the public transportation benefit area. The component city shall be required to notify the public transportation benefit area at the time the city has added the additional area. Furthermore, notwithstanding any other provisions of law, if a city that is not a component city of the public transportation benefit area adds area to its boundaries that is within the boundaries of the public transportation benefit area, the area so added shall be deemed to be excluded from the public transportation benefit area: **PROVIDED**, That the public transportation benefit area shall be given notice of the city's intention to add such area.

The boundaries of any public transportation benefit area shall follow school district lines or election precinct lines, as far as practicable. Only such areas shall be included which the conference determines could reasonably benefit from the provision of public transportation services. Except as provided in RCW 36.57A.140(2), only one public transportation benefit area may be created in any county.

Sec. 16. RCW 36.57A.055 and 1983 c 65 s 4 are each amended to read as follows:

After a public transportation benefit area has been in existence for four years, members of the county legislative authority and the elected representative of each city within the boundaries of the public transportation benefit area shall review the composition of the governing body of the benefit area and change the composition of the governing body if the change is deemed appropriate. The review shall be at a meeting of the designated representatives of the component county and cities, and the majority of those present shall constitute a quorum at such meeting. Twenty days notice of the meeting shall be given by the chief administrative officer of the public transportation benefit area authority. After the initial review, a review shall be held every four years.

If an area having a population greater than fifteen percent, or areas with a combined population of greater than twenty-five percent of the population of the existing public transportation benefit area as constituted at the last review meeting, annex to the public transportation benefit area, or if an area is added under RCW 36.57A.140(2), the representatives of the component county and cities shall meet within ninety days to review and change the composition of the governing body, if the change is deemed appropriate. This meeting is in addition to the regular four-year review meeting and shall be conducted pursuant to the same notice requirement and quorum provisions of the regular review.

Sec. 17. RCW 36.57A.140 and 1983 c 65 s 5 are each amended to read as follows:

(1) An election to authorize the annexation of territory contiguous to a public transportation benefit area may be called within the area to be annexed pursuant to resolution or petition in the following manner:

(a) By resolution of a public transportation benefit area authority when it determines that the best interests and general welfare of the public transportation benefit area would be served. The authority shall consider the question of areas to be annexed to the public transportation benefit area at least once every two years.

(b) By petition calling for such an election signed by at least four percent of the qualified voters residing within the area to be annexed and filed with the auditor of the county wherein the largest portion of the public transportation benefit area is located, and notice thereof shall be given to the authority. Upon receipt of such a petition, the auditor shall examine it and certify to the sufficiency of the signatures thereon.

(c) By resolution of a public transportation benefit area authority upon request of any city for annexation thereto.

(2) If the area proposed to be annexed is located within another county, the petition or resolution for annexation as set forth in subsection (1) of this section must be approved by the legislative authority of the county if the area is unincorporated or by the legislative authority of the city or town if the area is incorporated. Any annexation under this subsection must involve contiguous areas.

(3) The resolution or petition shall describe the boundaries of the area to be annexed. It shall require that there also be submitted to the electorate of the territory sought to be annexed a proposition authorizing the inclusion of the area within the public transportation benefit area and authorizing the imposition of such taxes authorized by law to be collected by the authority.

Passed the House March 19, 1991.

Passed the Senate April 18, 1991.

Approved by the Governor May 21, 1991.

Filed in Office of Secretary of State May 21, 1991.

CHAPTER 319

[Second Substitute Senate Bill 5591]

SOLID WASTE REDUCTION THROUGH RECYCLING

Effective Date: 5/21/91

AN ACT Relating to the reduction of solid waste through recycling; amending RCW 70.93.020, 70.93.030, 70.95C.120, 43.31.545, 70.95C.020, 70.95C.200, 70.95.040, and 46.61.560; adding a new section to chapter 70.93 RCW; adding a new section to chapter 70.94 RCW; adding a new section to chapter 70.105 RCW; adding new sections to chapter 70.95 RCW; adding new sections to chapter 81.77 RCW; adding a new section to chapter 35.21 RCW; adding a new section to chapter 35A.21 RCW; adding new chapters to Title 70 RCW; creating new sections; recodifying RCW 19.114.040; repealing RCW 43.31.552, 43.31.554, 43.31.556, 19.114.010, 19.114.020, 19.114.030, and 19.114.900; prescribing penalties; and declaring an emergency.

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

PART I
PACKAGING

Sec. 101. RCW 70.93.020 and 1979 c 94 s 2 are each amended to read as follows:

The purpose of this chapter is to accomplish litter control and stimulate private recycling programs throughout this state by delegating to the department of ecology the authority to:

- (1) Conduct a permanent and continuous program to control and remove litter from this state to the maximum practical extent possible;
- (2) Recover and recycle waste materials related to litter and littering;
- (3) Foster private recycling and markets for recyclable materials; and
- (4) Increase public awareness of the need for recycling and litter control.

It is further the intent and purpose of this chapter to create jobs for employment of youth in litter cleanup and related activities and to stimulate and encourage small, private recycling centers. This program shall include the compatible goal of recovery of recyclable materials to conserve energy and natural resources wherever practicable. Every other department of state government and all local governmental units and agencies of this state shall cooperate with the department of ecology in the administration and enforcement of this chapter. The intent of this chapter is to add to and to coordinate existing recycling and litter control and removal efforts and not terminate or supplant such efforts.

Sec. 102. RCW 70.93.030 and 1979 c 94 s 3 are each amended to read as follows:

As used in this chapter unless the context indicates otherwise:

- (1) "Department" means the department of ecology;
- (2) "Director" means the director of the department of ecology;

(3) "Disposable package or container" means all packages or containers defined as such by rules and regulations adopted by the department of ecology;

(4) "Litter" means all waste material including but not limited to disposable packages or containers thrown or deposited as herein prohibited but not including the wastes of the primary processes of mining, logging, saw-milling, farming, or manufacturing;

(5) "Litter bag" means a bag, sack, or other container made of any material which is large enough to serve as a receptacle for litter inside the vehicle or watercraft of any person. It is not necessarily limited to the state approved litter bag but must be similar in size and capacity;

(6) "Litter receptacle" means those containers adopted by the department of ecology and which may be standardized as to size, shape, capacity, and color and which shall bear the state anti-litter symbol, as well as any other receptacles suitable for the depositing of litter;

(7) "Person" means any political subdivision, government agency, municipality, industry, public or private corporation, copartnership, association, firm, individual, or other entity whatsoever;

(8) "Recycling" means ~~((the process of separating, cleansing, treating, and reconstituting used or discarded litter-related materials for the purpose of recovering and reusing the resources contained therein))~~ transforming or remanufacturing waste materials into a finished product for use other than landfill disposal or incineration;

(9) "Recycling center" means a central collection point for recyclable materials;

(10) "Vehicle" includes every device capable of being moved upon a public highway and in, upon, or by which any persons or property is or may be transported or drawn upon a public highway, excepting devices moved by human or animal power or used exclusively upon stationary rails or tracks;

(11) "Watercraft" means any boat, ship, vessel, barge, or other floating craft;

(12) "Public place" means any area that is used or held out for use by the public whether owned or operated by public or private interests.

NEW SECTION. Sec. 103. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Container," unless otherwise specified, refers to "rigid plastic container" or "plastic bottle" as those terms are defined in this section.

(2) "Distributors" means those persons engaged in the distribution of packaged goods for sale in the state of Washington, including manufacturers, wholesalers, and retailers.

(3) "Label" means a molded, imprinted, or raised symbol on or near the bottom of a plastic container or bottle.

(4) "Person" means an individual, sole proprietor, partnership, association, or other legal entity.

(5) "Plastic" means a material made of polymeric organic compounds and additives that can be shaped by flow.

(6) "Plastic bottle" means a plastic container intended for single use that has a neck that is smaller than the body of the container, accepts a screw-type, snap cap, or other closure and has a capacity of sixteen fluid ounces or more, but less than five gallons.

(7) "Rigid plastic container" means a formed or molded container, other than a bottle, intended for single use, composed predominantly of plastic resin, and having a relatively inflexible finite shape or form with a capacity of eight ounces or more but less than five gallons.

NEW SECTION. Sec. 104. (1) The provisions of this section and any rules adopted under this section shall be interpreted to conform with nation-wide plastics industry standards.

(2) Except as provided in section 105(2) of this act, after January 1, 1992, no person may distribute, sell, or offer for sale in this state a plastic bottle or rigid plastic container unless the container is labeled with a code identifying the appropriate resin type used to produce the structure of the container. The code shall consist of a number placed within three triangulated arrows and letters placed below the triangle of arrows. The triangulated arrows shall be equilateral, formed by three arrows with the apex of each point of the triangle at the midpoint of each arrow, rounded with a short radius. The pointer (arrowhead) of each arrow shall be at the midpoint of each side of the triangle with a short gap separating the pointer from the base of the adjacent arrow. The triangle, formed by the three arrows curved at their midpoints shall depict a clockwise path around the code number. The numbers and letters used shall be as follows:

- (a) 1. = PETE (polyethylene terephthalate)
- (b) 2. = HDPE (high density polyethylene)
- (c) 3. = V (vinyl)
- (d) 4. = LDPE (low density polyethylene)
- (e) 5. = PP (polypropylene)
- (f) 6. = PS (polystyrene)
- (g) 7. = OTHER

NEW SECTION. Sec. 105. (1) A person who, after written notice from the department, violates section 104 of this act is subject to a civil penalty of fifty dollars for each violation up to a maximum of five hundred dollars and may be enjoined from continuing violations. Each distribution constitutes a separate offense.

(2) Retailers and distributors shall have two years from the effective date of this section to clear current inventory, delivered or received and held in their possession as of the effective date of this section.

NEW SECTION. Sec. 106. The legislature finds and declares that:

(1) The management of solid waste can pose a wide range of hazards to public health and safety and to the environment;

(2) Packaging comprises a significant percentage of the overall solid waste stream;

(3) The presence of heavy metals in packaging is a part of the total concern in light of their likely presence in emissions or ash when packaging is incinerated, or in leachate when packaging is landfilled;

(4) Lead, mercury, cadmium, and hexavalent chromium, on the basis of available scientific and medical evidence, are of particular concern;

(5) The intent of this chapter is to achieve a reduction in toxicity without impeding or discouraging the expanded use of postconsumer materials in the production of packaging and its components.

NEW SECTION. Sec. 107. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Package" means a container providing a means of marketing, protecting, or handling a product and shall include a unit package, an intermediate package, and a shipping container. "Package" also means and includes unsealed receptacles such as carrying cases, crates, cups, pails, rigid foil and other trays, wrappers and wrapping films, bags, and tubs.

(2) "Manufacturer" means a person, firm, or corporation that applies a package to a product for distribution or sale.

(3) "Packaging component" means an individual assembled part of a package such as, but not limited to, any interior or exterior blocking, bracing, cushioning, weatherproofing, exterior strapping, coatings, closures, inks, and labels.

NEW SECTION. Sec. 108. The sum of the concentration levels of lead, cadmium, mercury, and hexavalent chromium present in any product, package, or packaging component shall not exceed the following:

(1) Six hundred parts per million by weight effective July 1, 1993;

(2) Two hundred fifty parts per million by weight effective July 1, 1994; and

(3) One hundred parts per million by weight effective July 1, 1995 after the effective date of this section.

This section shall apply only to lead, cadmium, mercury, and hexavalent chromium that has been intentionally introduced as an element during manufacturing or distribution.

NEW SECTION. Sec. 109. All packages and packaging components shall be subject to this chapter except the following:

(1) Those packages or package components with a code indicating date of manufacture that were manufactured prior to the effective date of this section;

(2) Those packages or packaging components that have been purchased by, delivered to, or are possessed by a retailer on or before twenty-four

months following the effective date of this section to permit opportunity to clear existing inventory of the proscribed packaging material;

(3) Those packages or packaging components to which lead, cadmium, mercury, or hexavalent chromium have been added in the manufacturing, forming, printing, or distribution process in order to comply with health or safety requirements of federal law or for which there is no feasible alternative; or

(4) Those packages and packaging components that would not exceed the maximum contaminant levels set forth in section 108(1) of this act but for the addition of postconsumer materials; and provided that the exemption for this subsection shall expire six years after the effective date of this section.

NEW SECTION. Sec. 110. By July 1, 1993, a certificate of compliance stating that a package or packaging component is in compliance with the requirements of this chapter shall be developed by its manufacturer. If compliance is achieved under the exemption or exemptions provided in section 109 (3) or (4) of this act, the certificate shall state the specific basis upon which the exemption is claimed. The certificate of compliance shall be signed by an authorized official of the manufacturing company. The certificate of compliance shall be kept on file by the manufacturer for as long as the package or packaging component is in use, and for three years from the date of the last sale or distribution by the manufacturer. Certificates of compliance, or copies thereof, shall be furnished to the department of ecology upon request within sixty days. If manufacturers are required under any other state statute to provide a certificate of compliance, one certificate may be developed containing all required information.

If the manufacturer or supplier of the package or packaging component reformulates or creates a new package or packaging component, the manufacturer shall develop an amended or new certificate of compliance for the reformulated or new package or packaging component.

NEW SECTION. Sec. 111. Requests from a member of the public for any certificate of compliance shall be:

- (1) Made in writing to the department of ecology;
- (2) Made specific as to package or packaging component information requested; and
- (3) Responded to by the department of ecology within ninety days.

NEW SECTION. Sec. 112. The department of ecology may prohibit the sale of any package for which a manufacturer has failed to respond to a request by the department for a certificate of compliance within the allotted period of time pursuant to section 110 of this act.

NEW SECTION. Sec. 113. By July 1, 1993, the solid waste advisory committee created under chapter 70.95 RCW shall report to the appropriate standing committees of the legislature on the need to further reduce

toxic metals from packaging. The report shall contain recommendations to add other toxic substances contained in packaging to the list set forth in this chapter, including but not limited to mutagens, carcinogens, and teratogens, in order to further reduce the toxicity of packaging waste, and shall contain a recommendation regarding imposition of penalty for violation of section 108 of this act.

Sec. 114. RCW 70.95C.120 and 1989 c 431 s 54 are each amended to read as follows:

The office of waste reduction shall develop, in consultation with the superintendent of public instruction, an awards program to achieve waste reduction and recycling in the public schools, grades kindergarten through high school. The office shall develop guidelines for program development and implementation. Each public school shall implement a waste reduction and recycling program conforming to guidelines developed by the office.

For the purpose of granting awards, the office may group schools into not more than three classes, based upon student population, distance to markets for recyclable materials, and other criteria, as deemed appropriate by the office. Except as otherwise provided, five or more awards shall be granted to each of the three classes. Each award shall be a sum of not less than two thousand dollars nor more than five thousand dollars. Awards shall be granted each year to the schools that achieve the greatest levels of waste reduction and recycling. ((Each)) A single award ((shall be of a sum)) of not less than ((ten)) five thousand dollars shall be presented to the school having the best recycling program as measured by the total amount of materials recycled, including materials generated outside of the school. A single award of not less than five thousand dollars shall be presented to the school having the best waste reduction program as determined by the office. ((The office shall also develop recommendations for an awards program for waste reduction in the public schools. The office shall submit these recommendations to the appropriate standing committees in the house of representatives and senate on or before November 30, 1989.))

The superintendent of public instruction shall distribute guidelines and other materials developed by the office to implement programs to reduce and recycle waste generated in administrative offices, classrooms, laboratories, cafeterias, and maintenance operations.

NEW SECTION. Sec. 115. There is established the task force on recycling funding. The task force shall consist of fourteen members as follows: (1) Two members of the house committee on environmental affairs appointed by the chair of that committee with one member from each of the two caucuses; (2) two members of the senate committee on environment and natural resources appointed by the chair of that committee with one member from each of the two caucuses; (3) seven members representing manufacturers, wholesalers, retailers, cities, counties, solid waste collection companies, and an environmental organization appointed jointly by the

chairs of the house committee on environmental affairs and the senate committee on environment and natural resources; and (4) three members representing the departments of ecology, trade and economic development, and revenue appointed by their respective directors. The agency representatives shall be nonvoting except for the election of the chair, which shall be made by a simple majority vote of all members.

The task force shall study long-term funding mechanisms and develop specific funding recommendations for the clean Washington center. The task force shall report its findings and recommended legislation to fund the clean Washington center to the appropriate standing committees of the legislature no later than December 1, 1991. The task force shall also study and make recommendations on long-term funding for integrated systems to reduce, collect, recycle, and dispose of materials.

This section shall expire January 1, 1993.

NEW SECTION. Sec. 116. Sections 103 through 105 of this act and sections 106 through 113 shall each constitute a new chapter in Title 70 RCW.

PART II CLEAN WASHINGTON CENTER

NEW SECTION. Sec. 201. (1) The legislature finds that:

(a) Recycling conserves energy and landfill space, provides jobs and valuable feedstock materials to industry, and promotes health and environmental protection;

(b) Seventy-eight percent of the citizens of the state actively participate in recycling programs and Washington currently has the highest recycling rate in the nation;

(c) The current supply of many recycled commodities far exceeds the demand for such commodities;

(d) Many local governments and private entities cumulatively affect, and are affected by, the market for recycled commodities but have limited jurisdiction and cannot adequately address the problems of market development that are complex, wide-ranging, and regional in nature; and

(e) The private sector has the greatest capacity for creating and expanding markets for recycled commodities, and the development of private markets for recycled commodities is in the public interest.

(2) It is therefore the policy of the state to create a single entity to be known as the clean Washington center to develop new, and expand existing, markets for recycled commodities.

NEW SECTION. Sec. 202. There is created the clean Washington center within the department of trade and economic development. As used in this chapter, "center" means the clean Washington center.

NEW SECTION. Sec. 203. The purpose of the center is to provide or facilitate business assistance, basic and applied research and development,

marketing, public education, and policy analysis in furthering the development of markets for recycled products. As used in this chapter, market development consists of public and private activities that are used to overcome impediments preventing full use of secondary materials diverted from the waste stream, and that encourage and expand use of those materials and subsequent products. In fulfilling this mission the center shall primarily direct its services to businesses that transform or remanufacture waste materials into usable or marketable materials or products for use other than landfill disposal or incineration.

NEW SECTION. Sec. 204. (1) The center's activities shall be conducted with the assistance of a policy board. Except as otherwise provided, policy board members shall be appointed by the directors of the department of trade and economic development and department of ecology as follows:

(a) Two representatives of the legislature, one appointed by the speaker of the house of representatives and one appointed by the president of the senate;

(b) One member to represent cities;

(c) One member to represent counties;

(d) Five private sector members to represent the end users and marketers of postconsumer recovered materials, including one member to represent recycling businesses;

(e) The directors of the departments of trade and economic development and ecology shall represent the executive branch as nonvoting members; and

(f) Nonvoting, temporary appointments to the board can be made by the chair where specific expertise is needed.

(2) The initial appointments of the five private sector members will be two members with three-year terms and three members with two-year terms. Thereafter, members shall serve two-year renewable terms. Vacancies shall be filled by the chair with majority consent from the members.

(3) Members of the board, exclusive of those representing the legislative or executive branches, shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

(4) The board shall meet at least quarterly.

(5) The chair shall be elected from among the members by a simple majority vote.

(6) The board may adopt and exercise bylaws for the regulation of its business for the purposes of this chapter.

NEW SECTION. Sec. 205. The center shall:

(1) Provide targeted business assistance to recycling businesses, including:

(a) Development of business plans;

(b) Market research and planning information;

(c) Access to financing programs;

- (d) Referral and information on market conditions; and
- (e) Information on new technology and product development;
- (2) Negotiate voluntary agreements with manufacturers to increase the use of recycled materials in product development;
- (3) Support and provide research and development to stimulate and commercialize new and existing technologies and products using recycled materials;
- (4) Undertake an integrated, comprehensive education effort directed to recycling businesses to promote processing, manufacturing, and purchase of recycled products, including:
 - (a) Provide information to recycling businesses on the availability and benefits of using recycled materials;
 - (b) Provide information and referral services on recycled material markets;
 - (c) Provide information on new research and technologies that may be used by local businesses and governments; and
 - (d) Participate in projects to demonstrate new market uses or applications for recycled products;
- (5) Assist the departments of ecology and general administration in the development of consistent definitions and standards on recycled content, product performance, and availability;
- (6) Undertake studies on the unmet capital needs of reprocessing and manufacturing firms using recycled materials;
- (7) Undertake and participating in marketing promotions for the purposes of achieving expanded market penetration for recycled content products;
- (8) Coordinate with the department of ecology to ensure that the education programs of both are mutually reinforcing, with the center acting as the lead entity with respect to recycling businesses, and the department as the lead entity with respect to the general public and retailers;
- (9) Develop an annual work plan. The plan shall describe actions and recommendations for developing markets for commodities comprising a significant percentage of the waste stream and having potential for use as an industrial or commercial feedstock. The initial plan shall address, but not be limited to, mixed waste paper, waste tires, yard and food waste, and plastics; and
- (10) Represent the state in regional and national market development issues.

NEW SECTION. Sec. 206. In order to carry out its responsibilities under this chapter, the center may:

- (1) Receive such gifts, grants, funds, fees, and endowments, in trust or otherwise, for the use and benefit of the purposes of the center. The center may expend the same or any income therefrom according to the terms of the gifts, grants, or endowments;

(2) Initiate, conduct, or contract for studies and searches relating to market development for recyclable materials, including but not limited to applied research, technology transfer, and pilot demonstration projects;

(3) Obtain and disseminate information relating to market development for recyclable materials from other state and local agencies;

(4) Enter into, amend, and terminate contracts with individuals, corporations, trade associations, and research institutions for the purposes of this chapter;

(5) Provide grants to local governments or other public institutions to further the development of recycling markets;

(6) Provide business and marketing assistance to public and private sector entities within the state; and

(7) Evaluate, analyze, and make recommendations on state policies that may affect markets for recyclable materials.

NEW SECTION. Sec. 207. The center shall solicit financial contributions and support from manufacturing industries and other private sector sources, foundations, and grants from governmental sources to assist in conducting its activities. It may also use separately appropriated funds of the department of trade and economic development for the center's activities.

****NEW SECTION. Sec. 208. The center may appoint advisory committees to assist in the development or implementation of the work plan.***

**Sec. 208 was vetoed, see message at end of chapter.*

NEW SECTION. Sec. 209. The center shall terminate on June 30, 1997.

Sec. 210. RCW 43.31.545 and 1989 c 431 s 64 are each amended to read as follows:

~~((+))~~ The department is the lead state agency to assist in establishing and improving markets for recyclable materials generated in the state. ~~((This priority on creating and expanding a recyclables market should be fully integrated into the current targeted sector marketing programs of the department. In carrying out these marketing responsibilities, the department shall work closely with the office of waste reduction in the department of ecology.~~

~~(2) The department of trade and economic development, with the assistance of the department of ecology and the committee for recycling markets created by RCW 43.31.552, shall develop programs to accomplish the following:~~

~~(a) Develop new markets inside and outside this state for recycled materials;~~

~~(b) Attract new businesses to this state whose purpose is to use recycled materials;~~

~~(c) Educate businesses and consumers about the high quality of Washington recycled materials;~~

~~(d) Promote business and consumer use of products made from recycled materials;~~

~~(e) Provide technical market assistance to businesses and local governments;~~

~~(f) Cooperate with and secure the cooperation of any department, agency, commission, or instrumentality in state or local government affected by or concerned with market development; and~~

~~(g) Create and maintain a list of recyclers, collectors, and other persons or entities interested in the development of markets for recycling and solicit the opinions of those persons with respect to market development:))~~

NEW SECTION. Sec. 211. Section headings as used in this chapter do not constitute any part of the law.

NEW SECTION. Sec. 212. A new section is added to chapter 70.93 RCW to read as follows:

There is created an account within the state treasury to be known as the clean Washington account. Moneys deposited in the clean Washington account shall be subject to appropriation and shall be used for the administration and implementation of the clean Washington center established under section 204 of this act.

NEW SECTION. Sec. 213. The following acts or parts of acts are each repealed:

(1) RCW 43.31.552 and 1989 c 431 s 100;

(2) RCW 43.31.554 and 1989 c 431 s 101; and

(3) RCW 43.31.556 and 1990 c 127 s 1 & 1989 c 431 s 102.

NEW SECTION. Sec. 214. Sections 201 through 208 of this act shall constitute a new chapter in Title 70 RCW.

PART III USED OIL RECYCLING

NEW SECTION. Sec. 301. INTENT. (1) The legislature finds that:

(a) Millions of gallons of used oil are generated each year in this state, and used oil is a valuable petroleum resource that can be recycled;

(b) The improper collection, transportation, recycling, use, or disposal of used oil contributes to the pollution of air, water, and land, and endangers public health and welfare;

(c) The private sector is a vital resource in the collection and recycling of used oil and should be involved in its collection and recycling whenever practicable.

(2) In light of the harmful consequences of improper disposal and use of used oil, and its value as a resource, the legislature declares that the collection, recycling, and reuse of used oil is in the public interest.

(3) The department, when appropriate, should promote the rerefining of used oil in its grants, public education, regulatory, and other programs.

NEW SECTION. Sec. 302. DEFINITIONS. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Rerefining used oil" means the reclaiming of base lube stock from used oil for use again in the production of lube stock. Rerefining used oil does not mean combustion or landfilling.

(2) "Used oil" means (a) lubricating fluids that have been removed from an engine crankcase, transmission, gearbox, hydraulic device, or differential of an automobile, bus, truck, vessel, plane, heavy equipment, or machinery powered by an internal combustion engine; (b) any oil that has been refined from crude oil, used, and as a result of use, has been contaminated with physical or chemical impurities; and (c) any oil that has been refined from crude oil and, as a consequence of extended storage, spillage, or contamination, is no longer useful to the original purchaser. "Used oil" does not include used oil to which hazardous wastes have been added.

(3) "Public used oil collection site" means a site where a used oil collection tank has been placed for the purpose of collecting household generated used oil. "Public used oil collection site" also means a vehicle designed or operated to collect used oil from the public.

(4) "Lubricating oil" means any oil designed for use in, or maintenance of, a vehicle, including, but not limited to, motor oil, gear oil, and hydraulic oil. "Lubricating oil" does not mean petroleum hydrocarbons with a flash point below one hundred degrees Centigrade.

(5) "Vehicle" includes every device physically capable of being moved upon a public or private highway, road, street, watercourse, or trail, and in, upon, or by which any person or property is or may be transported or drawn upon a public or private highway, road, street, watercourse, or trail, except devices moved by human or animal power.

(6) "Department" means the department of ecology.

(7) "Local government" means a city or county developing a local hazardous waste plan under RCW 70.105.220.

NEW SECTION. Sec. 303. PUBLIC USED OIL COLLECTION. (1) Each local government and its local hazardous waste plan under RCW 70.105.220 is required to include a used oil recycling element. This element shall include:

(a) A plan to reach the local goals for household used oil recycling established by the local government and the department under section 304 of this act. The plan shall, to the maximum extent possible, incorporate voluntary agreements with the private sector and state agencies to provide sites for the collection of used oil. Where provided, the plan shall also incorporate residential collection of used oil;

(b) A plan for enforcing the sign and container ordinances required by section 305 of this act;

(c) A plan for public education on used oil recycling; and

(d) An estimate of funding needed to implement the requirements of this chapter. This estimate shall include a budget reserve for disposal of contaminated oil detected at any public used oil collection site administered by the local government.

(2) By July 1, 1993, each local government or combination of contiguous local governments shall submit its used oil recycling element to the department. The department shall approve or disapprove the used oil recycling element by January 1, 1994, or within ninety days of submission, whichever is later. The department shall approve or disapprove the used oil recycling element if it determines that the element is consistent with this chapter and the guidelines developed by the department under section 304 of this act.

(3) Each local government, or combination of contiguous local governments, shall submit an annual statement to the department describing the number of used oil collection sites and the quantity of household used oil recycled for the jurisdiction during the previous calendar year. The first statement shall be due April 1, 1994. Subsequent statements shall be due April 1st of each year.

Nothing in this section shall be construed to require a city or county to construct or operate a public used oil collection site.

NEW SECTION. Sec. 304. RECYCLING GOALS. (1) By July 1, 1992, the department shall, in consultation with local governments, prepare guidelines for the used oil recycling elements required by section 303 of this act. The guidelines shall:

(a) Require development of local collection and rerefining goals for household used oil for each entity preparing a used oil recycling element under section 303 of this act;

(b) Require local government to recommend the number of used oil collection sites needed to meet the local goals. The department shall establish criteria regarding minimum levels of used oil collection sites;

(c) Require local government to identify locations suitable as public used oil collection sites as described under section 303(1)(a) of this act.

(2) The department may waive all or part of the specific requirements of section 303 of this act if a local government demonstrates to the satisfaction of the department that the objectives of this chapter have been met.

(3) The department may prepare and implement a used oil recycling plan for any local government failing to complete the used oil recycling element of the plan.

(4) The department shall develop state-wide collection and rerefining goals for household used oil for each calendar year beginning with calendar year 1994. Goals shall be based on the estimated state-wide collection and

refining rate for calendar year 1993, and shall increase each year until calendar year 1996, when the rate shall be eighty percent.

(5) By July 1, 1993, the department shall prepare guidelines establishing state-wide equipment and operating standards for public used oil collection sites. Standards shall:

(a) Allow the use of used oil collection igloos and other types of portable used oil collection tanks;

(b) Prohibit the disposal of nonhousehold-generated used oil;

(c) Limit the amount of used oil deposited to five gallons per household per day;

(d) Ensure adequate protection against leaks and spills; and

(e) Include other requirements deemed appropriate by the department.

NEW SECTION. Sec. 305. SIGNS AND CONTAINERS. (1) A person annually selling one thousand or more gallons of lubricating oil to ultimate consumers for use or installation off the premises, or five hundred or more vehicle oil filters to ultimate consumers for use or installation off the premises within a city or county having an approved used oil recycling element, shall:

(a) Post and maintain at or near the point of sale, durable and legible signs informing the public of the importance of used oil recycling and how and where used oil may be properly recycled; and

(b) Provide for sale at or near the display location of the lubricating oil or vehicle oil filters, household used oil recycling containers. The department shall design and print the signs required by this section, and shall make them available to local governments and retail outlets.

(2) A person, who, after notice, violates this section is guilty of a misdemeanor and on conviction is subject to a fine not to exceed one thousand dollars.

(3) The department is responsible for notifying retailers subject to this section.

(4) A city or county may adopt household used oil recycling container standards in order to ensure compatibility with local recycling programs.

(5) Each local government preparing a used oil recycling element of a local hazardous waste plan pursuant to section 303 of this act shall adopt ordinances within its jurisdiction to enforce subsections (1) and (4) of this section.

NEW SECTION. Sec. 306. STATE-WIDE EDUCATION. The department shall conduct a public education program to inform the public of the needs for and benefits of collecting and recycling used oil in order to conserve resources and protect the environment. As part of this program, the department shall:

(1) Establish and maintain a state-wide list of public used oil collection sites, and a list of all persons coordinating local government used oil programs;

(2) Establish a state-wide media campaign describing used oil recycling;

(3) Assist local governments in providing public education and awareness programs concerning used oil by providing technical assistance and education materials; and

(4) Encourage the establishment of voluntary used oil collection and recycling programs, including public-private partnerships, and provide technical assistance to persons organizing such programs.

NEW SECTION. Sec. 307. **DISPOSAL OF USED OIL.** (1) Effective January 1, 1992, the use of used oil for dust suppression or weed abatement is prohibited.

(2) Effective July 1, 1992, no person may sell or distribute absorbent-based kits, intended for home use, as a means for collecting, recycling, or disposing of used oil.

(3) Effective January 1, 1994, no person may knowingly dispose of used oil except by delivery to a person collecting used oil for recycling, treatment, or disposal, subject to the provisions of this chapter and chapter 70.105 RCW.

(4) Effective January 1, 1994, no owner or operator of a solid waste landfill may knowingly accept used oil for disposal in the landfill.

(5) A person who violates this section is guilty of a misdemeanor.

NEW SECTION. Sec. 308. **USED OIL TRANSPORTER AND PROCESSOR REQUIREMENTS.** (1) By January 1, 1993, the department shall adopt rules requiring any transporter of used oil to comply with minimum notification, invoicing, recordkeeping, and reporting requirements. For the purpose of this section, a transporter means a person engaged in the off-site transportation of used oil in quantities greater than twenty-five gallons per day.

(2) By January 1, 1993, the department shall adopt minimum standards for used oil that is blended into fuels. Standards shall, at a minimum, establish testing and recordkeeping requirements. Unless otherwise exempted, a processor is any person involved in the marketing, blending, mixing, or processing of used oil to produce fuel to be burned for energy recovery.

(3) Any person who knowingly transports used oil without meeting the requirements of this section shall be subject to civil penalties under chapter 70.105 RCW.

(4) Rules developed under this section shall not require a manifest from individual residences served by a waste oil curbside collection program.

NEW SECTION. Sec. 309. **CAPTIONS NOT LAW.** Section headings as used in this chapter do not constitute any part of the law.

NEW SECTION. Sec. 310. **SHORT TITLE.** This chapter shall be known and may be cited as the used oil recycling act.

NEW SECTION. Sec. 311. A new section is added to chapter 70.94 RCW to read as follows:

MARKET DEVELOPMENT—BURNING USED OIL FUEL IN LAND-BASED FACILITIES. (1) Except as provided in subsection (2) of this section, a person may not burn used oil as fuel in a land-based facility or in state waters unless the used oil meets the following standards:

- (a) Cadmium: 2 ppm maximum
- (b) Chromium: 10 ppm maximum
- (c) Lead: 100 ppm maximum
- (d) Arsenic: 5 ppm maximum
- (e) Total halogens: 1000 ppm maximum
- (f) Polychlorinated biphenyls: 2 ppm maximum
- (g) Ash: .1 percent maximum
- (h) Sulfur: 1.0 percent maximum
- (i) Flash point: 100 degrees Fahrenheit minimum.

(2) This section shall not apply to: (a) Used oil burned in space heaters if the space heater has a maximum heat output of not greater than 0.5 million btu's per hour or used oil burned in facilities permitted by the department or a local air pollution control authority; or (b) ocean-going vessels.

(3) This section shall not apply to persons in the business of collecting used oil from residences when under authorization by a city, county, or the utilities and transportation commission.

NEW SECTION. Sec. 312. A new section is added to chapter 70.105 RCW to read as follows:

Local governments and combinations of local governments shall amend their local hazardous waste plans required under RCW 70.105.220 to comply with section 303 of this act.

Sec. 313. RCW 70.95C.020 and 1990 c 114 s 2 are each amended to read as follows:

As used in this chapter, the following terms have the meanings indicated unless the context clearly requires otherwise.

- (1) "Department" means the department of ecology.
- (2) "Director" means the director of the department of ecology or the director's designee.
- (3) "Dangerous waste" shall have the same definition as set forth in RCW 70.105.010(5) and shall specifically include those wastes designated as dangerous by rules adopted pursuant to chapter 70.105 RCW.

(4) "EPA/state identification number" means the number assigned by the EPA (environmental protection agency) or by the department of ecology to each generator and/or transporter and treatment, storage, and/or disposal facility.

(5) "Extremely hazardous waste" shall have the same definition as set forth in RCW 70.105.010(6) and shall specifically include those wastes

designated as extremely hazardous by rules adopted pursuant to chapter 70.105 RCW.

(6) "Fee" means the annual hazardous waste fees imposed under RCW 70.95E.020 and 70.95E.030.

(7) "Generate" means any act or process which produces hazardous waste or first causes a hazardous waste to become subject to regulation.

(8) "Hazardous substance" means any hazardous substance listed as a hazardous substance as of March 21, 1990, pursuant to section 313 of Title III of the Superfund Amendments and Reauthorization Act, any other substance determined by the director by rule to present a threat to human health or the environment, and all ozone depleting compounds as defined by the Montreal Protocol of October 1987.

(9)(a) "Hazardous substance use reduction" means the reduction, avoidance, or elimination of the use or production of hazardous substances without creating substantial new risks to human health or the environment.

(b) "Hazardous substance use reduction" includes proportionate changes in the usage of hazardous substances as the usage of a hazardous substance or hazardous substances changes as a result of production changes or other business changes.

(10) "Hazardous substance user" means any facility required to report under section 313 of Title III of the Superfund Amendments and Reauthorization Act, except for those facilities which only distribute or use fertilizers or pesticides intended for commercial agricultural applications.

(11) "Hazardous waste" means and includes all dangerous and extremely hazardous wastes, but does not include radioactive wastes or a substance composed of both radioactive and hazardous components and does not include any hazardous waste generated as a result of a remedial action under state or federal law.

(12) "Hazardous waste generator" means any person generating hazardous waste regulated by the department.

(13) "Office" means the office of waste reduction.

(14) "Plan" means the plan provided for in RCW 70.95C.200.

(15) "Person" means an individual, trust, firm, joint stock company, partnership, association, state, public or private or municipal corporation, commission, political subdivision of a state, interstate body, the federal government, including any agency or officer thereof, and any Indian tribe or authorized tribal organization.

(16) "Process" means all industrial, commercial, production, and other processes that result in the generation of waste.

(17) "Recycled for beneficial use" means the use of hazardous waste, either before or after reclamation, as a substitute for a commercial product or raw material, but does not include: (a) Use constituting disposal; (b) incineration; or (c) use as a fuel.

(18) "Recycling" means reusing waste materials and extracting valuable materials from a waste stream. Recycling does not include burning for energy recovery.

(19) "Treatment" means the physical, chemical, or biological processing of waste to render it completely innocuous, produce a recyclable by-product, reduce toxicity, or substantially reduce the volume of material requiring disposal as described in the priorities established in RCW 70.105-.150. Treatment does not include incineration.

(20) "Used oil" means (a) lubricating fluids that have been removed from an engine crankcase, transmission, gearbox, hydraulic device, or differential of an automobile, bus, truck, vessel, plane, heavy equipment, or machinery powered by an internal combustion engine; (b) any oil that has been refined from crude oil, used, and as a result of use, has been contaminated with physical or chemical impurities; and (c) any oil that has been refined from crude oil and, as a consequence of extended storage, spillage, or contamination, is no longer useful to the original purchaser. "Used oil" does not include used oil to which hazardous wastes have been added.

(21) "Waste" means any solid waste as defined under RCW 70.95.030, any hazardous waste, any air contaminant as defined under RCW 70.94-.030, and any organic or inorganic matter that shall cause or tend to cause water pollution as defined under RCW 90.48.020.

~~((21))~~ (22) "Waste generator" means any individual, business, government agency, or any other organization that generates waste.

~~((22))~~ (23) "Waste reduction" means all in-plant practices that reduce, avoid, or eliminate the generation of wastes or the toxicity of wastes, prior to generation, without creating substantial new risks to human health or the environment. As used in RCW 70.95C.200 through 70.95C.240, "waste reduction" refers to hazardous waste only.

Sec. 314. RCW 70.95C.200 and 1990 c 114 s 6 are each amended to read as follows:

(1) Each hazardous waste generator who generates more than two thousand six hundred forty pounds of hazardous waste per year and each hazardous substance user, except for those facilities that are primarily permitted treatment, storage, and disposal facilities or recycling facilities, shall prepare a plan for the voluntary reduction of the use of hazardous substances and the generation of hazardous wastes. Hazardous waste generated and recycled for beneficial use, including initial amount of hazardous substances introduced into a process and subsequently recycled for beneficial use, shall not be used in the calculation of hazardous waste generated for purposes of this section. The department may develop reporting requirements, consistent with existing reporting, to establish recycling for beneficial use under this section. Used oil to be rerefined or burned for energy or heat recovery shall not be used in the calculation of hazardous wastes generated for purposes of this section, and is not required to be addressed by plans

prepared under this section. A person with multiple interrelated facilities where the processes in the facilities are substantially similar, may prepare a single plan covering one or more of those facilities.

(2) Each user or generator required to write a plan is encouraged to advise its employees of the planning process and solicit comments or suggestions from its employees on hazardous substance use and waste reduction options.

(3) The department shall adopt by April 1, 1991, rules for preparation of plans. The rules shall require the plan to address the following options, according to the following order of priorities: Hazardous substance use reduction, waste reduction, recycling, and treatment. In the planning process, first consideration shall be given to hazardous substance use reduction and waste reduction options. Consideration shall be given next to recycling options. Recycling options may be considered only after hazardous substance use reduction options and waste reduction options have been thoroughly researched and shown to be inappropriate. Treatment options may be considered only after hazardous substance use reduction, waste reduction, and recycling options have been thoroughly researched and shown to be inappropriate. Documentation of the research shall be available to the department upon request. The rules shall also require the plans to discuss the hazardous substance use reduction, waste reduction, and closed loop recycling options separately from other recycling and treatment options. All plans shall be written in conformance with the format prescribed in the rules adopted under this section. The rules shall require the plans to include, but not be limited to:

(a) A written policy articulating management and corporate support for the plan and a commitment to implementing planned activities and achieving established goals;

(b) The plan scope and objectives;

(c) Analysis of current hazardous substance use and hazardous waste generation, and a description of current hazardous substance use reduction, waste reduction, recycling, and treatment activities;

(d) An identification of further hazardous substance use reduction, waste reduction, recycling, and treatment opportunities, and an analysis of the amount of hazardous substance use reduction and waste reduction that would be achieved, and the costs. The analysis of options shall demonstrate that the priorities provided for in this section have been followed;

(e) A selection of options to be implemented in accordance with the priorities established in this section;

(f) An analysis of impediments to implementing the options. Impediments that shall be considered acceptable include, but are not limited to: Adverse impacts on product quality, legal or contractual obligations, economic practicality, and technical feasibility;

(g) A written policy stating that in implementing the selected options, whenever technically and economically practicable, risks will not be shifted from one part of a process, environmental media, or product to another;

(h) Specific performance goals in each of the following categories, expressed in numeric terms:

(i) Hazardous substances to be reduced or eliminated from use;

(ii) Wastes to be reduced or eliminated through waste reduction techniques;

(iii) Materials or wastes to be recycled; and

(iv) Wastes to be treated;

If the establishment of numeric performance goals is not practicable, the performance goals shall include a clearly stated list of objectives designed to lead to the establishment of numeric goals as soon as is practicable. Goals shall be set for a five-year period from the first reporting date;

(i) A description of how the wastes that are not recycled or treated and the residues from recycling and treatment processes are managed may be included in the plan;

(j) Hazardous substance use and hazardous waste accounting systems that identify hazardous substance use and waste management costs and factor in liability, compliance, and oversight costs;

(k) A financial description of the plan;

(l) Personnel training and employee involvement programs;

(m) A five-year plan implementation schedule;

(n) Documentation of hazardous substance use reduction and waste reduction efforts completed before or in progress at the time of the first reporting date; and

(o) An executive summary of the plan, which shall include, but not be limited to:

(i) The information required by (c), (e), (h), and (n) of this subsection; and

(ii) A summary of the information required by (d) and (f) of this subsection.

(4) Upon completion of a plan, the owner, chief executive officer, or other person with the authority to commit management to the plan shall sign and submit an executive summary of the plan to the department.

(5) Plans shall be completed and executive summaries submitted in accordance with the following schedule:

(a) Hazardous waste generators who generated more than fifty thousand pounds of hazardous waste in calendar year 1991 and hazardous substance users who were required to report in 1991, by September 1, 1992;

(b) Hazardous waste generators who generated between seven thousand and fifty thousand pounds of hazardous waste in calendar year 1992 and hazardous substance users who were required to report for the first time in 1992, by September 1, 1993;

(c) Hazardous waste generators who generated between two thousand six hundred forty and seven thousand pounds of hazardous waste in 1993 and hazardous substance users who were required to report for the first time in 1993, by September 1, 1994;

(d) Hazardous waste generators who have not been required to complete a plan on or prior to September 1, 1994, must complete a plan by September 1 of the year following the first year that they generate more than two thousand six hundred forty pounds of hazardous waste; and

(e) Hazardous substance users who have not been required to complete a plan on or prior to September 1, 1994, must complete a plan by September 1 of the year following the first year that they are required to report under section 313 of Title III of the Superfund Amendments and Reauthorization Act.

(6) Annual progress reports, including a description of the progress made toward achieving the specific performance goals established in the plan, shall be prepared and submitted to the department in accordance with rules developed under this section. Upon the request of two or more users or generators belonging to similar industrial classifications, the department may aggregate data contained in their annual progress reports for the purpose of developing a public record.

(7) Every five years, each plan shall be updated, and a new executive summary shall be submitted to the department.

NEW SECTION. Sec. 315. The following acts or parts of acts are each repealed:

- (1) RCW 19.114.010 and 1983 c 137 s 1;
- (2) RCW 19.114.020 and 1983 c 137 s 2;
- (3) RCW 19.114.030 and 1983 c 137 s 3; and
- (4) RCW 19.114.900 and 1983 c 137 s 5.

NEW SECTION. Sec. 316. RCW 19.114.040 is recodified as a section in chapter 70.— RCW (sections 301 through 310 of this act).

NEW SECTION. Sec. 317. Sections 301 through 310 of this act shall constitute a new chapter in Title 70 RCW.

PART IV MISCELLANEOUS

Sec. 401. RCW 70.95.040 and 1987 c 115 s 1 are each amended to read as follows:

(1) There is created a solid waste advisory committee to provide consultation to the department of ecology concerning matters covered by this chapter. The committee shall advise on the development of programs and regulations for solid and dangerous waste handling, resource recovery, and recycling, and shall supply recommendations concerning methods by which

existing solid and dangerous waste handling, resource recovery, and recycling practices and the laws authorizing them may be supplemented and improved.

(2) The committee shall consist of at least eleven members, including the assistant director for ~~((the division of solid))~~ waste management programs within the department. The director shall appoint ~~((ten))~~ members with due regard to the interests of the public, local government, tribes, agriculture, industry, public health, ((and the refuse removal)) recycling industries, solid waste collection industries, and resource recovery industries. ~~((The director shall include among his ten appointees representatives of activities from which dangerous wastes arise and the Washington state patrol's hazardous materials technical advisory committee.))~~ The term of appointment shall be determined by the director. The committee shall elect its own ~~((chairman))~~ chair and meet at least four times a year, in accordance with such rules of procedure as it shall establish. Members shall receive no compensation for their services but shall be reimbursed their travel expenses while engaged in business of the committee in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended.

(3) The committee shall each year recommend to the governor a recipient for a "governor's award of excellence" which the governor shall award for outstanding achievement by an industry, company, or individual in the area of hazardous waste or solid waste management.

NEW SECTION. Sec. 402. A new section is added to chapter 70.95 RCW to read as follows:

(1) Each local solid waste advisory committee shall conduct one or more meetings for the purpose of determining how local private recycling and solid waste collection businesses may participate in the development and implementation of programs to collect source separated materials from residences, and to process and market materials collected for recycling. The meetings shall include local private recycling businesses, private solid waste collection companies operating within the jurisdiction, and the local solid waste planning agencies. The meetings shall be held during the development of the waste reduction and recycling element or no later than one year prior to the date that a jurisdiction is required [to] submit the element under RCW 70.95.110(2).

(2) The meeting requirement under subsection (1) of this section shall apply whenever a city or county develops or amends the waste reduction and recycling element required under this chapter. Jurisdictions having approved waste reduction and recycling elements or having initiated a process for the selection of a service provider as of the effective date of this act do not have to comply with the requirements of subsection (1) of this section until the next revisions to the waste reduction and recycling element are made or required.

(3) After the waste reduction and recycling element is approved by the local legislative authority but before it is submitted to the department for approval, the local solid waste advisory committee shall hold at least one additional meeting to review the element.

(4) For the purpose of this section, "private recycling business" means any private for-profit or private not-for-profit business that engages in the processing and marketing of recyclable materials.

NEW SECTION. Sec. 403. A new section is added to chapter 81.77 RCW to read as follows:

(1) A solid waste collection company collecting recyclable materials from residences shall utilize one or more private recycling businesses when arranging for the processing and marketing of such materials, if the following conditions are met:

(a) A recycling business is located within the county at the time the collection program commences or at any time that the solid waste collection company changes its existing processor;

(b) A local private recycling business is capable and competent to provide the processing and marketing service; and

(c) A local private recycling business offers to pay a price for the recyclable materials which is equal to or greater than the price offered by out-of-county private recyclers, or proposes a charge for the processing and marketing service which is equal to or less than the charge for the service available from an out-of-county private recycler.

(2) This section shall not apply to:

(a) Cities or towns who exercise their authority under RCW 81.77.130 to provide residential curbside collection of recyclable materials;

(b) A solid waste collection company that is directed by a city, town, or county to utilize a publicly owned recyclable processing facility located within such city, town, or county; or

(c) Counties which exercise their authority under RCW 36.58.040 to contract for the residential curbside collection of source separated recyclables.

This section shall not apply to programs for the collection of source separated recyclable materials where rates to implement the programs have been filed with the commission prior to the effective date of this act.

(3) For the purposes of this section, "private recycling business" means any private for-profit or private not-for-profit firm that engages in the processing and marketing of recyclable materials.

(4) This section is not enforceable by complaint filed with the commission.

NEW SECTION. Sec. 404. A new section is added to chapter 35.21 RCW to read as follows:

(1) Each city or town providing by ordinance or resolution a reduced solid waste collection rate to residents participating in a residential curbside

recycling program implemented under RCW 70.95.090, may provide a similar reduced rate to residents participating in any other recycling program, if such program is approved by the jurisdiction. Nothing in this section shall be interpreted to reduce the authority of a city to adopt ordinances under RCW 35.21.130(1).

(2) For the purposes of this section, "reduced rate" means a residential solid waste collection rate incorporating a rebate, refund, or discount. Reduced rate shall not include residential solid waste collection rate based on the volume or weight of solid waste set out for collection.

NEW SECTION. Sec. 405. A new section is added to chapter 35A.21 RCW to read as follows:

(1) Each city or town providing by ordinance or resolution a reduced solid waste collection rate to residents participating in a residential curbside recycling program implemented under RCW 70.95.090, may provide a similar reduced rate to residents participating in any other recycling program, if such program is approved by the jurisdiction. Nothing in this section shall be interpreted to reduce the authority of a city to adopt ordinances under RCW 35.21.130(1).

(2) For the purposes of this section, "reduced rate" means a residential solid waste collection rate incorporating a rebate, refund, or discount. Reduced rate shall not include residential solid waste collection rate based on the volume or weight of solid waste set out for collection.

NEW SECTION. Sec. 406. A new section is added to chapter 81.77 RCW to read as follows:

(1) If the commission authorizes a surcharge or reduced rate incentive based on a customer's participation in a company's curbside residential recycling program, customers participating in any other noncurbside recycling program approved by the jurisdiction shall be eligible for such incentives.

(2) For the purpose of this section, "reduced rate" means a residential solid waste collection rate incorporating a rebate, refund, or discount. It does not include any residential solid waste collection rate based on the volume or weight of solid waste set out for collection.

NEW SECTION. Sec. 407. A new section is added to chapter 70.95 RCW to read as follows:

(1) No person may divert to personal use any recyclable material placed in a container as part of a recycling program, without the consent of the generator of such recyclable material or the solid waste collection company operating under the authority of a town, city, county, or the utilities and transportation commission, and no person may divert to commercial use any recyclable material placed in a container as part of a recycling program, without the consent of the person owning or operating such container.

(2) A violation of subsection (1) of this section is a class I civil infraction under chapter 7.80 RCW. Each violation of this section shall be a separate infraction.

Sec. 408. RCW 46.61.560 and 1984 c 7 s 72 are each amended to read as follows:

(1) Outside of incorporated cities and towns no person may stop, park, or leave standing any vehicle, whether attended or unattended, upon the roadway.

(2) Subsection (1) of this section and RCW 46.61.570 and 46.61.575 do not apply to the driver of any vehicle that is disabled in such manner and to such extent that it is impossible to avoid stopping and temporarily leaving the vehicle in such position. The driver shall nonetheless arrange for the prompt removal of the vehicle as required by RCW 46.61.590.

(3) Subsection (1) of this section does not apply to the driver of a public transit vehicle who temporarily stops the vehicle upon the roadway for the purpose of and while actually engaged in receiving or discharging passengers at a marked transit vehicle stop zone approved by the state department of transportation or a county upon highways under their respective jurisdictions.

(4) Subsection (1) of this section and RCW 46.61.570 and 46.61.575 do not apply to the driver of a solid waste collection company or recycling company vehicle who temporarily stops the vehicle as close as practical to the right edge of the right-hand shoulder of the roadway or right edge of the roadway if no shoulder exists for the purpose of and while actually engaged in the collection of solid waste or recyclables, or both, under chapters 81.77, 35.21, and 35A.21 RCW or by contract under RCW 36.58.030.

NEW SECTION. Sec. 409. Part headings as used in this act do not constitute any part of the law.

NEW SECTION. Sec. 410. If specific funding for the purposes of this act, referencing this act by bill number, is not provided by June 30, 1991, in the omnibus appropriations act, [sections] 201 through 212 of this act shall be null and void.

NEW SECTION. Sec. 411. 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. 412. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state

government and its existing public institutions, and shall take effect immediately.

Passed the Senate April 23, 1991.

Passed the House April 19, 1991.

Approved by the Governor May 21, 1991, with the exception of certain items which were vetoed.

Filed in Office of Secretary of State May 21, 1991.

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

"I am returning herewith, without my approval as to section 208, Second Substitute Senate Bill No. 5591 entitled:

"AN ACT Relating to the reduction of solid waste through recycling."

Sections 201-214 of Second Substitute Senate Bill No. 5591 relate to the creation of a new program within the Department of Trade and Economic Development called the Clean Washington Center, the activities of which will be conducted with the assistance of an advisory board set up by section 204. Section 208 states that the Center may appoint advisory committees to assist in the development or implementation of the Center's work plan referenced in section 205(9). Since the Center is a program within the Department of Trade and Economic Development, the director of the department has current statutory authorization to appoint advisory groups as appropriate and, therefore, section 208 is not necessary. For this reason, I have vetoed section 208.

With the exception of section 208, Second Substitute Senate Bill No. 5591 is approved."

CHAPTER 320

[Substitute House Bill 1629]

CHIROPRACTIC PEER REVIEW COMMITTEE

Effective Date: 7/28/91

AN ACT Relating to chiropractic; amending RCW 18.25.040 and 18.25.090; adding a new section to chapter 18.25 RCW; adding new sections to chapter 18.26 RCW; and creating a new section.

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

NEW SECTION. Sec. 1. Unless the context clearly requires otherwise, the definitions in this section apply throughout sections 2 through 7 of this act.

(1) "Accepted standards" means those standards of practice, skill, and treatment that are recognized by a reasonably prudent chiropractor as being acceptable under similar conditions and circumstances.

(2) "Appropriate chiropractic treatment" means treatment and other services performed or ordered, in connection with a substantiated and properly documented condition, which would appear to a reasonably prudent chiropractor to be consistent with the diagnosis or analysis presented.

(3) "Excessive" fees or costs means charges above the usual and customary charges in that service area as paid by public and private third-party payors.

(4) "Patient" means an individual who receives chiropractic evaluation or treatment, or both.

(5) "Peer review committee" means the committee established under section 2 of this act.

(6) "Peer review proceeding" or "peer review" means an evaluation, based on accepted standards, by the peer review committee, of the appropriateness, quality, utilization, and cost of health services provided to a patient. Peer review does not include matters related to the licensing, discipline, or scope of practice of any health care profession.

(7) "Properly utilized services" means appropriate services rendered or ordered, including the frequency and duration of such services, which are documented as being necessary and reasonable by clinical records and reports or by other facts, presentations, or evidence reviewed by the peer review committee.

(8) "Services rendered" means all services provided to a patient.

NEW SECTION. Sec. 2. (1) The board shall appoint the peer review committee, which shall be constituted as follows: The chair of the peer review committee shall be a member of the board and shall not vote except to break a tie; one chiropractor from each congressional district; one independent member representative of the health insurance industry; and one representative from the department of labor and industries. The term of appointment of peer review committee members shall be one year, and no member shall serve more than four consecutive terms. The board may appoint additional pro tem members as necessary. Chiropractor members shall have at least five years of active practice in this state. The board shall adopt rules establishing other qualifications for appointment of the chiropractic members to the peer review committee, including rules to avoid conflict of interest or the appearance of conflict of interest.

(2) The peer review committee may be compensated in accordance with RCW 43.03.240 and may be paid travel expenses while engaged in the business of the committee in accordance with RCW 43.03.050 and 43.03.060.

NEW SECTION. Sec. 3. (1) A patient, a patient's representative, an insurer, an agency of the state of Washington, or a chiropractor may request a peer review proceeding by submitting an inquiry about services rendered to a patient by a chiropractor. The board shall, in its discretion, determine whether the inquiry should be reviewed as a peer review proceeding, as a matter for possible voluntary mediation, or as a disciplinary proceeding. Peer review shall not be used to replace the independent medical/chiropractic examination.

(2) Request for peer review constitutes consent to submission by the requesting party of all necessary records and other information concerning the chiropractic services rendered. Chiropractors licensed under this chapter

who are a party to the peer review are required to submit all necessary records and other information concerning services rendered by the chiropractor.

(3) All costs associated with conducting peer review under this chapter shall be borne by the chiropractic profession as part of the licensing fees. Notwithstanding, the board shall assess a fee to cover the costs of the review when the requesting party is a chiropractor or a third-party payor.

NEW SECTION. Sec. 4. (1) The peer review committee may review matters regarding the appropriateness, quality, utilization, or cost of chiropractic services rendered. The peer review committee on each review shall include in its findings a determination whether appropriate chiropractic treatment was rendered, whether the services rendered were properly utilized services, whether treatment or services rendered or ordered were appropriate in accordance with accepted standards, and whether the fees charged were excessive or not.

(2) The committee may appoint subcommittees to assist it in conducting peer review. All activities of the subcommittees shall be reviewed and approved or disapproved by the committee.

(3) The peer review committee shall submit to all parties and to the board a decision setting forth the committee's findings and recommendations.

(4) Any party may appeal the decision to the board. The board, on the record of the peer review committee, may return the proceeding with recommendations to the committee for reconsideration, may initiate disciplinary proceedings, or may approve the decision of the peer review committee, or may take any combination of the above actions.

NEW SECTION. Sec. 5. The peer review committee shall file with the board a complaint against a chiropractor if the committee determines that reasonable cause exists to believe the chiropractor has committed unprofessional conduct. The peer review committee shall transmit all information pertinent to the complaint to the board. Such information shall be confidential and shall be used solely for disciplinary purposes.

NEW SECTION. Sec. 6. The board shall prepare a biennial report summarizing its peer review decisions and shall include such report as part of the board's report requirements under RCW 18.130.310. The published summary of peer review decisions shall not be used and shall not serve as the basis for establishing appropriate fee schedules or treatment regimes for the profession.

NEW SECTION. Sec. 7. No findings or decisions of the peer review committee shall have any effect on or be admissible in any court proceeding or administrative proceedings conducted under another chapter of the Revised Code of Washington.

Sec. 8. RCW 18.25.040 and 1991 c 3 s 39 are each amended to read as follows:

Persons licensed to practice chiropractic under the laws of any other state, territory of the United States, the District of Columbia, Puerto Rico, or province of Canada, having ~~((equal requirements of))~~ qualifications substantially equivalent to those required by this chapter, may, in the discretion of the board of chiropractic examiners, and after such examination ~~((by the board in principles of chiropractic, x-ray, and adjusting, as taught by chiropractic schools and colleges))~~ as may be required by rule of the board, be issued a license to practice in this state without further examination, upon payment of a fee determined by the secretary as provided in RCW 43.70.250.

Sec. 9. RCW 18.25.090 and 1989 c 258 s 6 are each amended to read as follows:

On all cards, books, papers, signs or other written or printed means of giving information to the public, used by those licensed by this chapter to practice chiropractic, the practitioner shall use after or below his or her name the term chiropractor, chiropractic physician, D.C., or D.C.Ph.C., designating his or her line of drugless practice, and shall not use the letters M.D. or D.O.: PROVIDED, That the word doctor or "Dr." or physician may be used only in conjunction with the word "chiropractic" or "chiropractor". Nothing in this chapter shall be held to apply to or to regulate any kind of treatment by prayer.

NEW SECTION. Sec. 10. A new section is added to chapter 18.25 RCW to read as follows:

Nothing in this chapter shall be construed to prohibit:

(1) The temporary practice in this state of chiropractic by any chiropractor licensed by another state, territory, or country in which he or she resides. However, the chiropractor shall not establish a practice open to the general public and shall not engage in temporary practice under this section for a period longer than thirty days. The chiropractor shall register his or her intention to engage in the temporary practice of chiropractic in this state with the board of chiropractic examiners before engaging in the practice of chiropractic, and shall agree to be bound by such conditions as may be prescribed by rule by the board.

(2) The practice of chiropractic, except the administration of a chiropractic adjustment, by a person who is a regular senior student in an accredited school of chiropractic approved by the board if the practice is part of a regular course of instruction offered by the school and the student is under the direct supervision and control of a chiropractor duly licensed pursuant to this chapter and approved by the board.

(3) The practice of chiropractic by a person serving a period of post-graduate chiropractic training in a program of clinical chiropractic training sponsored by a school of chiropractic accredited in this state if the practice

is part of his or her duties as a clinical postgraduate trainee and the trainee is under the direct supervision and control of a chiropractor duly licensed pursuant to this chapter and approved by the board.

(4) The practice of chiropractic by a person who is eligible and has applied to take the next available examination for licensing offered by the board of chiropractic examiners, except that the unlicensed chiropractor must provide all services under the direct control and supervision of a licensed chiropractor approved by the board. The unlicensed chiropractor may continue to practice as provided by this subsection until the results of the next available examination are published, but in no case for a period longer than six months. The board shall adopt rules necessary to effectuate the intent of this subsection.

Any provision of chiropractic services by any individual under subsection (1), (2), (3), or (4) of this section shall be subject to the jurisdiction of the chiropractic disciplinary board as provided in chapters 18.26 and 18.130 RCW.

NEW SECTION. Sec. 11. The board may adopt rules necessary and appropriate to implement sections 1 through 7 of this act.

NEW SECTION. Sec. 12. Sections 1 through 7 of this act are each added to chapter 18.26 RCW.

Passed the House March 12, 1991.

Passed the Senate April 16, 1991.

Approved by the Governor May 21, 1991.

Filed in Office of Secretary of State May 21, 1991.

CHAPTER 321

[Senate Bill 5147]

MEDIATION—PRIVILEGED INFORMATION

Effective Date: 5/21/91

AN ACT Relating to mediator privilege, confidentiality, and admissibility of evidence arising from mediation; adding new sections to chapter 5.60 RCW; and declaring an emergency.

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

NEW SECTION. Sec. 1. A new section is added to chapter 5.60 RCW to read as follows:

(1) If there is a court order to mediate or a written agreement between the parties to mediate, then any communication made or materials submitted in, or in connection with, the mediation proceeding, whether made or submitted to or by the mediator, a mediation organization, a party, or any person present, are privileged and confidential and are not subject to disclosure in any judicial or administrative proceeding except:

(a) When all parties to the mediation agree, in writing, to disclosure;

(b) When the written materials or tangible evidence are otherwise subject to discovery, and were not prepared specifically for use in and actually used in the mediation proceeding;

(c) When a written agreement to mediate permits disclosure;

(d) When disclosure is mandated by statute;

(e) When the written materials consist of a written settlement agreement or other agreement signed by the parties resulting from a mediation proceeding;

(f) When those communications or written materials pertain solely to administrative matters incidental to the mediation proceeding, including the agreement to mediate; or

(g) In a subsequent action between the mediator and a party to the mediation arising out of the mediation.

(2) When there is a court order or written agreement to mediate as described in subsection (1) of this section, the mediator or a representative of a mediation organization shall not testify in any judicial or administrative proceeding unless:

(a) All parties to the mediation and the mediator agree in writing; or

(b) In an action described in subsection (1)(g) of this section.

NEW SECTION. Sec. 2. Notwithstanding the provisions of section 1 of this act, when any party participates in mediation conducted by a state or federal agency under the provisions of a collective bargaining law or similar statute, the agency's rules govern questions of privilege and confidentiality.

NEW SECTION. Sec. 3. 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. 4. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate April 27, 1991.

Passed the House April 27, 1991.

Approved by the Governor May 21, 1991.

Filed in Office of Secretary of State May 21, 1991.

CHAPTER 322

[Engrossed Substitute Senate Bill 5411]

FLOOD CONTROL MANAGEMENT AND PROTECTION

Effective Date: 7/28/91 – Except Section 22 which becomes effective on 5/21/91.

AN ACT Relating to the alleviation of flood damage; amending RCW 86.26.050, 86.26-.090, 86.26.100, 38.52.030, 36.70A.150, 79.90.130, 79.90.150, 79.90.300, 47.28.140, 75.20.100,

75.20.103, and 90.58.100; reenacting and amending RCW 86.16.110; reenacting RCW 86.15.178; adding new sections to chapter 86.12 RCW; adding a new section to chapter 86.15 RCW; adding a new section to chapter 86.16 RCW; adding new sections to chapter 75.20 RCW; adding a new section to chapter 79.90 RCW; creating new sections; recodifying RCW 79.01.135; repealing RCW 86.15.040, 86.16.027, 86.16.030, 86.16.040, 86.16.060, 86.16.065, 86.16.067, 86.16.070, 86.16.080, 86.16.090, 86.16.170, and 79.90.140; and declaring an emergency.

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

NEW SECTION. Sec. 1. (1) The legislature finds that:

(a) Floods pose threats to public health and safety including loss or endangerment to human life; damage to homes; damage to public roads, highways, bridges, and utilities; interruption of travel, communication, and commerce; damage to private and public property; degradation of water quality; damage to fisheries, fish hatcheries, and fish habitat; harm to livestock; destruction or degradation of environmentally sensitive areas; erosion of soil, stream banks, and beds; and harmful accumulation of soil and debris in the beds of streams or other bodies of water and on public and private lands;

(b) Alleviation of flood damage to property and to public health and safety is a matter of public concern;

(c) Many land uses alter the pattern of runoff by decreasing the ability of upstream lands to store waters, thus increasing the rate of runoff and attendant downstream impacts; and

(d) Prevention of flood damage requires a comprehensive approach, incorporating storm water management and basin-wide flood damage protection planning.

(2) County legislative authorities are encouraged to use and coordinate all the regulatory, planning, and financing mechanisms available to those jurisdictions to address the problems of flooding in an equitable and comprehensive manner.

(3) It is the intent of the legislature to develop a coordinated and comprehensive state policy to address the problems of flooding and the minimization of flood damage.

NEW SECTION. Sec. 2. The purpose of sections 3 through 13 of this act is to permit counties in cooperation and consultation with cities and towns to adopt a comprehensive system of flood control management and protection within drainage basins and to coordinate the flood control activities of the state, counties, cities, towns, and special districts within such drainage basins.

NEW SECTION. Sec. 3. A new section is added to chapter 86.12 RCW to read as follows:

The county legislative authority of any county may adopt a comprehensive flood control management plan for any drainage basin that is located wholly or partially within the county.

A comprehensive flood control management plan shall include the following elements:

(1) Designation of areas that are susceptible to periodic flooding, from inundation by bodies of water or surface water runoff, or both, including the river's meander belt or floodway;

(2) Establishment of a comprehensive scheme of flood control protection and improvements for the areas that are subject to such periodic flooding, that includes: (a) Determining the need for, and desirable location of, flood control improvements to protect or preclude flood damage to structures, works, and improvements, based upon a cost/benefit ratio between the expense of providing and maintaining these improvements and the benefits arising from these improvements; (b) establishing the level of flood protection that each portion of the system of flood control improvements will be permitted; (c) identifying alternatives to in-stream flood control work; (d) identifying areas where flood waters could be directed during a flood to avoid damage to buildings and other structures; and (e) identifying sources of revenue that will be sufficient to finance the comprehensive scheme of flood control protection and improvements;

(3) Establishing land use regulations that preclude the location of structures, works, or improvements in critical portions of such areas subject to periodic flooding, including a river's meander belt or floodway, and permitting only flood-compatible land uses in such areas;

(4) Establishing restrictions on construction activities in areas subject to periodic floods that require the flood proofing of those structures that are permitted to be constructed or remodeled; and

(5) Establishing restrictions on land clearing activities and development practices that exacerbate flood problems by increasing the flow or accumulation of flood waters, or the intensity of drainage, on low-lying areas. Land clearing activities do not include forest practices as defined in chapter 76.09 RCW.

A comprehensive flood control management plan shall be subject to the minimum requirements for participation in the national flood insurance program, requirements exceeding the minimum national flood insurance program that have been adopted by the department of ecology for a specific flood plain pursuant to RCW 86.16.031, and rules adopted by the department of ecology pursuant to RCW 86.26.050 relating to flood plain management activities. When a county plans under chapter 36.70A RCW, it may incorporate the portion of its comprehensive flood control management plan relating to land use restrictions in its comprehensive plan and development regulations adopted pursuant to chapter 36.70A RCW.

NEW SECTION. Sec. 4. A new section is added to chapter 86.12 RCW to read as follows:

A comprehensive flood control management plan that includes an area within which a city or town, or a special district subject to chapter 85.38 RCW, is located shall be developed by the county with the full participation of officials from the city, town, or special district, including conservation

districts, and appropriate state and federal agencies. Where a comprehensive flood control management plan is being prepared for a river basin that is part of the common boundary between two counties, the county legislative authority of the county preparing the plan may allow participation by officials of the adjacently located county.

Following adoption by the county, city, or town, a comprehensive flood control management plan shall be binding on each jurisdiction and special district that is located within an area included in the plan. If within one hundred twenty days of the county's adoption, a city or town does not adopt the comprehensive flood control management plan, the city or county shall request arbitration on the issue or issues in dispute. If parties cannot agree to the selection of an arbitrator, the arbitrator shall be selected according to the process described in RCW 7.04.050. The cost of the arbitrator shall be shared equally by the participating parties and the arbitrator's decision shall be binding. Any land use regulations and restrictions on construction activities contained in a comprehensive flood control management plan applicable to a city or town shall be minimum standards that the city or town may exceed. A city or town undertaking flood or storm water control activities consistent with the comprehensive flood control management plan shall retain authority over such activities.

NEW SECTION. Sec. 5. A new section is added to chapter 86.12 RCW to read as follows:

A county may create one or more advisory committees to assist in the development of proposed comprehensive flood control management plans and to provide general advice on flood problems. The advisory committees may include city and town officials, officials of special districts subject to chapter 85.38 RCW, conservation districts, appropriate state and federal officials, and officials of other counties and other interested persons.

Sec. 6. RCW 86.26.050 and 1988 c 36 s 64 are each amended to read as follows:

(1) State participation shall be in such preparation of comprehensive flood control management plans under this chapter and chapter 86.12 RCW, cost sharing feasibility studies for new flood control projects, projects pursuant to section 33 of this act, and flood control maintenance projects as are affected with a general public and state interest, as differentiated from a private interest, and as are likely to bring about public benefits commensurate with the amount of state funds allocated thereto.

(2) No participation for flood control maintenance projects may occur with a county or other municipal corporation unless the director of ecology has approved the flood plain management activities of the county, city, or town having planning jurisdiction over the area where the flood control maintenance project will be, on the one hundred year flood plain surrounding such area.

The department of ecology shall adopt rules concerning the flood plain management activities of a county, city, or town that are adequate to protect or preclude flood damage to structures, works, and improvements, including the restriction of land uses within a river's meander belt or floodway to only flood-compatible uses. Whenever the department has approved county, city, and town flood plain management activities, as a condition of receiving an allocation of funds under this chapter, each revision to the flood plain management activities must be approved by the department of ecology, in consultation with the department of fisheries and the department of wildlife.

No participation with a county or other municipal corporation for flood control maintenance projects may occur unless the county engineer of the county within which the flood control maintenance project is located certifies that a comprehensive flood control management plan has been completed and adopted by the appropriate local authority, or is being prepared for all portions of the river basin or other area, within which the project is located in that county, that are subject to flooding with a frequency of one hundred years or less.

(3) Participation for flood control maintenance projects and preparation of comprehensive flood control management plans shall be made from grants made by the department of ecology from the flood control assistance account. Comprehensive flood control management plans, and any revisions to the plans, must be approved by the department of ecology, in consultation with the department of fisheries and the department of wildlife. The department may only grant financial assistance to local governments that, in the opinion of the department, are making good faith efforts to take advantage of, or comply with, federal and state flood control programs.

Sec. 7. RCW 86.26.090 and 1984 c 212 s 7 are each amended to read as follows:

The state shall participate with eligible local authorities in maintaining and restoring the normal and reasonably stable river and stream channel alignment and the normal and reasonably stable river and stream channel capacity for carrying off flood waters with a minimum of damage from bank erosion or overflow of adjacent lands and property; and in restoring, maintaining and repairing natural conditions, works and structures for the maintenance of such conditions. State participation in the repair of flood control facilities may include the enhancement of such facilities. The state shall likewise participate in the restoration and maintenance of natural conditions, works or structures for the protection of lands and other property from inundation or other damage by the sea or other bodies of water. Funds from the flood control assistance account shall not be available for maintenance of works or structures maintained solely for the detention or storage of flood waters.

Sec. 8. RCW 86.26.100 and 1986 c 46 s 4 are each amended to read as follows:

State participation in the cost of any flood control maintenance project shall be provided for by a written memorandum agreement between the director of ecology and the legislative authority of the county submitting the request, which agreement, among other things, shall state the estimated cost and the percentage thereof to be borne by the state. In no instance, except on emergency projects, shall the state's share exceed one-half the cost of the project, to include project planning and design. Grants for cost sharing feasibility studies for new flood control projects shall not exceed fifty percent of the matching funds that are required by the federal government, and shall not exceed twenty-five percent of the total costs of the feasibility study. However, grants to prepare a comprehensive flood control management plan required under RCW 86.26.050 shall not exceed seventy-five percent of the full planning costs, but not to exceed amounts for either purpose specified in rule and regulation by the department of ecology.

NEW SECTION. Sec. 9. A new section is added to chapter 86.15 RCW to read as follows:

A board may not establish a zone including an area located in another zone unless this area is removed from the other zone, or the other zone is dissolved, as part of the action creating the new zone.

Sec. 10. RCW 86.15.178 and 1983 c 315 s 23 and 1983 c 167 s 212 are each reenacted to read as follows:

(1) The supervisors may authorize the issuance of revenue bonds to finance any flood control improvement or storm water control improvement. The bonds may be issued by the supervisors in the same manner as prescribed in RCW 36.67.510 through 36.67.570 pertaining to counties. The bonds shall be issued on behalf of the zone or participating zones when the improvement has by the resolution, provided in RCW 86.15.110, been found to be of benefit to a zone or participating zones. The bonds may be in any form, including bearer bonds or registered bonds.

Each revenue bond shall state on its face that it is payable from a special fund, naming the fund and the resolution creating the fund.

Revenue bond principal, interest, and all other related necessary expenses shall be payable only out of the appropriate special fund.

A zone or participating zones shall have a lien for delinquent service charges, including interest thereon, against the premises benefited by a flood control improvement or storm water control improvement, which lien shall be superior to all other liens and encumbrances except general taxes and local and special assessments. The lien shall be effective and shall be enforced and foreclosed in the same manner as provided for sewerage liens of cities and towns by RCW 35.67.200 through 35.67.290.

(2) Notwithstanding subsection (1) of this section, such bonds may be issued and sold in accordance with chapter 39.46 RCW.

Sec. 11. RCW 86.16.110 and 1987 c 109 s 23 are each reenacted and amended to read as follows:

Any person, association, or corporation, public, municipal, or private, feeling aggrieved at any order, decision, or determination of the department or director pursuant to this chapter, affecting his or her interest, may have the same reviewed pursuant to RCW 43.21B.310.

NEW SECTION. Sec. 12. The department of fisheries and the department of wildlife shall process hydraulic project applications submitted under RCW 75.20.100 or 75.20.103 within thirty days of receipt of the application. This requirement is only applicable for the repair and reconstruction of legally constructed dikes, seawalls, and other flood control structures damaged as a result of flooding or windstorms that occurred in November and December 1990.

NEW SECTION. Sec. 13. The following acts or parts of acts are each repealed:

- (1) RCW 86.15.040 and 1961 c 153 s 4;
- (2) RCW 86.16.027 and 1987 c 109 s 51 & 1935 c 159 s 9;
- (3) RCW 86.16.030 and 1987 c 109 s 52 & 1935 c 159 s 5;
- (4) RCW 86.16.040 and 1987 c 109 s 54 & 1935 c 159 s 11;
- (5) RCW 86.16.060 and 1987 c 109 s 55 & 1935 c 159 s 13;
- (6) RCW 86.16.065 and 1987 c 109 s 56 & 1935 c 159 s 14;
- (7) RCW 86.16.067 and 1987 c 109 s 57, 1985 c 469 s 86, & 1935 c 159 s 15;
- (8) RCW 86.16.070 and 1987 c 109 s 58 & 1935 c 159 s 16;
- (9) RCW 86.16.080 and 1987 c 109 s 59 & 1935 c 159 s 10;
- (10) RCW 86.16.090 and 1987 c 109 s 60, 1939 c 85 s 2, & 1935 c 159 s 7; and
- (11) RCW 86.16.170 and 1987 c 109 s 62 & 1973 c 75 s 3.

NEW SECTION. Sec. 14. There is hereby created a joint select committee on state flood damage reduction composed of sixteen members as follows: (1) Four members of the senate, two from each of the major caucuses, who are appointed by the president of the senate; (2) four members of the house of representatives, two from each of the major caucuses, who are appointed by the speaker of the house of representatives; and (3) eight additional members who are not legislators selected by the president of the senate and the speaker of the house of representatives.

The staff support shall be provided by the senate committee services and the office of program research as mutually agreed by the cochairs of the joint select committee. The cochairs shall be designated by the speaker of the house of representatives and the president of the senate.

The committee may seek assistance from appropriate state or federal agencies, including the United States army corps of engineers. The expenses of the legislative members shall be paid by the legislature. The expenses of

any state agency officials, or their designees, shall be paid by their state agencies. Members not employed by the state shall be compensated in accordance with RCW 43.03.220 and shall be entitled to reimbursement individually for travel expenses incurred in performance of their duties as members of the committee in accordance with RCW 43.03.050 and 43.03.060.

NEW SECTION. Sec. 15. The joint select committee on state flood damage reduction shall consider the development of comprehensive state flood policies and a comprehensive and coordinated flood damage reduction plan, including the following elements:

- (1) Structural and nonstructural flood damage reduction projects;
- (2) Forest practice effects on watershed hydraulics as determined by applicable research projects conducted under the timber-fish-wildlife cooperative monitoring, evaluation, and research program, including: (a) Percentage of watershed clearcut; (b) logging in very steep areas; and (c) logging in slide-prone areas;
- (3) Growth management and land uses, including: (a) Flood plain development patterns; (b) loss of potential natural flood water storage areas; (c) future development restrictions in flood-prone areas; and (d) coordination with the state's growth management act and county flood comprehensive planning;
- (4) Comprehensive watershed and flood damage management;
- (5) Storm water runoff pattern alterations and accompanying liabilities, including an analysis of: (a) Increases in peak flood flows caused by inadequate storm water planning and controls; (b) the need for minimum standards for land use development activities employing natural watercourses for storm water conveyance; and (c) the need for a statutory cause of action to provide a remedy for downstream property owners who are damaged by accelerated storm water runoff caused by cumulative upstream activities, including a modification of the court-adopted "common enemy" doctrine;
- (6) Analysis of the federal, state, and local permitting requirements necessary for projects designed to reduce future flood damage or to restore areas damaged by floods, including any conflicting requirements that may exist;
- (7) Emergency work and coordination, and emergency preparedness planning;
- (8) Determination of the need for requirements to disclose the flood hazard to purchasers or renters of flood-prone property;
- (9) The role of dredging in flood damage reduction, including environmental effects, funding sources, and upstream uses that alter its effectiveness;
- (10) The role of dikes and levees in flood damage reduction, including environmental effects, construction and maintenance standards, sources of

funding for construction and maintenance, and resultant upstream and downstream hydrologic effects;

(11) Review criteria for evaluating and approving local plans and projects funded by grants from the flood control account; and

(12) Public acquisition of properties to reduce flood damage.

NEW SECTION. Sec. 16. The joint select committee on state flood damage reduction shall report its initial findings to the legislature on or before December 31, 1991. The committee shall make a final report to the legislature on or before December 1, 1992. The report shall include the following: (1) Findings relating to a state flood damage reduction plan; (2) recommended state agency regulation and policy changes; (3) proposed legislation and associated costs to implement the state flood damage reduction plan; and (4) recommended local flood reduction and mitigation measures.

NEW SECTION. Sec. 17. A new section is added to chapter 86.16 RCW to read as follows:

Local governments that have adopted flood plain management regulations pursuant to this chapter shall include provisions that allow for the establishment of livestock flood sanctuary areas at a convenient location within a farming unit that contains domestic livestock. Local governments may limit the size and configuration of the livestock flood sanctuary areas, but such limitation shall provide adequate space for the expected number of livestock on the farming unit and shall be at an adequate elevation to protect livestock. Modification to flood plain management regulations required pursuant to this section shall be within the minimum federal requirements necessary to maintain coverage under the national flood insurance program.

NEW SECTION. Sec. 18. A new section is added to chapter 75.20 RCW to read as follows:

Whenever the placement of woody debris is required as a condition of a hydraulic permit approval issued pursuant to RCW 75.20.100 or 75.20.103, the department of fisheries and the department of wildlife, upon request, shall invite comment regarding that placement from the local governmental authority, affected tribes, affected federal and state agencies, and the project applicant.

NEW SECTION. Sec. 19. The department of fisheries, the department of wildlife, and the department of ecology will work cooperatively with the United States army corps of engineers to develop a memorandum of agreement outlining dike vegetation management guidelines so that dike owners are eligible for coverage under P.L. 84-99, and state requirements established pursuant to RCW 75.20.100 and 75.20.103 are met.

Sec. 20. RCW 38.52.030 and 1986 c 266 s 25 are each amended to read as follows:

(1) The director may employ such personnel and may make such expenditures within the appropriation therefor, or from other funds made

available for purposes of emergency management, as may be necessary to carry out the purposes of this chapter.

(2) The director, subject to the direction and control of the governor, shall be responsible to the governor for carrying out the program for emergency management of this state. The director shall coordinate the activities of all organizations for emergency management within the state, and shall maintain liaison with and cooperate with emergency management agencies and organizations of other states and of the federal government, and shall have such additional authority, duties, and responsibilities authorized by this chapter, as may be prescribed by the governor.

(3) The director shall develop and maintain a comprehensive, all-hazard emergency plan for the state which shall include an analysis of the natural and man-caused hazards which could affect the state of Washington, and shall include the procedures to be used during emergencies for coordinating local resources, as necessary, and the resources of all state agencies, departments, commissions, and boards. The comprehensive emergency management plan shall direct the department in times of state emergency to administer and manage the state's emergency operations center. This will include representation from all appropriate state agencies and be available as a single point of contact for the authorizing of state resources or actions, including emergency permits. The comprehensive, all-hazard emergency plan authorized under this subsection may not include preparation for emergency evacuation or relocation of residents in anticipation of nuclear attack. This plan shall be known as the comprehensive emergency management plan.

(4) In accordance with the comprehensive emergency management plans and the programs for the emergency management of this state, the director shall procure supplies and equipment, institute training programs and public information programs, and shall take all other preparatory steps, including the partial or full mobilization of emergency management organizations in advance of actual disaster, to insure the furnishing of adequately trained and equipped forces of emergency management personnel in time of need.

(5) The director shall make such studies and surveys of the industries, resources, and facilities in this state as may be necessary to ascertain the capabilities of the state for emergency management, and shall plan for the most efficient emergency use thereof.

(6) The director may appoint a communications coordinating committee consisting of six to eight persons with the director, or his or her designee, as chairman thereof. Three of the members shall be appointed from qualified, trained and experienced telephone communications administrators or engineers actively engaged in such work within the state of Washington at the time of appointment, and three of the members shall be appointed from qualified, trained and experienced radio communication administrators

or engineers actively engaged in such work within the state of Washington at the time of appointment. This committee shall advise the director on all aspects of the communications and warning systems and facilities operated or controlled under the provisions of this chapter.

(7) The director shall appoint a state coordinator of search and rescue operations to coordinate those state resources, services and facilities (other than those for which the state director of aeronautics is directly responsible) requested by political subdivisions in support of search and rescue operations, and on request to maintain liaison with and coordinate the resources, services, and facilities of political subdivisions when more than one political subdivision is engaged in joint search and rescue operations.

(8) The director, subject to the direction and control of the governor, shall prepare and administer a state program for emergency assistance to individuals within the state who are victims of a natural or man-made disaster, as defined by RCW 38.52.010(6). Such program may be integrated into and coordinated with disaster assistance plans and programs of the federal government which provide to the state, or through the state to any political subdivision thereof, services, equipment, supplies, materials, or funds by way of gift, grant, or loan for purposes of assistance to individuals affected by a disaster. Further, such program may include, but shall not be limited to, grants, loans, or gifts of services, equipment, supplies, materials, or funds of the state, or any political subdivision thereof, to individuals who, as a result of a disaster, are in need of assistance and who meet standards of eligibility for disaster assistance established by the department of social and health services: **PROVIDED, HOWEVER,** That nothing herein shall be construed in any manner inconsistent with the provisions of Article VIII, section 5 or section 7 of the Washington state Constitution.

(9) The director shall appoint a state coordinator for radioactive and hazardous waste emergency response programs. The coordinator shall consult with the state radiation control officer in matters relating to radioactive materials. The duties of the state coordinator for radioactive and hazardous waste emergency response programs shall include:

(a) Assessing the current needs and capabilities of state and local radioactive and hazardous waste emergency response teams on an ongoing basis;

(b) Coordinating training programs for state and local officials for the purpose of updating skills relating to emergency response;

(c) Utilizing appropriate training programs such as those offered by the federal emergency management agency, the department of transportation and the environmental protection agency; and

(d) Undertaking other duties in this area that are deemed appropriate by the director.

NEW SECTION. Sec. 21. A new section is added to chapter 75.20 RCW to read as follows:

The department of fisheries, the department of wildlife, the department of ecology, and the department of natural resources shall jointly develop an informational brochure that describes when permits and any other authorizations are required for flood damage prevention and reduction projects, and recommends ways to best proceed through the various regulatory permitting processes.

NEW SECTION. Sec. 22. (1) This section shall apply only to projects:

(a) Needed to repair streambank and other damage done by the November or December 1990 flood events, or remove accumulated debris and gravel that significantly contributed to flooding during the November and December 1990 flood events; and

(b) That require permits or other authorization for removal of valuable materials as defined in RCW 79.90.060 or permits or authorization under RCW 75.20.100 or 75.20.103.

(2) The department of fisheries, the department of wildlife, and the department of natural resources shall expedite and coordinate any required responses to the project application. A complete application for approval shall contain general plans for the overall project, and complete plans and specifications of the proposed construction or work. Upon receipt of a completed application, the agency that first receives that application shall, within fifteen days, schedule and hold a coordination meeting with all appropriate state, local, or county permitting or authorizing agencies. The project applicant shall be invited to this meeting. The appropriate city, county, or town may coordinate their permit approval processes with the state agencies. As soon as possible, but no later than thirty days after the receipt of a complete application, all appropriate state agencies will deny or approve the project. Any conditions placed upon project approvals shall be coordinated among the state agencies so that those conditions do not conflict.

(3) It is the intent of the legislature that the process described in this section remain in effect until the legislature has an opportunity to enact legislation creating a coordinated, timely permitting process based on the report required in section 16 of this act. This section shall expire on June 30, 1993.

Sec. 23. RCW 36.70A.150 and 1990 1st ex.s. c 17 s 15 are each amended to read as follows:

Each county and city that is required or chooses to prepare a comprehensive land use plan under RCW 36.70A.040 shall identify lands useful for public purposes such as utility corridors, transportation corridors, landfills, sewage treatment facilities, storm water management facilities, recreation, schools, and other public uses. The county shall work with the state and the cities within its borders to identify areas of shared need for public facilities. The jurisdictions within the county shall prepare a prioritized list of lands

necessary for the identified public uses including an estimated date by which the acquisition will be needed.

The respective capital acquisition budgets for each jurisdiction shall reflect the jointly agreed upon priorities and time schedule.

Sec. 24. RCW 79.90.130 and 1982 1st ex.s. c 21 s 19 are each amended to read as follows:

~~((Valuable materials situated within or upon tidelands, shorelands, or the beds of navigable waters belonging to the state may be sold separately from the land, when in the judgment of the department of natural resources, it is in the best interests of the state to sell the same. When application is made for the purchase of any valuable material, situated within or upon aquatic lands, the department shall inspect and appraise the value of the material applied for. PROVIDED, That no valuable material shall be sold for less than the appraised value thereof. PROVIDED FURTHER, That))~~
The department is authorized and empowered to confer with and enter into any agreements with the public authorities of the state of Oregon, which in the judgment of the department will assist the state of Washington and the state of Oregon in securing the maximum revenues for sand, gravel or other valuable materials taken from the bed of the Columbia river where said river forms the boundary line between said states.

**Sec. 25. RCW 79.90.150 and 1982 1st ex.s. c 21 s 21 are each amended to read as follows:*

When gravel, rock, sand, silt or other material from any aquatic lands is removed by any public agency or under public contract for channel or harbor improvement, or flood control, or for preventing or minimizing flood damages as defined in RCW 86.16.120, use of such material may be authorized by the department of natural resources for a public purpose on land owned or leased by the federal government, state, or any municipality, county, city, town, or public corporation: PROVIDED, That when no public land site is available for deposit of such material, its deposit on private land with the landowner's permission is authorized and may be designated by the department of natural resources to be for a public purpose. Prior to removal and use, the federal agency, state agency, municipality, county, city, town, or public corporation contemplating or arranging such use shall first obtain written permission from the department of natural resources. No payment of royalty shall be required for such gravel, rock, sand, silt, or other material used for such public purpose, but a charge will be made if such material is subsequently sold or used for some other purpose: PROVIDED, That the department may authorize such public agency or private landowner to dispose of such material without charge when necessary to implement disposal of material. No charge shall be required for any use of the material obtained under the provisions of this chapter when used solely on an authorized site. Nothing in this section shall repeal or modify the provisions of RCW 75.20.100 or eliminate

the necessity of obtaining a permit for such removal from other state or federal agencies as otherwise required by law. For the purpose of this section, "public purpose" includes, but is not limited to, the construction, maintenance, improvement, or repair of any public street, road, highway, dike, levee, or project undertaken pursuant to chapter 86.26 RCW.

*Sec. 25 was vetoed, see message at end of chapter.

Sec. 26. RCW 79.90.300 and 1982 1st ex.s. c 21 s 36 are each amended to read as follows:

The department of natural resources, upon application by any person or when determined by the department to be in the best interest of the state, may enter into a contract or lease providing for the removal and sale of rock, gravel, sand, and silt, or other valuable materials located within or upon beds of navigable waters, or upon any tidelands or shorelands belonging to the state and providing for payment to be made therefor by such royalty as the department may fix, by negotiation, by sealed bid, or at public auction. If application is made for the purchase of any valuable material situated within or upon aquatic lands the department shall inspect and appraise the value of the material in the application.

NEW SECTION. Sec. 27. RCW 79.01.135 is recodified as a section in chapter 79.90 RCW.

NEW SECTION. Sec. 28. RCW 79.90.140 and 1982 1st ex.s. c 21 s 20 are each repealed.

Sec. 29. RCW 47.28.140 and 1984 c 7 s 174 are each amended to read as follows:

When in the opinion of the governing authorities representing the department and any agency, instrumentality, municipal corporation, or political subdivision of the state of Washington, any highway, road, or street will be benefited or improved by constructing, reconstructing, locating, relocating, laying out, repairing, surveying, altering, improving, or maintaining, or by the establishment adjacent to, under, upon, within, or above any portion of any such highway, road, or street of an urban public transportation system, by either the department or any agency, instrumentality, municipal corporation, or political subdivision of the state, and it is in the public interest to do so, the authorities may enter into cooperative agreements wherein either agrees to perform the work and furnish the materials necessary and pay the cost thereof, including necessary engineering assistance, which costs and expenses shall be reimbursed by the party whose responsibility it was to do or perform the work or improvement in the first instance. The work may be done by either day labor or contract, and the cooperative agreement between the parties shall provide for the method of reimbursement. In the case of some special benefit or improvement to a state highway derived from any project that assists in preventing or minimizing flood damages as defined in RCW 86.16.120 or from the construction of any

public works project, including any urban public transportation system, the department may contribute to the cost thereof by making direct payment to the particular state department, agency, instrumentality, municipal corporation, or political subdivision on the basis of benefits received, but such payment shall be made only after a cooperative agreement has been entered into for a specified amount or on an actual cost basis prior to the commencement of the particular public works project.

Sec. 30. RCW 75.20.100 and 1988 c 272 s 1 are each amended to read as follows:

In the event that any person or government agency desires to construct any form of hydraulic project or perform other work that will use, divert, obstruct, or change the natural flow or bed of any of the salt or fresh waters of the state, such person or government agency shall, before commencing construction or work thereon and to ensure the proper protection of fish life, secure the written approval of the department of fisheries or the department of wildlife as to the adequacy of the means proposed for the protection of fish life. This approval shall not be unreasonably withheld. Except as provided in sections 12 and 22 of this act, the department of fisheries or the department of wildlife shall grant or deny approval within forty-five calendar days of the receipt of a complete application and notice of compliance with any applicable requirements of the state environmental policy act, made in the manner prescribed in this section. The applicant may document receipt of application by filing in person or by registered mail. A complete application for approval shall contain general plans for the overall project, complete plans and specifications of the proposed construction or work within the mean higher high water line in salt water or within the ordinary high water line in fresh water, and complete plans and specifications for the proper protection of fish life. The forty-five day requirement shall be suspended if (1) after ten working days of receipt of the application, the applicant remains unavailable or unable to arrange for a timely field evaluation of the proposed project; (2) the site is physically inaccessible for inspection; or (3) the applicant requests delay. Immediately upon determination that the forty-five day period is suspended, the department of fisheries or the department of wildlife shall notify the applicant in writing of the reasons for the delay. Approval is valid for a period of up to five years from date of issuance. The permittee must demonstrate substantial progress on construction of that portion of the project relating to the approval within two years of the date of issuance. If either the department of fisheries or the department of wildlife denies approval, that department shall provide the applicant, in writing, a statement of the specific reasons why and how the proposed project would adversely affect fish life. Protection of fish life shall be the only ground upon which approval may be denied or conditioned. Chapter 34.05 RCW applies to any denial of project approval, conditional approval, or requirements for project modification upon which approval may

be contingent. If any person or government agency commences construction on any hydraulic works or projects subject to this section without first having obtained written approval of the department of fisheries or the department of wildlife as to the adequacy of the means proposed for the protection of fish life, or if any person or government agency fails to follow or carry out any of the requirements or conditions as are made a part of such approval, the person or director of the agency is guilty of a gross misdemeanor. If any such person or government agency is convicted of violating any of the provisions of this section and continues construction on any such works or projects without fully complying with the provisions hereof, such works or projects are hereby declared a public nuisance and shall be subject to abatement as such.

For the purposes of this section and RCW 75.20.103, "bed" shall mean the land below the ordinary high water lines of state waters. This definition shall not include irrigation ditches, canals, storm water run-off devices, or other artificial watercourses except where they exist in a natural watercourse that has been altered by man.

The phrase "to construct any form of hydraulic project or perform other work" shall not include the act of driving across an established ford. Driving across streams or on wetted stream beds at areas other than established fords requires approval. Work within the ordinary high water line of state waters to construct or repair a ford or crossing requires approval.

For each application, the department of fisheries and the department of wildlife shall mutually agree on whether the department of fisheries or the department of wildlife shall administer the provisions of this section, in order to avoid duplication of effort. The department designated to act shall cooperate with the other department in order to protect all species of fish life found at the project site. If the department of fisheries or the department of wildlife receives an application concerning a site not in its jurisdiction, it shall transmit the application to the other department within three days and notify the applicant.

In case of an emergency arising from weather or stream flow conditions or other natural conditions, the department of fisheries or department of wildlife, through their authorized representatives, shall issue immediately upon request oral approval for removing any obstructions, repairing existing structures, restoring stream banks, or to protect property threatened by the stream or a change in the stream flow without the necessity of obtaining a written approval prior to commencing work. Conditions of an oral approval shall be reduced to writing within thirty days and complied with as provided for in this section. Oral approval shall be granted immediately upon request, for a stream crossing during an emergency situation.

This section shall not apply to the construction of any form of hydraulic project or other work which diverts water for agricultural irrigation or stock watering purposes authorized under or recognized as being valid by

the state's water codes, or when such hydraulic project or other work is associated with streambank stabilization to protect farm and agricultural land as defined in RCW 84.34.020. These irrigation or stock watering diversion and streambank stabilization projects shall be governed by RCW 75.20.103.

Sec. 31. RCW 75.20.103 and 1988 c 272 s 2 are each amended to read as follows:

In the event that any person or government agency desires to construct any form of hydraulic project or other work that diverts water for agricultural irrigation or stock watering purposes, or when such hydraulic project or other work is associated with streambank stabilization to protect farm and agricultural land as defined in RCW 84.34.020, and when such diversion or streambank stabilization will use, divert, obstruct, or change the natural flow or bed of any river or stream or will utilize any waters of the state or materials from the stream beds, the person or government agency shall, before commencing construction or work thereon and to ensure the proper protection of fish life, secure a written approval from the department of fisheries or the department of wildlife as to the adequacy of the means proposed for the protection of fish life. This approval shall not be unreasonably withheld. Except as provided in sections 12 and 22 of this act, the department of fisheries or the department of wildlife shall grant or deny the approval within forty-five calendar days of the receipt of a complete application and notice of compliance with any applicable requirements of the state environmental policy act, made in the manner prescribed in this section. The applicant may document receipt of application by filing in person or by registered mail. A complete application for an approval shall contain general plans for the overall project, complete plans and specifications of the proposed construction or work within ordinary high water line, and complete plans and specifications for the proper protection of fish life. The forty-five day requirement shall be suspended if (1) after ten working days of receipt of the application, the applicant remains unavailable or unable to arrange for a timely field evaluation of the proposed project; (2) the site is physically inaccessible for inspection; or (3) the applicant requests delay.

Immediately upon determination that the forty-five day period is suspended, the department of fisheries or the department of wildlife shall notify the applicant in writing of the reasons for the delay.

An approval shall remain in effect without need for periodic renewal for projects that divert water for agricultural irrigation or stock watering purposes and that involve seasonal construction or other work. Approval for streambank stabilization projects shall remain in effect without need for periodic renewal if the problem causing the need for the streambank stabilization occurs on an annual or more frequent basis. The permittee must notify the appropriate agency before commencing the construction or other work within the area covered by the approval.

The permittee must demonstrate substantial progress on construction of that portion of the project relating to the approval within two years of the date of issuance. If either the department of fisheries or the department of wildlife denies approval, that department shall provide the applicant, in writing, a statement of the specific reasons why and how the proposed project would adversely affect fish life. Protection of fish life shall be the only ground upon which approval may be denied or conditioned. Issuance, denial, conditioning, or modification shall be appealable to the hydraulic appeals board established in RCW 43.21B.005 within thirty days of the notice of decision. The burden shall be upon the department of fisheries or the department of wildlife to show that the denial or conditioning of an approval is solely aimed at the protection of fish life.

The department granting approval may, after consultation with the permittee, modify an approval due to changed conditions. The modifications shall become effective unless appealed to the hydraulic appeals board within thirty days from the notice of the proposed modification. The burden is on the department issuing the approval to show that changed conditions warrant the modification in order to protect fish life.

A permittee may request modification of an approval due to changed conditions. The request shall be processed within forty-five calendar days of receipt of the written request. A decision by the department that issued the approval may be appealed to the hydraulic appeals board within thirty days of the notice of the decision. The burden is on the permittee to show that changed conditions warrant the requested modification and that such modification will not impair fish life.

If any person or government agency commences construction on any hydraulic works or projects subject to this section without first having obtained written approval of the department of fisheries or the department of wildlife as to the adequacy of the means proposed for the protection of fish life, or if any person or government agency fails to follow or carry out any of the requirements or conditions as are made a part of such approval, the person or director of the agency is guilty of a gross misdemeanor. If any such person or government agency is convicted of violating any of the provisions of this section and continues construction on any such works or projects without fully complying with the provisions hereof, such works or projects are hereby declared a public nuisance and shall be subject to abatement as such.

For each application, the department of fisheries and the department of wildlife shall mutually agree on whether the department of fisheries or the department of wildlife shall administer the provisions of this section, in order to avoid duplication of effort. The department designated to act shall cooperate with the other department in order to protect all species of fish

life found at the project site. If the department of fisheries or the department of wildlife receives an application concerning a site not in its jurisdiction, it shall transmit the application to the other department within three days and notify the applicant.

In case of an emergency arising from weather or stream flow conditions or other natural conditions, the department of fisheries or department of wildlife, through their authorized representatives, shall issue immediately upon request oral approval for removing any obstructions, repairing existing structures, restoring stream banks, or to protect property threatened by the stream or a change in the stream flow without the necessity of obtaining a written approval prior to commencing work. Conditions of an oral approval shall be reduced to writing within thirty days and complied with as provided for in this section.

For purposes of this chapter, "streambank stabilization" shall include but not be limited to log and debris removal, bank protection (including riprap, jetties, and groins), gravel removal and erosion control.

Sec. 32. RCW 90.58.100 and 1971 ex.s. c 286 s 10 are each amended to read as follows:

(1) The master programs provided for in this chapter, when adopted and approved by the department, as appropriate, shall constitute use regulations for the various shorelines of the state. In preparing the master programs, and any amendments thereto, the department and local governments shall to the extent feasible:

(a) Utilize a systematic interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts;

(b) Consult with and obtain the comments of any federal, state, regional, or local agency having any special expertise with respect to any environmental impact;

(c) Consider all plans, studies, surveys, inventories, and systems of classification made or being made by federal, state, regional, or local agencies, by private individuals, or by organizations dealing with pertinent shorelines of the state;

(d) Conduct or support such further research, studies, surveys, and interviews as are deemed necessary;

(e) Utilize all available information regarding hydrology, geography, topography, ecology, economics, and other pertinent data;

(f) Employ, when feasible, all appropriate, modern scientific data processing and computer techniques to store, index, analyze, and manage the information gathered.

(2) The master programs shall include, when appropriate, the following:

(a) An economic development element for the location and design of industries, transportation facilities, port facilities, tourist facilities, commerce and other developments that are particularly dependent on their location on or use of the shorelines of the state;

(b) A public access element making provision for public access to publicly owned areas;

(c) A recreational element for the preservation and enlargement of recreational opportunities, including but not limited to parks, tidelands, beaches, and recreational areas;

(d) A circulation element consisting of the general location and extent of existing and proposed major thoroughfares, transportation routes, terminals, and other public utilities and facilities, all correlated with the shoreline use element;

(e) A use element which considers the proposed general distribution and general location and extent of the use on shorelines and adjacent land areas for housing, business, industry, transportation, agriculture, natural resources, recreation, education, public buildings and grounds, and other categories of public and private uses of the land;

(f) A conservation element for the preservation of natural resources, including but not limited to scenic vistas, aesthetics, and vital estuarine areas for fisheries and wildlife protection;

(g) An historic, cultural, scientific, and educational element for the protection and restoration of buildings, sites, and areas having historic, cultural, scientific, or educational values; ((and))

(h) An element that gives consideration to the state-wide interest in the prevention and minimization of flood damages; and

(i) Any other element deemed appropriate or necessary to effectuate the policy of this chapter.

(3) The master programs shall include such map or maps, descriptive text, diagrams and charts, or other descriptive material as are necessary to provide for ease of understanding.

(4) Master programs will reflect that state-owned shorelines of the state are particularly adapted to providing wilderness beaches, ecological study areas, and other recreational activities for the public and will give appropriate special consideration to same.

(5) Each master program shall contain provisions to allow for the varying of the application of use regulations of the program, including provisions for permits for conditional uses and variances, to insure that strict implementation of a program will not create unnecessary hardships or thwart the policy enumerated in RCW 90.58.020. Any such varying shall be allowed only if extraordinary circumstances are shown and the public interest suffers no substantial detrimental effect. The concept of this subsection shall be incorporated in the rules adopted by the department relating to the establishment of a permit system as provided in RCW 90.58.140(3).

NEW SECTION. Sec. 33. (1) The purpose of this section is to develop, and test on a pilot basis, a cooperative, interjurisdictional approach to processing permit applications for projects related to flood control. The objectives of the pilot shall be to:

(a)(i) Identify opportunities and methods for expediting and coordinating permit decision-making processes that involve multiple jurisdictions and state agencies; and (ii) assess the effects of acting in a coordinated and expedited manner; and

(b)(i) Identify opportunities during the permit decision-making process for state agencies and local governments to consider potential flood control benefits consistent with the policies, mandates, and requirements of current law; (ii) identify where in the permitting process, impediments to the consideration of potential flood control benefits exist; and (iii) assess how the consideration of any potential flood control benefits of an individual project during the permitting process for that project, may or may not be compatible with the objective of comprehensive and coordinated flood control.

(2) The pilot shall consist of up to one project in each of the counties declared a federal disaster area as a result of the November and December 1990 floods.

(3)(a) The departments of ecology, wildlife, fisheries, and natural resources shall participate in the pilot. The department of ecology shall act as the lead agency among the state agencies and shall coordinate among the state agencies as necessary.

(b) The department of ecology shall notify each of the eligible counties of the pilot, describe the nature of the pilot, and invite county participation. When a county, eligible to participate in the pilot, receives an application for a project that will require permits or authorizations from multiple jurisdictions, and in the county's judgment the proposed project offers an appropriate opportunity to test the permitting process under subsection (1) of this section, the county, with the approval of the project applicant, may request that the department of ecology include the project as part of the pilot. The department of ecology shall make a decision on the county's request and inform the county of its decision within seven working days.

In selecting projects for the pilot, the department of ecology shall provide an opportunity to test and evaluate a variety of applications of subsection (1) of this section, including, but not limited to: Application to storm water management, dredging, streambank stabilization, and dike construction or repair. When the county receives notification that a project has been approved for inclusion in the pilot, the county shall schedule an initial coordination meeting and contact all appropriate agencies and the project applicant. Other local jurisdictions, including but not limited to cities, diking districts, and flood management districts, shall be invited to participate when a project is selected for inclusion in the pilot and those jurisdictions have a role in the permitting process.

The purpose of the coordination meeting shall be to:

- (i) Identify all necessary permit requirements;
- (ii) Determine the sequence of permitting decisions and opportunities where those decisions can be made concurrently;
- (iii) Determine a timeline for the decisions and how those decisions can be expedited; and
- (iv) Work with the applicant to make sure that he or she understands how the process will work, what the applicant is responsible for, and when those responsibilities must be met in order to adhere to the overall permitting timeline.

(4) The department of ecology shall determine the number of projects to be included in the pilot based on available funding in the flood control assistance account. The department shall authorize flood control assistance account funding for a minimum of three projects.

(5) The department of ecology, in cooperation with the participating counties, other participating local jurisdictions, and state agencies, shall submit a final report on the pilot to the appropriate committees of the legislature by December 1, 1992. The report shall include an assessment of the degree to which the pilot project achieved the objectives identified in subsection (1) of this section.

NEW SECTION. Sec. 34. Section 22 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate April 28, 1991.

Passed the House April 28, 1991.

Approved by the Governor May 21, 1991, with the exception of certain items which were vetoed.

Filed in Office of Secretary of State May 21, 1991.

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

"I am returning herewith, without my approval as to section 25, Engrossed Substitute Senate Bill No. 5411 entitled:

"AN ACT Relating to the alleviation of flood damage."

Section 25 of Engrossed Substitute Senate Bill No. 5411 requires the Department of Natural Resources to not charge for removal of material from state-owned aquatic lands when such material is used for public purposes. Public purposes are defined by section 25 to include construction, maintenance, improvement or repair of roads, dikes, and levees. Similar language is contained in Substitute House Bill No. 1864. For this reason I have vetoed section 25 of this bill.

With the exception of section 25, Engrossed Substitute Senate Bill No. 5411 is approved."

CHAPTER 323

[Substitute Senate Bill 5613]

PAWNBROKERS AND SECOND-HAND DEALERS

Effective Date: 7/28/91

AN ACT Relating to pawnbrokers and second-hand dealers; amending RCW 19.60.010, 19.60.020, 19.60.040, 19.60.045, 19.60.050, 19.60.055, 19.60.060, 19.60.061, 19.60.062, and 19.60.066; and adding a new section to chapter 19.60 RCW.

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

Sec. 1. RCW 19.60.010 and 1985 c 70 s 1 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) Melted metals means metals derived from metal junk or precious metals that have been reduced to a melted state from other than ore or ingots which are produced from ore that has not previously been processed.

(2) Metal junk means any metal that has previously been milled, shaped, stamped, or forged and that is no longer useful in its original form, except precious metals.

(3) Nonmetal junk means any nonmetal, commonly discarded item that is worn out, or has outlasted its usefulness as intended in its original form except nonmetal junk does not include an item made in a former period which has enhanced value because of its age.

(4) Pawnbroker means every person engaged, in whole or in part, in the business of loaning money on the security of pledges(;-) of personal property, or deposits or conditional sales of personal property, or the purchase or sale of personal property.

(5) Precious metals means gold, silver, and platinum.

(6) Second-hand dealer means every person engaged in whole or in part in the business of purchasing, selling, trading, consignment selling, or otherwise transferring for value, second-hand property including metal junk, melted metals, precious metals, whether or not the person maintains a fixed place of business within the state. Second-hand dealer also includes persons or entities conducting business at flea markets or swap meets, more than three times per year.

(7) Second-hand property means any item of personal property offered for sale which is not new, including metals in any form, except postage stamps, coins that are legal tender, bullion in the form of fabricated hallmarked bars, used books, and clothing of a resale value of seventy-five dollars or less, except furs.

(8) Transaction means a pledge, or the purchase of, or consignment of, or the trade of any item of personal property by a pawnbroker or a second-hand dealer from a member of the general public.

(9) Term of the loan as defined in this chapter shall be set for a period of thirty days to include the date of the loan.

Sec. 2. RCW 19.60.020 and 1984 c 10 s 3 are each amended to read as follows:

(1) Every pawnbroker and second-hand dealer doing business in this state shall maintain wherever that business is conducted a record in which shall be legibly written in the English language, at the time of each transaction the following information:

(a) The signature of the person with whom the transaction is made;

(b) The date of the transaction;

(c) The name of the person or employee or the identification number of the person or employee conducting the transaction, as required by the applicable chief of police or the county's chief law enforcement officer;

(d) The name, date of birth, sex, height, weight, race, and address and telephone number of the person with whom the transaction is made;

(e) A complete description of the property pledged, bought, or consigned, including the brand name, serial number, model number or name, any initials(;) or engraving((s)), size, pattern((s)), and color or stone or stones, and in the case of firearms, the caliber, barrel length, type of action, and whether it is a pistol, rifle, or shotgun;

(f) The price paid or the amount loaned;

(g) The type and identifying number of identification used by the person with whom the transaction ((is)) was made, which shall consist of a valid drivers license or identification card issued by any state or two pieces of identification issued by a governmental agency, one of which shall be descriptive of the person identified. At all times, one piece of current government issued picture identification will be required; and

(h) The nature of the transaction, a number identifying the transaction, the store identification as designated by the applicable law enforcement agency, or the name and address of the business and the name of the person or employee, conducting the transaction, and the location of the property.

(2) This record shall at all times during the ordinary hours of business, or at reasonable times if ordinary hours of business are not kept, be open to the inspection of any commissioned law enforcement officer of the state or any of its political subdivisions, and shall be maintained wherever that business is conducted for three years following the date of the transaction.

Sec. 3. RCW 19.60.040 and 1984 c 10 s 6 are each amended to read as follows:

(1) Upon request, every pawnbroker and second-hand dealer doing business in the state shall furnish ~~((or mail within twenty-four hours to the chief of police of the city or to the county's chief law enforcement officer, on such forms as are provided by the chief of police or the county's chief law enforcement officer, a full, true, and correct transcript of the record of all~~

transactions conducted on the preceding day within the jurisdiction of the chief of police or the county's chief law enforcement officer)) a full, true, and correct transcript of the record of all transactions conducted on the preceding day. These transactions shall be recorded on such forms as may be provided and in such format as may be required by the chief of police or the county's chief law enforcement officer within a specified time not less than twenty-four hours. This information may be transmitted to the applicable law enforcement agency electronically, by facsimile transmission, or by modem or similar device, or by delivery of computer disk subject to the requirements of, and approval by, the chief of police or the county's chief law enforcement officer.

(2) If a pawnbroker or second-hand dealer has good cause to believe that any property in his or her possession has been previously lost or stolen, the pawnbroker or second-hand dealer shall promptly report that fact to the applicable chief of police or the county's chief law enforcement officer, together with the name of the owner, if known, and the date when, and the name of the person from whom it was received.

Sec. 4. RCW 19.60.045 and 1984 c 10 s 5 are each amended to read as follows:

Following notification from a law enforcement agency that an item of property has been reported as stolen, the pawnbroker or second-hand dealer shall hold that property intact and safe from alteration, damage, or commingling. The pawnbroker or second-hand dealer shall place an identifying tag or other suitable identification upon the property so held. Property held shall not be released for one hundred twenty days from the date of police notification unless released by written consent of the applicable law enforcement agency or by order of a court of competent jurisdiction. In cases where the applicable law enforcement agency has placed a verbal hold on an item, that agency must then give written notice within ten business days. If such written notice is not received within that period of time, then the hold order will cease. The pawnbroker or second-hand dealer shall give ((ten days)) a twenty-day written notice before the expiration of the one hundred twenty-day holding period to the applicable law enforcement agency about the stolen property. If notice is not given within ((the required ten-day period)) twenty days, then the hold on the property shall continue for an additional one hundred twenty days. The applicable law enforcement agency may renew the holding period for additional one hundred twenty-day periods as necessary. After the receipt of notification from a pawnbroker or second-hand dealer, if an additional holding period is required, the applicable law enforcement agency shall give the pawnbroker or second-hand dealer written notice, prior to the expiration of the existing hold order. A law enforcement agency shall not place on hold any item of personal property unless that agency reasonably suspects that the item of personal property is a lost or stolen item. Any hold that is placed on an item will be

removed as soon as practicable after the item on hold is determined not to be stolen or lost.

Sec. 5. RCW 19.60.050 and 1984 c 10 s 8 are each amended to read as follows:

Property bought or received in pledge by any pawnbroker shall not be removed from that place of business, except when redeemed by, or returned to the owner, within ((fifteen)) thirty days after the receipt of the property. Property shall at all times during the ordinary hours of business be open to inspection to any commissioned law enforcement officer of the state or any of its political subdivisions.

Sec. 6. RCW 19.60.055 and 1984 c 10 s 7 are each amended to read as follows:

(1) Property bought or received on consignment by ((a)) any second-hand dealer with a permanent place of business in the state shall not be removed from that place of business((;)) except consigned property returned to the owner, within ((fifteen)) thirty days after the receipt of the property. Property shall at all times during the ordinary hours of business be open to inspection to any commissioned law enforcement officer of the state or any of its political subdivisions.

(2) Property bought or received on consignment by ((a)) any second-hand dealer without a permanent place of business in the state, shall be held within the city or county in which the property was received, except consigned property returned to the owner, ((for fifteen)) within thirty days after receipt of the property. The property shall be available within the appropriate jurisdiction for inspection at reasonable times by any commissioned law enforcement officer of the state or any of its political subdivisions.

Sec. 7. RCW 19.60.060 and 1984 c 10 s 9 are each amended to read as follows:

All pawnbrokers are authorized to charge and receive interest and other fees at the following rates for money ((loaned)) on the security of personal property actually received in pledge:

(1) The interest shall not exceed:

(a) For an amount loaned up to ~~\$(19.99)~~ 9.99 – interest at \$1.00 ~~((per month;))~~ for each thirty-day period to include the loan date.

(b) For an amount loaned from ~~(\$20.00 to \$39.99)~~ \$10.00 to \$19.99 – interest at the rate of ~~(\$1.50 per month;)~~ \$1.25 for each thirty-day period to include the loan date.

(c) For an amount loaned from ~~(\$40.00 to \$75.99)~~ \$20.00 to \$24.99 – interest at the rate of ~~(\$2.00 per month;)~~ \$1.50 for each thirty-day period to include the loan date.

(d) For an amount loaned from (~~(\$76.00 to \$100.99)~~) \$25.00 to \$34.99 – interest at the rate of (~~(\$2.50 per month;)~~) \$1.75 for each thirty-day period to include the loan date.

(e) For an amount loaned from (~~(\$101.00 to \$125.99)~~) \$35.00 to \$39.99 – interest at the rate of (~~(\$3.00 per month;)~~) \$2.00 for each thirty-day period to include the loan date.

(f) For an amount loaned from (~~(\$126.00 or more)~~) \$40.00 to \$49.99 – interest at the rate of (~~(three percent a month;)~~) \$2.25 for each thirty-day period to include the loan date.

(g) For the amount loaned from \$50.00 to \$59.99 – interest at the rate of \$2.50 for each thirty-day period to include the loan date.

(h) For the amount loaned from \$60.00 to \$69.99 – interest at the rate of \$2.75 for each thirty-day period to include the loan date.

(i) For the amount loaned from \$70.00 to \$79.99 – interest at the rate of \$3.00 for each thirty-day period to include the loan date.

(j) For the amount loaned from \$80.00 to \$89.99 – interest at the rate of \$3.25 for each thirty-day period to include the loan date.

(k) For the amount loaned from \$90.00 to \$99.99 – interest at the rate of \$3.50 for each thirty-day period to include the loan date.

(l) For the amount loaned from \$100.00 or more – interest at the rate of three percent for each thirty-day period to include the loan date.

(2) The fee for the preparation of loan documents, pledges, or reports required under the laws of the United States of America, the state of Washington, or the counties, cities, towns, or other political subdivisions thereof, shall not exceed:

(a) For the amount loaned up to \$4.99 – the sum of \$3.50;

(b) For the amount loaned from \$5.00 to \$9.99 – the sum of \$2.00;

(c) For the amount loaned from \$10.00 to (~~(\$19.99)~~) \$14.99 – the sum of \$3.00;

(d) For the amount loaned from (~~(\$20.00 to \$29.99)~~) \$15.00 to \$19.99 – the sum of (~~(\$4.00;)~~) \$3.50.

(e) For the amount loaned from (~~(\$30.00 to \$39.99)~~) \$20.00 to \$24.99 – the sum of (~~(\$5.00;)~~) \$4.00.

(f) For the amount loaned from (~~(\$40.00 to \$49.99)~~) \$25.00 to \$29.99 – the sum of (~~(\$6.00;)~~) \$4.50.

(g) For the amount loaned from (~~(\$50.00 to \$59.99)~~) \$30.00 to \$34.99 – the sum of (~~(\$7.00;)~~) \$5.00.

(h) For the amount loaned from (~~(\$60.00 to \$69.99)~~) \$35.00 to \$39.99 – the sum of (~~(\$8.00;)~~) \$5.50.

(i) For the amount loaned from (~~(\$70.00 to \$79.99)~~) \$40.00 to \$44.99 – the sum of (~~(\$9.00;)~~) \$6.00.

(j) For the amount loaned from (~~(\$80.00 to \$89.99)~~) \$45.00 to \$49.99 – the sum of (~~(\$10.00;)~~) \$6.50.

- (k) For the amount loaned from (~~(\$90.00 to \$99.99)~~) \$50.00 to \$54.99 – the sum of (~~(\$11.00;)~~) \$7.00.
- (l) For the amount loaned from (~~(\$100.00 to \$124.99)~~) \$55.00 to \$59.99 – the sum of (~~(\$12.00;)~~) \$7.50.
- (m) For the amount loaned from (~~(\$125.00 to \$149.99)~~) \$60.00 to \$64.99 – the sum of (~~(\$13.00;)~~) \$8.00.
- (n) For the amount loaned from (~~(\$150.00 to \$174.99)~~) \$65.00 to \$69.99 – the sum of (~~(\$14.00;)~~) \$8.50.
- (o) For the amount loaned from (~~(\$175.00 to \$199.99)~~) \$70.00 to \$74.99 – the sum of (~~(\$15.00;)~~) \$9.00.
- (p) For the amount loaned from (~~(\$200.00 to \$249.99)~~) \$75.00 to \$79.99 – the sum of (~~(\$16.00;)~~) \$9.50.
- (q) For the amount loaned from (~~(\$250.00 to \$299.99)~~) \$80.00 to \$84.99 – the sum of (~~(\$17.00;)~~) \$10.00.
- (r) For the amount loaned from (~~(\$300.00 to \$399.99)~~) \$85.00 to \$89.99 – the sum of (~~(\$18.00;)~~) \$10.50.
- (s) For the amount loaned from (~~(\$400.00 to \$499.99 – the sum of \$19.00;~~
- (t) For the amount loaned from (~~\$500.00 or more~~) \$90.00 to \$94.99 – the sum of (~~(\$20.00;)~~) \$11.00.
- (t) For the amount loaned from \$95.00 to \$99.99 – the sum of \$11.50.
- (u) For the amount loaned from \$100.00 to \$104.99 – the sum of \$12.00.
- (v) For the amount loaned from \$105.00 to \$109.99 – the sum of \$12.25.
- (w) For the amount loaned from \$110.00 to \$114.99 – the sum of \$12.75.
- (x) For the amount loaned from \$115.00 to \$119.99 – the sum of \$13.25.
- (y) For the amount loaned from \$120.00 to \$124.99 – the sum of \$13.50.
- (z) For the amount loaned from \$125.00 to \$129.99 – the sum of \$13.75.
- (aa) For the amount loaned from \$130.00 to \$149.99 – the sum of \$14.50.
- (bb) For the amount loaned from \$150.00 to \$174.99 – the sum of \$14.75.
- (cc) For the amount loaned from \$175.00 to \$199.99 – the sum of \$15.00.
- (dd) For the amount loaned from \$200.00 to \$224.99 – the sum of \$16.00.
- (ee) For the amount loaned from \$225.00 to \$249.99 – the sum of \$17.00.

(ff) For the amount loaned from \$250.00 to \$274.99 – the sum of \$18.00.

(gg) For the amount loaned from \$275.00 to \$299.99 – the sum of \$19.00.

(hh) For the amount loaned from \$300.00 to \$324.99 – the sum of \$20.00.

(ii) For the amount loaned from \$325.00 to \$349.99 – the sum of \$21.00.

(jj) For the amount loaned from \$350.00 to \$374.99 -- the sum of \$22.00.

(kk) For the amount loaned from \$375.00 to \$399.99 – the sum of \$23.00.

(ll) For the amount loaned from \$400.00 to \$424.99 – the sum of \$24.00.

(mm) For the amount loaned from \$425.00 to \$449.99 – the sum of \$25.00.

(nn) For the amount loaned from \$450.00 to \$474.99 – the sum of \$26.00.

(oo) For the amount loaned from \$475.00 to \$499.99 – the sum of \$27.00.

(pp) For the amount loaned from \$500.00 to \$524.99 – the sum of \$28.00.

(qq) For the amount loaned from \$525.00 to \$549.99 – the sum of \$29.00.

(rr) For the amount loaned from \$550.00 to \$599.99 – the sum of \$30.00.

(ss) For the amount loaned from \$600.00 to \$699.99 – the sum of \$35.00.

(tt) For the amount loaned from \$700.00 to \$799.99 – the sum of \$40.00.

(uu) For the amount loaned from \$800.00 to \$899.99 – the sum of \$40.00.

(vv) For the amount loaned from \$900.00 to \$999.99 – the sum of \$50.00.

(ww) For the amount loaned from \$1000.00 to \$1499.99 – the sum of \$55.00.

(xx) For the amount loaned from \$1500.00 to \$1999.99 – the sum of \$60.00.

(yy) For the amount loaned from \$2000.00 to \$2499.99 – the sum of \$65.00.

(zz) For the amount loaned from \$2500.00 to \$2999.99 – the sum of \$70.00.

(aaa) For the amount loaned from \$3000.00 to \$3499.99 – the sum of \$75.00.

(bbb) For the amount loaned from \$3500.00 to \$3999.99 – the sum of \$80.00.

(ccc) For the amount loaned from \$4000.00 to \$4499.99 – the sum of \$85.00.

(ddd) For the amount loaned from \$4500.00 or more – the sum of \$90.00.

(3) Fees under subsection (2) of this section may be charged one time only during the term of ~~((a-pledge))~~ the loan.

A copy of this section, set in twelve point type or larger, shall be posted prominently in each premises subject to this chapter.

Sec. 8. RCW 19.60.061 and 1984 c 10 s 10 are each amended to read as follows:

(1) A pawnbroker shall not sell any property received in pledge ~~((within ninety days after the term of the loan expires))~~, until both the term of the loan and a grace period of a minimum of sixty days has expired. However, if a pledged article is not redeemed within the ninety-day period of both the term of the loan and the grace period, the pawnbroker ~~((has))~~ shall have all rights, title, and interest of ((the pledgor or the pledgor's assigns)) that item of personal property. The pawnbroker shall not be required to account to the pledgor for the proceeds received from the disposition of that item. Any provision of law relating to the foreclosures and the subsequent sale of forfeited pledged items, shall not be applicable to any pledge as defined under this chapter, the title to which is transferred in accordance with this section.

(2) Every transaction entered into by a pawnbroker shall be evidenced by a written document, a copy of which shall be furnished to the pledgor. The document shall set forth the ~~((loan period))~~ term of the loan, the date on which the loan is due and payable, and shall inform the pledgor of the pledgor's right to redeem the pledge within ~~((ninety))~~ sixty days after the expiration of the loan term.

Sec. 9. RCW 19.60.062 and 1984 c 10 s 11 are each amended to read as follows:

By either party, in an action brought by an owner to recover goods in the possession of a pawnbroker or second-hand dealer, or an action brought by a pawnbroker or second-hand dealer against an owner, or a person claiming ownership, to determine title or ownership of any item, the prevailing party is entitled to reasonable attorney's fees and costs.

Sec. 10. RCW 19.60.066 and 1984 c 10 s 12 are each amended to read as follows:

It is a gross misdemeanor under chapter 9A.20 RCW for:

(1) Any person to remove, alter, or obliterate any manufacturer's make, model, or serial number, personal identification number, or identifying marks engraved or etched upon an item of personal property that was

purchased, consigned, or received in pledge. In addition an item shall not be accepted for pledge or a second-hand purchase where the manufacturer's make, model, or serial number, personal identification number, or identifying marks engraved or etched upon an item of personal property has been removed, altered, or obliterated;

(2) Any person to knowingly make, cause, or allow to be made any false entry or misstatement of any material matter in any book, record, or writing required to be kept under this chapter;

(3) Any pawnbroker or second-hand dealer to receive any property from any person under the age of eighteen years, any person under the influence of intoxicating liquor or drugs, or any person known to the pawnbroker or second-hand dealer as having been convicted of burglary, robbery, theft, or possession of or receiving stolen property within the past ten years whether the person is acting in his or her own behalf or as the agent of another; or

(4) Any person to violate knowingly any other provision of this chapter.

NEW SECTION. Sec. 11. A new section is added to chapter 19.60 RCW to read as follows:

A purchase of personal property shall not be made on the condition of selling it back at a stipulated time and price greater than the purchase price, for the purpose of avoiding the interest and fee restrictions of this chapter.

Passed the Senate April 25, 1991.

Passed the House April 27, 1991.

Approved by the Governor May 21, 1991.

Filed in Office of Secretary of State May 21, 1991.

CHAPTER 324

[Engrossed Substitute House Bill 1136]

COSMETOLOGY—REVISED LICENSING REQUIREMENTS

Effective Date: 7/28/91

AN ACT Relating to cosmetology; amending RCW 18.16.020, 18.16.030, 18.16.050, 18.16.060, 18.16.090, 18.16.100, 18.16.110, 18.16.130, 18.16.140, 18.16.150, 18.16.160, 18.16.200, 50.04.225, 51.12.020, and 82.04.360; adding new sections to chapter 18.16 RCW; creating a new section; repealing RCW 18.16.040 and 18.16.120; prescribing penalties; providing an effective date; and declaring an emergency.

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

Sec. 1. RCW 18.16.020 and 1984 c 208 s 2 are each amended to read as follows:

As used in this chapter, the following terms have the meanings indicated unless the context clearly requires otherwise:

(1) "Board" means the cosmetology, barbering, esthetics, and manicuring advisory board.

(2) "Director" means the director of the department of licensing or the director's designee.

(3) "The practice of cosmetology" means the practice of ~~((manicuring, the practice of barbering))~~ cutting, trimming, styling, shampooing, ((and the)) permanent waving, chemical relaxing or straightening, bleaching, or coloring of the hair of the face, neck, and scalp and manicuring and esthetics.

(4) "Cosmetologist" means a person licensed under this chapter to engage in the practice of cosmetology and who has completed sixteen hundred hours of instruction at a school licensed under this chapter.

(5) "The practice of barbering" means the cutting, trimming, arranging, dressing, curling, waving and shampooing hair of the face, neck and scalp.

(6) "Barber" means a person licensed under this chapter to engage in the practice of barbering ~~((and who has completed eight hundred hours of instruction at a school licensed under this chapter))~~.

(7) "Practice of manicuring" means the cleaning, shaping, or polishing of the nails of the hands or feet, and the application and removal of artificial nails~~((, skin care involving hot compresses, massage, or the use of electrical appliances or chemical compounds formulated for professional application only, and the temporary removal of superfluous hair by means of lotions, creams or mechanical or electrical apparatus or appliances on another person))~~.

(8) "Manicurist" means a person ~~((who has successfully completed five hundred hours of instruction at a school licensed under this chapter and who is licensed pursuant to this chapter))~~ licensed under this chapter to engage in the practice of manicuring.

(9) "Practice of esthetics" means skin care of the face, neck, and hands involving hot compresses, massage, or the use of approved electrical appliances or nonabrasive chemical compounds formulated for professional application only, and the temporary removal of superfluous hair by means of lotions, creams, or mechanical or electrical apparatus or appliance on another person.

(10) "Esthetician" means a person licensed under this chapter to engage in the practice of esthetics.

(11) "Instructor-trainee" means a person who is currently licensed in this state as a cosmetologist, barber, manicurist, or esthetician, and is enrolled in an approved instructor-trainee program in a school licensed under this chapter.

(12) "School" means any establishment offering instruction in the practice of cosmetology, or barbering, or esthetics, or manicuring, or instructor-trainee to students and licensed under this chapter.

~~((+0))~~ (13) "Student" means a person sixteen years of age or older who is enrolled in a school licensed under this chapter and receives any phase of cosmetology, barbering, ~~((or))~~ esthetics or manicuring instruction with or without tuition, fee, or cost, and who does not receive any wage or commission.

~~((+1))~~ ~~"Cosmetology instructor"~~ (14) "Instructor-operator-cosmetology" means a person who gives instruction in the practice of cosmetology~~((, barbering and/or manicuring))~~ and instructor-training in a school and who has the same qualifications as a cosmetologist ~~((and who)),~~ has completed at least five hundred hours of instruction in ~~((cosmetology))~~ teaching techniques and lesson planning in a school, and has passed an examination prepared or selected by the board and administered by the director. ~~((A person who applies for a license under this section and who can show equivalent credentials to the five hundred hour curriculum is exempt from the five hundred hour requirement.))~~ An applicant who holds a degree in education from an accredited postsecondary institution and who is otherwise qualified shall upon application be licensed as an instructor ~~((if the applicant meets the requirements for licensure as a cosmetologist))~~ -operator with a cosmetology endorsement.

~~((+2))~~ (15) "Instructor-operator-barber" means a person who gives instruction in the practice of barbering and instructor training in a school, has the same qualifications as a barber, has completed at least five hundred hours of instruction in teaching techniques and lesson planning in a school, and has passed an examination prepared or selected by the board and administered by the director. An applicant who holds a degree in education from an accredited postsecondary institution and who is otherwise qualified shall upon application be licensed as an instructor-operator with a barber endorsement.

(16) "Instructor-operator-manicure" means a person who gives instruction in the practice of manicuring and instructor training in a school, has the same qualifications as a manicurist, has completed at least five hundred hours of instruction in teaching techniques and lesson planning in a school, and has passed an examination prepared or selected by the board and administered by the director. An applicant who holds a degree in education from an accredited postsecondary institution and who is otherwise qualified shall upon application be licensed as an instructor-operator with a manicurist endorsement.

(17) "Instructor-operator-esthetics" means a person who gives instruction in the practice of esthetics and instructor training in a school, has the same qualifications as an esthetician, has completed at least five hundred hours of instruction in teaching techniques and lesson planning in a school, and has passed an examination prepared or selected by the board and administered by the director. An applicant who holds a degree in education from an accredited postsecondary institution and who is otherwise

qualified shall upon application be licensed as an instructor-operator with an esthetics endorsement.

(18) "~~((Special))~~ Vocational student" is a person (~~(who has academically completed the eleventh grade of high school,))~~ who in cooperation with any senior high, vocational technical institute, community college, or prep school, attends a cosmetology school and participates in its student course of instruction and has the same rights and duties as a student as defined in this chapter. (~~(The school shall have relatively corresponding rights and responsibilities, and))~~ The person must have academically completed the eleventh grade of high school. Every such ~~((special))~~ vocational student shall receive credit for all creditable hours of the approved course of instruction received in the school of cosmetology upon graduation from high school. Hours shall be credited to a ~~((special))~~ vocational student if the student graduates from an accredited high school or receives a certificate of educational competence (~~(before applying to take the cosmetologist, barber, or manicurist license examination))~~).

(19) "Booth renter" means a person who performs cosmetology, barbering, esthetics, or manicuring services where the use of the salon/shop facilities is contingent upon compensation to the owner of the salon/shop facilities and the person receives no compensation or other consideration from the owner for the services performed.

(20) "Person" means any individual, partnership, professional service corporation, joint stock association, joint venture, or any other entity authorized to do business in this state.

(21) "Salon/shop" means any building, structure, or motor home or any part thereof, other than a school, where the commercial practice of cosmetology, barbering, esthetics, or manicuring is conducted.

(22) "Crossover training" means training approved by the director as training hours that may be credited to current licensees for similar training received in another profession licensed under this chapter.

(23) "Approved security" means surety bond, savings assignment, or irrevocable letter of credit.

(24) "Mobile operator" means any person possessing a valid cosmetology, barbering, manicuring, or esthetician's license that provides services in a mobile salon/shop.

(25) "Personal service operator" means any person possessing a valid cosmetology, barbering, manicuring, or esthetician's license that provides services for clients in the client's home, office, or other location that is convenient for the client.

Sec. 2. RCW 18.16.030 and 1984 c 208 s 7 are each amended to read as follows:

In addition to any other duties imposed by law, the director shall have the following powers and duties:

(1) To set all license, examination, and renewal fees in accordance with RCW 43.24.086;

(2) To adopt rules necessary to implement this chapter;

(3) To investigate alleged violations of this chapter and consumer complaints involving the practice of cosmetology, barbering, esthetics, or manicuring, schools offering training in these areas, and salons/shops and booth renters offering these services;

(4) To issue subpoenas, statements of charges, statements of intent, final orders, stipulated agreements, and any other legal remedies necessary to enforce this chapter;

(5) To issue cease and desist letters and letters of warning for infractions of this chapter;

(6) To conduct all disciplinary proceedings, impose sanctions, and assess fines for violations of this chapter or any rules adopted under it;

~~((5))~~ (7) To prepare and administer or approve the preparation and administration of licensing examinations;

~~((6))~~ (8) To establish minimum safety and sanitation standards for schools, cosmetologists, barbers, manicurists, estheticians, and salons/shops;

~~((7))~~ (9) To establish minimum instruction guidelines for the training of students;

~~((8) Shall keep all student training records submitted by the school on file for at least five years or until the student is licensed~~;

~~(9))~~ (10) To maintain the official department record of applicants and licensees;

(11) To delegate in writing to a designee the authority to issue subpoenas, statements of charges, and any other documents necessary to enforce this chapter;

(12) To establish by rule the procedures for an appeal of an examination failure;

(13) To employ such administrative, investigative, and clerical staff as needed to implement this chapter;

(14) To set license expiration dates and renewal periods for all licenses ~~(under)~~ consistent with this chapter; and

(15) To make information available to the department of revenue to assist in collecting taxes from persons required to be licensed under this chapter.

Sec. 3. RCW 18.16.050 and 1984 c 208 s 9 are each amended to read as follows:

There is created a state cosmetology, barbering, esthetics, and manicuring advisory board consisting of five members appointed by the governor who shall advise the director concerning the administration of this chapter. Four members of the board shall ~~((be barbers or cosmetologists who are licensed under this chapter and))~~ include a minimum of two instructors with

the balance made up of currently practicing licensees who have been engaged in the practice of manicuring, esthetics, barbering, or cosmetology for at least three years ~~((or who have qualified under RCW 18.16.120(1)))~~. One member of the board shall be a consumer who is unaffiliated with the cosmetology, barbering, esthetics, or manicuring industry. The term of office for board members is three years. ~~((The terms of the first board members; however, shall be staggered to ensure an orderly succession of new board members thereafter:))~~ Any board member may be removed for just cause. The director may appoint a new member to fill any vacancy on the committee for the remainder of the unexpired term. No board member may serve more than two consecutive terms, whether full or partial.

Board members shall be entitled to compensation ~~((at the rate of fifty dollars per day))~~ pursuant to RCW 43.03.240 for each day spent conducting official business and to reimbursement for travel expenses ~~((under))~~ as provided by RCW 43.03.050 and 43.03.060.

Sec. 4. RCW 18.16.060 and 1984 c 208 s 3 are each amended to read as follows:

~~((It is a misdemeanor for))~~ (1) The director shall impose a fine of one thousand dollars on any person ~~((to do))~~ who does any of the following without first obtaining the license required by this chapter:

~~((1))~~ (a) Except as provided in subsection (2) of this section, commercial practice of cosmetology, barbering, ~~((or))~~ esthetics, manicuring, or instructing;

~~((2))~~ (b) Instructs in a school; ~~((or~~

~~((3))~~ (c) Operates a school; or

(d) Operates a salon/shop. Each booth renter shall be considered to be operating an independent salon/shop and shall obtain a separate salon/shop license.

(2) A person licensed as a cosmetology instructor-operator may engage in the commercial practice of cosmetology without maintaining a cosmetologist license. A person licensed as a barbering instructor-operator may engage in the commercial practice of barbering without maintaining a barber license. A person licensed as a manicuring instructor-operator may engage in the commercial practice of manicuring without maintaining a manicurist license. A person licensed as an esthetician instructor-operator may engage in the commercial practice of esthetics without maintaining an esthetician license.

Sec. 5. RCW 18.16.090 and 1984 c 208 s 10 are each amended to read as follows:

Examinations for licensure under this chapter shall be conducted monthly at such times and places as the director determines appropriate. Examinations shall consist of tests designed to reasonably measure the applicant's knowledge of safe and sanitary practice. The director shall ~~((annually announce the dates and locations of examinations scheduled for that~~

year. ~~Passing grades shall be based upon a standard of one hundred percent. An applicant who receives a passing grade as determined by the board is entitled to the appropriate license for which the applicant was examined:~~

~~All examination papers completed by the applicant shall be kept on file by the director for a period of at least one year and shall be available for inspection by the applicant or the applicant's agent))~~ establish by rule the minimum passing score for all examinations and the requirements for reexamination of applicants who fail the examination or examinations.

The director shall take steps to ensure that after completion of the required course, applicants may promptly take the examination and receive the results of the examination.

Sec. 6. RCW 18.16.100 and 1984 c 208 s 5 are each amended to read as follows:

(1) Upon payment of the proper fee, the director shall issue the appropriate license to any person who:

~~((1))~~ (a) Is at least seventeen years of age or older;

~~((2) Has completed a sixteen hundred hour course of training in cosmetology, an eight hundred hour course of training in barbering, or a five hundred hour course of training in manicuring. The required curriculum shall be determined by the director in consultation with the board))~~ (b) Has completed and graduated from a course approved by the director of sixteen hundred hours of training in cosmetology, one thousand hours of training in barbering, five hundred hours of training in manicuring, five hundred hours of training in esthetics, and/or five hundred hours of training as an instructor-trainee; and

~~((3))~~ (c) Has received a passing grade on ((a)) the appropriate licensing examination approved or administered by the director.

(2) A person currently licensed under this chapter may qualify for examination and licensure, after the required examination is passed, in another category if he or she has completed the crossover training course approved by the director.

(3) Upon payment of the proper fee, the director shall issue a salon/shop license to the operator of a salon/shop if the salon/shop meets the other requirements of this chapter as demonstrated by information submitted by the operator.

(4) The director may consult with the state board of health and the department of labor and industries in establishing training and examination requirements.

Sec. 7. RCW 18.16.110 and 1984 c 208 s 12 are each amended to read as follows:

(1) The director shall issue the appropriate license to ~~((each))~~ any applicant who ~~((has applied for a license and complied with))~~ meets the requirements ((established under)) as outlined in this chapter ((for that license)). Failure to renew a license before its expiration date subjects the

holder to a penalty fee and payment of each year's renewal fee, at the current rate, up to a maximum of four years as established by the director in accordance with RCW 43.24.086. A person whose license has not been renewed for ~~((three))~~ four years shall be required to ~~((retake))~~ submit an application, fee, meet current licensing requirements, and pass the applicable examination or examinations before the license may be ~~((reissued))~~ reinstated: PROVIDED, That the director may waive this requirement for good cause shown. To renew a salon/shop license, the licensee shall provide proof of insurance as required by section 15(1)(h) of this act.

(2) Upon request and payment of an additional fee to be established by the director, the director shall issue a duplicate license to an applicant.

NEW SECTION. Sec. 8. (1) All licenses issued prior to January 1, 1992, shall remain in effect until renewal or January 1, 1993, whichever is earlier.

(a) On or before renewal of each individual's license the licensee will be allowed to designate the license to be issued. A licensed cosmetologist may request licenses in cosmetology, barbering, manicuring, and esthetics. A manicurist may request licenses in manicuring and esthetics. An instructor may request endorsements in cosmetology, barbering, manicuring, and esthetics.

(b) A renewal fee is required for each license type requested. A licensed cosmetologist requesting all four licenses shall pay four renewal fees. An instructor shall be issued one license with endorsements for the multiple areas that they teach with only one renewal fee required.

(c) After January 1, 1993, any licensee wishing to obtain additional licenses or endorsements to their licenses shall meet the training and examination requirements of this chapter.

(2) Students currently enrolled in a licensed school in an approved course as of January 1, 1992, may apply for the examination or examinations in any type or any combination of types of licenses when they complete the appropriate course.

(3) Schools must update their curricula to comply with this chapter by July 1, 1992. No students may be enrolled in the programs under the previous law if they cannot complete their training prior to January 1, 1993, to allow them to apply for examination under subsection (2) of this section.

NEW SECTION. Sec. 9. (1) Subject to subsection (2) of this section, licenses issued under this chapter expire as follows:

(a) A salon/shop license expires one year from issuance or when the insurance required by section 15(1)(h) of this act expires, whichever occurs first;

(b) A school license expires one year from issuance; and

(c) Cosmetologist, barber, manicurist, and instructor licenses expire two years from issuance.

(2) The director may provide for expiration dates other than those set forth in subsection (1) of this section for the purpose of establishing staggered renewal periods.

Sec. 10. RCW 18.16.130 and 1984 c 208 s 11 are each amended to read as follows:

Any person who is properly licensed in any state, territory, or possession of the United States, or foreign country shall be ~~((issued a license under this chapter without))~~ eligible for examination if the applicant submits the approved application and fee and provides proof to the director that he or she is currently licensed in good standing as a cosmetologist, barber, manicurist, esthetician, instructor, or the equivalent in that jurisdiction ((and has completed a course of training equivalent to that required under this chapter)). Upon passage of the required examinations the appropriate license will be issued.

Sec. 11. RCW 18.16.140 and 1987 c 445 s 1 are each amended to read as follows:

(1) Any person wishing to operate a school shall, before opening such a school, file with the director for approval a license application and fee containing the following information:

~~((1))~~ (a) The names and addresses of all owners, managers, and instructors;

~~((2))~~ ~~Proof that~~ (b) A copy of the school's curriculum ~~((satisfies))~~ satisfying the training guidelines established by the director;

~~((3))~~ ~~The catalogs, brochures, and contract forms the school proposes to use;~~

~~((4))~~ (c) A sample copy of the school's catalog, brochure, enrollment contract, and cancellation and refund policies that will be used or distributed by the school to students and the public;

~~((5))~~ (d) A description and floor plan of the school's physical equipment and facilities;

~~((6))~~ (e) A surety bond, irrevocable letter of credit, or savings assignment in an amount not less than ~~((one))~~ ten thousand dollars, or ~~((five))~~ ten percent of the annual gross tuition collected by the school, whichever is greater. The ~~((bond))~~ approved security shall not exceed ~~((twenty-five))~~ fifty thousand dollars and shall run to the state of Washington for the protection of unearned prepaid student tuition. The school shall attest to its gross tuition at least annually on forms provided by the department. When a new school license is being applied for, the applicant will estimate its annual gross tuition to establish a bond amount. This subsection shall not apply to community colleges and vocational technical schools.

Upon ~~((proper))~~ approval of the application and ((payment of fees)) documents, the director shall issue a license to operate a school with the appropriate certification or certifications.

(2) Changes to the information provided by schools shall be submitted to the department within fifteen days of the implementation date.

(3) A change involving the controlling interest of the school requires a new license application and fee. The new application shall include all required documentation, proof of ownership change, and be approved prior to a license being issued.

Sec. 12. RCW 18.16.150 and 1984 c 208 s 8 are each amended to read as follows:

From time to time as deemed necessary by the director, ~~((all))~~ schools ~~((shall be surveyed))~~ may be audited for compliance with this chapter. If the director determines that ~~((any))~~ a licensed school is not maintaining the standards required according to this chapter, written notice thereof~~((, in writing;))~~ shall be given to the school. A school which fails to correct these conditions to the satisfaction of the director within a reasonable time shall~~((, upon due notice to the school;))~~ be subject to penalties imposed ~~((by the director))~~ under RCW 18.16.210.

Sec. 13. RCW 18.16.160 and 1984 c 208 s 16 are each amended to read as follows:

In addition to any other legal remedy, any student or instructor-trainee having a claim against a school may bring suit upon the ~~((surety bond))~~ approved security required in RCW ~~((18.16.140(6)))~~ 18.16.140(1)(e) in the superior or district court of Thurston county or the county in which the educational services were offered by the school. Action upon the ~~((bond))~~ approved security shall be commenced by filing the complaint with the clerk of the appropriate superior or district court within one year from the date of the cancellation of the ~~((bond))~~ approved security: PROVIDED, That no action shall be maintained upon the ~~((bond))~~ approved security for any claim which has been barred by any nonclaim statute or statute of limitations of this state. Service of process in an action upon the ~~((bond))~~ approved security shall be exclusively by service upon the director. Two copies of the complaint shall be served by registered or certified mail upon the director at the time the suit is started. Such service shall constitute service on the ~~((surety))~~ approved security and the school. The director shall transmit the complaint or a copy thereof to the school at the address listed in the director's records and to the surety within forty-eight hours after it has been received. The ~~((surety))~~ approved security shall not be liable in an aggregate amount in excess of the amount named in the ~~((bond))~~ approved security. In any action on ~~((a bond))~~ an approved security, the prevailing party is entitled to reasonable attorney's fees and costs.

The director shall maintain a record, available for public inspection, of all suits commenced under this chapter upon ~~((surety bonds))~~ approved security.

Sec. 14. RCW 18.16.200 and 1984 c 208 s 13 are each amended to read as follows:

Any applicant or licensee under this chapter may be subject to disciplinary action by the director if the licensee or applicant:

- (1) Has been found guilty of a crime related to the practice of cosmetology, barbering, ~~((or))~~ esthetics, manicuring, or instructing;
- (2) Has made a material misstatement or omission in connection with an original application or renewal;
- (3) Has engaged in false or misleading advertising;
- (4) Has performed services in an unsafe or unsanitary manner; ~~((or))~~
- (5) Has aided and abetted unlicensed activity;
- (6) Has engaged in the commercial practice of cosmetology, barbering, manicuring, esthetics, or instructed in or operated a school without first obtaining the license required by this chapter;
- (7) Has engaged in the commercial practice of cosmetology in a school;
- (8) Has not provided a safe, sanitary, and good moral environment for students and public;
- (9) Has not provided records as required by this chapter;
- (10) Has not cooperated with the department in supplying records or assisting in an investigation or disciplinary procedure; or
- (11) Has violated any provision of this chapter or any rule adopted under it.

NEW SECTION. Sec. 15. (1) A salon/shop shall meet the following minimum requirements:

- (a) Maintain an outside entrance separate from any rooms used for sleeping or residential purposes;
- (b) Provide and maintain for the use of its customers adequate toilet facilities located within or adjacent to the salon/shop;
- (c) Be operated under the direct supervision of a licensed cosmetologist except that a salon/shop that is limited to barbering may be directly supervised by a barber, a salon/shop that is limited to manicuring may be directly supervised by a manicurist, and a salon/shop that is limited to esthetics may be directly supervised by an esthetician;
- (d) Any room used wholly or in part as a salon/shop shall not be used for residential purposes, except that toilet facilities may be used jointly for residential and business purposes;
- (e) Meet the zoning requirements of the county, city, or town, as appropriate;
- (f) Provide for safe storage and labeling of chemicals used in the practice of cosmetology;
- (g) Meet all applicable local and state fire codes;
- (h) Provide proof that the salon/shop is covered by a public liability insurance policy in an amount not less than one hundred thousand dollars for combined bodily injury and property damage liability; and

(i) Other requirements which the director determines are necessary for safety and sanitation of salons/shops. The director may consult with the state board of health and the department of labor and industries in establishing minimum salon/shop safety requirements.

(2) A salon/shop shall post the notice to customers described in section 16 of this act.

(3) Upon receipt of a written complaint that a salon/shop has violated any provisions of this chapter or the rules adopted under this chapter, the director shall inspect the salon/shop. If the director determines that any salon/shop is not in compliance with this chapter, the director shall send written notice to the salon/shop. A salon/shop which fails to correct the conditions to the satisfaction of the director within a reasonable time shall, upon due notice, be subject to the penalties imposed by the director under RCW 18.16.210. The director may enter any salon/shop during business hours for the purpose of inspection. The director may contract with health authorities of local governments to conduct the inspections under this subsection.

(4) A salon/shop, including a salon/shop operated by a booth renter, shall obtain a certificate of registration from the department of revenue.

(5) This section does not prohibit the use of motor homes as mobile salons/shops if the motor home meets the health and safety standards of this section.

NEW SECTION. Sec. 16. The director shall prepare and provide to all licensed salons/shops a notice to consumers. At a minimum, the notice shall state that cosmetology, barber, esthetics, and manicure salons/shops are required to be licensed, that salons/shops are required to maintain minimum safety and sanitation standards, that customer complaints regarding salons/shops may be reported to the department, and a telephone number and address where complaints may be made.

Sec. 17. RCW 50.04.225 and 1985 c 7 s 117 are each amended to read as follows:

The term "employment" does not include services performed in a barber shop or cosmetology shop by persons licensed under chapter 18.16 RCW if((:

~~(1) The use of the shop facilities by the individual performing the services is contingent upon compensation to the shop owner; and~~

~~(2) The individual performing the services receives no compensation or other consideration from the owner for the services performed)) the person is a booth renter as defined in RCW 18.16.020.~~

Sec. 18. RCW 51.12.020 and 1987 c 316 s 2 are each amended to read as follows:

The following are the only employments which shall not be included within the mandatory coverage of this title:

(1) Any person employed as a domestic servant in a private home by an employer who has less than two employees regularly employed forty or more hours a week in such employment.

(2) Any person employed to do gardening, maintenance, repair, remodeling, or similar work in or about the private home of the employer.

(3) A person whose employment is not in the course of the trade, business, or profession of his or her employer and is not in or about the private home of the employer.

(4) Any person performing services in return for aid or sustenance only, received from any religious or charitable organization.

(5) Sole proprietors or partners: PROVIDED, That after July 26, 1981, sole proprietors or partners who for the first time register under chapter 18.27 RCW or become licensed for the first time under chapter 19.28 RCW shall be included under the mandatory coverage provisions of this title subject to the provisions of RCW 51.32.030. These persons may elect to withdraw from coverage under RCW 51.12.115.

(6) Any child under eighteen years of age employed by his parent or parents in agricultural activities on the family farm.

(7) Jockeys while participating in or preparing horses for race meets licensed by the Washington horse racing commission pursuant to chapter 67.16 RCW.

(8) Any officer of a corporation elected and empowered in accordance with the articles of incorporation or bylaws of a corporation who at all times during the period involved is also a director and shareholder of the corporation. However, any corporation may elect to cover such officers who are in fact employees of the corporation in the manner provided by RCW 51.12.110.

(9) Services rendered by a musician or entertainer under a contract with a purchaser of the services, for a specific engagement or engagements when such musician or entertainer performs no other duties for the purchaser and is not regularly and continuously employed by the purchaser. A purchaser does not include the leader of a group or recognized entity who employs other than on a casual basis musicians or entertainers.

(10) Services performed by a booth renter as defined in RCW 18.16.020. However, a person exempted under this subsection may elect coverage under RCW 51.32.030.

Sec. 19. RCW 82.04.360 and 1961 c 15 s 82.04.360 are each amended to read as follows:

(1) This chapter shall not apply to any person in respect to his or her employment in the capacity of an employee or servant as distinguished from that of an independent contractor.

(2) A booth renter, as defined by RCW 18.16.020, is an independent contractor for purposes of this chapter.

NEW SECTION. Sec. 20. It is a violation of this chapter for any person to engage in the commercial practice of cosmetology, barbering, esthetics, or manicuring, except in a licensed salon/shop or the home, office, or other location selected by the client for obtaining the services of a personal service operator, or with the appropriate individual license when delivering services to placebound clients. Placebound clients are defined as persons who are ill, disabled, or otherwise unable to travel to a salon/shop.

NEW SECTION. Sec. 21. Sections 8, 9, 15, 16, and 20 of this act are each added to chapter 18.16 RCW.

NEW SECTION. Sec. 22. 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. 23. *This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1991.*

*Sec. 23 was vetoed, see message at end of chapter.

NEW SECTION. Sec. 24. The following acts or parts of acts are each repealed:

- (1) RCW 18.16.040 and 1984 c 208 s 17; and
- (2) RCW 18.16.120 and 1984 c 208 s 18.

NEW SECTION. Sec. 25. If specific funding for the purposes of this act, referencing this act by bill number, is not provided by June 30, 1991, in the omnibus appropriations act, this act shall be null and void.

Passed the House March 18, 1991.

Passed the Senate April 18, 1991.

Approved by the Governor May 21, 1991, with the exception of certain items which were vetoed.

Filed in Office of Secretary of State May 21, 1991.

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

"I am returning herewith, without my approval as to section 23, Engrossed Substitute House Bill No. 1136 entitled.

"AN ACT Relating to cosmetology."

Engrossed Substitute House Bill No. 1136 seeks to address certain inadequacies in current law and thereby protect consumers. Section 23 creates a July 1, 1991 effective date. The concerns addressed by this bill, however, are not so urgent as to warrant this provision. Further, the Department of Licensing has stated it will take between six months and one year to fully implement the bill. For this reason, I have vetoed this section.

With the exception of section 23, Engrossed Substitute House Bill No. 1136 is approved."

CHAPTER 325

[Engrossed Substitute Senate Bill 5629]

CRIMES—ACTS AGAINST ANIMAL FACILITIES

Effective Date: 5/21/91

AN ACT Relating to acts committed against animal facilities; adding new sections to chapter 9.08 RCW; adding new sections to chapter 4.24 RCW; prescribing penalties; and declaring an emergency.

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

NEW SECTION. Sec. 1. A new section is added to chapter 9.08 RCW to read as follows:

There has been an increasing number of illegal acts committed against animal production and research facilities involving injury or loss of life to animals or humans, criminal trespass, and damage to property. These actions not only abridge the property rights of the owners, operators, and employees of the facility, they may also damage the public interest by jeopardizing crucial animal production or agricultural, scientific, or biomedical research. These actions may also threaten the public safety by exposing communities to public health concerns and creating traffic hazards. These actions substantially disrupt or damage research and result in the potential loss of physical and intellectual property. While the criminal code, particularly the malicious mischief crimes, adequately covers those who intentionally and without authority damage or destroy farm animals, the code does not adequately cover similar misconduct directed against research and educational facilities. Therefore, it is in the interest of the people of the state of Washington to protect the welfare of humans and animals, as well as the productive use of private or public funds, to promote and protect scientific and medical research, foster education, and preserve and enhance agricultural production.

It is the intent of the legislature that the courts in deciding applications for injunctive relief under section 5 of this act give full consideration to the constitutional rights of persons to speak freely, to picket, and to conduct other lawful activities.

NEW SECTION. Sec. 2. A new section is added to chapter 9.08 RCW to read as follows:

A person is guilty of a class C felony: If he or she, without authorization, knowingly takes, releases, destroys, contaminates, or damages any animal or animals kept in a research or educational facility where the animal or animals are used or to be used for medical research purposes or other research purposes or for educational purposes; or if he or she, without authorization, knowingly destroys or damages any records, equipment, research product, or other thing pertaining to such animal or animals.

NEW SECTION. Sec. 3. A new section is added to chapter 4.24 RCW to read as follows:

(1) Joint and several liability for damages shall apply to persons and organizations that commit an intentional tort by (a) taking, releasing, destroying, contaminating, or damaging any animal or animals kept in a research or educational facility, where the animal or animals are used or to be used for medical research or other research purposes, or for educational purposes; or (b) destroying or damaging any records, equipment, research product, or other thing pertaining to such animal or animals.

(2) Any person or organization that plans or assists in the development of a plan to commit an intentional tort covered by subsection (1) of this section is liable for damages to the same extent as a person who has committed the tort. However, a person or organization that assists in the development of a plan is not liable under this subsection, if, at the time of providing the assistance the person or organization does not know, or have reason to know, that the assistance is promoting the commission of the tort. Membership in a liable organization does not in itself establish the member's liability under this subsection. The common law defense of prior renunciation is allowed in actions brought under this subsection.

(3) In any case where damages are awarded under this section, the court shall award to the plaintiff all costs of the litigation, including reasonable attorneys' fees, investigation costs, and court costs, and shall impose on any liable party a civil fine of not to exceed one hundred thousand dollars to be paid to the plaintiff.

NEW SECTION. Sec. 4. A new section is added to chapter 4.24 RCW to read as follows:

(1) Joint and several liability for damages shall apply to persons and organizations that commit an intentional tort by taking, releasing, destroying or damaging any animal or animals kept by a person for agricultural production purposes or by a veterinarian for veterinary purposes; or by destroying or damaging any farm or veterinary equipment or supplies pertaining to such animal or animals.

(2) Any person or organization that plans or assists in the development of a plan to commit an intentional tort covered by subsection (1) of this section is liable for damages to the same extent as a person who has committed the tort. However, a person or organization that assists in the development of a plan is not liable under this subsection, if, at the time of providing the assistance the person or organization does not know, or have reason to know, that the assistance is promoting the commission of the tort. Membership in a liable organization does not in itself establish the member's liability under this subsection. The common law defense of prior renunciation is allowed in actions brought under this subsection.

(3) In any case where damages are awarded under this section, the court shall award to the plaintiff all costs of the litigation, including reasonable attorneys' fees, investigation costs, and court costs, and shall impose on any liable party a civil fine of not to exceed one hundred thousand dollars to be paid to the plaintiff.

(4) "Agricultural production," for purposes of this section, means all activities associated with the raising of animals for agricultural purposes, including but not limited to animals raised for wool or fur. Agricultural production also includes the exhibiting or marketing of live animals raised for agricultural purposes.

NEW SECTION. Sec. 5. A new section is added to chapter 4.24 RCW to read as follows:

Any individual having reason to believe that he or she may be injured by the commission of an intentional tort under section 3 or 4 of this act may apply for injunctive relief to prevent the occurrence of the tort. Any individual who owns or is employed at a research or educational facility or an agricultural production facility where animals are used for research, educational, or agricultural purposes who is harassed, or believes that he or she is about to be harassed, by an organization, person, or persons whose intent is to stop or modify the facility's use or uses of an animal or animals, may apply for injunctive relief to prevent the harassment.

For the purposes of this section:

(1) "Agricultural production" means all activities associated with the raising of animals for agricultural purposes, including but not limited to animals raised for wool or fur. Agricultural production also includes the exhibiting or marketing of live animals raised for agricultural purposes; and

(2) "Harassment" means any threat, without lawful authority, that the recipient has good reason to fear will be carried out, that is knowingly made for the purpose of stopping or modifying the use of animals, and that either (a) would cause injury to the person or property of the recipient, or result in the recipient's physical confinement or restraint, or (b) is a malicious threat to do any other act intended to substantially cause harm to the recipient's mental health or safety.

NEW SECTION. Sec. 6. 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. 7. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state

government and its existing public institutions, and shall take effect immediately.

Passed the Senate April 25, 1991.

Passed the House April 27, 1991.

Approved by the Governor May 21, 1991.

Filed in Office of Secretary of State May 21, 1991.

CHAPTER 326

[Engrossed Substitute House Bill 1608]

SERVICES FOR CHILDREN

Effective Date: 7/28/91 – Except Sections 11 through 14 which become effective on 5/21/91.

AN ACT Relating to children's services; amending RCW 13.34.030 and 74.13.300; adding a new section to chapter 13.40 RCW; adding new sections to chapter 74.13 RCW; adding new sections to chapter 13.34 RCW; adding a new chapter to Title 71 RCW; creating new sections; and declaring an emergency.

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

****NEW SECTION. Sec. 1. The department of social and health services shall conduct an assessment of the children in its care to determine the appropriate level of residential and treatment services required by these children. Prior to performing the assessment, the department shall, in conjunction with the private sector, develop a comprehensive, multidisciplinary diagnostic/assessment tool to be used in conducting the assessment. Any such assessment shall be based on a statistically valid sample of all children in the department's care. The department shall report the results of the assessment to the appropriate standing committees of the legislature by September 15, 1992. The department shall submit recommendations to the appropriate standing committees of the legislature on reallocating funds for children's services by December 1, 1992.***

*Sec. 1 was vetoed, see message at end of chapter.

NEW SECTION. Sec. 2. A new section is added to chapter 74.13 RCW to read as follows:

The department of social and health services may implement a therapeutic family home program for up to fifteen youth in the custody of the department under chapter 13.34 RCW. The program shall strive to develop and maintain a mutually reinforcing relationship between the youth and the therapeutic staff associated with the program.

NEW SECTION. Sec. 3. The legislature finds that a destructive lifestyle of drug and street gang activity is rapidly becoming prevalent among some of the state's youths. Gang and drug activity may be a culturally influenced phenomenon which the legislature intends public and private agencies to consider and address in prevention and treatment programs. Gang and drug-involved youths are more likely to become addicted to drugs or

alcohol, live in poverty, experience high unemployment, be incarcerated, and die of violence than other youths.

NEW SECTION. Sec. 4. A new section is added to chapter 13.40 RCW to read as follows:

(1) The department of social and health services may contract with a community-based nonprofit organization to establish a three-step transitional treatment program for gang and drug-involved juvenile offenders committed to the custody of the department under chapter 13.40 RCW. Any such program shall provide six to twenty-four months of treatment. The program shall emphasize the principles of self-determination, unity, collective work and responsibility, cooperative economics, and creativity. The program shall be culturally relevant and appropriate and shall include:

(a) A culturally relevant and appropriate institution-based program that provides comprehensive drug and alcohol services, individual and family counseling, and a wilderness experience of constructive group living, rigorous physical exercise, and academic studies;

(b) A culturally relevant and appropriate community-based structured group living program that focuses on individual goals, positive community involvement, coordinated drug and alcohol treatment, coordinated individual and family counseling, academic and vocational training, and employment in apprenticeship, internship, and entrepreneurial programs; and

(c) A culturally relevant and appropriate transitional group living program that provides support services, academic services, and coordinated individual and family counseling.

(2) Participation in any such program shall be on a voluntary basis.

(3) The department shall adopt rules as necessary to implement any such program.

NEW SECTION. Sec. 5. (1) The department of social and health services may contract with an independent research organization to conduct an evaluation of any program that is established under section 4 of this act. The evaluation shall include an analysis of the race and ethnicity of juvenile offenders served, the offenses for which the youths were committed, the services provided, the effects of the program on educational and vocational achievement, and the rate of recidivism for these youth.

(2) Any organization selected shall provide a preliminary report on the program to appropriate standing committees of the senate and house of representatives by September 15, 1992. Any final report shall be submitted to appropriate standing committees of the senate and house of representatives by January 15, 1993.

Sec. 6. RCW 13.34.030 and 1988 c 176 s 901 are each amended to read as follows:

For purposes of this chapter:

(1) "Child" and "juvenile" means any individual under the age of eighteen years;

(2) "Dependent child" means any child:

(a) Who has been abandoned; that is, where the child's parent, guardian, or other custodian has evidenced either by statement or conduct, a settled intent to forego, for an extended period, all parental rights or all parental responsibilities despite an ability to do so;

(b) Who is abused or neglected as defined in chapter 26.44 RCW by a person legally responsible for the care of the child;

(c) Who has no parent, guardian, or custodian capable of adequately caring for the child, such that the child is in circumstances which constitute a danger of substantial damage to the child's psychological or physical development; or

(d) Who has a developmental disability, as defined in RCW 71A.10-.020 and whose parent, guardian, or legal custodian together with the department determines that services appropriate to the child's needs can not be provided in the home. However, (a), (b), and (c) of this subsection may still be applied if other reasons for removal of the child from the home exist.

(3) "Permanency planning" means the process by which a child is diagnostically assessed and provided treatment services based on his or her unique individual and developmental needs to facilitate the attainment of successful maturity as an adult. Permanency planning should occur in the least restrictive setting appropriate and available and with minimum placement disruption.

(4) "Transitional living programs" means programs that provide shelter and services designed to promote transition to self-sufficient living, development of independent living skills, and to minimize the incidence of long-term dependency on social services.

NEW SECTION. Sec. 7. Out-of-home placement services become necessary whenever voluntary or court-ordered out-of-home placement of a child is imminent or has already occurred. In striving to meet the objective of permanency for every child, a continuum of services must encompass the full range of possible alternatives. A variety of services are available to prevent out-of-home placement or address the needs of the child and family when out-of-home placement becomes necessary, however, the continuum of care is severely lacking in providing transitional living services for older youth.

NEW SECTION. Sec. 8. A new section is added to chapter 13.34 RCW to read as follows:

The department of social and health services shall contract, using the request for proposal process, with independent qualified agencies to provide transitional living services to minors.

Persons sixteen to eighteen years old or sixteen years old until emancipation are eligible for transitional living services. The population eligible for

transitional living services are those for whom returning to their parents' or guardians' home is not possible and for whom foster care or adoption is not likely or appropriate. An assessment shall be done of each minor, including the minor's family situation, before receiving transitional living services. The assessment shall include input from the agency that would be providing the transitional living services to the minor, the agency currently providing services to the minor, and the caseworker for the minor. The assessment shall seek to determine whether the most appropriate plan for the minor is preparation for emancipation. The assessment shall also determine whether the minor is motivated to participate in a transitional living program that requires significant commitment from the minor. A primary goal of transitional living services shall be the acquisition by the youth of basic educational and/or vocational skills that are compatible with the individual's treatment plan. If a youth demonstrates a consistent unwillingness to participate in the acquisition of such skills, a reassessment shall be done of the youth's appropriateness for the program.

NEW SECTION. Sec. 9. A new section is added to chapter 13.34 RCW to read as follows:

Transitional living services should be tailored to meet the needs of the particular minor. A transitional living program should include, but is not limited to, the following:

(1) Educational services, including basic literacy and computational skills training, either in local alternative or public high schools or in a high school equivalency program that leads to obtaining a high school equivalency degree;

(2) Assistance and counseling related to obtaining vocational training or higher education, job readiness, job search assistance, and placement programs;

(3) Health services including pre and post-natal care;

(4) Counseling and instruction in life skills such as money management, home management, consumer skills, parenting, health care, access to community resources, and transportation and housing options;

(5) Individual and group counseling with emphasis on issues of avoiding abuse, sexual abuse, prostitution, drug and alcohol abuse, depression, motivation, self-esteem, and interpersonal and social skills training and development;

(6) Recognizing and facilitating long-term relationships with significant adults; and

(7) Establishing networks with federal agencies and state and local organizations such as the department of labor, employment and training administration programs including the job training partnership act which administers private industry councils and the job corps; vocational rehabilitation; and volunteer programs.

NEW SECTION. Sec. 10. If specific funding for the purposes of sections 6 through 9 of this act, referencing this act by bill and section number, is not provided by June 30, 1991, in the omnibus appropriations act, sections 6 through 9 of this act shall be null and void.

NEW SECTION. Sec. 11. The legislature intends to encourage the development of community-based interagency collaborative efforts to plan for and provide mental health services to children in a manner that coordinates existing categorical children's mental health programs and funding, is sensitive to the unique cultural circumstances of children of color, eliminates duplicative case management, and to the greatest extent possible, blends categorical funding to offer more service options to each child.

NEW SECTION. Sec. 12. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Agency" means a state or local governmental entity or a private not-for-profit organization.

(2) "Child" means a person under eighteen years of age, except as expressly provided otherwise in federal law.

(3) "County authority" means the board of county commissioners or county executive.

(4) "Department" means the department of social and health services.

(5) "Early periodic screening, diagnosis, and treatment" means the component of the federal medicaid program established pursuant to 42 U.S.C. Sec. 1396d(r), as amended.

(6) "Regional support network" means a county authority or group of county authorities that have entered into contracts with the secretary pursuant to chapter 71.24 RCW.

(7) "Secretary" means the secretary of social and health services.

NEW SECTION. Sec. 13. (1) The office of financial management shall provide the following information to the appropriate committees of the legislature on or before December 1, 1991, and update such information biennially thereafter:

(a) An inventory of state and federally funded programs providing mental health services to children in Washington state. For purposes of the inventory, "children's mental health services" shall be broadly construed to include services related to children's mental health provided through education, children and family services, juvenile justice, mental health, health care, alcohol and substance abuse, and developmental disabilities programs, such as: The primary intervention program; treatment foster care; the fair start program; therapeutic child care and day treatment for children in the child protective services system, as provided in RCW 74.14B.040; family reconciliation services counseling, as provided in chapter 13.32A RCW; the community mental health services act, as provided in chapter 71.24 RCW; mental health services for minors, as provided in chapter 71.34 RCW;

mental health services provided by the medical assistance program, limited casualty program for the medically needy and children's health program, as provided in chapter 74.09 RCW; counseling for delinquent children, as provided in RCW 72.05.170; mental health service provided by child welfare services, as provided in chapter 74.13 RCW; and services to emotionally disturbed and mentally ill children, as provided in chapter 74.14A RCW.

(b) For each program or service inventoried pursuant to (a) of this subsection:

(i) Statutory authority;

(ii) Level and source of funding state-wide and for each county and school district in the state during the biennium ending June 30, 1991, to the extent such information is available;

(iii) Agency administering the service state-wide and description of how administration and service delivery are organized and provided at the regional and local level;

(iv) Programmatic or financial eligibility criteria;

(v) Characteristics of, and number of children served state-wide and in each county and school district during the biennium ending June 30, 1991, to the extent such information is available;

(vi) Number of children of color served, by race and nationality, and number and type of minority mental health providers, by race and nationality, in each regional support network area, to the extent such information is available; and

(vii) Statutory changes necessary to remove categorical restrictions in the program or service, including federal statutory or regulatory changes.

(2) The office of financial management, in consultation with the department, shall develop a plan and criteria for the use of early periodic screening, diagnosis, and treatment services related to mental health that includes at least the following components:

(a) Criteria for screening and assessment of mental illness and emotional disturbance;

(b) Criteria for determining the appropriate level of medically necessary services a child receives, including but not limited to development of a multidisciplinary plan of care when appropriate, and prior authorization for receipt of mental health services;

(c) Qualifications for children's mental health providers;

(d) Other cost control mechanisms, such as managed care arrangements and prospective or capitated payments for mental health services; and

(e) Mechanisms to ensure that federal medicaid matching funds are obtained for services inventoried pursuant to subsection (1) of this section, to the greatest extent practicable.

In developing the plan, the office of financial management shall provide an opportunity for comment by the major child-serving systems and regional support networks. The plan shall be submitted to appropriate committees of the legislature on or before December 1, 1991.

NEW SECTION. Sec. 14. (1) On or before January 1, 1992, each regional support network, or county authority in counties that have not established a regional support network, shall initiate a local planning effort to develop a children's mental health services delivery system.

(2) Representatives of the following agencies or organizations and the following individuals shall participate in the local planning effort:

(a) Representatives of the department of social and health services in the following program areas: Children and family services, medical care, mental health, juvenile rehabilitation, alcohol and substance abuse, and developmental disabilities;

(b) The juvenile courts;

(c) The public health department or health district;

(d) The school districts;

(e) The educational service district serving schools in the county;

(f) Head start or early childhood education and assistance programs;

(g) Community action agencies; and

(h) Children's services providers, including minority mental health providers.

(3) Parents of children in need of mental health services and parents of children of color shall be invited to participate in the local planning effort.

(4) The following information shall be developed through the local planning effort and submitted to the secretary:

(a) A supplement to the county's January 1, 1991, children's mental health services report prepared pursuant to RCW 71.24.049 to include the following data:

(i) The number of children in need of mental health services in the county or counties covered by the local planning effort, including children in school and children receiving services through the department of social and health services division of children and family services, division of developmental disabilities, division of alcohol and substance abuse, and division of juvenile rehabilitation, grouped by severity of their mental illness;

(ii) The number of such children that are underserved or unserved and the types of services needed by such children; and

(iii) The supply of children's mental health specialists in the county or counties covered by the local planning effort.

(b) A children's mental health services delivery plan that includes a description of the following:

(i) Children that will be served, giving consideration to children who are at significant risk of experiencing mental illness, as well as those already experiencing mental illness;

(ii) How appropriate services needed by children served through the plan will be identified and provided, including prevention and identification services;

(iii) How a lead case manager for each child will be identified;

(iv) How funding for existing services will be coordinated to create more flexibility in meeting children's needs. Such funding shall include the services and programs inventoried pursuant to section 13(1) of this act;

(v) How the children's mental health delivery system will incorporate the elements of the early periodic screening, diagnosis, and treatment services plan developed pursuant to section 13(2) of this act; and

(vi) How the children's mental health delivery system will coordinate with the regional support network information system developed pursuant to RCW 71.24.035(5)(g).

(5) In developing the children's mental health services delivery plan, every effort shall be made to reduce duplication in service delivery and promote complementary services among all entities that provide children's services related to mental health.

(6) The children's mental health services delivery plan shall address the needs of children of color through at least the following mechanisms:

(a) Outreach initiatives, services, and modes of service delivery that meet the unique needs of children of color; and

(b) Services to children of color that are culturally relevant and acceptable, as well as linguistically accessible.

***NEW SECTION. Sec. 15. A new section is added to chapter 74.13 RCW to read as follows:**

Any client of the department, individual complainant, or foster parent who exhausts the department's complaint resolution process and who is subjected to any reprisal or retaliatory action undertaken after the complainant makes his or her complaint known to the department may seek judicial review of the reprisal or retaliatory action in superior court. In such action, the reviewing court may award reasonable attorneys' fees or make written findings that the action was frivolous and advanced without reasonable cause and award expenses as specified in RCW 4.84.185.

*Sec. 15 was vetoed, see message at end of chapter.

***Sec. 16. RCW 74.13.300 and 1990 c 284 s 12 are each amended to read as follows:**

(1) Whenever a child has been placed in a foster family home or the home of a relative care provider by the department or a child-placing agency and the child has thereafter resided in the home for at least ninety consecutive days, the department or child-placing agency shall notify the foster family in writing of the reasons upon which the decision to move the child was based, at least five days prior to moving the child to another placement, unless:

(a) A court order has been entered requiring an immediate change in placement; or

(b) ~~((The child is being returned home,~~

(c)) The child's safety is in jeopardy(~~(or~~

(d) ~~The child is residing in a receiving home or a group home)).~~

(2) If a decision is made by the department or a child-placing agency to move a child to another placement, the foster family parent or relative care provider shall receive written notice of his or her right to request a review of the removal decision regarding a child that is residing in the home of the foster parent or relative pursuant to a court order entered in a proceeding under this chapter through the department's complaint resolution process. Notification of the department's complaint resolution process is not required to be provided if:

(a) A court order has been entered requiring an immediate change in placement; or

(b) The child is being returned home and a court order has been entered to that effect.

(3) If the child has resided in a foster family home for less than ninety days or if, due to one or more of the circumstances in subsection (1) of this section, it is not possible to give five days' notification, the department or child-placing agency shall notify the foster family of proposed placement changes as soon as reasonably possible.

~~((3))~~ (4) This section is intended solely to assist in minimizing disruption to the child in changing foster care placements. Nothing in this section shall be construed to ~~((require that a court hearing be held prior to changing a child's foster care placement nor to))~~ create any substantive custody rights in the foster parents.

*Sec. 16 was vetoed, see message at end of chapter.

NEW SECTION. Sec. 17. Part headings used in this act do not constitute any part of the law.

NEW SECTION. Sec. 18. Sections 11 through 14 of this act shall constitute a new chapter in Title 71 RCW.

NEW SECTION. Sec. 19. 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. 20. Sections 11 through 14 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

NEW SECTION. Sec. 21. If specific funding for the purposes of section 13 of this act, referencing section 13 of this act by bill and section

number, is not provided by June 30, 1991, in the omnibus appropriations act, then section 13 of this act shall be null and void.

NEW SECTION. Sec. 22. If specific funding for the purposes of section 14 of this act, referencing section 14 of this act by bill and section number, is not provided by June 30, 1991, in the omnibus appropriations act, then section 14 of this act shall be null and void.

Passed the House April 28, 1991.

Passed the Senate April 27, 1991.

Approved by the Governor May 21, 1991, with the exception of certain items which were vetoed.

Filed in Office of Secretary of State May 21, 1991.

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

"I am returning herewith, without my approval as to sections 1, 15, and 16, Engrossed Substitute House Bill No. 1608 entitled:

"AN ACT Relating to children's services."

Section 1 directs the Department of Social and Health Services (DSHS) to conduct an assessment of the children in its care in order to determine the appropriate level of residential and treatment services required. This study is not made contingent upon funding in the budget. Because of the budgetary constraints agencies face in the next biennium, I cannot accept placing unfunded responsibilities upon them.

Section 15 allows any client of DSHS, individual complainant, or foster parent who exhausts the department's complaint process and who is subjected to any reprisal or retaliatory action to seek judicial review. Individuals who are treated unfairly by a state agency should be given the opportunity to seek redress. In many cases, statutes allow for appeal of agency actions, and where loss occurs, receipt of recompense. However, where the current authority to seek review is specific, protects appellants, and insulates the state from frivolous legal actions, this section is vague and does not offer sufficient definition to develop a meaningful system of judicial review of agency actions. Further attempts to develop such a system must provide greater specificity.

Section 16 would require DSHS to notify certain foster families in writing of a decision to move a child to another placement five days prior to doing so. Current statutes do not specify the means of notification. In addition, this section removes certain circumstances under which DSHS can waive this notification requirement.

While state agencies and child placing agencies should strive to provide written notification, current workloads for child welfare workers do not always allow for such notice. More importantly, this section constrains the department's ability to move children without five days notice when the child is being returned home or is residing in a group home. Where parents voluntarily place their children in foster care, the department should not be constrained in its ability to return them to their parents when the child's safety is not jeopardized.

For the above reasons, I have vetoed sections 1, 15 and 16 of Engrossed Substitute House Bill No. 1608.

With the exception of sections 1, 15, and 16, Engrossed Substitute House Bill No. 1608 is approved."

CHAPTER 327

[Engrossed Substitute House Bill 1440]
MOBILE HOME RELOCATION ASSISTANCE

Effective Date: 7/1/91

AN ACT Relating to mobile home affairs; amending RCW 59.22.020, 59.22.050, 82.08-.065, 82.45.090, 59.21.010, 59.21.020, 59.21.050, 59.21.060, and 59.21.110; adding new sections to chapter 59.22 RCW; adding new sections to chapter 59.21 RCW; creating new sections; repealing RCW 59.22.900; providing an effective date; and declaring an emergency.

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

NEW SECTION. Sec. 1. A new section is added to chapter 59.22 RCW to read as follows:

(1) There is hereby imposed a fee of fifteen dollars on every transfer of title issued pursuant to chapter 46.12 RCW on a new or used mobile home where ownership of the mobile home is changed and on each application for the elimination of title under chapter 65.20 RCW. A transfer of title does not include the addition or deletion of a spouse co-owner or a secured interest. The department of licensing or its agents shall collect the fee when processing the application for transfer or elimination of title. The fee collected under this section shall be forwarded to the state treasurer. The state treasurer shall deposit each fee collected in the mobile home affairs account created by RCW 59.22.070.

(2) The department of licensing and the state treasurer may enact any rules necessary to carry out this section.

Sec. 2. RCW 59.22.020 and 1988 c 280 s 3 are each amended to read as follows:

The following definitions shall apply throughout this chapter unless the context clearly requires otherwise:

(1) "Account" means the mobile home affairs account created under RCW 59.22.070.

(2) "Affordable" means that, where feasible, low-income residents should not pay more than thirty percent of their monthly income for housing costs.

~~((2))~~ (3) "Conversion costs" includes the cost of acquiring the mobile home park, the costs of planning and processing the conversion, the costs of any needed repairs or rehabilitation, and any expenditures required by a government agency or lender for the project.

~~((3))~~ (4) "Department" means the department of community development.

(5) "Fee" means the mobile home title transfer fee created under RCW 59.21.060.

~~((4))~~ (6) "Fund" means the mobile home park purchase fund created pursuant to RCW 59.22.030.

~~((5))~~ (7) "Housing costs" means the total cost of owning, occupying, and maintaining a mobile home and a lot or space in a mobile home park.

~~((6))~~ (8) "Individual interest in a mobile home park" means any interest which is fee ownership or a lesser interest which entitles the holder to occupy a lot or space in a mobile home park for a period of not less than either fifteen years or the life of the holder. Individual interests in a mobile home park include, but are not limited to, the following:

(a) Ownership of a lot or space in a mobile home park or subdivision;

(b) A membership or shares in a stock cooperative, or a limited equity housing cooperative; or

(c) Membership in a nonprofit mutual benefit corporation which owns, operates, or owns and operates the mobile home park.

~~((7))~~ (9) "Low-income resident" means an individual or household who resided in the mobile home park prior to application for a loan pursuant to this chapter and with an annual income at or below eighty percent of the median income for the county of standard metropolitan statistical area of residence. Net worth shall be considered in the calculation of income with the exception of the resident's mobile/manufactured home which is used as their primary residence.

~~((8))~~ (10) "Low-income spaces" means those spaces in a mobile home park operated by a resident organization which are occupied by low-income residents.

~~((9))~~ (11) "Mobile home park" means a mobile home park, as defined in RCW 59.20.030(4), or a manufactured home park subdivision as defined by RCW 59.20.030(6) created by the conversion to resident ownership of a mobile home park.

~~((10))~~ (12) "Resident organization" means a group of mobile home park residents who have formed a nonprofit corporation, cooperative corporation, or other entity or organization for the purpose of acquiring the mobile home park in which they reside and converting the mobile home park to resident ownership. The membership of a resident organization shall include at least two-thirds of the households residing in the mobile home park at the time of application for assistance from the department.

~~((11))~~ (13) "Resident ownership" means, depending on the context, either the ownership, by a resident organization, as defined in this section, of an interest in a mobile home park which entitles the resident organization to control the operations of the mobile home park for a term of no less than fifteen years, or the ownership of individual interests in a mobile home park, or both.

~~((12))~~ (14) "Landlord" shall have the same meaning as it does in RCW 59.20.030.

~~((13))~~ (15) "Manufactured housing" means residences constructed on one or more chassis for transportation, and which bear an insignia issued

by a state or federal regulatory agency indication compliance with all applicable construction standards of the United States department of housing and urban development.

~~((14))~~ (16) "Mobile home" shall have the same meaning as it does in RCW 46.04.302.

~~((15))~~ (17) "Mobile home lot" shall have the same meaning as it does in RCW 59.20.030.

~~((16))~~ (18) "Tenant" means a person who rents a mobile home lot for a term of one month or longer and owns the mobile home on the lot.

Sec. 3. RCW 59.22.050 and 1989 c 294 s 1 are each amended to read as follows:

(1) In order to provide general assistance to mobile home resident organizations, park owners, and landlords and tenants, the department shall establish an office of mobile home affairs which will serve as the coordinating office within state government for matters relating to mobile homes or manufactured housing.

This office will provide an ombudsman service to mobile home park owners and mobile home tenants with respect to problems and disputes between park owners and park residents and to provide technical assistance to resident organizations or persons in the process of forming a resident organization pursuant to chapter 59.22 RCW. The office will keep records of its activities in this area.

~~(2) ((In addition, the office shall work with the mobile home space availability and affordability task force to develop recommendations to (a) increase the availability of mobile home park spaces; (b) stabilize rent levels through traditional market forces of supply and demand and through incentives such as current use valuation of mobile home parks, but not through artificial controls on rent, and (c) allow senior citizens on fixed incomes to continue living in their mobile homes, including the possibility of direct subsidies.~~

~~The mobile home space availability and affordability task force shall be comprised of four legislators, one from each caucus in the house of representatives appointed by the speaker of the house and one from each caucus in the senate appointed by the president of the senate, two representatives of park owners, two representatives of tenants, and two representatives of local governments. All nonlegislative members shall be appointed by the director of the department of community development. Staffing for the task force shall be supplied by the department of community development, the house of representatives housing committee, and the senate economic development and labor committee.~~

~~(3) In developing these recommendations the office and the task force shall:~~

~~(a) Review the ordinances of local government to assess their impact on the availability of mobile home rental spaces;~~

~~(b) Consult with federal, state, and local agencies, senior citizen organizations, the real estate industry, and other groups as it considers necessary;~~

~~(c) Use, to the fullest extent possible, the services, facilities, information, and advice of public and private agencies, organizations, and individuals in order to avoid duplication of effort and expense; and~~

~~(d) Hold public hearings to allow public input and involvement.)~~ The office shall perform all the consumer complaint and related functions of the state administrative agency that are required for purposes of complying with the regulations established by the federal department of housing and urban development for manufactured housing, including the preparation and submission of the state administrative plan.

(3) The office shall administer the mobile home relocation assistance program established in chapter 59.21 RCW, including verifying the eligibility of tenants for relocation assistance.

NEW SECTION. Sec. 4. A new section is added to chapter 59.22 RCW to read as follows:

(1) A manufactured housing task force is established to study and make recommendations concerning the structure state government should use to regulate manufactured housing in this state. In conducting this study, the task force shall review the structures used in other states, including those states with a commission structure. The task force shall consider the report prepared by the department of licensing, the department of labor and industries, and the department of community development on consolidating mobile home-related functions in conducting its study. The task force may not consider any form of mobile home rent control, but shall consider mobile home park siting and density regulatory issues.

(2) The task force shall submit a final report containing its findings and recommendations to the house of representatives housing committee and the senate commerce and labor committee by December 1, 1992. The task force shall terminate on December 31, 1992.

(3) The task force shall consist of the following members:

(a) Two members of the house of representatives appointed by the speaker of the house of representatives, from different political caucuses;

(b) Two members of the senate appointed by the president of the senate, from different political caucuses;

(c) Two members who represent mobile home park owners, appointed by the governor;

(d) Two members who represent mobile home owners, appointed by the governor;

(e) One member who represents mobile home manufacturers, appointed by the governor;

(f) One member who represents mobile home dealers, appointed by the governor;

(g) One member who represents mobile home transporters, appointed by the governor;

(h) One member who represents local building officials, appointed by the governor;

(i) One member who is either an elected or appointed government official of a county with a population of one hundred thousand or more persons, appointed by the governor;

(j) One member who is either an elected or appointed government official of a county with a population of less than one hundred thousand persons, appointed by the governor;

(k) One member who is either an elected or appointed government official of a city with a population of thirty-five thousand persons, appointed by the governor;

(l) One member who is either an elected or appointed government official of a city with a population of less than thirty-five thousand persons, appointed by the governor;

(m) One member who represents local health officials, appointed by the governor; and

(n) The director, or the director's designee from the department of community development, the department of licensing, the department of labor and industries, and the attorney general's office. The designees shall be nonvoting, ex officio members of the task force.

(4) The members of the task force shall select the chair or co-chairs of the task force.

(5) Staff assistance for the task force will be provided by legislative staff and staff from the agencies or offices listed in subsection (3)(n) of this section.

Sec. 5. RCW 82.08.065 and 1990 c 171 s 8 are each amended to read as follows:

In the collection of the sales tax on mobile homes (~~and the fee imposed in RCW 59.21.060(1)~~), the department of revenue may designate the county auditors of the several counties of the state as its collecting agents. Upon such designation, it shall be the duty of each county auditor to collect the tax and the fee at the time the mobile home dealer or selling agent applies for a new certificate of ownership for such mobile home in the instance where transfer of ownership was from a mobile home dealer or person deemed a selling agent under RCW 82.04.480, except where the applicant presents a written statement signed by the department of revenue or its duly authorized agent showing that no retail sales tax or use tax is legally due. The term "mobile home" as used in this section means a mobile home as defined in RCW 46.04.302. It shall be the duty of every mobile home dealer or selling agent to declare upon the application for a new certificate of ownership the selling price paid for the mobile home. Any person

willfully misrepresenting, or failing or refusing to declare upon the application, such selling price shall be guilty of a gross misdemeanor.

Each county auditor who acts as agent of the department of revenue shall at the time of remitting license fee receipts on motor vehicles subject to the provisions of RCW 82.12.045 pay over and account to the state treasurer for all sales tax revenue collected under this section, after first deducting as his or her collection fee the sum of two dollars for each mobile home upon which the tax has been collected.

Any applicant who has paid sales tax to a county auditor under this section may apply to the department of revenue for refund thereof if he has reason to believe that such tax was not legally due and owing. No refund is allowed unless application therefor is received by the department of revenue within four years after payment of the tax. Upon receipt of an application for refund the department of revenue shall consider the same and issue its order either granting or denying it and if refund is denied the taxpayer shall have the right of appeal as provided in RCW 82.32.170, 82.32.180, and 82.32.190.

The provisions of this section shall be construed as cumulative of other methods prescribed in chapters 82.04 to 82.32 RCW, inclusive, for the collection of the tax imposed by this chapter. The department of revenue shall have power to adopt such rules as may be necessary to administer the provisions of this section. Any duties required by this section to be performed by the county auditor may be performed by the director of licensing but no collection fee shall be deductible by the director of licensing in remitting sales tax revenue to the state treasurer.

Sec. 6. RCW 82.45.090 and 1990 c 171 s 7 are each amended to read as follows:

The tax imposed by this chapter (~~and the fee imposed in RCW 59.21.060(1)~~) shall be paid to and collected by the treasurer of the county within which is located the real property which was sold, said treasurer acting as agent for the state. The county treasurer shall cause a stamp evidencing satisfaction of the lien to be affixed to the instrument of sale or conveyance prior to its recording or to the real estate excise tax affidavit in the case of used mobile home sales and used floating home sales. A receipt issued by the county treasurer for the payment of the tax imposed under this chapter shall be evidence of the satisfaction of the lien imposed hereunder and may be recorded in the manner prescribed for recording satisfactions of mortgages. No instrument of sale or conveyance evidencing a sale subject to the tax shall be accepted by the county auditor for filing or recording until the tax shall have been paid and the stamp affixed thereto; in case the tax is not due on the transfer, the instrument shall not be so accepted until suitable notation of such fact has been made on the instrument by the treasurer.

NEW SECTION. Sec. 7. The fifteen-dollar fee imposed in section 1 of this act on the transfer or elimination of mobile home titles for deposit in the mobile home affairs account, shall supersede the fifteen dollars collected in RCW 59.21.060 for deposit into the mobile home affairs account on July 1, 1991.

NEW SECTION. Sec. 8. A new section is added to chapter 59.21 RCW to read as follows:

The legislature recognizes that it is quite costly to move a mobile home. Many mobile home tenants need financial assistance in order to move their mobile homes from a mobile home park. The purpose of this chapter is to provide a mechanism for assisting mobile home tenants to relocate to suitable alternative sites when the mobile home park in which they reside is closed or converted to another use.

NEW SECTION. Sec. 9. A new section is added to chapter 59.21 RCW to read as follows:

Each mobile home park-owner shall pay an annual fee of five dollars for each occupied lot in the mobile home park. Lots that are occupied by mobile homes or recreational vehicles owned by the park-owner are exempt from this fee requirement. The fee shall be due on October 1 of each year. The fee shall be remitted by the park-owner to the department of revenue under rules as the department shall prescribe. The fee imposed under this section shall be forwarded by the department of revenue to the state treasurer for deposit into the mobile home park relocation fund. The provisions of chapter 82.32 RCW shall apply to the collection and enforcement of this fee.

Sec. 10. RCW 59.21.010 and 1990 c 171 s 1 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Director" means the director of the department of community development.

(2) "Department" means the department of community development.

(3) "Fund" means the mobile home park relocation fund established under RCW 59.21.050 consisting of ~~((tenant and landlord contributions))~~ park-owner fee payments under section 9 of this act as well as park-owner payments when there are insufficient moneys in its fund.

(4) "Low-income" means at or below eighty percent of median household income as defined by the United States department of housing and urban development, for the county or standard metropolitan statistical area where the park is located.

(5) "Mobile home park" or "park" means real property that is rented or held out for rent to others for the placement of two or more mobile homes for the primary purpose of production of income, except where the

real property is rented or held out for rent for seasonal recreational purpose only and is not intended for year-round occupancy.

(6) "Landlord" or "park-owner" means the owner of the mobile home park that is being closed at the time relocation assistance is provided.

(7) "Relocate" means to remove the mobile home from the mobile home park being closed.

(8) "Relocation assistance" means the monetary assistance provided under RCW 59.21.020.

Sec. 11. RCW 59.21.020 and 1990 c 171 s 2 are each amended to read as follows:

(1) If a mobile home park is closed or converted to another use, all ~~((affected))~~ low-income park tenants owning a mobile home are entitled to relocation assistance from the park-owner or the fund at the time the tenant relocates as follows: (a) For a single-wide mobile home, four thousand five hundred dollars; and (b) for a double-wide or larger mobile home, seven thousand five hundred dollars. ~~((No park tenant shall receive relocation assistance from the park owner or the fund for relocation of a recreational vehicle))~~ The park-owner shall pay the actual relocation expenses, not to exceed two thousand dollars, for the relocation of recreational vehicles used as residences. The relocation assistance costs shall be adjusted annually by the housing component of the consumer price index for the Washington state area.

(2) When a tenant is forced to relocate before July 1, 1991, the payment of relocation assistance as provided by this section shall be paid by the park-owner. However, if the tenant has been given notice to vacate prior to April 1, 1989, and the tenant has not yet relocated as of April 28, 1989, the payment of relocation assistance by the park-owner shall be required only if the tenant is low income.

(3) When a tenant is forced to relocate after June 30, 1991, the payment of relocation assistance to low-income park tenants as provided in this section shall be ~~((shared as follows. The landlord or park-owner shall provide one-third and the fund shall provide two-thirds.~~

~~((4) After July 1, 1992, (a) if twenty-four months' notice of closure is given, the landlord or park-owner shall provide five hundred dollars for a single-wide home or one thousand dollars for a double-wide or larger home and the fund shall provide the balance of the relocation assistance to low-income park tenants; (b) if the park-owner gives less than twenty-four months' notice the park-owner shall provide one-third and the fund shall provide two-thirds of the relocation assistance to low-income park tenants;~~

~~((5)) made from the mobile home park relocation fund unless there are insufficient moneys in the fund.~~

(4) The park-owner shall be responsible for paying up to the full amount of relocation assistance to low-income park tenants if there are insufficient moneys in the fund until July 1, 1992. The department shall adopt

rules governing disbursements of assistance from the fund and park-owner payments when there are insufficient moneys to meet the demand for relocation assistance.

(5) The tenant may recover court costs and a reasonable attorney's fee in any action brought to require the park-owner to pay relocation assistance in which the tenant prevails.

(6) If the park-owner does not pay his or her portion of the relocation assistance when required by this chapter, the department shall have a lien on the real property on which the park is located. Such lien shall be collected as delinquent general property taxes and shall be forwarded to the department by the county treasurer.

(7) All tenants eligible for relocation assistance shall apply for verification of eligibility to the department. The department shall issue a document to each tenant signifying the tenant's low-income status, or status other than low income to be given to the park-owner by the tenant.

~~((6) The park-owner shall be responsible for paying up to the full amount of relocation assistance to low-income park tenants if there are insufficient moneys in the fund. The department shall adopt rules governing disbursements of assistance from the fund and park-owner payments when there are insufficient moneys to meet the demand for relocation assistance.~~

~~(7) The park-owner shall pay park tenants who do not qualify as low-income tenants the same amount of relocation assistance that low-income park tenants are entitled to from the park-owners under this section. The landlord shall pay the relocation assistance directly to the tenant if the tenant submits to the landlord a copy of the contract entered into for the purpose of relocating the mobile home, which includes the date of relocation. The tenant may recover court costs and a reasonable attorney's fee in any action brought to require the landlord to pay relocation assistance under this subsection in which the tenant prevails.~~

~~(8) The park-owner shall make any payment to the department required by this chapter when demanded by the department, however, the department shall not demand such payment earlier than thirty days prior to the expected relocation date of the tenant. If the landlord does not pay his or her portion of the relocation assistance to the department when required by this chapter, the department shall have a lien on the real property on which the park is located. Such lien shall be collected as delinquent general property taxes and shall be forwarded to the department by the county treasurer.~~

~~(9)) (8) The director or his or her designee shall approve all expenditures from the fund.~~

~~((+0)) (9) Relocation assistance contributions required from landlords or park-owners by this section shall be reduced by the amount paid or required to be paid under any other law for the same mobile home park tenant for the same relocation.~~

~~((+H))~~ (10) Notwithstanding RCW 59.21.100, it is a violation of this chapter to request or require as a condition of initiating or renewing a tenancy in a mobile home park, a waiver of relocation assistance under this section or any other law or ordinance. Any such waiver, regardless of the date of its execution, is void and unenforceable as contrary to public policy.

~~((+Z))~~ (11) Any park-owner coercing or attempting to coerce a tenant into terminating a tenancy for the purpose of avoiding the payment of relocation assistance shall give rise to a civil cause of action for damages or equitable relief by a tenant injured by such act.

Sec. 12. RCW 59.21.050 and 1990 c 171 s 5 are each amended to read as follows:

(1) The mobile home park relocation fund is created in the custody of the state treasurer. All legislative appropriations for mobile home relocation assistance, receipts from fees collected under this chapter, and amounts required to be paid by park-owners to low-income park tenants when there are insufficient moneys in the fund shall be deposited into the fund. Expenditures from the fund may be used only for relocation assistance under RCW 59.21.020, or transfer to the mobile home park purchase fund under subsection (2) of this section. Only the director of community development or the director's designee may authorize expenditures from the fund. All relocation payments to low-income park tenants, including those due from the park-owner shall be made from the fund. The fund is subject to allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures.

(2) The state treasurer shall maintain the fund and shall invest the fund moneys. Moneys earned on these investments shall be deposited in the fund and shall be used for the same purposes as other fund moneys. Unexpended and unencumbered moneys that remain in the fund at the end of the fiscal year do not revert to the state general fund but remain in the fund, separately accounted for, as a contingency reserve, or if the director determines at the end of any fiscal year beginning after December 31, 1991, that the fund contains a surplus over the projected amount needed for relocation during the upcoming year(s), any surplus may be transferred to the mobile home park purchase fund created by chapter 59.22 RCW. However, the director may cause any uncommitted funds in the mobile home park purchase fund which were transferred from the mobile home park relocation fund to be transferred back to the mobile home park relocation fund if that fund cannot otherwise meet its current obligations.

(3) A low-income park tenant who is entitled to relocation assistance under this chapter is entitled to payment only after submitting an application which includes: (a) A copy of the notice from the park-owner that the tenancy is terminated due to closure of the park; (b) a copy of the rental agreement currently in force; and (c) a copy of the contract entered into for

the purpose of relocating the mobile home, which includes the date of relocation.

(4) The director may adopt rules for the administration of the fund.

Sec. 13. RCW 59.21.060 and 1990 c 171 s 6 are each amended to read as follows:

(1) There is hereby imposed a fee of sixty-five dollars on every transfer of title issued pursuant to chapter 46.12 RCW on new or used mobile homes where ownership of the mobile home is changed ~~((by any transaction including but not limited to sales and gift transactions and transfers of ownership which involve))~~ and on each application for the elimination of title under chapter 65.20 ~~((RCW))~~ RCW. The ~~((county auditor or county treasurer))~~ department of licensing or its agents shall collect the fee ~~((as provided in chapter 82.08 or 82.45 RCW))~~ when processing the application for transfer or elimination of title. The fee collected under this section shall be forwarded to the state treasurer. The state treasurer shall deposit fifty dollars of each fee collected in the mobile home park relocation fund created under RCW 59.21.050 and the remaining fifteen dollars of each fee collected in the mobile home affairs account created by RCW 59.22.070.

(2) The ~~((department of revenue, the))~~ department of licensing(;) and the state treasurer may enact any rules necessary to carry out this section.

(3) This section shall expire July 1, 1992.

Sec. 14. RCW 59.21.110 and 1989 c 201 s 15 are each amended to read as follows:

Any person who intentionally violates, intentionally attempts to evade, or intentionally evades the provisions of this ~~((act))~~ chapter is guilty of a misdemeanor.

NEW SECTION. Sec. 15. A new section is added to chapter 59.21 RCW to read as follows:

The department shall waive the requirement for a park-owner to pay relocation assistance under this chapter when the mobile home park is involuntarily closed. A park-owner may not avoid the responsibility to pay relocation assistance by failing to provide necessary maintenance to the park. The department shall adopt rules for the granting of waivers under this section.

NEW SECTION. Sec. 16. A new section is added to chapter 59.21 RCW to read as follows:

(1) The legislature finds that existing older mobile homes provide affordable housing to many persons of low income, and that requiring these homes that are legally located in mobile home parks to meet new fire, safety, and construction codes because they are relocating due to the closure or conversion of the mobile home park, compounds the economic burden facing these tenants.

(2) Mobile homes that are relocated due to either the closure or conversion of a mobile home park, may not be required by any city or county to comply with the requirements of any applicable fire, safety, or construction code for the sole reason of its relocation. This section shall only apply if the original occupancy classification of the building is not changed as a result of the move.

(3) This section shall not apply to mobile homes that are substantially remodeled or rehabilitated, nor to any work performed in compliance with installation requirements. For the purpose of determining whether a moved mobile home has been substantially remodeled or rebuilt, any cost relating to preparation for relocation or installation shall not be considered.

NEW SECTION. Sec. 17. This act shall not be construed as affecting any existing right acquired or liability or obligation incurred under the sections amended or repealed in this act or under any rule or order adopted under those sections, nor as affecting any proceeding instituted under those sections.

NEW SECTION. Sec. 18. RCW 59.22.900 and 1987 c 482 s 12 are each repealed.

NEW SECTION. Sec. 19. 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. 20. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1991.

Passed the House April 27, 1991.

Passed the Senate April 27, 1991.

Approved by the Governor May 21, 1991.

Filed in Office of Secretary of State May 21, 1991.

CHAPTER 328

[Engrossed Substitute House Bill 1181]

PRIVATE DETECTIVES—LICENSING REQUIREMENTS

Effective Date: 7/28/91

AN ACT Relating to private detective agencies and private detectives; adding a new section to chapter 43.101 RCW; adding a new chapter to Title 18 RCW; creating a new section; and prescribing penalties.

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

NEW SECTION. Sec. 1. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Armed private detective" means a private detective who has a current firearms certificate issued by the commission and is licensed as an armed private detective under this chapter.

(2) "Chief law enforcement officer" means the elected or appointed police administrator of a municipal, county, or state police or sheriff's department that has full law enforcement powers in its jurisdiction.

(3) "Commission" means the criminal justice training commission established in chapter 43.101 RCW.

(4) "Department" means the department of licensing.

(5) "Director" means the director of the department of licensing.

(6) "Employer" includes any individual, firm, corporation, partnership, association, company, society, manager, contractor, subcontractor, bureau, agency, service, office, or an agent of any of the foregoing that employs or seeks to enter into an arrangement to employ any person as a private detective.

(7) "Firearms certificate" means a certificate issued by the commission.

(8) "Forensic scientist" or "accident reconstructionist" means a person engaged exclusively in collecting and analyzing physical evidence and data relating to an accident or other matter and compiling such evidence or data to render an opinion of likely cause, fault, or circumstance of the accident or matter.

(9) "Person" includes any individual, firm, corporation, partnership, association, company, society, manager, contractor, subcontractor, bureau, agency, service, office, or an agent or employee of any of the foregoing.

(10) "Principal" of a private detective agency means the owner or manager appointed by a corporation.

(11) "Private detective" means a person who is licensed under this chapter and is employed by a private detective agency for the purpose of investigation, escort or body guard services, or property loss prevention activities.

(12) "Private detective agency" means a person or entity licensed under this chapter and engaged in the business of detecting, discovering, or revealing one or more of the following:

(a) Crime, criminals, or related information;

(b) The identity, habits, conduct, business, occupation, honesty, integrity, credibility, knowledge, trustworthiness, efficiency, loyalty, activity, movement, whereabouts, affiliations, associations, transactions, acts, reputation, or character of any person or thing;

(c) The location, disposition, or recovery of lost or stolen property;

(d) The cause or responsibility for fires, libels, losses, accidents, or damage or injury to persons or to property;

(e) Evidence to be used before a court, board, officer, or investigative committee;

(f) Detecting the presence of electronic eavesdropping devices; or

(g) The truth or falsity of a statement or representation.

(13) "Qualifying agent" means an officer or manager of a corporation who meets the requirements set forth in this chapter for obtaining a private detective agency license.

(14) "Sworn peace officer" means a person who is an employee of the federal government, the state, or a political subdivision, agency, or department branch of a municipality or other unit of local government, and has law enforcement powers.

NEW SECTION. Sec. 2. The requirements of this chapter do not apply to:

(1) A person who is employed exclusively or regularly by one employer and performs investigations solely in connection with the affairs of that employer, if the employer is not a private detective agency;

(2) An officer or employee of the United States or of this state or a political subdivision thereof, while engaged in the performance of the officer's official duties;

(3) A person engaged exclusively in the business of obtaining and furnishing information about the financial rating of persons;

(4) An attorney at law while performing the attorney's duties as an attorney;

(5) A licensed collection agency or its employee, while acting within the scope of that person's employment and making an investigation incidental to the business of the agency;

(6) Insurers, agents, and insurance brokers licensed by the state, while performing duties in connection with insurance transacted by them;

(7) A bank subject to the jurisdiction of the Washington state banking commission or the comptroller of currency of the United States, or a savings and loan association subject to the jurisdiction of this state or the federal home loan bank board;

(8) A licensed insurance adjuster performing the adjuster's duties within the scope of the adjuster's license;

(9) A secured creditor engaged in the repossession of the creditor's collateral, or a lessor engaged in the repossession of leased property in which it claims an interest;

(10) A person who is a forensic scientist, accident reconstructionist, or other person who performs similar functions and does not hold himself or herself out to be an investigator in any other capacity; or

(11) A person solely engaged in the business of securing information about persons or property from public records.

NEW SECTION. Sec. 3. An applicant must meet the following minimum requirements to obtain a private detective license:

- (1) Be at least eighteen years of age;
- (2) Be a citizen or resident alien of the United States;
- (3) Not have been convicted of a crime in any jurisdiction, if the director determines that the applicant's particular crime directly relates to his or her capacity to perform the duties of a private detective and the director determines that the license should be withheld to protect the citizens of Washington state. The director shall make her or his determination to withhold a license because of previous convictions consistent with the restoration of employment rights act, chapter 9.96A RCW;
- (4) Be employed by or have an employment offer from a private detective agency or be licensed as a private detective agency;
- (5) Submit a set of fingerprints; and
- (6) Pay the required fee.

NEW SECTION. Sec. 4. (1) An applicant must meet the following minimum requirements to obtain an armed private detective license:

- (a) Be licensed as a private detective;
 - (b) Be at least twenty-one years of age;
 - (c) Have a current firearms certificate issued by the commission; and
 - (d) Pay the fee established by the director.
- (2) The armed private detective license may take the form of an endorsement to the private detective license if deemed appropriate by the director.

NEW SECTION. Sec. 5. (1) In addition to meeting the minimum requirements to obtain a license as a private detective, an applicant, or, in the case of a partnership or limited partnership, each partner, or, in the case of a corporation, the qualifying agent must meet the following additional requirements to obtain a private detective agency license:

- (a) Pass an examination determined by the director to measure the person's knowledge and competence in the private detective agency business; or
- (b) Have had at least three years' experience in investigative work or its equivalent as determined by the director. A year's experience means not less than two thousand hours of actual compensated work performed before the filing of an application. An applicant shall substantiate the experience by written certifications from previous employers. If the applicant is unable to supply written certifications from previous employers, applicants may offer written certifications from persons other than employers who, based on personal knowledge, can substantiate the employment.

(2) An agency license issued pursuant to this section may not be assigned or transferred without prior written approval of the director.

NEW SECTION. Sec. 6. (1) An armed private detective license grants authority to the holder, while in the performance of his or her duties, to carry a firearm with which the holder has met the proficiency requirements established by the commission.

(2) All firearms carried by armed private detectives in the performance of their duties must be owned by the employer and, if required by law, must be registered with the proper government agency.

NEW SECTION. Sec. 7. (1) Applications for licenses required under this chapter shall be filed with the director on a form provided by the director. The director may require any information and documentation that reasonably relates to the need to determine whether the applicant meets the criteria.

(2) After receipt of an application for a license, the director shall conduct an investigation to determine whether the facts set forth in the application are true and shall request that the Washington state patrol compare the fingerprints submitted with the application to fingerprint records available to the Washington state patrol.

(3) A summary of the information acquired under this section, to the extent that it is public information, shall be forwarded by the department to the applicant's employer and to the chief law enforcement officer of the county and city or town in which the applicant's employer is located, for the purpose of comment prior to the issuance of a permanent private detective license.

NEW SECTION. Sec. 8. (1) The director shall issue a private detective license card to each licensed private detective and an armed private detective license card to each armed private detective.

(a) The license card may not be used as security clearance or as identification.

(b) A private detective shall carry the license card whenever he or she is performing the duties of a private detective and shall exhibit the card upon request.

(c) An armed private detective shall carry the license card whenever he or she is performing the duties of an armed private detective and shall exhibit the card upon request.

(2) The director shall issue a license certificate to each licensed private detective agency.

(a) Within seventy-two hours after receipt of the license certificate, the licensee shall post and display the certificate in a conspicuous place in the principal office of the licensee within the state.

(b) It is unlawful for any person holding a license certificate to knowingly and willfully post the license certificate upon premises other than

those described in the license certificate or to materially alter a license certificate.

(c) Every advertisement by a licensee that solicits or advertises business shall contain the name of the licensee, the address of record, and the license number as they appear in the records of the director.

(d) The licensee shall notify the director within thirty days of any change in the licensee's officers or directors or any material change in the information furnished or required to be furnished to the director.

NEW SECTION. Sec. 9. (1) The director shall adopt rules establishing preassignment training and testing requirements, which shall include a minimum of four hours of classes. The director may establish, by rule, continuing education requirements for private detectives.

(2) The director shall consult with the private detective industry and law enforcement before adopting or amending the preassignment training or continuing education requirements of this section.

(3) A private detective need not fulfill the preassignment training requirements of this chapter if he or she, within sixty days of the effective date of this act, provides proof to the director that he or she previously has met the training requirements of this chapter or has been employed as a private detective or armed private detective for at least eighteen consecutive months immediately prior to the date of application.

NEW SECTION. Sec. 10. (1) No private detective agency license may be issued under the provisions of this chapter unless the applicant files with the director a surety bond, executed by a surety company authorized to do business in this state, in the sum of ten thousand dollars conditioned to recover against the principal and its servants, officers, agents, and employees by reason of its wrongful or illegal acts in conducting business licensed under this chapter. The bond shall be made payable to the state of Washington, and anyone so injured by the principal or its servants, officers, agents, or employees shall have the right and shall be permitted to sue directly upon this obligation in his or her own name. This obligation shall be subject to successive suits for recovery until the face amount is completely exhausted.

(2) Every licensee must at all times maintain on file with the director the surety bond required by this section in full force and effect. Upon failure by a licensee to do so, the director shall suspend the licensee's license and shall not reinstate the license until this requirement is met.

(3) In lieu of posting bond, a licensed private detective agency may file with the director a certificate of insurance as evidence that it has comprehensive general liability coverage of at least twenty-five thousand dollars for bodily or personal injury and twenty-five thousand dollars for property damage.

NEW SECTION. Sec. 11. (1) The provisions of this chapter relating to the licensing for regulatory purposes of private detectives, armed private detectives, and private detective agencies are exclusive. No governmental subdivision of this state may enact any laws or rules licensing for regulatory purposes such persons, except as provided in subsections (2) and (3) of this section.

(2) This section shall not be construed to prevent a political subdivision of this state from levying a business fee, business and occupation tax, or other tax upon private detective agencies if such fees or taxes are levied by the state on other types of businesses within its boundaries.

(3) This section shall not be construed to prevent this state or a political subdivision of this state from licensing for regulatory purposes private detective agencies with respect to activities that are not regulated under this chapter.

NEW SECTION. Sec. 12. Private detectives or armed private detectives whose duties require them to operate across state lines may operate in this state for up to thirty days per year, if they are properly registered and certified in another state with training and certification requirements that the director finds are at least equal to the requirements of this state.

NEW SECTION. Sec. 13. (1) A private detective agency shall notify the director within thirty days after the death or termination of employment of any employee who is a licensed private detective or armed private detective.

(2) A private detective agency shall notify the director within seventy-two hours and the chief law enforcement officer of the county, city, or town in which the agency is located immediately upon receipt of information affecting a licensed private detective's or armed private detective's continuing eligibility to hold a license under the provisions of this chapter.

NEW SECTION. Sec. 14. (1) Any person from another state that the director determines has selection, training, and other requirements at least equal to those required by this chapter, and who holds a valid license, registration, identification, or similar card issued by the other state, may apply for a private detective license card or armed private detective license card on a form prescribed by the director. Upon receipt of a processing fee to be determined by the director, the director shall issue the individual a private detective license card or armed private detective license card.

(2) A valid license, registration, identification, or similar card issued by any other state of the United States is valid in this state for a period of ninety days, but only if the licensee is on temporary assignment for the same employer that employs the licensee in the state in which he or she is a permanent resident.

NEW SECTION. Sec. 15. (1) After June 30, 1992, any person who performs the functions and duties of a private detective in this state without being licensed in accordance with the provisions of this chapter, or any person presenting or attempting to use as his or her own the license of another, or any person who gives false or forged evidence of any kind to the director in obtaining a license, or any person who falsely impersonates any other licensee, or any person who attempts to use an expired or revoked license, or any person who violates any of the provisions of this chapter is guilty of a gross misdemeanor.

(2) After January 1, 1992, a person is guilty of a gross misdemeanor if he or she owns or operates a private detective agency in this state without first obtaining a private detective agency license.

(3) After June 30, 1992, the owner or qualifying agent of a private detective agency is guilty of a gross misdemeanor if he or she employs any person to perform the duties of a private detective without the employee having in his or her possession a permanent private detective license issued by the department. This shall not preclude a private detective agency from requiring applicants to attend preassignment training classes or from paying wages for attending the required preassignment training classes.

(4) After June 30, 1992, a person is guilty of a gross misdemeanor if he or she performs the functions and duties of an armed private detective in this state unless the person holds a valid armed private detective license issued by the department.

(5) After June 30, 1992, it is a gross misdemeanor for a private detective agency to hire, contract with, or otherwise engage the services of an unlicensed armed private detective knowing that the private detective does not have a valid armed private detective license issued by the director.

(6) It is a gross misdemeanor for a person to possess or use any vehicle or equipment displaying the word "police" or "law enforcement officer" or having any sign, shield, marking, accessory, or insignia that indicates that the equipment or vehicle belongs to a public law enforcement agency.

(7) It is the duty of all officers of the state and political subdivisions thereof to enforce the provisions of this chapter. The attorney general shall act as legal adviser of the director, and render such legal assistance as may be necessary in carrying out the provisions of this chapter.

NEW SECTION. Sec. 16. The following acts are prohibited and constitute grounds for disciplinary action or denial, suspension, or revocation of any license under this chapter, as deemed appropriate by the director:

(1) Knowingly violating any of the provisions of this chapter or the rules adopted under this chapter;

(2) Knowingly making a material misstatement or omission in the application for or renewal of a license or firearms certificate;

(3) Not meeting the qualifications set forth in section 3, 4, or 5 of this act;

(4) Failing to return immediately on demand a firearm issued by an employer;

(5) Carrying a firearm in the performance of his or her duties if not the holder of a valid armed private detective license, or carrying a firearm not meeting the provisions of this chapter while in the performance of his or her duties;

(6) Failing to return immediately on demand company identification, badges, or other items issued to the private detective by an employer;

(7) Making any statement that would reasonably cause another person to believe that the private detective is a sworn peace officer;

(8) Divulging confidential information obtained in the course of any investigation to which he or she was assigned;

(9) Acceptance of employment that is adverse to a client or former client and relates to a matter about which a licensee has obtained confidential information by reason of or in the course of the licensee's employment by the client;

(10) Conviction of a gross misdemeanor or felony or the commission of any act involving moral turpitude, dishonesty, or corruption whether the act constitutes a crime or not. If the act constitutes a crime, conviction in a criminal proceeding is not a condition precedent to disciplinary action. Upon such a conviction, however, the judgment and sentence is conclusive evidence at the ensuing disciplinary hearing of the guilt of the license holder or applicant of the crime described in the indictment or information, and of the person's violation of the statute on which it is based. For the purposes of this section, conviction includes all instances in which a plea of guilty or nolo contendere is the basis for the conviction and all proceedings in which the sentence has been deferred or suspended. Nothing in this section abrogates rights guaranteed under chapter 9.96A RCW;

(11) Advertising that is false, fraudulent, or misleading;

(12) Incompetence or negligence that results in injury to a person or that creates an unreasonable risk that a person may be harmed;

(13) Suspension, revocation, or restriction of the individual's license to practice the profession by competent authority in any state, federal, or foreign jurisdiction, a certified copy of the order, stipulation, or agreement being conclusive evidence of the revocation, suspension, or restriction;

(14) Failure to cooperate with the director by:

(a) Not furnishing any necessary papers or documents requested by the director for purposes of conducting an investigation for disciplinary action, denial, suspension, or revocation of a license under this chapter;

(b) Not furnishing in writing a full and complete explanation covering the matter contained in a complaint filed with the department; or

(c) Not responding to subpoenas issued by the director, whether or not the recipient of the subpoena is the accused in the proceeding;

(15) Failure to comply with an order issued by the director or an assurance of discontinuance entered into with the director;

(16) Aiding or abetting an unlicensed person to practice if a license is required;

(17) Misrepresentation or fraud in any aspect of the conduct of the business or profession;

(18) Failure to adequately supervise employees to the extent that the public health or safety is at risk;

(19) Interference with an investigation or disciplinary proceeding by willful misrepresentation of facts before the director or the director's authorized representative, or by the use of threats or harassment against any client or witness to prevent them from providing evidence in a disciplinary proceeding or any other legal action; or

(20) Assigning or transferring any license issued pursuant to the provisions of this chapter, except as provided in section 5 of this act.

NEW SECTION. Sec. 17. The director has the following authority in administering this chapter:

(1) To adopt, amend, and rescind rules as deemed necessary to carry out this chapter;

(2) To issue subpoenas and administer oaths in connection with an investigation, hearing, or proceeding held under this chapter;

(3) To take or cause depositions to be taken and use other discovery procedures as needed in an investigation, hearing, or proceeding held under this chapter;

(4) To compel attendance of witnesses at hearings;

(5) In the course of investigating a complaint or report of unprofessional conduct, to conduct practice reviews;

(6) To take emergency action ordering summary suspension of a license, or restriction or limitation of the licensee's practice pending proceedings by the director;

(7) To use the office of administrative hearings as authorized in chapter 34.12 RCW to conduct hearings. However, the director or the director's designee shall make the final decision in the hearing;

(8) To enter into contracts for professional services determined to be necessary for adequate enforcement of this chapter;

(9) To adopt standards of professional conduct or practice;

(10) In the event of a finding of unprofessional conduct by an applicant or license holder, to impose sanctions against a license applicant or license holder as provided by this chapter;

(11) To enter into an assurance of discontinuance in lieu of issuing a statement of charges or conducting a hearing. The assurance shall consist of

a statement of the law in question and an agreement to not violate the stated provision. The applicant or license holder shall not be required to admit to any violation of the law, and the assurance shall not be construed as such an admission. Violation of an assurance under this subsection is grounds for disciplinary action;

(12) To designate individuals authorized to sign subpoenas and statements of charges;

(13) To employ such investigative, administrative, and clerical staff as necessary for the enforcement of this chapter; and

(14) To compel attendance of witnesses at hearings.

NEW SECTION. Sec. 18. A person, including but not limited to consumers, licensees, corporations, organizations, and state and local governmental agencies, may submit a written complaint to the department charging a license holder or applicant with unprofessional conduct and specifying the grounds for the charge. If the director determines that the complaint merits investigation, or if the director has reason to believe, without a formal complaint, that a license holder or applicant may have engaged in unprofessional conduct, the director shall investigate to determine if there has been unprofessional conduct. A person who files a complaint under this section in good faith is immune from suit in any civil action related to the filing or contents of the complaint.

NEW SECTION. Sec. 19. (1) If the director determines, upon investigation, that there is reason to believe a violation of this chapter has occurred, a statement of charges shall be prepared and served upon the license holder or applicant and notice of this action given to the owner or qualifying agent of the employing private detective agency. The statement of charges shall be accompanied by a notice that the license holder or applicant may request a hearing to contest the charges. The license holder or applicant must file a request for hearing with the department within twenty days after being served the statement of charges. The failure to request a hearing constitutes a default, whereupon the director may enter an order pursuant to RCW 34.05.440.

(2) If a hearing is requested, the time of the hearing shall be scheduled but the hearing shall not be held earlier than thirty days after service of the charges upon the license holder or applicant. A notice of hearing shall be issued at least twenty days prior to the hearing, specifying the time, date, and place of the hearing.

NEW SECTION. Sec. 20. The procedures governing adjudicative proceedings before agencies under chapter 34.05 RCW, the administrative procedure act, govern all hearings before the director.

NEW SECTION. Sec. 21. (1) If the director believes a license holder or applicant may be unable to practice with reasonable skill and safety to

the public by reason of any mental or physical condition, a statement of charges shall be served on the license holder or applicant and notice shall also be issued providing an opportunity for a hearing. The hearing shall be limited to the sole issue of the capacity of the license holder or applicant to practice with reasonable skill or safety. If the director determines that the license holder or applicant is unable to practice with reasonable skill and safety for one of the reasons stated in this subsection, the director shall impose such sanctions as are deemed necessary to protect the public.

(2) In investigating or adjudicating a complaint or report that a license holder or applicant may be unable to practice with reasonable skill or safety by reason of a mental or physical condition, the department may require a license holder or applicant to submit to a mental or physical examination by one or more licensed or certified health professionals designated by the director. The cost of the examinations ordered by the department shall be paid by the department. In addition to any examinations ordered by the department, the licensee may submit physical or mental examination reports from licensed or certified health professionals of the license holder's or applicant's choosing and expense. Failure of the license holder or applicant to submit to examination when directed constitutes grounds for immediate suspension or withholding of the license, consequent upon which a default and final order may be entered without the taking of testimony or presentations of evidence, unless the failure was due to circumstances beyond the person's control. A determination by a court of competent jurisdiction that a license holder or applicant is mentally incompetent or mentally ill is presumptive evidence of the license holder's or applicant's inability to practice with reasonable skill and safety. An individual affected under this section shall at reasonable intervals be afforded an opportunity to demonstrate that the individual can resume competent practice with reasonable skill and safety to the public.

(3) For the purpose of subsection (2) of this section, an applicant or license holder governed by this chapter, by making application, practicing, or filing a license renewal, is deemed to have given consent to submit to a mental, physical, or psychological examination if directed in writing by the department and further to have waived all objections to the admissibility or use of the examining health professional's testimony or examination reports by the director on the ground that the testimony or reports constitute hearsay or privileged communications.

NEW SECTION. Sec. 22. Upon a finding that a license holder or applicant has committed unprofessional conduct or is unable to practice with reasonable skill and safety due to a physical or mental condition, the director may issue an order providing for one or any combination of the following:

- (1) Revocation of the license;

- (2) Suspension of the license for a fixed or indefinite term;
- (3) Restriction or limitation of the practice;
- (4) Requiring the satisfactory completion of a specific program of remedial education or treatment;
- (5) Monitoring of the practice by a supervisor approved by the director;
- (6) Censure or reprimand;
- (7) Compliance with conditions of probation for a designated period of time;
- (8) Withholding a license request;
- (9) Other corrective action; or
- (10) Refund of fees billed to and collected from the consumer.

Any of the actions under this section may be totally or partly stayed by the director. All costs associated with compliance with orders issued under this section are the obligation of the license holder or applicant.

NEW SECTION. Sec. 23. If an order for payment of a fine is made as a result of a hearing and timely payment is not made as directed in the final order, the director may enforce the order for payment in the superior court in the county in which the hearing was held. This right of enforcement shall be in addition to any other rights the director may have as to a licensee ordered to pay a fine but shall not be construed to limit a licensee's ability to seek judicial review.

In an action for enforcement of an order of payment of a fine, the director's order is conclusive proof of the validity of the order of payment of a fine and the terms of payment.

NEW SECTION. Sec. 24. (1) The director shall investigate complaints concerning practice by unlicensed persons of a profession or business for which a license is required by this chapter. In the investigation of the complaints, the director shall have the same authority as provided the director under section 19 of this act. The director shall issue a cease and desist order to a person after notice and hearing and upon a determination that the person has violated this subsection. If the director makes a written finding of fact that the public interest will be irreparably harmed by delay in issuing an order, the director may issue a temporary cease and desist order. The cease and desist order shall not relieve the person practicing or operating a business without a license from criminal prosecution therefor, but the remedy of a cease and desist order shall be in addition to any criminal liability. The cease and desist order is conclusive proof of unlicensed practice and may be enforced under RCW 7.21.060. This method of enforcement of the cease and desist order may be used in addition to, or as an alternative to, any provisions for enforcement of agency orders.

(2) The attorney general, a county prosecuting attorney, the director, or any person may, in accordance with the law of this state governing injunctions, maintain an action in the name of this state to enjoin any person practicing a profession or business for which a license is required by this chapter without a license from engaging in such practice or operating such business until the required license is secured. However, the injunction shall not relieve the person practicing or operating a business without a license from criminal prosecution therefor, but the remedy by injunction shall be in addition to any criminal liability.

(3) Unlicensed practice of a profession or operating a business for which a license is required by this chapter, unless otherwise exempted by law, constitutes a gross misdemeanor. All fees, fines, forfeitures, and penalties collected or assessed by a court because of a violation of this section shall be remitted to the department.

NEW SECTION. Sec. 25. A person or business that violates an injunction issued under this chapter shall pay a civil penalty, as determined by the court, of not more than twenty-five thousand dollars, which shall be paid to the department. For the purpose of this section, the superior court issuing any injunction shall retain jurisdiction and the cause shall be continued, and in such cases the attorney general acting in the name of the state may petition for the recovery of civil penalties.

NEW SECTION. Sec. 26. The director or individuals acting on the director's behalf are immune from suit in any action, civil or criminal, based on disciplinary proceedings or other official acts performed in the course of their duties in the administration and enforcement of this chapter.

NEW SECTION. Sec. 27. The director, in implementing and administering the provisions of this chapter, shall act in accordance with the administrative procedure act, chapter 34.05 RCW.

NEW SECTION. Sec. 28. A new section is added to chapter 43.101 RCW to read as follows:

The commission shall establish a program for issuing firearms certificates to private detectives for the purposes of obtaining armed private detective licenses. The commission shall adopt rules establishing the fees, training requirements, and procedures for obtaining and annually renewing firearms certificates. The fees charged by the commission shall recover the costs incurred by the commission in administering the firearms certificate program.

(1) Firearms training must be provided by an organization or trainer approved by the commission and must consist of at least eight hours of classes and proficiency training.

(2) Applications for firearms certificates shall be filed with the commission on a form provided by the commission. The commission may require any information and documentation that reasonably relates to the need to determine whether the applicant qualifies for a firearms certificate. Applicants must:

- (a) Be at least twenty-one years of age;
- (b) Possess a current private detective license; and
- (c) Present a written request from the owner or qualifying agent of a licensed private detective agency that the applicant be issued a firearms certificate.

(3) The commission shall consult with the private security industry and law enforcement before adopting or amending the training requirements of this section.

(4) The commission may adopt rules that are reasonable and necessary for the effective implementation and administration of this section consistent with chapter 34.05 RCW.

NEW SECTION. Sec. 29. 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. 30. Sections 1 through 27 of this act shall constitute a new chapter in Title 18 RCW.

NEW SECTION. Sec. 31. If specific funding for the purposes of this act, referencing this act by bill number, is not provided by June 30, 1991, in the omnibus appropriations act, this act shall be null and void.

Passed the House March 19, 1991.

Passed the Senate April 11, 1991.

Approved by the Governor May 21, 1991.

Filed in Office of Secretary of State May 21, 1991.

CHAPTER 329

[Engrossed Substitute House Bill 1938]

STATE-WIDE ENHANCED 911 SYSTEM

Effective Date: 7/28/91

AN ACT Relating to state-wide implementation of enhanced 911; amending RCW 38-.52.030, 9.73.070, 82.14B.010, 82.14B.020, 82.14B.030, 82.14B.040, 82.14B.090, and 82.14B-.100; adding new sections to chapter 38.52 RCW; repealing RCW 80.36.550, 80.36.5501, and 82.14B.080; and providing for submission of this act to a vote of the people.

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

NOTE: Sections 1 through 6 were included in the referendum which is chapter 54, Laws of 1991.

NEW SECTION. Sec. 7. A telecommunications company providing emergency communications systems or services or a business or individual providing data base information to emergency communication system personnel shall not be liable for civil damages caused by an act or omission of the company, business, or individual in the:

(1) Good faith release of information not in the public record, including unpublished or unlisted subscriber information to emergency service providers responding to calls placed to a 911 or enhanced 911 emergency service; or

(2) Design, development, installation, maintenance, or provision of consolidated 911 or enhanced 911 emergency communication systems or services other than an act or omission constituting gross negligence or wanton or willful misconduct.

Sec. 8. RCW 9.73.070 and 1967 ex.s. c 93 s 5 are each amended to read as follows:

~~((The provisions of))~~ (1) This chapter shall not apply to any activity in connection with services provided by a common carrier pursuant to its tariffs on file with the Washington utilities and transportation commission or the Federal Communication Commission and any activity of any officer, agent or employee of a common carrier who performs any act otherwise prohibited by this law in the construction, maintenance, repair and operations of the common carrier's communications services, facilities, or equipment or incident to the use of such services, facilities or equipment. Common carrier as used in this section means any person engaged as a common carrier or public service company for hire in intrastate, interstate or foreign communication by wire or radio or in intrastate, interstate or foreign radio transmission of energy.

(2) This chapter shall not apply to a 911 or enhanced 911 emergency service as defined in RCW 82.14B.020, for purposes of aiding public health or public safety agencies to respond to calls placed for emergency assistance.

NOTE: Sections 9 through 17 were included in the referendum which is chapter 54, Laws of 1991.

Passed the House April 28, 1991.

Passed the Senate April 28, 1991.

Approved by the Governor May 21, 1991.

Filed in Office of Secretary of State May 21, 1991.

CHAPTER 330

[Engrossed Substitute House Bill 1357]

TAX INFORMATION—RESTRICTIONS ON PUBLIC DISCLOSURE OF

Effective Date: 7/28/91

AN ACT Relating to the public disclosure of tax information; amending RCW 82.32.330; adding a new section to chapter 82.32 RCW; and prescribing penalties.

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

Sec. 1. RCW 82.32.330 and 1990 c 67 s 1 are each amended to read as follows:

(1) For purposes of this section:

(a) "Disclose" means to make known to any person in any manner whatever a return or tax information;

(b) "Return" means a tax or information return or claim for refund required by, or provided for or permitted under, the laws of this state which is filed with the department of revenue by, on behalf of, or with respect to a person, and any amendment or supplement thereto, including supporting schedules, attachments, or lists that are supplemental to, or part of, the return so filed;

(c) "Tax information" means (i) a taxpayer's identity, (ii) the nature, source, or amount of the taxpayer's income, payments, receipts, deductions, exemptions, credits, assets, liabilities, net worth, tax liability deficiencies, overassessments, or tax payments, whether taken from the taxpayer's books and records or any other source, (iii) whether the taxpayer's return was, is being, or will be examined or subject to other investigation or processing, (iv) a part of a written determination that is not designated as a precedent and disclosed pursuant to section 2 of this act, or a background file document relating to a written determination, and (v) other data received by, recorded by, prepared by, furnished to, or collected by the department of revenue with respect to the determination of the existence, or possible existence, of liability, or the amount thereof, of a person under the laws of this state for a tax, penalty, interest, fine, forfeiture, or other imposition, or offense: PROVIDED, That data, material, or documents that do not disclose information related to a specific or identifiable taxpayer do not constitute tax information under this section. Except as provided by section 2(1) of this act, nothing in this chapter shall require any person possessing data, material, or documents made confidential and privileged by this section to delete information from such data, material, or documents so as to permit its disclosure;

(d) "State agency" means every Washington state office, department, division, bureau, board, commission, or other state agency; and

(e) "Taxpayer identity" means the taxpayer's name, address, telephone number, registration number, or any combination thereof, or any other information disclosing the identity of the taxpayer.

(2) Returns and tax information shall be confidential and privileged, and except as ((hereinafter provided it shall be unlawful for)) authorized by this section, neither the department of revenue ((or)) nor any ((member, deputy, clerk)) officer, employee, agent, ((employee;)) or representative thereof ((or)) nor any other person ((to make known or reveal)) may disclose any ((facts or information contained in any return filed by any taxpayer or disclosed in any investigation or examination of the taxpayer's books and records made in connection with the administration hereof)) return or tax information.

(3) The foregoing, however, shall not ((be construed to)) prohibit the department of revenue or ((a member or)) an officer, employee, agent, or representative thereof from:

((1) Giving) (a) Disclosing such ((facts)) return or tax information ((in evidence in any court action involving)) in a civil or criminal judicial proceeding or an administrative proceeding;

(i) In respect of any tax imposed ((hereunder or involving a violation of the provisions hereof or involving)) under the laws of this state if the taxpayer or its officer or other person liable under Title 82 RCW is a party in the proceeding; or

(ii) In which the taxpayer about whom such return or tax information is sought and another state ((department and the taxpayer; (2) giving such facts and information to the taxpayer or his duly authorized agent; (3))) agency are adverse parties in the proceeding;

(b) Disclosing, subject to such requirements and conditions as the director shall prescribe by rules adopted pursuant to chapter 34.05 RCW, such return or tax information regarding a taxpayer to such taxpayer or to such person or persons as that taxpayer may designate in a request for, or consent to, such disclosure, or to any other person, at the taxpayer's request, to the extent necessary to comply with a request for information or assistance made by the taxpayer to such other person: PROVIDED, That tax information not received from the taxpayer shall not be so disclosed if the director determines that such disclosure would compromise any investigation or litigation by any federal, state, or local government agency in connection with the civil or criminal liability of the taxpayer or another person, or that such disclosure is contrary to any agreement entered into by the department that provides for the reciprocal exchange of information with other government agencies which agreement requires confidentiality with respect to such information unless such information is required to be disclosed to the taxpayer by the order of any court;

(c) Disclosing the name of a taxpayer with a deficiency greater than five thousand dollars and against whom a warrant under RCW 82.32.210

has been either issued or failed [filed] and remains outstanding for a period of at least ten working days. The department shall not be required to disclose any information under this subsection if a taxpayer: (i) Has been issued a tax assessment; (ii) has been issued a warrant that has not been filed; and (iii) has entered a deferred payment arrangement with the department of revenue and is making payments upon such deficiency that will fully satisfy the indebtedness within twelve months;

(d) Disclosing the name of a taxpayer with a deficiency greater than five thousand dollars and against whom a warrant under RCW 82.32.210 has been filed with a court of record and remains outstanding;

(e) Publishing statistics so classified as to prevent the identification of particular returns or reports or items thereof;

~~((4) giving))~~ (f) Disclosing such ((facts)) return or tax information, for official purposes only, to the governor or attorney general, or to any state ((department;)) agency, ((board, commission, council;)) or to any committee or subcommittee of the legislature dealing with matters of taxation, revenue, trade, commerce, the control of industry or the professions;

~~((5))~~ (g) Permitting ((its)) the department of revenue's records to be audited and examined by the proper state officer, his or her agents and employees;

~~((6) giving))~~ (h) Disclosing any such ((facts)) return or tax information to the proper officer of the internal revenue service of the United States, the Canadian government or provincial governments of Canada, or to the proper officer of the tax department of any state or city or town or county, for official purposes, but only if the statutes of the United States, Canada or its provincial governments, or of such other state or city or town or county, as the case may be, grants substantially similar privileges to the proper officers of this state; or

~~((7) giving))~~ (i) Disclosing any such ((facts)) return or tax information to the Department of Justice, the Bureau of Alcohol, Tobacco and Firearms of the Department of the Treasury, ((or the army or navy departments of the United States)) the Department of Defense, the United States customs service, the coast guard of the United States, and the United States department of transportation, or any authorized representative thereof, for official purposes;

(j) Publishing or otherwise disclosing the text of a written determination designated by the director as a precedent pursuant to section 2 of this act; or

(k) Disclosing, in a manner that is not associated with other tax information, the taxpayer name, business address, mailing address, revenue tax registration numbers, standard industrial classification code of a taxpayer, and the dates of opening and closing of business.

(4) Any person acquiring knowledge of ((such facts)) any return or tax information in the course of his or her employment with the department of

revenue and any person acquiring knowledge of ~~((such facts and))~~ any return or tax information as provided under ~~((4), (5), (6) and (7) above))~~ subsection (3) (f), (g), (h), or (i) of this section, who ~~((reveals or makes known))~~ discloses any such ((facts)) return or tax information to another person not entitled to knowledge of such ((facts)) return or tax information under the provisions of this section, shall upon conviction be punished by a fine ~~((of))~~ not exceeding one thousand dollars and, if the ~~((offender or))~~ person guilty of such violation is an officer or employee of the state, ((he)) such person shall forfeit such office or employment and shall be incapable of holding any public office or employment in this state for a period of two years thereafter.

NEW SECTION. Sec. 2. A new section is added to chapter 82.32 RCW to read as follows:

(1) The director may designate certain written determinations as precedents.

(a) By rule adopted pursuant to chapter 34.05 RCW, the director shall adopt criteria which he or she shall use to decide whether a determination is precedential. These criteria shall include, but not be limited to, whether the determination clarifies an unsettled interpretation of Title 82 RCW or where the determination modifies or clarifies an earlier interpretation.

(b) Written determinations designated as precedents by the director shall be made available for public inspection and shall be published by the department.

(c) The department shall disclose any written determination upon which it relies to support any assessment of tax, interest, or penalty against such taxpayer, after making the deletions provided by subsection (2) of this section.

(2) Before making a written determination available for public inspection under subsection (1) of this section, the department shall delete:

(a) The names, addresses, and other identifying details of the person to whom the written determination pertains and of another person identified in the written determination; and

(b) Information the disclosure of which is specifically prohibited by any statute applicable to the department of revenue, and the department may also delete other information exempted from disclosure by chapter 42.17 RCW or any other statute applicable to the department of revenue.

Passed the House March 19, 1991.

Passed the Senate April 18, 1991.

Approved by the Governor May 21, 1991.

Filed in Office of Secretary of State May 21, 1991.

CHAPTER 331

[Substitute Senate Bill 5301]

LODGING TAX IN COUNTIES BORDERING PACIFIC OCEAN

Effective Date: 7/28/91

AN ACT Relating to public facilities; amending RCW 67.28.200 and 67.28.210; adding a new section to chapter 67.28 RCW; and repealing RCW 67.28.230.

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

NEW SECTION. Sec. 1. A new section is added to chapter 67.28 RCW to read as follows:

(1) The legislative body of any city bordering on the Pacific Ocean with a population of not less than one thousand is authorized to levy and collect a special excise tax of not to exceed three percent on the sale of or charge made for the furnishing of lodging by a hotel, rooming house, tourist court, motel, trailer camp, and the granting of any similar license to use real property, as distinguished from the renting or leasing of real property. For the purposes of this tax, it shall be presumed that the occupancy of real property for a continuous period of one month or more constitutes a rental or lease of real property and not a mere license to use or to enjoy the same.

(2) The legislative body of the county in which a city described in subsection (1) of this section is located is authorized to levy and collect a special excise tax within such county of not to exceed three percent on the sale of or charge made for the furnishing of lodging by a hotel, rooming house, tourist court, motel, trailer camp, and the granting of any similar license to use real property, as distinguished from the renting or leasing of real property. For the purposes of this tax, it shall be presumed that the occupancy of real property for a continuous period of one month or more constitutes a rental or lease of real property and not a mere license to use or to enjoy the same.

(3) In the event a tax is levied under both subsections (1) and (2) of this section, the amount levied under (1) of this section shall be credited against the amount levied under (2) of this section such that the aggregate amount levied under this section cannot exceed three percent on the applicable sale or charge.

(4) Any seller, as defined in RCW 82.08.010, who is required to collect a tax under this section shall pay over such tax to the city or county, as applicable, as provided in RCW 67.28.200. The deduction from state taxes under RCW 67.28.190 does not apply to taxes imposed under this section.

Sec. 2. RCW 67.28.200 and 1988 ex.s. c 1 s 23 are each amended to read as follows:

The legislative body of any county or city may establish reasonable exemptions and may adopt such reasonable rules and regulations as may be

necessary for the levy and collection of the taxes authorized by RCW 67-.28.180, 67.28.182, and 67.28.230 through 67.28.250, and section 1 of this act. The department of revenue shall perform the collection of such taxes on behalf of such county or city at no cost to such county or city.

Sec. 3. RCW 67.28.210 and 1990 c 17 s 1 are each amended to read as follows:

All taxes levied and collected under RCW 67.28.180, 67.28.230, ((and)) 67.28.240, and section 1 of this act shall be credited to a special fund in the treasury of the county or city imposing such tax. Such taxes shall be levied only for the purpose of paying all or any part of the cost of acquisition, construction, or operating of stadium facilities, convention center facilities, performing arts center facilities, and/or visual arts center facilities or to pay or secure the payment of all or any portion of general obligation bonds or revenue bonds issued for such purpose or purposes under this chapter, or to pay for advertising, publicizing, or otherwise distributing information for the purpose of attracting visitors and encouraging tourist expansion when a county or city has imposed such tax for such purpose, or as one of the purposes hereunder, and until withdrawn for use, the moneys accumulated in such fund or funds may be invested in interest bearing securities by the county or city treasurer in any manner authorized by law. In addition such taxes may be used to develop strategies to expand tourism: **PROVIDED**, That any county, and any city within a county, bordering upon Grays Harbor may use the proceeds of such taxes for construction and maintenance of a movable tall ships tourist attraction in cooperation with a tall ships restoration society, except to the extent that such proceeds are used for payment of principal and interest on debt incurred prior to June 11, 1986: **PROVIDED FURTHER**, That any city or county may use the proceeds of such taxes for the refurbishing and operation of a steam railway for tourism promotion purposes.

NEW SECTION. Sec. 4. RCW 67.28.230 and 1988 ex.s. c 1 s 20 are each repealed.

Passed the Senate March 12, 1991.

Passed the House April 25, 1991.

Approved by the Governor May 21, 1991.

Filed in Office of Secretary of State May 21, 1991.

CHAPTER 332

[Engrossed Substitute House Bill 1960]

HEALTH PROFESSIONS REGULATION—REVISED PROVISIONS

Effective Date: 5/21/91

AN ACT Relating to health professions regulation; amending RCW 18.130.010, 18.120-.030, 18.150.020, 18.150.030, 18.150.040, 18.150.050, 18.150.060, 28B.20.500, 70.180.005, 18.130.180, 18.92.015, and 18.92.145; adding new sections to chapter 18.130 RCW; adding a

new section to chapter 70.180 RCW; adding a new section to chapter 18.53 RCW; adding a new section to chapter 18.35 RCW; adding a new section to chapter 18.50 RCW; adding a new section to chapter 18.34 RCW; adding a new section to chapter 18.92 RCW; adding new chapters to Title 28B RCW; adding a new chapter to Title 70 RCW; creating new sections; recodifying RCW 18.150.010, 18.150.020, 18.150.030, 18.150.040, 18.150.050, 18.150.060, 18.150.070, 18.150.900, and 18.150.910; repealing RCW 18.150.080, 28B.102.010, 28B.102.020, 28B.102.030, 28B.102.040, 28B.102.045, 28B.102.050, 28B.102.060, 28B.102.070, 28B.102.900, 28B.102.905, 70.180.007, 70.180.010, 70.180.050, 70.180.060, 70.180.070, 70.180.080, 70.180.090, 70.180.100, and 70.180.910; prescribing penalties; and declaring an emergency.

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

PART 1

TEMPORARY PRACTICE PERMITS CONTINUED HEALTH PROFESSIONAL COMPETENCY DEMONSTRATION PROJECTS

Sec. 1. RCW 18.130.010 and 1986 c 259 s 1 are each amended to read as follows:

It is the intent of the legislature to strengthen and consolidate disciplinary and licensure procedures for the licensed health and health-related professions and businesses by providing a uniform disciplinary act with standardized procedures for the licensure of health care professionals and the enforcement of laws the purpose of which is to assure the public of the adequacy of professional competence and conduct in the healing arts.

It is also the intent of the legislature that all health and health-related professions newly credentialed by the state come under the uniform disciplinary act.

Further, the legislature declares that the addition of public members on all health care boards can give both the state and the public, which it has a statutory responsibility to protect, assurances of accountability and confidence in the various practices of health care.

NEW SECTION. Sec. 2. A new section is added to chapter 18.130 RCW to read as follows:

If an individual licensed in another state, that has licensing standards substantially equivalent to Washington, applies for a license, the disciplining authority shall issue a temporary practice permit authorizing the applicant to practice the profession pending completion of documentation that the applicant meets the requirements for a license and is also not subject to denial of a license or issuance of a conditional license under this chapter. The temporary permit may reflect statutory limitations on the scope of practice. The permit shall be issued only upon the disciplining authority receiving verification from the states in which the applicant is licensed that the applicant is currently licensed and is not subject to charges or disciplinary action for unprofessional conduct or impairment. Notwithstanding RCW 34.05.422(3), the disciplining authority shall establish, by rule, the duration

of the temporary practice permits. Failure to surrender the permit is a misdemeanor under RCW 9A.20.010 and shall be unprofessional conduct under this chapter. The issuance of temporary permits is subject to the provisions of this chapter, including summary suspensions.

NEW SECTION. Sec. 3. A new section is added to chapter 18.130 RCW to read as follows:

The disciplinary authorities are authorized to develop and require licensees' participation in continuing competency pilot projects for the purpose of developing flexible, cost-efficient, effective, and geographically accessible competency assurance methods. The secretary shall establish criteria for development of pilot projects and shall select the disciplinary authorities that will participate from among the professions requesting participation. The department shall administer the projects in mutual cooperation with the disciplinary authority and shall allot and administer the budget for each pilot project. The department shall report to the legislature in January of each odd-numbered year concerning the progress and findings of the projects and shall make recommendations on the expansion of continued competency requirements to other licensed health professions.

Each disciplinary authority shall establish its pilot project in rule and may support the projects from a surcharge on each of the affected profession's license renewal in an amount established by the secretary.

PART 2

STATE-WIDE HEALTH PERSONNEL RESOURCE PLAN

NEW SECTION. Sec. 4. **INTENT.** The legislature finds that certain health care professional shortages exist and result in entire communities or specific populations within communities not having access to basic health care services.

The legislature further finds that the state currently does not have a state-wide comprehensive and systematic policy for the purpose of identifying shortages and designing and implementing activities to address shortages.

The legislature declares that the establishment of higher educational programming and other activities necessary to address health professional shortages should be a state policy concern and that a means to accomplish this should be established.

The legislature further declares that the development of state policy on professional shortages should involve close coordination and consultation between state government, institutions of higher education that conduct health care research and train health care professionals, health care service providers, consumers, and others.

The legislature further declares that the health care needs of the people of this state should be the primary factor determining state policymaking designed to address health professional shortages.

NEW SECTION. Sec. 5. STATE-WIDE HEALTH PERSONNEL RESOURCE PLAN. (1) The higher education coordinating board, the state board for community college education, the superintendent of public instruction, the state department of health, and the state department of social and health services, to be known for the purposes of this section as the committee, shall establish a state-wide health personnel resource plan. The governor shall appoint a lead agency from one of the agencies on the committee.

In preparing the state-wide plan the committee shall consult with the training and education institutions affected by this chapter, health care providers, employers of health care providers, insurers, consumers of health care, and other appropriate entities.

Should a successor agency or agencies be authorized or created by the legislature with planning, coordination, or administrative authority over vocational-technical schools, community colleges, or four-year higher education institutions, the governor shall grant membership on the committee to such agency or agencies and remove the member or members it replaces.

The committee shall appoint subcommittees for the purpose of assisting in the development of the institutional plans required under this chapter. Such subcommittees shall at least include those committee members that have statutory responsibility for planning, coordination, or administration of the training and education institutions for which the institutional plans are being developed. In preparing the institutional plans for four-year institutes of higher education, the subcommittee shall be composed of at least the higher education coordinating board and the state's four-year higher education institutions. The appointment of subcommittees to develop portions of the state-wide plan shall not relinquish the committee's responsibility for assuring overall coordination, integration, and consistency of the state-wide plan.

In establishing and implementing the state-wide health personnel resource plan the committee shall, to the extent possible, utilize existing data and information, personnel, equipment, and facilities and shall minimize travel and take such other steps necessary to reduce the administrative costs associated with the preparation and implementation of the plan.

(2) The state-wide health resource plan shall include at least the following:

(a)(i) Identification of the type, number, and location of the health care professional work force necessary to meet health care needs of the state.

(ii) A description and analysis of the composition and numbers of the potential work force available for meeting health care service needs of the population to be used for recruitment purposes. This should include a description of the data, methodology, and process used to make such determinations.

(b) A centralized inventory of the numbers of student applications to higher education and vocational–technical training and education programs, yearly enrollments, yearly degrees awarded, and numbers on waiting lists for all the state's publicly funded health care training and education programs. The committee shall request similar information for incorporation into the inventory from private higher education and vocational–technical training and education programs.

(c) A description of state–wide and local specialized provider training needs to meet the health care needs of target populations and a plan to meet such needs in a cost–effective and accessible manner.

(d) A description of how innovative, cost–effective technologies such as telecommunications can and will be used to provide higher education, vocational–technical, continued competency, and skill maintenance and enhancement education and training to placebound students who need flexible programs and who are unable to attend institutions for training.

(e) A strategy for assuring higher education and vocational– technical educational and training programming is sensitive to the changing work force such as reentry workers, women, minorities, and the disabled.

(f) A strategy and coordinated state–wide policy developed by the subcommittees authorized in subsection (1) of this section for increasing the number of graduates intending to serve in shortage areas after graduation, including such strategies as the establishment of preferential admissions and designated enrollment slots.

(g) Guidelines and policies developed by the subcommittees authorized in subsection (1) of this section for allowing academic credit for on–the–job experience such as internships, volunteer experience, apprenticeships, and community service programs.

(h) A strategy developed by the subcommittees authorized in subsection (1) of this section for making required internships and residency programs available that are geographically accessible and sufficiently diverse to meet both general and specialized training needs as identified in the plan when such programs are required.

(i) A description of the need for multiskilled health care professionals and an implementation plan to restructure educational and training programming to meet these needs.

(j) An analysis of the types and estimated numbers of health care personnel that will need to be recruited from out–of–state to meet the health professional needs not met by in–state trained personnel.

(k) An analysis of the need for educational articulation within the various health care disciplines and a plan for addressing the need.

(l) An analysis of the training needs of those members of the long–term care profession that are not regulated and that have no formal training requirements. Programs to meet these needs should be developed in a cost–

effective and a state-wide accessible manner that provide for the basic training needs of these individuals.

(m) A designation of the professions and geographic locations in which loan repayment and scholarships should be available based upon objective data-based forecasts of health professional shortages. A description of the criteria used to select professions and geographic locations shall be included. Designations of professions and geographic locations may be amended by the department of health when circumstances warrant as provided for in section 20 of this act.

(n) A description of needed changes in regulatory laws governing the credentialing of health professionals.

(o) A description of linguistic and cultural training needs of foreign-trained health care professionals to assure safe and effective practice of their health care profession.

(p) A plan to implement the recommendations of the state-wide nursing plan authorized by RCW 74.39.040.

(q) A description of criteria and standards that institutional plans provided for in this section must address in order to meet the requirements of the state-wide health personnel resource plan, including funding requirements to implement the plans. The committee shall also when practical identify specific outcome measures to measure progress in meeting the requirements of this plan. The criteria and standards shall be established in a manner as to provide flexibility to the institutions in meeting state-wide plan requirements. The committee shall establish required submission dates for the institutional plans that permit inclusion of funding requests into the institutions budget requests to the state.

(r) A description of how the higher education coordinating board, state board for community college education, superintendent of public instruction, department of health, and department of social and health services coordinated in the creation and implementation of the state plan including the areas of responsibility each agency shall assume. The plan should also include a description of the steps taken to assure participation by the groups that are to be consulted with.

(s) A description of the estimated fiscal requirements for implementation of the state-wide health resource plan that include a description of cost saving activities that reduce potential costs by avoiding administrative duplication, coordinating programming activities, and other such actions to control costs.

(3) The committee may call upon other agencies of the state to provide available information to assist the committee in meeting the responsibilities under this chapter. This information shall be supplied as promptly as circumstances permit.

(4) State agencies involved in the development and implementation of the plan shall to the extent possible utilize existing personnel and financial

resources in the development and implementation of the state-wide health personnel resource plan.

(5) The state-wide health personnel resource plan shall be submitted to the governor by July 1, 1992, and updated by July 1 of each even-numbered year. The governor, no later than December 1 of that year, shall approve, approve with modifications, or disapprove the state-wide health resource plan.

(6) The approved state-wide health resource plan shall be submitted to the senate and house of representatives committees on health care, higher education, and ways and means or appropriations by December 1 of each even-numbered year.

(7) Implementation of the state-wide plan shall begin by July 1, 1993.

(8) Notwithstanding subsections (5) and (7) of this section, the committee shall prepare and submit to the higher education coordinating board by June 1, 1992, the analysis necessary for the initial implementation of the health professional loan repayment and scholarship program created in chapter 28B.— RCW (as codified pursuant to section 36 of this act).

(9) Each publicly funded two-year and four-year institute of higher education authorized under Title 28B RCW and vocational-technical institution authorized under Title 28A RCW that offers health training and education programs shall biennially prepare and submit an institutional plan to the committee. The institutional plan shall identify specific programming and activities of the institution that meet the requirements of the state-wide health professional resource plan.

The committee shall review and assess whether the institutional plans meet the requirements of the state-wide health personnel resource plan and shall prepare a report with its determination. The report shall become part of the institutional plan and shall be submitted to the governor and the legislature.

The institutional plan shall be included with the institution's biennial budget submission. The institution's budget shall identify proposed spending to meet the requirements of the institutional plan. Each vocational-technical institution, college, or university shall be responsible for implementing its institutional plan.

PART 3 HEALTH PROFESSIONAL CREDENTIALING SUNRISE MODIFICATIONS

Sec. 6. RCW 18.120.030 and 1983 c 168 s 3 are each amended to read as follows:

After July 24, 1983, if appropriate, applicant groups shall explain each of the following factors to the extent requested by the legislative committees of reference:

(1) A definition of the problem and why regulation is necessary:

(a) The nature of the potential harm to the public if the health profession is not regulated, and the extent to which there is a threat to public health and safety;

(b) The extent to which consumers need and will benefit from a method of regulation identifying competent practitioners, indicating typical employers, if any, of practitioners in the health profession; and

(c) The extent of autonomy a practitioner has, as indicated by:

(i) The extent to which the health profession calls for independent judgment and the extent of skill or experience required in making the independent judgment; and

(ii) The extent to which practitioners are supervised;

(2) The efforts made to address the problem:

(a) Voluntary efforts, if any, by members of the health profession to:

(i) Establish a code of ethics; or

(ii) Help resolve disputes between health practitioners and consumers; and

(b) Recourse to and the extent of use of applicable law and whether it could be strengthened to control the problem;

(3) The alternatives considered:

(a) Regulation of business employers or practitioners rather than employee practitioners;

(b) Regulation of the program or service rather than the individual practitioners;

(c) Registration of all practitioners;

(d) Certification of all practitioners;

(e) Other alternatives;

(f) Why the use of the alternatives specified in this subsection would not be adequate to protect the public interest; and

(g) Why licensing would serve to protect the public interest;

(4) The benefit to the public if regulation is granted:

(a) The extent to which the incidence of specific problems present in the unregulated health profession can reasonably be expected to be reduced by regulation;

(b) Whether the public can identify qualified practitioners;

(c) The extent to which the public can be confident that qualified practitioners are competent:

(i) Whether the proposed regulatory entity would be a board composed of members of the profession and public members, or a state agency, or both, and, if appropriate, their respective responsibilities in administering the system of registration, certification, or licensure, including the composition of the board and the number of public members, if any; the powers and duties of the board or state agency regarding examinations and for cause

revocation, suspension, and nonrenewal of registrations, certificates, or licenses; the promulgation of rules and canons of ethics; the conduct of inspections; the receipt of complaints and disciplinary action taken against practitioners; and how fees would be levied and collected to cover the expenses of administering and operating the regulatory system;

(ii) If there is a grandfather clause, whether such practitioners will be required to meet the prerequisite qualifications established by the regulatory entity at a later date;

(iii) The nature of the standards proposed for registration, certification, or licensure as compared with the standards of other jurisdictions;

(iv) Whether the regulatory entity would be authorized to enter into reciprocity agreements with other jurisdictions; (~~and~~)

(v) The nature and duration of any training including, but not limited to, whether the training includes a substantial amount of supervised field experience; whether training programs exist in this state; if there will be an experience requirement; whether the experience must be acquired under a registered, certificated, or licensed practitioner; whether there are alternative routes of entry or methods of meeting the prerequisite qualifications; whether all applicants will be required to pass an examination; and, if an examination is required, by whom it will be developed and how the costs of development will be met; and

(vi) What additional training programs are anticipated to be necessary to assure training accessible state-wide; the anticipated time required to establish the additional training programs; the types of institutions capable of providing the training; a description of how training programs will meet the needs of the expected work force, including reentry workers, minorities, placebound students, and others;

(d) Assurance of the public that practitioners have maintained their competence:

(i) Whether the registration, certification, or licensure will carry an expiration date; and

(ii) Whether renewal will be based only upon payment of a fee, or whether renewal will involve reexamination, peer review, or other enforcement;

(5) The extent to which regulation might harm the public:

(a) The extent to which regulation will restrict entry into the health profession:

(i) Whether the proposed standards are more restrictive than necessary to insure safe and effective performance; and

(ii) Whether the proposed legislation requires registered, certificated, or licensed practitioners in other jurisdictions who migrate to this state to qualify in the same manner as state applicants for registration, certification,

and licensure when the other jurisdiction has substantially equivalent requirements for registration, certification, or licensure as those in this state; and

(b) Whether there are similar professions to that of the applicant group which should be included in, or portions of the applicant group which should be excluded from, the proposed legislation;

(6) The maintenance of standards:

(a) Whether effective quality assurance standards exist in the health profession, such as legal requirements associated with specific programs that define or enforce standards, or a code of ethics; and

(b) How the proposed legislation will assure quality:

(i) The extent to which a code of ethics, if any, will be adopted; and

(ii) The grounds for suspension or revocation of registration, certification, or licensure;

(7) A description of the group proposed for regulation, including a list of associations, organizations, and other groups representing the practitioners in this state, an estimate of the number of practitioners in each group, and whether the groups represent different levels of practice; and

(8) The expected costs of regulation:

(a) The impact registration, certification, or licensure will have on the costs of the services to the public; ((and))

(b) The cost to the state and to the general public of implementing the proposed legislation; and

(c) The cost to the state and the members of the group proposed for regulation for the required education, including projected tuition and expenses and expected increases in training programs, staffing, and enrollments at state training institutions.

PART 4

COMMUNITY-BASED RECRUITMENT AND RETENTION PROJECTS STATE-WIDE RECRUITMENT AND RETENTION CLEARINGHOUSE

NEW SECTION. Sec. 7. DEFINITIONS. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Department" means the department of health.

(2) "Health care professional recruitment and retention strategic plan" means a plan developed by the participant and includes identification of health care personnel needs of the community, how these professionals will be recruited and retained in the community following recruitment.

(3) "Institutions of higher education" means educational institutions as defined in RCW 28B.10.016.

(4) "Local administrator" means an individual or organization representing the participant who may enter into legal agreements on behalf of the participant.

(5) "Participant" means communities, counties, and regions that serve as a health care catchment area where the project site is located.

(6) "Project" means the community-based retention and recruitment project.

(7) "Project site" means a site selected to participate in the project.

(8) "Secretary" means the secretary of health.

NEW SECTION. Sec. 8. STATE-WIDE RECRUITMENT AND RETENTION CLEARINGHOUSE. The department, in consultation with appropriate private and public entities, shall establish a health professional recruitment and retention clearinghouse. The clearinghouse shall:

(1) Inventory and classify the current public and private health professional recruitment and retention efforts;

(2) Identify recruitment and retention program models having the greatest success rates;

(3) Identify recruitment and retention program gaps;

(4) Work with existing recruitment and retention programs to better coordinate state-wide activities and to make such services more widely known and broadly available;

(5) Provide general information to communities, health care facilities, and others about existing available programs;

(6) Work in cooperation with private and public entities to develop new recruitment and retention programs;

(7) Identify needed recruitment and retention programming for state institutions, county public health departments and districts, county human service agencies, and other entities serving substantial numbers of public pay and charity care patients, and may provide to these entities when they have been selected as participants necessary recruitment and retention assistance including:

(a) Assistance in establishing or enhancing recruitment of health care professionals;

(b) Recruitment on behalf of sites unable to establish their own recruitment program; and

(c) Assistance with retention activities when practitioners of the health professional loan repayment and scholarship program authorized by chapter 18.150 RCW are present in the practice setting.

NEW SECTION. Sec. 9. DEPARTMENTAL DUTIES. (1) The department shall establish up to three community-based recruitment and retention project sites to provide financial and technical assistance to participating communities. The goal of the project is to help assure the availability of health care providers in rural areas of Washington state.

(2) Administrative costs necessary to implement this project shall be kept at a minimum to insure the maximum availability of funds for participants.

(3) The secretary may contract with third parties for services necessary to carry out activities to implement this chapter where this will promote economy, avoid duplication of effort, and make the best use of available expertise.

(4) The secretary may apply for, receive, and accept gifts and other payments, including property and service, from any governmental or other public or private entity or person, and may make arrangements as to the use of these receipts, including the undertaking of special studies and other projects related to the delivery of health care in rural areas.

(5) In designing and implementing the project the secretary shall coordinate the project with the Washington rural health system project as authorized under chapter 70.175 RCW to consolidate administrative duties and reduce costs.

NEW SECTION. Sec. 10. RULES. The department shall adopt rules consistent with this chapter to carry out the purpose of this chapter. All rules shall be adopted in accordance with chapter 34.05 RCW. All rules and procedures adopted by the department shall minimize paperwork and compliance requirements for participants and should not be complex in nature so as to serve as a barrier or disincentive for prospective participants applying for the project.

NEW SECTION. Sec. 11. SECRETARY'S POWERS AND DUTIES. The secretary shall have the following powers and duties:

(1) To design the project application and selection process, including a program to advertise the project to rural communities and encourage prospective applicants to apply. Subject to funding, project sites shall be selected that are eligible to receive funding. Funding shall be used to hire consultants and perform other activities necessary to meet participant requirements under this chapter. The secretary shall require at least fifty percent matching funds or in-kind contributions from participants. In considering selection of participants eligible for seed grant funding, the secretary should consider project sites where (a) existing access to health care is severely inadequate, (b) recruitment and retention problems have been chronic, (c) the community is in need of primary care practitioners, or (d) the community has unmet health care needs for specific target populations;

(2) To design acceptable health care professional recruitment and retention strategic plans, and to serve as a general resource to participants in the planning, administration, and evaluation of project sites;

(3) To assess and approve strategic plans developed by participants, including an assessment of the technical and financial feasibility of implementing the plan and whether adequate local support for the plan is demonstrated;

(4) To identify existing private and public resources that may serve as eligible consultants, identify technical assistance resources for communities in the project, create a register of public and private technical resource services available, and provide the register to participants. The secretary shall screen consultants to determine their qualifications prior to including them on the register;

(5) To work with other state agencies, institutions of higher education, and other public and private organizations to coordinate technical assistance services for participants;

(6) To administer available funds for community use while participating in the project and establish procedures to assure accountability in the use of seed grant funds by participants;

(7) To define data and other minimum requirements for adequate evaluation of projects and to develop and implement an overall monitoring and evaluation mechanism for the projects;

(8) To act as facilitator for multiple applicants and entrants to the project;

(9) To report to the appropriate legislative committees and others from time to time on the progress of the projects including the identification of statutory and regulatory barriers to successful completion of rural health care delivery goals and an ongoing evaluation of the project.

NEW SECTION. Sec. 12. DUTIES AND RESPONSIBILITIES OF PARTICIPATING COMMUNITIES. The duties and responsibilities of participating communities shall include:

(1) To involve major health care providers, businesses, public officials, and other community leaders in project design, administration, and oversight;

(2) To identify an individual or organization to serve as the local administrator of the project. The secretary may require the local administrator to maintain acceptable accountability of seed grant funding;

(3) To coordinate and avoid duplication of public health and other health care services;

(4) To assess and analyze community health care professional needs;

(5) To write a health care professional recruitment and retention strategic plan;

(6) To screen and contract with consultants for technical assistance if the project site was selected to receive funding and assistance is needed;

(7) To monitor and evaluate the project in an ongoing manner;

(8) To provide data and comply with other requirements of the administrator that are intended to evaluate the effectiveness of the projects;

(9) To assure that specific populations with unmet health care needs have access to services.

NEW SECTION. Sec. 13. COOPERATION OF STATE AGENCIES. (1) The secretary may call upon other agencies of the state to provide available information to assist the secretary in meeting the responsibilities under this chapter. This information shall be supplied as promptly as circumstances permit.

(2) The secretary may call upon other state agencies including institutions of higher education as authorized under Titles 28A and 28B RCW to identify and coordinate the delivery of technical assistance services to participants in meeting the responsibilities of this chapter. The state agencies, vocational-technical institutions, and institutions of higher education shall cooperate and provide technical assistance to the secretary to the extent that current funding for these entities permits.

NEW SECTION. Sec. 14. PARTICIPANTS AUTHORIZED TO CONTRACT—PENALTY—SECRETARY AND STATE EXEMPT FROM LIABILITY. (1) Participants are authorized to use funding granted to them by the secretary for the purpose of contracting for technical assistance services. Participants shall use only consultants identified by the secretary for consulting services unless the participant can show that an alternative consultant is qualified to provide technical assistance and is approved by the secretary. Adequate records shall be kept by the participant showing project site expenditures from grant moneys. Inappropriate use of grant funding is a gross misdemeanor and shall incur the penalties under chapter 9A.20 RCW.

(2) In providing a list of qualified consultants the secretary and the state shall not be held responsible for assuring qualifications of consultants and shall be held harmless for the actions of consultants. Furthermore, the secretary and the state shall not be held liable for the failure of participants to meet contractual obligations established in connection with project participation.

PART 5 HEALTH PROFESSIONAL LOAN REPAYMENT AND SCHOLARSHIP PROGRAM

Sec. 15. RCW 18.150.020 and 1989 1st ex.s. c 9 s 717 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Board" means the higher education coordinating board.

(2) "Department" means the state department of health.

(3) "Eligible education and training programs" means education and training programs approved by the department that lead to eligibility for a credential as a credentialed health care professional.

(4) "Eligible expenses" means reasonable expenses associated with the costs of acquiring an education such as tuition, books, equipment, fees, room and board, and other expenses determined by the board.

(5) "Eligible student" means a student who has been accepted into an eligible education or training program and has a declared intention to serve in a health professional shortage area upon completion of the education or training program.

(6) "Forgiven" or "to forgive" or "forgiveness" means to render health care services in a health professional shortage area in the state of Washington in lieu of monetary repayment.

(7) "Health professional shortage areas" means those areas where credentialed health care professionals are in short supply as a result of geographic maldistribution or as the result of a short supply of credentialed health care professionals in specialty health care areas and where vacancies exist in serious numbers that jeopardize patient care and pose a threat to the public health and safety. The department shall determine health professional shortage areas as provided for in section 20 of this act, or until June 1, 1992, as provided for in section 19 of this act. In making health professional shortage area designations in the state the department may be guided by applicable federal standards for "health manpower shortage areas," and "medically underserved areas," and "medically underserved populations."

(8) "Credentialed health care profession" means a health care profession regulated by a disciplining authority in the state of Washington under RCW 18.130.040 or by the state board of pharmacy under chapter 18.64 RCW and designated by the department in section 20 of this act, or until June 1, 1992, as established in section 19 of this act as a profession having shortages of credentialed health care professionals in the state.

(9) "Credentialed health care professional" means a person regulated by a disciplining authority in the state of Washington to practice a health care profession under RCW 18.130.040 or by the state board of pharmacy under chapter 18.64 RCW.

(10) "Loan repayment" means a loan that is paid in full or in part if the participant renders health care services in a health professional shortage area ((or medically underserved areas)) as defined by the department ((of health)).

((2)) (11) "Nonshortage rural area" means a nonurban area of the state of Washington that has not been designated as a rural physician shortage area. The department shall identify the nonshortage rural areas of the state.

(12) "Participant" means a ((licensed)) credentialed health care professional who has received a loan repayment award and has commenced practice as a ((primary)) credentialed health care provider in a designated health professional shortage area or an eligible student who has received a scholarship under this program.

~~((3)) "Board" means the higher education coordinating board.~~

~~(4) "Health professional shortage areas" means those geographic areas where health professionals are in short supply as a result of geographic maldistribution and where vacancies exist in serious numbers that jeopardize patient care and pose a threat to the public health and safety. The department of health shall determine health professional shortage areas in the state guided by federal standards of "health manpower shortage areas," and "medically underserved areas," and "medically underserved populations."~~

~~(5)) (13) "Program" means the health professional loan repayment and scholarship program.~~

~~(14) "Required service obligation" means an obligation by the participant to provide health care services in a health professional shortage area for a period to be established as provided for in this chapter.~~

~~(15) "Rural physician shortage area" means rural geographic areas where primary care physicians are in short supply as a result of geographic maldistributions and where their limited numbers jeopardize patient care and pose a threat to public health and safety. The department shall designate rural physician shortage areas.~~

~~(16) "Satisfied" means paid-in-full.~~

~~((6) "Licensed health professional" means a person authorized in the state of Washington to practice medicine pursuant to chapter 18.57 or 18.57A RCW or 18.71 or 18.71A RCW, to practice nursing pursuant to chapter 18.88 or 18.78 RCW, or to practice dentistry pursuant to chapter 18.32 RCW:))~~

~~(17) "Scholarship" means a loan that is forgiven in whole or in part if the recipient renders health care services in a health professional shortage area.~~

~~(18) "Sponsoring community" means a rural hospital or hospitals as authorized in chapter 70.41 RCW, a rural health care facility or facilities as authorized in chapter 70.175 RCW, or a city or county government or governments.~~

Sec. 16. RCW 18.150.030 and 1989 1st ex.s. c 9 s 718 are each amended to read as follows:

The health professional loan repayment and scholarship program is established for ~~((licensed))~~ credentialed health professionals serving in health professional shortage areas. The program shall be administered by the higher education coordinating board. In administering this program, the board shall ~~((have the following duties))~~:

(1) ~~((It shall))~~ Select ~~((licensed))~~ credentialed health care professionals to participate in the loan repayment portion of the loan repayment and scholarship program and select eligible students to participate in the scholarship portion of the loan repayment and scholarship program;

(2) ~~((It shall))~~ Adopt rules and develop guidelines to administer the program;

(3) ~~((It shall))~~ Collect and manage repayments from participants who do not meet their service obligations under this chapter;

(4) Publicize the program, particularly to maximize participation among individuals in shortage areas and among populations expected to experience the greatest growth in the work force; ~~(and~~

~~(4) It shall))~~ (5) Solicit and accept grants and donations from public and private sources for the program; and

(6) Develop criteria for a contract for service in lieu of the service obligation where appropriate, that may be a combination of service and payment.

NEW SECTION. Sec. 17. The department may provide technical assistance to rural communities desiring to become sponsoring communities for the purposes of identification of prospective students for the program, assisting prospective students to apply to an eligible education and training program, making formal agreements with prospective students to provide credentialed health care services in the community, forming agreements between rural communities in a service area to share credentialed health care professionals, and fulfilling any matching requirements.

Sec. 18. RCW 18.150.040 and 1989 1st ex.s. c 9 s 719 are each amended to read as follows:

The board shall establish a planning committee to assist it in developing criteria for the selection of participants. The board shall ~~((, at a minimum,))~~ include on the planning committee ~~((: Representatives from rural hospitals, public health districts or departments, community and migrant clinics, and private providers))~~ representatives of the department, the department of social and health services, appropriate representatives from health care facilities, provider groups, consumers, the state board of community college education, the superintendent of public instruction, and other appropriate public and private agencies and organizations. The criteria may require that some of the participants meet the definition of "needy student" under RCW 28B.10.802.

NEW SECTION. Sec. 19. ELIGIBLE CREDENTIALLED HEALTH PROFESSIONS AND REQUIRED SERVICE OBLIGATIONS. Until June 1, 1992, the board, in consultation with the department, shall:

(1) Establish loan repayments for persons authorized to practice one of the following credentialed health care professions: Medicine pursuant to chapter 18.57, 18.57A, 18.71 or 18.71A RCW, nursing pursuant to chapter 18.78 or 18.88 RCW, or dentistry pursuant to chapter 18.32 RCW. The amount of the loan repayment shall not exceed fifteen thousand dollars per year for a maximum of five years per individual. The required service obligation in a health professional shortage area for loan repayment shall be three years;

(2) Establish a scholarship program for eligible students who have been accepted into an eligible education or training program leading to a credential in one of the following credentialed health care professions: Nursing pursuant to chapter 18.78 or 18.88 RCW who declare the intent to serve in a nurse shortage area as defined by the department upon completion of an education or training program and agree to a five-year service obligation. The amount of the scholarship shall not exceed three thousand dollars per year for a maximum of five years;

(3) Establish a scholarship program for eligible students who have been accepted into an eligible education or training program leading to a credential in one of the following credentialed health care professions: Medicine pursuant to chapter 18.57 or 18.71 RCW who declare an intent to serve as a primary care physician in a rural area in the state of Washington upon completion of the education program and agree to a five-year service obligation and who may receive a scholarship of no more than fifteen thousand dollars per year for five years.

In determining scholarship awards for prospective physicians, the selection criteria shall include requirements that recipients declare an interest in serving in rural areas of the state of Washington. Preference for scholarships shall be given to students who reside in a rural physician shortage area or a nonshortage rural area of the state prior to admission to the eligible education and training program in medicine. Highest preference shall be given to students seeking admission who are recommended by sponsoring communities and who declare the intent of serving as a physician in a rural area. The board may require the sponsoring community located in a nonshortage rural area to financially contribute to the eligible expenses of a medical student if the student will serve in the nonshortage rural area;

(4) Establish a scholarship program for eligible students who have been accepted into an eligible education or training program leading to a credential in one of the following credentialed health care professions: Midwifery pursuant to chapter 18.50 RCW or advanced registered nurse practitioner certified nurse midwifery under chapter 18.88 RCW who declare an intent to serve as a midwife in a midwifery shortage area in the state of Washington, as defined by the department, upon completion of the education program and agree to a five-year service obligation and who may receive a scholarship of no more than four thousand dollars per year for three years;

(5) Establish a scholarship program for eligible students who have been accepted into an eligible education or training program leading to a credential in the following credentialed health care profession: Pharmacy pursuant to chapter 18.64 RCW who declare an intent to serve as a pharmacist in a pharmacy shortage area in the state of Washington, as defined by the department, upon completion of the education program and agree to a five-

year service obligation and who may receive a scholarship of no more than four thousand dollars per year for three years;

(6) Honor loan repayment and scholarship contract terms negotiated between the board and participants prior to the effective date of this act concerning loan repayment and scholarship award amounts and service obligations authorized under chapter 18.150, 28B.104, or 70.180 RCW.

NEW SECTION. Sec. 20. ELIGIBLE CREDENTIALLED HEALTH PROFESSIONS. After June 1, 1992, the department, in consultation with the board and the department of social and health services, shall:

(1) Determine eligible credentialed health care professions for the purposes of the loan repayment and scholarship program authorized by this chapter. Eligibility shall be based upon an assessment that determines that there is a shortage or insufficient availability of a credentialed profession so as to jeopardize patient care and pose a threat to the public health and safety. The department shall consider the relative degree of shortages among professions when determining eligibility. This determination shall be based upon health professional shortage needs identified in the health personnel resource plan authorized by section 5 of this act. The department may add or remove professions from eligibility based upon the determination that a profession is no longer in shortage as determined by the health personnel resource plan. Should a profession no longer be eligible, participants or eligible students who have received scholarships shall be eligible to continue to receive scholarships or loan repayments until they are no longer eligible or until their service obligation has been completed;

(2) Determine health professional shortage areas for each of the eligible credentialed health care professions.

NEW SECTION. Sec. 21. REQUIRED SERVICE OBLIGATIONS. After June 1, 1992, the board, in consultation with the department and the department of social and health services, shall:

(1) Establish the annual award amount for each credentialed health care profession which shall be based upon an assessment of reasonable annual eligible expenses involved in training and education for each credentialed health care profession. The annual award amount may be established at a level less than annual eligible expenses. The annual award amount shall not be more than fifteen thousand dollars per year. The awards shall not be paid for more than a maximum of five years per individual;

(2) Determine any scholarship awards for prospective physicians in such a manner to require the recipients declare an interest in serving in rural areas of the state of Washington. Preference for scholarships shall be given to students who reside in a rural physician shortage area or a nonshortage rural area of the state prior to admission to the eligible education and training program in medicine. Highest preference shall be given to students seeking admission who are recommended by sponsoring communities and who declare the intent of serving as a physician in a rural area. The

board may require the sponsoring community located in a nonshortage rural area to financially contribute to the eligible expenses of a medical student if the student will serve in the nonshortage rural area;

(3) Establish the required service obligation for each credentialed health care profession, which shall be no less than three years or no more than five years. The required service obligation may be based upon the amount of the scholarship or loan repayment award such that higher awards involve longer service obligations on behalf of the participant;

(4) Determine eligible education and training programs for purposes of the scholarship portion of the program;

(5) Honor loan repayment and scholarship contract terms negotiated between the board and participants prior to the effective date of this section concerning loan repayment and scholarship award amounts and service obligations authorized under chapter 18.150, 28B.104, or 70.180 RCW.

Sec. 22. RCW 18.150.050 and 1989 1st ex.s. c 9 s 720 are each amended to read as follows:

(1) The board may grant loan repayment and scholarship awards to eligible participants from the funds appropriated for this purpose, or from any private or public funds given to the board for this purpose. ((The amount of the loan repayment shall not exceed fifteen thousand dollars per year for a maximum of five years. The board may establish awards of less than fifteen thousand dollars per year based upon reasonable levels of expenditures for each of the health professions covered by this chapter.)) Participants ((in the conditional scholarship program authorized by chapter 28B.104 RCW are ineligible to receive assistance from the program authorized by this chapter)) are ineligible to receive loan repayment if they have received a scholarship from programs authorized under this chapter or chapter 28B.104 or 70.180 RCW or are ineligible to receive a scholarship if they have received loan repayment authorized under this chapter or chapter 18.150 RCW.

(2) Funds appropriated for the program, including reasonable administrative costs, may be used by the board for the purposes of loan repayments or scholarships. The board shall annually establish the total amount of funding to be awarded for loan repayments and scholarships and such allocations shall be established based upon the best utilization of funding for that year and based upon the health personnel resource plan authorized in section 5 of this act.

(3) One portion of the funding appropriated for the program shall be used by the board as a recruitment incentive for communities participating in the community-based recruitment and retention program as authorized by sections 7 through 14 of this act; one portion of the funding shall be used by the board as a recruitment incentive for recruitment activities in state-operated institutions, county public health departments and districts, county human service agencies, federal and state contracted community health

clinics, and other health care facilities, such as rural hospitals that have been identified by the department, as providing substantial amounts of charity care or publicly subsidized health care; one portion of the funding shall be used by the board for all other awards. The board shall determine the amount of total funding to be distributed between the three portions.

NEW SECTION. Sec. 23. **PARTICIPANT REQUIREMENT TO ACCEPT PAYMENT.** In providing health care services the participant shall not discriminate against a person on the basis of the person's ability to pay for such services or because payment for the health care services provided to such persons will be made under the insurance program established under part A or B of Title XVIII of the federal social security act or under a state plan for medical assistance including Title XIX of the federal social security act or under the state medical assistance program authorized by chapter 74.09 RCW and agrees to accept assignment under section 18.42(b)(3)(B)(ii) of the federal social security act for all services for which payment may be made under part B of Title XVIII of the federal social security act and enters into an appropriate agreement with the department of social and health services for medical assistance under Title XIX of the federal social security act to provide services to individuals entitled to medical assistance under the plan and enters into appropriate agreements with the department of social and health services for medical care services under chapter 74.09 RCW. Participants found by the board or the department in violation of this section shall be declared ineligible for receiving assistance under the program authorized by this chapter.

Sec. 24. RCW 18.150.060 and 1989 1st ex.s. c 9 s 721 are each amended to read as follows:

Participants in the health professional loan repayment and scholarship program who are awarded loan repayments shall receive payment from the program for the purpose of repaying educational loans secured while attending a program of health professional training which led to ~~((licensure as a licensed))~~ a credential as a credentialed health professional in the state of Washington.

(1) Participants shall agree to ~~((serve at least three years))~~ meet the required service obligation in a designated health professional shortage area.

(2) ~~((In providing health care services the participant shall not discriminate against any person on the basis of the person's ability to pay for such services or because payment for the health care services provided to such persons will be made under the insurance program established under part A or B of Title XVIII of the federal social security act or under a state plan for medical assistance approved under Title XIX of the federal social security act and agrees to accept assignment under section 18.42(b)(3)(B)(ii) of such act for all services for which payment may be made under part B of Title XVIII and enters into an appropriate agreement~~

~~with the department of social and health services for medical assistance under Title XIX to provide services to individuals entitled to medical assistance under the plan. Participants found by the board in violation of this section shall be declared ineligible for receiving assistance under the program authorized by this chapter.~~

~~(3))~~ (3) Repayment shall be limited to ~~((reasonable))~~ eligible educational and living expenses as determined by the board and shall include principal and interest.

~~((4))~~ (3) Loans from both government and private sources may be repaid by the program. Participants shall agree to allow the board access to loan records and to acquire information from lenders necessary to verify eligibility and to determine payments. Loans may not be renegotiated with lenders to accelerate repayment.

~~((5))~~ (4) Repayment of loans established pursuant to this program shall begin no later than ninety days after the individual has become a participant. Payments shall be made quarterly, or more frequently if deemed appropriate by the board, to the participant until the loan is repaid or the participant becomes ineligible due to discontinued service in a health professional shortage area or after the ~~((fifth year of services))~~ required service obligation when eligibility discontinues, whichever comes first.

~~((6))~~ (5) Should the participant discontinue service in a health professional shortage area payments against the loans of the participants shall cease to be effective on the date that the participant discontinues service.

~~((7))~~ (6) Except for circumstances beyond their control, participants who serve less than ~~((three years))~~ the required service obligation shall be obligated to repay to the program an amount equal to twice the total amount paid by the program on their behalf in addition to any payments on the unsatisfied portion of the principal and interest. The board shall determine the applicability of this subsection.

~~((8))~~ (7) The board is responsible for the collection of payments made on behalf of participants from the participants who discontinue service before ~~((their three-year))~~ completion of the required service obligation. The board shall exercise due diligence in such collection, maintaining all necessary records to ensure that the maximum amount of payment made on behalf of the participant is recovered. Collection under this section shall be pursued using the full extent of the law, including wage garnishment if necessary.

~~((9))~~ (8) The board shall not be held responsible for any outstanding payments on principal and interest to any lenders once a participant's eligibility expires.

NEW SECTION. Sec. 25. PARTICIPANT OBLIGATION—SCHOLARSHIPS. (1) Participants in the health professional loan repayment and scholarship program who are awarded scholarships incur an obligation to repay the scholarship, with interest, unless they serve the required

service obligation in a health professional shortage area in the state of Washington.

(2) The terms of the repayment, including deferral and rate of interest, shall be consistent with the terms of the federal guaranteed student loan program.

(3) The period for repayment shall coincide with the required service obligation, with payments accruing quarterly commencing no later than nine months from the date the participant completes or discontinues the course of study or completes or discontinues the required residency.

(4) The entire principal and interest of each payment shall be forgiven for each payment period in which the participant serves in a health professional shortage area until the entire repayment obligation is satisfied or the borrower ceases to so serve. Should the participant cease to serve in a health professional shortage area of this state before the participant's repayment obligation is completed, payments on the unsatisfied portion of the principal and interest shall begin the next payment period and continue until the remainder of the participant's repayment obligation is satisfied. Except for circumstances beyond their control, participants who serve less than the required service obligation shall be obliged to repay to the program an amount equal to twice the total amount paid by the program on their behalf.

(5) The board is responsible for collection of repayments made under this section and shall exercise due diligence in such collection, maintaining all necessary records to ensure that maximum repayments are made. Collection and servicing of repayments under this section shall be pursued using the full extent of the law, including wage garnishment if necessary, and shall be performed by entities approved for such servicing by the Washington student loan guaranty association or its successor agency. The board is responsible to forgive all or parts of such repayments under the criteria established in this section and shall maintain all necessary records of forgiven payments.

(6) Receipts from the payment of principal or interest or any other subsidies to which the board as administrator is entitled, which are paid by or on behalf of participants under this section, shall be deposited with the board and shall be used to cover the costs of granting the scholarships, maintaining necessary records, and making collections under subsection (5) of this section. The board shall maintain accurate records of these costs, and all receipts beyond those necessary to pay such costs shall be used to grant scholarships to eligible students.

(7) Sponsoring communities who financially contribute to the eligible financial expenses of eligible medical students may enter into agreements with the student to require repayment should the student not serve the required service obligation in the community as a primary care physician. The board may develop criteria for the content of such agreements with respect

to reasonable provisions and obligations between communities and eligible students.

(8) The board may make exceptions to the conditions for participation and repayment obligations should circumstances beyond the control of individual participants warrant such exceptions.

Sec. 26. RCW 28B.20.500 and 1990 c 271 s 9 are each amended to read as follows:

The school of medicine at the University of Washington shall develop and implement a policy to grant admission preference to prospective medical students from rural areas of the state who agree to serve for at least five years as primary care physicians in rural areas of Washington after completion of their medical education and have applied for and meet the qualifications of the program under ~~((RCW 70.180.050))~~ chapter 28B.— RCW (codified pursuant to section 36 of this act). Should the school of medicine be unable to fill any or all of the admission openings due to a lack of applicants from rural areas who meet minimum qualifications for study at the medical school, it may admit students not eligible for preferential admission under this section.

Sec. 27. RCW 70.180.005 and 1990 c 271 s 1 are each amended to read as follows:

The legislature finds that a health care access problem exists in rural areas of the state ~~((due to a lack of practicing physicians, physician assistants, pharmacists, and advanced registered nurse practitioners. In addition, many of these))~~ because rural health care providers are unable to leave the community for short-term periods of time to attend required continuing education training or for personal matters because their absence would leave the community without adequate medical care coverage. The lack of adequate medical coverage in geographically remote rural communities constitutes a threat to the health and safety of the people in those communities.

The legislature declares that it is in the public interest to recruit and maintain a pool of physicians, physician assistants, pharmacists, and advanced registered nurse practitioners willing and able on short notice to practice in rural communities on a short-term basis to meet the medical needs of the community.

NEW SECTION. Sec. 28. DEDICATED ACCOUNT—TRUST FUND. (1) Any funds appropriated by the legislature for the health professional loan repayment and scholarship program or any other public or private funds intended for loan repayments or scholarships under this program shall be placed in the account created by this section.

(2) The health professional loan repayment and scholarship program fund is created in custody of the state treasurer. All receipts from the program shall be deposited into the fund. Only the higher education coordinating board, or its designee, may authorize expenditures from the fund. The fund is subject to allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures.

NEW SECTION. Sec. 29. A new section is added to chapter 70.180 RCW to read as follows:

DEFINITIONS. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Department" means the department of health.

(2) "Rural areas" means a rural area in the state of Washington as identified by the department.

PART 6

CREDENTIALING BY ENDORSEMENT

NEW SECTION. Sec. 30. A new section is added to chapter 18.53 RCW to read as follows:

CREDENTIALING BY ENDORSEMENT—OPTOMETRY. An applicant holding a credential in another state may be credentialed to practice in this state without examination if the board determines that the other state's credentialing standards are substantially equivalent to the standards in this state.

NEW SECTION. Sec. 31. A new section is added to chapter 18.35 RCW to read as follows:

CREDENTIALING BY ENDORSEMENT—HEARING AIDE DISPENSERS. An applicant holding a credential in another state may be credentialed to practice in this state without examination if the board determines that the other state's credentialing standards are substantially equivalent to the standards in this state.

NEW SECTION. Sec. 32. A new section is added to chapter 18.50 RCW to read as follows:

CREDENTIALING BY ENDORSEMENT—MIDWIFERY. An applicant holding a credential in another state may be credentialed to practice in this state without examination if the secretary determines that the other state's credentialing standards are substantially equivalent to the standards in this state.

NEW SECTION. Sec. 33. A new section is added to chapter 18.34 RCW to read as follows:

CREDENTIALING BY ENDORSEMENT—DISPENSING OPTICIANS. An applicant holding a credential in another state may be credentialed to practice in this state without examination if the secretary

determines that the other state's credentialing standards are substantially equivalent to the standards in this state.

PART 7
NONTRADITIONAL TREATMENT

Sec. 34. RCW 18.130.180 and 1989 c 270 s 33 are each amended to read as follows:

The following conduct, acts, or conditions constitute unprofessional conduct for any license holder or applicant under the jurisdiction of this chapter:

(1) The commission of any act involving moral turpitude, dishonesty, or corruption relating to the practice of the person's profession, whether the act constitutes a crime or not. If the act constitutes a crime, conviction in a criminal proceeding is not a condition precedent to disciplinary action. Upon such a conviction, however, the judgment and sentence is conclusive evidence at the ensuing disciplinary hearing of the guilt of the license holder or applicant of the crime described in the indictment or information, and of the person's violation of the statute on which it is based. For the purposes of this section, conviction includes all instances in which a plea of guilty or nolo contendere is the basis for the conviction and all proceedings in which the sentence has been deferred or suspended. Nothing in this section abrogates rights guaranteed under chapter 9.96A RCW;

(2) Misrepresentation or concealment of a material fact in obtaining a license or in reinstatement thereof;

(3) All advertising which is false, fraudulent, or misleading;

(4) Incompetence, negligence, or malpractice which results in injury to a patient or which creates an unreasonable risk that a patient may be harmed. The use of a nontraditional treatment by itself shall not constitute unprofessional conduct, provided that it does not result in injury to a patient or create an unreasonable risk that a patient may be harmed;

(5) Suspension, revocation, or restriction of the individual's license to practice the profession by competent authority in any state, federal, or foreign jurisdiction, a certified copy of the order, stipulation, or agreement being conclusive evidence of the revocation, suspension, or restriction;

(6) The possession, use, prescription for use, or distribution of controlled substances or legend drugs in any way other than for legitimate or therapeutic purposes, diversion of controlled substances or legend drugs, the violation of any drug law, or prescribing controlled substances for oneself;

(7) Violation of any state or federal statute or administrative rule regulating the profession in question, including any statute or rule defining or establishing standards of patient care or professional conduct or practice;

(8) Failure to cooperate with the disciplining authority by:

(a) Not furnishing any papers or documents;

(b) Not furnishing in writing a full and complete explanation covering the matter contained in the complaint filed with the disciplining authority; or

(c) Not responding to subpoenas issued by the disciplining authority, whether or not the recipient of the subpoena is the accused in the proceeding;

(9) Failure to comply with an order issued by the disciplining authority or an assurance of discontinuance entered into with the disciplining authority;

(10) Aiding or abetting an unlicensed person to practice when a license is required;

(11) Violations of rules established by any health agency;

(12) Practice beyond the scope of practice as defined by law or rule;

(13) Misrepresentation or fraud in any aspect of the conduct of the business or profession;

(14) Failure to adequately supervise auxiliary staff to the extent that the consumer's health or safety is at risk;

(15) Engaging in a profession involving contact with the public while suffering from a contagious or infectious disease involving serious risk to public health;

(16) Promotion for personal gain of any unnecessary or inefficacious drug, device, treatment, procedure, or service;

(17) Conviction of any gross misdemeanor or felony relating to the practice of the person's profession. For the purposes of this subsection, conviction includes all instances in which a plea of guilty or nolo contendere is the basis for conviction and all proceedings in which the sentence has been deferred or suspended. Nothing in this section abrogates rights guaranteed under chapter 9.96A RCW;

(18) The procuring, or aiding or abetting in procuring, a criminal abortion;

(19) The offering, undertaking, or agreeing to cure or treat disease by a secret method, procedure, treatment, or medicine, or the treating, operating, or prescribing for any health condition by a method, means, or procedure which the licensee refuses to divulge upon demand of the disciplining authority;

(20) The willful betrayal of a practitioner-patient privilege as recognized by law;

(21) Violation of chapter 19.68 RCW;

(22) Interference with an investigation or disciplinary proceeding by willful misrepresentation of facts before the disciplining authority or its authorized representative, or by the use of threats or harassment against any patient or witness to prevent them from providing evidence in a disciplinary proceeding or any other legal action;

(23) Current misuse of:

- (a) Alcohol;
- (b) Controlled substances; or
- (c) Legend drugs;
- (24) Abuse of a client or patient or sexual contact with a client or patient.

PART 8
MISCELLANEOUS

***NEW SECTION.** Sec. 35. *The following acts or parts of acts are each repealed:*

- (1) RCW 18.150.080 and 1989 1st ex.s. c 9 s 723;
- (2) RCW 28B.102.010 and 1987 c 437 s 1;
- (3) RCW 28B.102.020 and 1987 c 437 s 2;
- (4) RCW 28B.102.030 and 1987 c 437 s 3;
- (5) RCW 28B.102.040 and 1987 c 437 s 4;
- (6) RCW 28B.102.045 and 1988 c 125 s 7;
- (7) RCW 28B.102.050 and 1987 c 437 s 5;
- (8) RCW 28B.102.060 and 1987 c 437 s 6;
- (9) RCW 28B.102.070 and 1987 c 437 s 7;
- (10) RCW 28B.102.900 and 1987 c 437 s 9;
- (11) RCW 28B.102.905 and 1987 c 437 s 10;
- (12) RCW 70.180.007 and 1990 c 271 s 5;
- (13) RCW 70.180.010 and 1990 c 271 s 6;
- (14) RCW 70.180.050 and 1990 c 271 s 7;
- (15) RCW 70.180.060 and 1990 c 271 s 8;
- (16) RCW 70.180.070 and 1990 c 271 s 10;
- (17) RCW 70.180.080 and 1990 c 271 s 11;
- (18) RCW 70.180.090 and 1990 c 271 s 12;
- (19) RCW 70.180.100 and 1990 c 271 s 13; and
- (20) RCW 70.180.910 and 1990 c 271 s 19.

*Sec. 35 was vetoed, see message at end of chapter.

NEW SECTION. Sec. 36. RCW 18.150.010, 18.150.020, 18.150.030, 18.150.040, 18.150.050, 18.150.060, 18.150.070, 18.150.900, and 18.150.910 are each recodified as a new chapter in Title 28B RCW.

NEW SECTION. Sec. 37. Sections 17, 19, 20, 21, 23, 25, and 28 of this act are each added to the new chapter in Title 28B RCW created by section 36 of this act.

NEW SECTION. Sec. 38. Sections 4 and 5 of this act shall constitute a new chapter in Title 28B RCW.

NEW SECTION. Sec. 39. Sections 7 through 14 of this act shall constitute a new chapter in Title 70 RCW.

Sec. 40. RCW 18.92.015 and 1991 c 3 s 238 are each amended to read as follows:

~~((The term))~~ Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

"Animal technician" means a person who has successfully completed an examination administered by the board and who has either successfully completed a post high school course approved by the board in the care and treatment of animals or had five years' practical experience, acceptable to the board, with a licensed veterinarian.

"Board" ((used in this chapter shall)) means the Washington state veterinary board of governors~~((; and the term "secretary" shall))~~.

"Department" means the department of health.

"Secretary" means the secretary of ((health of the state of Washington)) the department of health.

~~(("Animal technician" shall mean a person who has successfully completed an examination administered by the board and who has either successfully completed a post high school course approved by the board in the care and treatment of animals, or a person who has had five years practical experience acceptable to the board with a licensed veterinarian.))~~

NEW SECTION. Sec. 41. A new section is added to chapter 18.92 RCW to read as follows:

(1) The department may issue a license to practice specialized veterinary medicine in this state to a veterinarian who:

(a) Submits an application on a form provided by the secretary for a license in a specialty area recognized by the board by rule;

(b) Holds a current certification as a diplomate of a national specialty board or college recognized by the board by rule in the specialty area for which application is submitted;

(c) Is not subject to license investigation, suspension, revocation, or other disciplinary action in any state, United States territory, or province of Canada;

(d) Has successfully completed an examination established by the board regarding this state's laws and rules regulating the practice of veterinary medicine; and

(e) Provides other information and verification required by the board.

(2) A veterinarian licensed to practice specialized veterinary medicine shall not practice outside his or her licensed specialty unless he or she meets licensing requirements established for practicing veterinary medicine, surgery, and dentistry under RCW 18.92.070 and 18.92.100.

(3) The board shall determine by rule the limits of the practice of veterinary medicine, surgery, and dentistry represented by a license to practice specialized veterinary medicine.

(4) The board may deny, revoke, suspend, or modify a license to practice specialized veterinary medicine if the national specialty board or college certifying the licensee denies, revokes, suspends, modifies, withdraws, or otherwise limits the certification or if the certification expires.

Sec. 42. RCW 18.92.145 and 1991 c 3 s 248 are each amended to read as follows:

The secretary shall determine the fees, as provided in RCW 43.70.250, for the issuance, renewal, or administration of the following licenses, certificates of registration, permits, duplicate licenses, renewals, or examination:

(1) For a license to practice veterinary medicine, surgery, and dentistry issued upon an examination given by the examining board;

(2) For a license to practice veterinary medicine, surgery, and dentistry issued upon the basis of a license issued in another state;

(3) For a certificate of registration as an animal technician;

(4) For a temporary permit to practice veterinary medicine, surgery, and dentistry. The temporary permit fee shall be accompanied by the full amount of the examination fee;

(5) For a license to practice specialized veterinary medicine.

NEW SECTION. Sec. 43. Section captions and part headings as used in this act constitute no part of the law.

NEW SECTION. Sec. 44. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

NEW SECTION. Sec. 45. If specific funding for the purposes of sections 1 through 39 of this act, referencing this act by bill number, is not provided by June 30, 1991, in the omnibus appropriations act, sections 1 through 39 of this act shall be null and void.

NEW SECTION. Sec. 46. Nothing in sections 1 through 39 of this act is intended to change the scope of practice of any health care profession referred to in sections 1 through 39 of this act.

Passed the House March 19, 1991.

Passed the Senate April 12, 1991.

Approved by the Governor May 21, 1991, with the exception of certain items which were vetoed.

Filed in Office of Secretary of State May 21, 1991.

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

"I am returning herewith, without my approval as to section 35, Engrossed Substitute House Bill No. 1960 entitled:

"AN ACT Relating to health professions regulation."

Subsections (2) through (11) within section 35 of this bill repeal chapter 28B-.102 RCW, the Future Teachers Conditional Scholarship Program. I understand this was done in error, and that the sponsor's intent was to repeal chapter 28B.104 RCW, the Nurses Conditional Scholarship Program. I cannot veto these subsections without also vetoing the other subsections of this section, and I will not sign legislation which would repeal the Teachers Scholarship Program. While I must veto section 35, I recognize that such action will leave in law conflicting provisions regarding health professional loan repayment programs. Subsequent legislation will be needed to eliminate these conflicts.

With the exception of section 35, Engrossed Substitute House Bill No. 1960 is approved.*

CHAPTER 333

[House Bill 1986]

DEVELOPMENTALLY DISABLED PERSONS—PROTECTION AND ADVOCACY OF THEIR RIGHTS

Effective Date: 7/28/91

AN ACT Relating to protection and advocacy of the rights of developmentally disabled persons; and adding a new section to chapter 71A.10 RCW.

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

NEW SECTION. Sec. 1. A new section is added to chapter 71A.10 RCW to read as follows:

(1) The governor shall designate an agency to implement a program for the protection and advocacy of the rights of persons with developmental disabilities pursuant to the developmentally disabled assistance and bill of rights act, 89 Stat. 486; 42 U.S.C. Secs. 6000–6083 (1975), (as amended). The designated agency shall have the authority to pursue legal, administrative, and other appropriate remedies to protect the rights of the developmentally disabled and to investigate allegations of abuse and neglect. The designated agency shall be independent of any state agency that provides treatment or services other than advocacy services to persons with developmental disabilities.

(2) The agency designated under subsection (1) of this section shall implement a program for the protection and advocacy of the rights of mentally ill persons pursuant to the protection and advocacy for mentally ill individuals act of 1986, 100 Stat. 478; 42 U.S.C. Secs. 10801–10851 (1986), (as amended). The designated agency shall have the authority to pursue legal, administrative, and other appropriate remedies to protect the rights of mentally ill persons and to investigate allegations of abuse or neglect of mentally ill persons. The designated agency shall be independent of any state agency that provides treatment or services other than advocacy services to mentally ill persons.

(3) The governor shall designate an appropriate state official to serve as liaison between the agency designated to implement the protection and advocacy programs and the state departments and agencies that provide services to persons with developmental disabilities and mentally ill persons.

Passed the House March 19, 1991.

Passed the Senate April 12, 1991.

Approved by the Governor May 21, 1991.

Filed in Office of Secretary of State May 21, 1991.

CHAPTER 334

[Second Substitute Senate Bill 5124]

SECURITY GUARDS—LICENSING REQUIREMENTS

Effective Date: 7/28/91

AN ACT Relating to licensing private security guards; adding a new section to chapter 43.101 RCW; adding a new chapter to Title 18 RCW; creating a new section; and prescribing penalties.

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

NEW SECTION. Sec. 1. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Armed private security guard" means a private security guard who has a current firearms certificate issued by the commission and is licensed as an armed private security guard under this chapter.

(2) "Armored vehicle guard" means a person who transports in an armored vehicle under armed guard, from one place to another place, valuables, jewelry, currency, documents, or any other item that requires secure delivery.

(3) "Burglar alarm response runner" means a person employed by a private security company to respond to burglar alarm system signals.

(4) "Burglar alarm system" means a device or an assembly of equipment and devices used to detect or signal unauthorized intrusion, movement, or exit at a protected premises, other than in a vehicle, to which police or private security guards are expected to respond.

(5) "Chief law enforcement officer" means the elected or appointed police administrator of a municipal, county, or state police or sheriff's department that has full law enforcement powers in its jurisdiction.

(6) "Commission" means the criminal justice training commission established in chapter 43.101 RCW.

(7) "Department" means the department of licensing.

(8) "Director" means the director of the department of licensing.

(9) "Employer" includes any individual, firm, corporation, partnership, association, company, society, manager, contractor, subcontractor, bureau, agency, service, office, or an agent of any of the foregoing that employs or seeks to enter into an arrangement to employ any person as a private security guard.

(10) "Firearms certificate" means the certificate issued by the commission.

(11) "Licensee" means a person granted a license required by this chapter.

(12) "Person" includes any individual, firm, corporation, partnership, association, company, society, manager, contractor, subcontractor, bureau, agency, service, office, or an agent or employee of any of the foregoing.

(13) "Principal corporate officer" means the president, vice-president, treasurer, secretary, comptroller, or any other person who performs the same functions for the corporation as performed by these officers.

(14) "Private security company" means a person or entity licensed under this chapter and engaged in the business of providing the services of private security guards on a contractual basis.

(15) "Private security guard" means an individual who is licensed under this chapter and principally employed as or typically referred to as one of the following:

- (a) Security officer or guard;
- (b) Patrol or merchant patrol service officer or guard;
- (c) Armed escort or bodyguard;
- (d) Armored vehicle guard;
- (e) Burglar alarm response runner; or
- (f) Crowd control officer or guard.

(16) "Qualifying agent" means an officer or manager of a corporation who meets the requirements set forth in this chapter for obtaining a license to own or operate a private security company.

(17) "Sworn peace officer" means a person who is an employee of the federal government, the state, a political subdivision, agency, or department branch of a municipality, or other unit of local government, and has law enforcement powers.

NEW SECTION. Sec. 2. The requirements of this chapter do not apply to:

(1) A person who is employed exclusively or regularly by one employer and performs the functions of a private security guard solely in connection with the affairs of that employer, if the employer is not a private security company;

(2) A sworn peace officer while engaged in the performance of the officer's official duties; or

(3) A sworn peace officer while employed by any person to engage in off-duty employment as a private security guard, but only if the employment is approved by the chief law enforcement officer of the jurisdiction where the employment takes place and the sworn peace officer does not employ, contract with, or broker for profit other persons to assist him or her in performing the duties related to his or her private employer.

NEW SECTION. Sec. 3. An applicant must meet the following minimum requirements to obtain a private security guard license:

- (1) Be at least eighteen years of age;
- (2) Be a citizen of the United States or a resident alien;
- (3) Not have been convicted of a crime in any jurisdiction, if the director determines that the applicant's particular crime directly relates to his or her capacity to perform the duties of a private security guard, and the

director determines that the license should be withheld to protect the citizens of Washington state. The director shall make her or his determination to withhold a license because of previous convictions consistent with the restoration of employment rights act, chapter 9.96A RCW;

- (4) Be employed by or have an employment offer from a licensed private security company or be licensed as a private security company;
- (5) Satisfy the training requirements established by the director;
- (6) Submit a set of fingerprints; and
- (7) Pay the required fee.

NEW SECTION. Sec. 4. (1) An applicant must meet the following minimum requirements to obtain an armed private security guard license:

- (a) Be licensed as a private security guard;
- (b) Be at least twenty-one years of age;
- (c) Have a current firearms certificate issued by the commission; and
- (d) Pay the fee established by the director.

(2) An armed private security guard license may take the form of an endorsement to the security guard license if deemed appropriate by the director.

NEW SECTION. Sec. 5. (1) An armed private security guard license grants authority to the holder, while in the performance of his or her duties, to carry a firearm with which the holder has met the proficiency requirements established by the commission.

(2) All firearms carried by armed private security guards in the performance of their duties must be owned or leased by the employer and, if required by law, must be registered with the proper government agency.

NEW SECTION. Sec. 6. (1) In addition to meeting the minimum requirements to obtain a license as a private security guard, an applicant, or, in the case of a partnership, each partner, or, in the case of a corporation, the qualifying agent must meet the following requirements to obtain a license to own or operate a private security company:

- (a) Possess three years' experience as a manager, supervisor, or administrator in the private security business or a related field approved by the director, or be at least twenty-one years of age and pass an examination determined by the director to measure the person's knowledge and competence in the private security business;
- (b) Meet the insurance requirements of this chapter; and
- (c) Pay any additional fees established by the director.

(2) If the qualifying agent upon whom the licensee relies to comply with subsection (1) of this section ceases to perform his or her duties on a regular basis, the licensee must promptly notify the director by certified or registered mail. Within sixty days of sending notification to the director, the

licensee must obtain a substitute qualifying agent who meets the requirements of this section. The director may extend the period for obtaining a substitute qualifying agent.

(3) A company license issued pursuant to this section may not be assigned or transferred without prior written approval of the director.

NEW SECTION. Sec. 7. (1) The director shall issue a private security guard license card to each licensed private security guard and an armed private security guard license card to each armed private security guard.

(a) The license card may not be used as security clearance or as identification.

(b) A private security guard shall carry the license card whenever he or she is performing the duties of a private security guard and shall exhibit the card upon request.

(c) An armed private security guard shall carry the license card whenever he or she is performing the duties of an armed private security guard and shall exhibit the card upon request.

(2) The director shall issue a license certificate to each licensed private security company.

(a) Within seventy-two hours after receipt of the license certificate, the licensee shall post and display the certificate in a conspicuous place in the principal office of the licensee within the state.

(b) It is unlawful for any person holding a license certificate to knowingly and willfully post the license certificate upon premises other than those described in the license certificate or to materially alter a license certificate.

(c) Every advertisement by a licensee that solicits or advertises business shall contain the name of the licensee, the address of record, and the license number as they appear in the records of the director.

(d) The licensee shall notify the director within thirty days of any change in the licensee's officers or directors or any material change in the information furnished or required to be furnished to the director.

NEW SECTION. Sec. 8. A licensed private security company shall file and maintain with the director a certificate of insurance as evidence that it has comprehensive general liability coverage of at least twenty-five thousand dollars for bodily or personal injury and twenty-five thousand dollars for property damage.

NEW SECTION. Sec. 9. (1) A licensed private security company may issue an employee a temporary registration card of the type and form prescribed by the director, but only after the employee has completed preassignment training and submitted an application for a private security guard license to the department. The temporary registration card is valid for a maximum period of sixty days and does not authorize a person to carry firearms during the performance of his or her duties as a private security

guard. The temporary registration card permits the applicant to perform the duties of a private security guard for the issuing licensee.

(2) Upon expiration of a temporary registration card or upon the receipt of a permanent registration card or notification from the department that a permanent license is being withheld from an applicant, the applicant shall surrender his or her temporary registration card to the licensee who shall immediately forward it to the director.

NEW SECTION. Sec. 10. (1) The director shall adopt rules establishing preassignment training and testing requirements, which shall include a minimum of four hours of classes. The director may establish, by rule, continuing education requirements for private security guards.

(2) The director shall consult with the private security industry and law enforcement before adopting or amending the preassignment training or continuing education requirements of this section.

(3) A private security guard or armed private security guard need not fulfill the preassignment training requirements of this chapter if he or she, within sixty days of the effective date of this act, provides proof to the director that he or she previously has met the training requirements of this chapter or has been employed as a private security guard or armed private security guard for at least eighteen consecutive months immediately prior to the date of application.

NEW SECTION. Sec. 11. (1) A private security company shall notify the director within thirty days after the death or termination of employment of any employee who is a licensed private security guard or armed private security guard.

(2) A private security company shall notify the department within seventy-two hours and the chief law enforcement officer of the county, city, or town in which the private security guard or armed private security guard was last employed immediately upon receipt of information affecting his or her continuing eligibility to hold a license under the provisions of this chapter.

NEW SECTION. Sec. 12. (1) Any person from another state that the director determines has selection, training, and other requirements at least equal to those required by this chapter, and who holds a valid license, registration, identification, or similar card issued by the other state, may apply for a private security guard license card or armed private security guard license card on a form prescribed by the director. Upon receipt of a processing fee to be determined by the director, the director shall issue the individual a private security guard license card or armed private security guard license card.

(2) A valid private security guard license, registration, identification, or similar card issued by any other state of the United States is valid in this state for a period of ninety days, but only if the licensee is on temporary

assignment as a private security guard for the same employer that employs the licensee in the state in which he or she is a permanent resident.

NEW SECTION. Sec. 13. (1) Applications for licenses required under this chapter shall be filed with the director on a form provided by the director. The director may require any information and documentation that reasonably relates to the need to determine whether the applicant meets the criteria.

(2) After receipt of an application for a license, the director shall conduct an investigation to determine whether the facts set forth in the application are true and shall request that the Washington state patrol compare the fingerprints submitted with the application to fingerprint records available to the Washington state patrol.

(3) A summary of the information acquired under this section, to the extent that it is public information, shall be forwarded by the department to the applicant's employer and to the chief law enforcement officer of the county and city or town in which the applicant's employer is located, for the purpose of comment prior to the issuance of a permanent private security guard license.

NEW SECTION. Sec. 14. (1) The provisions of this chapter relating to the licensing for regulatory purposes of private security guards, armed private security guards, and private security companies are exclusive. No governmental subdivision of this state may enact any laws or rules licensing for regulatory purposes such persons, except as provided in subsections (2) and (3) of this section.

(2) This section shall not be construed to prevent a political subdivision of this state from levying a business license fee, business and occupation tax, or other tax upon private security companies if such fees or taxes are levied on other types of businesses within its boundaries.

(3) This section shall not be construed to prevent this state or a political subdivision of this state from licensing or regulating private security companies with respect to activities performed or offered that are not of a security nature.

NEW SECTION. Sec. 15. Private security guards or armed private security guards whose duties require them to operate across state lines may operate in this state if they are properly registered and certified in another state with training, insurance, and certification requirements that the director finds are at least equal to the requirements of this state.

NEW SECTION. Sec. 16. (1) After June 30, 1992, any person who performs the functions and duties of a private security guard in this state without being licensed in accordance with this chapter, or any person presenting or attempting to use as his or her own the license of another, or any person who gives false or forged evidence of any kind to the director in obtaining a license, or any person who falsely impersonates any other licensee,

or any person who attempts to use an expired or revoked license, or any person who violates any of the provisions of this chapter is guilty of a gross misdemeanor.

(2) After January 1, 1992, a person is guilty of a gross misdemeanor if he or she owns or operates a private security company in this state without first obtaining a private security company license.

(3) After June 30, 1992, the owner or qualifying agent of a private security company is guilty of a gross misdemeanor if he or she employs an unlicensed person to perform the duties of a private security guard without issuing the employee a valid temporary registration card if the employee does not have in his or her possession a permanent private security guard license issued by the department. This subsection does not preclude a private security company from requiring applicants to attend preassignment training classes or from paying wages for attending the required preassignment training classes.

(4) After June 30, 1992, a person is guilty of a gross misdemeanor if he or she performs the functions and duties of an armed private security guard in this state unless the person holds a valid armed private security guard license issued by the department.

(5) After June 30, 1992, it is a gross misdemeanor for a private security company to hire, contract with, or otherwise engage the services of an unlicensed armed private security guard knowing that he or she does not have a valid armed private security guard license issued by the director.

(6) It is a gross misdemeanor for a person to possess or use any vehicle or equipment displaying the word "police" or "law enforcement officer" or having any sign, shield, marking, accessory, or insignia that indicates that the equipment or vehicle belongs to a public law enforcement agency.

(7) It is the duty of all officers of the state and political subdivisions thereof to enforce the provisions of this chapter. The attorney general shall act as legal adviser of the director, and render such legal assistance as may be necessary in carrying out the provisions of this chapter.

NEW SECTION. Sec. 17. The following acts are prohibited and constitute grounds for disciplinary action or denial, suspension, or revocation of any license under this chapter, as deemed appropriate by the director:

(1) Knowingly violating any of the provisions of this chapter or the rules adopted under this chapter;

(2) Practicing fraud, deceit, or misrepresentation in any of the private security activities covered by this chapter;

(3) Knowingly making a material misstatement or omission in the application for a license or firearms certificate;

(4) Not meeting the qualifications set forth in section 3, 4, or 6 of this act;

(5) Failing to return immediately on demand a firearm issued by an employer;

(6) Carrying a firearm in the performance of his or her duties if not the holder of a valid armed private security guard license, or carrying a firearm not meeting the provisions of this chapter while in the performance of his or her duties;

(7) Failing to return immediately on demand any uniform, badge, or other item of equipment issued to the private security guard by an employer;

(8) Making any statement that would reasonably cause another person to believe that the private security guard is a sworn peace officer;

(9) Divulging confidential information that may compromise the security of any premises, or valuables shipment, or any activity of a client to which he or she was assigned;

(10) Conviction of a gross misdemeanor or felony or the commission of any act involving moral turpitude, dishonesty, or corruption whether the act constitutes a crime or not. If the act constitutes a crime, conviction in a criminal proceeding is not a condition precedent to disciplinary action. Upon such a conviction, however, the judgment and sentence is conclusive evidence at the ensuing disciplinary hearing of the guilt of the license holder or applicant of the crime described in the indictment or information, and of the person's violation of the statute on which it is based. For the purposes of this section, conviction includes all instances in which a plea of guilty or nolo contendere is the basis for the conviction and all proceedings in which the sentence has been deferred or suspended. Nothing in this section abrogates rights guaranteed under chapter 9.96A RCW;

(11) Misrepresentation or concealment of a material fact in obtaining a license or in reinstatement thereof;

(12) Advertising that is false, fraudulent, or misleading;

(13) Incompetence or negligence that results in injury to a person or that creates an unreasonable risk that a person may be harmed;

(14) Suspension, revocation, or restriction of the individual's license to practice the profession by competent authority in any state, federal, or foreign jurisdiction, a certified copy of the order, stipulation, or agreement being conclusive evidence of the revocation, suspension, or restriction;

(15) Failure to cooperate with the director by:

(a) Not furnishing any necessary papers or documents requested by the director for purposes of conducting an investigation for disciplinary action, denial, suspension, or revocation of a license under this chapter;

(b) Not furnishing in writing a full and complete explanation covering the matter contained in a complaint filed with the department; or

(c) Not responding to subpoenas issued by the director, whether or not the recipient of the subpoena is the accused in the proceeding;

(16) Failure to comply with an order issued by the director or an assurance of discontinuance entered into with the disciplining authority;

(17) Aiding or abetting an unlicensed person to practice if a license is required;

(18) Misrepresentation or fraud in any aspect of the conduct of the business or profession;

(19) Failure to adequately supervise employees to the extent that the public health or safety is at risk;

(20) Interference with an investigation or disciplinary proceeding by willful misrepresentation of facts before the director or the director's authorized representative, or by the use of threats or harassment against a client or witness to prevent them from providing evidence in a disciplinary proceeding or any other legal action;

(21) Assigning or transferring any license issued pursuant to the provisions of this chapter, except as provided in section 6 of this act.

NEW SECTION. Sec. 18. The director has the following authority in administering this chapter:

(1) To adopt, amend, and rescind rules as deemed necessary to carry out this chapter;

(2) To issue subpoenas and administer oaths in connection with an investigation, hearing, or proceeding held under this chapter;

(3) To take or cause depositions to be taken and use other discovery procedures as needed in an investigation, hearing, or proceeding held under this chapter;

(4) To compel attendance of witnesses at hearings;

(5) In the course of investigating a complaint or report of unprofessional conduct, to conduct practice reviews;

(6) To take emergency action ordering summary suspension of a license, or restriction or limitation of the licensee's practice pending proceedings by the director;

(7) To use the office of administrative hearings as authorized in chapter 34.12 RCW to conduct hearings. However, the director or the director's designee shall make the final decision in the hearing;

(8) To enter into contracts for professional services determined to be necessary for adequate enforcement of this chapter;

(9) To adopt standards of professional conduct or practice;

(10) In the event of a finding of unprofessional conduct by an applicant or license holder, to impose sanctions against a license applicant or license holder as provided by this chapter;

(11) To enter into an assurance of discontinuance in lieu of issuing a statement of charges or conducting a hearing. The assurance shall consist of a statement of the law in question and an agreement to not violate the stated provision. The applicant or license holder shall not be required to admit to any violation of the law, and the assurance shall not be construed as such an admission. Violation of an assurance under this subsection is grounds for disciplinary action;

(12) To designate individuals authorized to sign subpoenas and statements of charges;

(13) To employ such investigative, administrative, and clerical staff as necessary for the enforcement of this chapter; and

(14) To compel the attendance of witnesses at hearings.

NEW SECTION. Sec. 19. A person, including but not limited to consumers, licensees, corporations, organizations, and state and local governmental agencies, may submit a written complaint to the department charging a license holder or applicant with unprofessional conduct and specifying the grounds for this charge. If the director determines that the complaint merits investigation, or if the director has reason to believe, without a formal complaint, that a license holder or applicant may have engaged in unprofessional conduct, the director shall investigate to determine if there has been unprofessional conduct. A person who files a complaint under this section in good faith is immune from suit in any civil action related to the filing or contents of the complaint.

NEW SECTION. Sec. 20. (1) If the director determines, upon investigation, that there is reason to believe a violation of this chapter has occurred, a statement of charges shall be prepared and served upon the license holder or applicant and notice of this action given to the owner or qualifying agent of the employing private security company. The statement of charges shall be accompanied by a notice that the license holder or applicant may request a hearing to contest the charges. The license holder or applicant must file a request for hearing with the department within twenty days after being served the statement of charges. The failure to request a hearing constitutes a default, whereupon the director may enter an order pursuant to RCW 34.05.440.

(2) If a hearing is requested, the time of the hearing shall be scheduled but the hearing shall not be held earlier than thirty days after service of the charges upon the license holder or applicant. A notice of hearing shall be issued at least twenty days prior to the hearing, specifying the time, date, and place of the hearing.

NEW SECTION. Sec. 21. The procedures governing adjudicative proceedings before agencies under chapter 34.05 RCW, the administrative procedure act, govern all hearings before the director.

NEW SECTION. Sec. 22. (1) If the director believes a license holder or applicant may be unable to practice with reasonable skill and safety to the public by reason of a mental or physical condition, a statement of charges shall be served on the license holder or applicant and notice shall also be issued providing an opportunity for a hearing. The hearing shall be limited to the sole issue of the capacity of the license holder or applicant to practice with reasonable skill or safety. If the director determines that the license holder or applicant is unable to practice with reasonable skill and

safety for one of the reasons stated in this subsection, the director shall impose such sanctions as are deemed necessary to protect the public.

(2) In investigating or adjudicating a complaint or report that a license holder or applicant may be unable to practice with reasonable skill or safety by reason of a mental or physical condition, the department may require a license holder or applicant to submit to a mental or physical examination by one or more licensed or certified health professionals designated by the director. The cost of the examinations ordered by the department shall be paid by the department. In addition to any examinations ordered by the department, the licensee may submit physical or mental examination reports from licensed or certified health professionals of the license holder's or applicant's choosing and expense. Failure of the license holder or applicant to submit to examination when directed constitutes grounds for immediate suspension or withholding of the license, consequent upon which a default and final order may be entered without the taking of testimony or presentations of evidence, unless the failure was due to circumstances beyond the person's control. A determination by a court of competent jurisdiction that a license holder or applicant is mentally incompetent or mentally ill is presumptive evidence of the license holder's or applicant's inability to practice with reasonable skill and safety. An individual affected under this section shall at reasonable intervals be afforded an opportunity to demonstrate that the individual can resume competent practice with reasonable skill and safety to the public.

(3) For the purpose of subsection (2) of this section, an applicant or license holder governed by this chapter, by making application, practicing, or filing a license renewal, is deemed to have given consent to submit to a mental, physical, or psychological examination if directed in writing by the department and further to have waived all objections to the admissibility or use of the examining health professional's testimony or examination reports by the director on the ground that the testimony or reports constitute hearsay or privileged communications.

NEW SECTION. Sec. 23. Upon a finding that a license holder or applicant has committed unprofessional conduct or is unable to practice with reasonable skill and safety due to a physical or mental condition, the director may issue an order providing for one or any combination of the following:

- (1) Revocation of the license;
- (2) Suspension of the license for a fixed or indefinite term;
- (3) Restriction or limitation of the practice;
- (4) Requiring the satisfactory completion of a specific program of remedial education or treatment;
- (5) Monitoring of the practice by a supervisor approved by the director;
- (6) Censure or reprimand;

(7) Compliance with conditions of probation for a designated period of time;

(8) Withholding a license request;

(9) Other corrective action; or

(10) Refund of fees billed to and collected from the consumer.

Any of the actions under this section may be totally or partly stayed by the director. All costs associated with compliance with orders issued under this section are the obligation of the license holder or applicant.

NEW SECTION. Sec. 24. If an order for payment of a fine is made as a result of a hearing and timely payment is not made as directed in the final order, the director may enforce the order for payment in the superior court in the county in which the hearing was held. This right of enforcement shall be in addition to any other rights the director may have as to a licensee ordered to pay a fine but shall not be construed to limit a licensee's ability to seek judicial review.

In an action for enforcement of an order of payment of a fine, the director's order is conclusive proof of the validity of the order of payment of a fine and the terms of payment.

NEW SECTION. Sec. 25. (1) The director shall investigate complaints concerning practice by unlicensed persons of a profession or business for which a license is required by this chapter. In the investigation of the complaints, the director shall have the same authority as provided the director under section 19 of this act. The director shall issue a cease and desist order to a person after notice and hearing and upon a determination that the person has violated this subsection. If the director makes a written finding of fact that the public interest will be irreparably harmed by delay in issuing an order, the director may issue a temporary cease and desist order. The cease and desist order shall not relieve the person practicing or operating a business without a license from criminal prosecution therefor, but the remedy of a cease and desist order shall be in addition to any criminal liability. The cease and desist order is conclusive proof of unlicensed practice and may be enforced under RCW 7.21.060. This method of enforcement of the cease and desist order may be used in addition to, or as an alternative to, any provisions for enforcement of agency orders.

(2) The attorney general, a county prosecuting attorney, the director, or any person may, in accordance with the law of this state governing injunctions, maintain an action in the name of this state to enjoin any person practicing a profession or business for which a license is required by this chapter without a license from engaging in such practice or operating such business until the required license is secured. However, the injunction shall not relieve the person practicing or operating a business without a license from criminal prosecution therefor, but the remedy by injunction shall be in addition to any criminal liability.

(3) Unlicensed practice of a profession or operating a business for which a license is required by this chapter, unless otherwise exempted by law, constitutes a gross misdemeanor. All fees, fines, forfeitures, and penalties collected or assessed by a court because of a violation of this section shall be remitted to the department.

NEW SECTION. Sec. 26. A person or business that violates an injunction issued under this chapter shall pay a civil penalty, as determined by the court, of not more than twenty-five thousand dollars, which shall be paid to the department. For the purpose of this section, the superior court issuing any injunction shall retain jurisdiction and the cause shall be continued, and in such cases the attorney general acting in the name of the state may petition for the recovery of civil penalties.

NEW SECTION. Sec. 27. The director or individuals acting on the director's behalf are immune from suit in any action, civil or criminal, based on disciplinary proceedings or other official acts performed in the course of their duties in the administration and enforcement of this chapter.

NEW SECTION. Sec. 28. The director, in implementing and administering the provisions of this chapter, shall act in accordance with the administrative procedure act, chapter 34.05 RCW.

NEW SECTION. Sec. 29. A new section is added to chapter 43.101 RCW to read as follows:

The commission shall establish a program for issuing firearms certificates to security guards for the purposes of obtaining armed security guard licenses. The commission shall adopt rules establishing the fees, training requirements, and procedures for obtaining and annually renewing firearms certificates. The fees charged by the commission shall recover the costs incurred by the commission in administering the firearms certificate program.

(1) Firearms training must be provided by an organization or trainer approved by the commission and must consist of at least eight hours of classes and proficiency training.

(2) Applications for firearms certificates shall be filed with the commission on a form provided by the commission. The commission may require any information and documentation that reasonably relates to the need to determine whether the applicant qualifies for a firearms certificate. Applicants must:

(a) Be at least twenty-one years of age;
(b) Possess a current private security guard license; and
(c) Present a written request from the owner or qualifying agent of a licensed private security company that the applicant be issued a firearms certificate.

(3) The commission shall consult with the private security industry and law enforcement before adopting or amending the training requirements of this section.

(4) The commission may adopt rules that are reasonable and necessary for the effective implementation and administration of this section consistent with chapter 34.05 RCW.

NEW SECTION. Sec. 30. 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. 31. If specific funding for the purposes of this act, referencing this act by bill number, is not provided by June 30, 1991, in the omnibus appropriations act, this act shall be null and void.

NEW SECTION. Sec. 32. Sections 1 through 28 of this act shall constitute a new chapter in Title 18 RCW.

Passed the Senate March 20, 1991.

Passed the House April 11, 1991.

Approved by the Governor May 21, 1991.

Filed in Office of Secretary of State May 21, 1991.

CHAPTER 335

[Substitute House Bill 1828]

UNIFORM HEALTH CARE INFORMATION ACT

Effective Date: 7/28/91

AN ACT Relating to the uniform health care information act; adding a new section to chapter 42.17 RCW; adding a new chapter to Title 70 RCW; creating new sections; and prescribing penalties.

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

ARTICLE I

FINDINGS AND DEFINITIONS

NEW SECTION. Sec. 101. LEGISLATIVE FINDINGS. The legislature finds that:

(1) Health care information is personal and sensitive information that if improperly used or released may do significant harm to a patient's interests in privacy, health care, or other interests.

(2) Patients need access to their own health care information as a matter of fairness to enable them to make informed decisions about their health care and correct inaccurate or incomplete information about themselves.

(3) In order to retain the full trust and confidence of patients, health care providers have an interest in assuring that health care information is not improperly disclosed and in having clear and certain rules for the disclosure of health care information.

(4) Persons other than health care providers obtain, use, and disclose health record information in many different contexts and for many different

purposes. It is the public policy of this state that a patient's interest in the proper use and disclosure of the patient's health care information survives even when the information is held by persons other than health care providers.

(5) The movement of patients and their health care information across state lines, access to and exchange of health care information from automated data banks, and the emergence of multistate health care providers creates a compelling need for uniform law, rules, and procedures governing the use and disclosure of health care information.

NEW SECTION. Sec. 102. DEFINITIONS. As used in this chapter, unless the context otherwise requires:

(1) "Audit" means an assessment, evaluation, determination, or investigation of a health care provider by a person not employed by or affiliated with the provider to determine compliance with:

(a) Statutory, regulatory, fiscal, medical, or scientific standards;

(b) A private or public program of payments to a health care provider;

or

(c) Requirements for licensing, accreditation, or certification.

(2) "Directory information" means information disclosing the presence and the general health condition of a particular patient who is a patient in a health care facility or who is currently receiving emergency health care in a health care facility.

(3) "General health condition" means the patient's health status described in terms of "critical," "poor," "fair," "good," "excellent," or terms denoting similar conditions.

(4) "Health care" means any care, service, or procedure provided by a health care provider:

(a) To diagnose, treat, or maintain a patient's physical or mental condition; or

(b) That affects the structure or any function of the human body.

(5) "Health care facility" means a hospital, clinic, nursing home, laboratory, office, or similar place where a health care provider provides health care to patients.

(6) "Health care information" means any information, whether oral or recorded in any form or medium, that identifies or can readily be associated with the identity of a patient and directly relates to the patient's health care. The term includes any record of disclosures of health care information.

(7) "Health care provider" means a person who is licensed, certified, registered, or otherwise authorized by the law of this state to provide health care in the ordinary course of business or practice of a profession.

(8) "Institutional review board" means any board, committee, or other group formally designated by an institution, or authorized under federal or state law, to review, approve the initiation of, or conduct periodic review of

research programs to assure the protection of the rights and welfare of human research subjects.

(9) "Maintain," as related to health care information, means to hold, possess, preserve, retain, store, or control that information.

(10) "Patient" means an individual who receives or has received health care. The term includes a deceased individual who has received health care.

(11) "Person" means an individual, corporation, business trust, estate, trust, partnership, association, joint venture, government, governmental subdivision or agency, or any other legal or commercial entity.

(12) "Reasonable fee" means the charges for duplicating or searching the record specified in RCW 36.18.020 (8) or (16), respectively. However, where editing of records by a health care provider is required by statute and is done by the provider personally, the fee may be the usual and customary charge for a basic office visit.

ARTICLE II

DISCLOSURE OF HEALTH CARE INFORMATION

NEW SECTION. Sec. 201. DISCLOSURE BY HEALTH CARE PROVIDER. Except as authorized in section 204 of this act, a health care provider, an individual who assists a health care provider in the delivery of health care, or an agent and employee of a health care provider may not disclose health care information about a patient to any other person without the patient's written authorization. A disclosure made under a patient's written authorization must conform to the authorization.

Health care providers or facilities shall chart all disclosures, except to third-party health care payors, of health care information, such chartings to become part of the health care information.

NEW SECTION. Sec. 202. PATIENT AUTHORIZATION TO HEALTH CARE PROVIDER FOR DISCLOSURE. (1) A patient may authorize a health care provider to disclose the patient's health care information. A health care provider shall honor an authorization and, if requested, provide a copy of the recorded health care information unless the health care provider denies the patient access to health care information under section 302 of this act.

(2) A health care provider may charge a reasonable fee, not to exceed the health care provider's actual cost for providing the health care information, and is not required to honor an authorization until the fee is paid.

(3) To be valid, a disclosure authorization to a health care provider shall:

- (a) Be in writing, dated, and signed by the patient;
- (b) Identify the nature of the information to be disclosed;
- (c) Identify the name, address, and institutional affiliation of the person to whom the information is to be disclosed;
- (d) Identify the provider who is to make the disclosure; and

(e) Identify the patient.

(4) Except as provided by this chapter, the signing of an authorization by a patient is not a waiver of any rights a patient has under other statutes, the rules of evidence, or common law.

(5) A health care provider shall retain each authorization or revocation in conjunction with any health care information from which disclosures are made. This requirement shall not apply to disclosures to third-party health care payors.

(6) Except for authorizations to provide information to third-party health care payors, an authorization may not permit the release of health care information relating to future health care that the patient receives more than ninety days after the authorization was signed. Patients shall be advised of the period of validity of their authorization on the disclosure authorization form.

(7) Except for authorizations to provide information to third-party health payors, an authorization in effect on the effective date of this section remains valid for six months after the effective date of this section unless an earlier date is specified or it is revoked under section 203 of this act. Health care information disclosed under such an authorization is otherwise subject to this chapter. An authorization written after the effective date of this section becomes invalid after the expiration date contained in the authorization, which may not exceed ninety days. If the authorization does not contain an expiration date, it expires ninety days after it is signed.

NEW SECTION. Sec. 203. PATIENT'S REVOCATION OF AUTHORIZATION FOR DISCLOSURE. A patient may revoke in writing a disclosure authorization to a health care provider at any time unless disclosure is required to effectuate payments for health care that has been provided or other substantial action has been taken in reliance on the authorization. A patient may not maintain an action against the health care provider for disclosures made in good-faith reliance on an authorization if the health care provider had no actual notice of the revocation of the authorization.

NEW SECTION. Sec. 204. DISCLOSURE WITHOUT PATIENT'S AUTHORIZATION. (1) A health care provider may disclose health care information about a patient without the patient's authorization to the extent a recipient needs to know the information, if the disclosure is:

(a) To a person who the provider reasonably believes is providing health care to the patient;

(b) To any other person who requires health care information for health care education, or to provide planning, quality assurance, peer review, or administrative, legal, financial, or actuarial services to the health care provider; or for assisting the health care provider in the delivery of health care and the health care provider reasonably believes that the person:

(i) Will not use or disclose the health care information for any other purpose; and

(ii) Will take appropriate steps to protect the health care information;

(c) To any other health care provider reasonably believed to have previously provided health care to the patient, to the extent necessary to provide health care to the patient, unless the patient has instructed the health care provider in writing not to make the disclosure;

(d) To any person if the health care provider reasonably believes that disclosure will avoid or minimize an imminent danger to the health or safety of the patient or any other individual, however there is no obligation under this chapter on the part of the provider to so disclose;

(e) Oral, and made to immediate family members of the patient, or any other individual with whom the patient is known to have a close personal relationship, if made in accordance with good medical or other professional practice, unless the patient has instructed the health care provider in writing not to make the disclosure;

(f) To a health care provider who is the successor in interest to the health care provider maintaining the health care information;

(g) For use in a research project that an institutional review board has determined:

(i) Is of sufficient importance to outweigh the intrusion into the privacy of the patient that would result from the disclosure;

(ii) Is impracticable without the use or disclosure of the health care information in individually identifiable form;

(iii) Contains reasonable safeguards to protect the information from redisclosure;

(iv) Contains reasonable safeguards to protect against identifying, directly or indirectly, any patient in any report of the research project; and

(v) Contains procedures to remove or destroy at the earliest opportunity, consistent with the purposes of the project, information that would enable the patient to be identified, unless an institutional review board authorizes retention of identifying information for purposes of another research project;

(h) To a person who obtains information for purposes of an audit, if that person agrees in writing to:

(i) Remove or destroy, at the earliest opportunity consistent with the purpose of the audit, information that would enable the patient to be identified; and

(ii) Not to disclose the information further, except to accomplish the audit or report unlawful or improper conduct involving fraud in payment for health care by a health care provider or patient, or other unlawful conduct by the health care provider;

(i) To an official of a penal or other custodial institution in which the patient is detained;

(j) To provide directory information, unless the patient has instructed the health care provider not to make the disclosure.

(2) A health care provider shall disclose health care information about a patient without the patient's authorization if the disclosure is:

(a) To federal, state, or local public health authorities, to the extent the health care provider is required by law to report health care information; when needed to determine compliance with state or federal licensure, certification or registration rules or laws; or when needed to protect the public health;

(b) To federal, state, or local law enforcement authorities to the extent the health care provider is required by law;

(c) Pursuant to compulsory process in accordance with section 205 of this act.

(3) All state or local agencies obtaining patient health care information pursuant to this section shall adopt rules establishing their record acquisition, retention, and security policies that are consistent with this chapter.

NEW SECTION. Sec. 205. COMPULSORY PROCESS. (1) Before service of a discovery request or compulsory process on a health care provider for health care information, an attorney shall provide advance notice to the health care provider and the patient or the patient's attorney involved through service of process or first class mail, indicating the health care provider from whom the information is sought, what health care information is sought, and the date by which a protective order must be obtained to prevent the health care provider from complying. Such date shall give the patient and the health care provider adequate time to seek a protective order, but in no event be less than fourteen days since the date of service or delivery to the patient and the health care provider of the foregoing. Thereafter the request for discovery or compulsory process shall be served on the health care provider.

(2) Without the written consent of the patient, the health care provider may not disclose the health care information sought under subsection (1) of this section if the requestor has not complied with the requirements of subsection (1) of this section. In the absence of a protective order issued by a court of competent jurisdiction forbidding compliance, the health care provider shall disclose the information in accordance with this chapter. In the case of compliance, the request for discovery or compulsory process shall be made a part of the patient record.

(3) Production of health care information under this section, in and of itself, does not constitute a waiver of any privilege, objection, or defense existing under other law or rule of evidence or procedure.

NEW SECTION. Sec. 206. CERTIFICATION OF RECORD. Upon the request of the person requesting the record, the health care provider or facility shall certify the record furnished and may charge for such certification in accordance with RCW 36.18.020(9). No record need be certified

until the fee is paid. The certification shall be affixed to the record and disclose:

- (1) The identity of the patient;
- (2) The kind of health care information involved;
- (3) The identity of the person to whom the information is being furnished;
- (4) The identity of the health care provider or facility furnishing the information;
- (5) The number of pages of the health care information;
- (6) The date on which the health care information is furnished; and
- (7) That the certification is to fulfill and meet the requirements of this section.

ARTICLE III

EXAMINATION AND COPYING OF RECORD

NEW SECTION. Sec. 301. REQUIREMENTS AND PROCEDURES FOR PATIENT'S EXAMINATION AND COPYING. (1) Upon receipt of a written request from a patient to examine or copy all or part of the patient's recorded health care information, a health care provider, as promptly as required under the circumstances, but no later than fifteen working days after receiving the request shall:

- (a) Make the information available for examination during regular business hours and provide a copy, if requested, to the patient;
- (b) Inform the patient if the information does not exist or cannot be found;
- (c) If the health care provider does not maintain a record of the information, inform the patient and provide the name and address, if known, of the health care provider who maintains the record;
- (d) If the information is in use or unusual circumstances have delayed handling the request, inform the patient and specify in writing the reasons for the delay and the earliest date, not later than twenty-one working days after receiving the request, when the information will be available for examination or copying or when the request will be otherwise disposed of; or
- (e) Deny the request, in whole or in part, under section 302 of this act and inform the patient.

(2) Upon request, the health care provider shall provide an explanation of any code or abbreviation used in the health care information. If a record of the particular health care information requested is not maintained by the health care provider in the requested form, the health care provider is not required to create a new record or reformulate an existing record to make the health care information available in the requested form. The health care provider may charge a reasonable fee, not to exceed the health care provider's actual cost, for providing the health care information and is not required to permit examination or copying until the fee is paid.

NEW SECTION. Sec. 302. DENIAL OF EXAMINATION AND COPYING. (1) Subject to any conflicting requirement in the public disclosure act, chapter 42.17 RCW, a health care provider may deny access to health care information by a patient if the health care provider reasonably concludes that:

(a) Knowledge of the health care information would be injurious to the health of the patient;

(b) Knowledge of the health care information could reasonably be expected to lead to the patient's identification of an individual who provided the information in confidence and under circumstances in which confidentiality was appropriate;

(c) Knowledge of the health care information could reasonably be expected to cause danger to the life or safety of any individual;

(d) The health care information was compiled and is used solely for litigation, quality assurance, peer review, or administrative purposes; or

(e) Access to the health care information is otherwise prohibited by law.

(2) If a health care provider denies a request for examination and copying under this section, the provider, to the extent possible, shall segregate health care information for which access has been denied under subsection (1) of this section from information for which access cannot be denied and permit the patient to examine or copy the disclosable information.

(3) If a health care provider denies a patient's request for examination and copying, in whole or in part, under subsection (1) (a) or (c) of this section, the provider shall permit examination and copying of the record by another health care provider, selected by the patient, who is licensed, certified, registered, or otherwise authorized under the laws of this state to treat the patient for the same condition as the health care provider denying the request. The health care provider denying the request shall inform the patient of the patient's right to select another health care provider under this subsection. The patient shall be responsible for arranging for compensation of the other health care provider so selected.

ARTICLE IV

CORRECTION AND AMENDMENT OF RECORD

NEW SECTION. Sec. 401. REQUEST FOR CORRECTION OR AMENDMENT. (1) For purposes of accuracy or completeness, a patient may request in writing that a health care provider correct or amend its record of the patient's health care information to which a patient has access under section 301 of this act.

(2) As promptly as required under the circumstances, but no later than ten days after receiving a request from a patient to correct or amend its

record of the patient's health care information, the health care provider shall:

- (a) Make the requested correction or amendment and inform the patient of the action;
- (b) Inform the patient if the record no longer exists or cannot be found;
- (c) If the health care provider does not maintain the record, inform the patient and provide the patient with the name and address, if known, of the person who maintains the record;
- (d) If the record is in use or unusual circumstances have delayed the handling of the correction or amendment request, inform the patient and specify in writing, the earliest date, not later than twenty-one days after receiving the request, when the correction or amendment will be made or when the request will otherwise be disposed of; or
- (e) Inform the patient in writing of the provider's refusal to correct or amend the record as requested and the patient's right to add a statement of disagreement.

NEW SECTION. Sec. 402. PROCEDURE FOR ADDING CORRECTION OR AMENDMENT OR STATEMENT OF DISAGREEMENT. (1) In making a correction or amendment, the health care provider shall:

- (a) Add the amending information as a part of the health record; and
- (b) Mark the challenged entries as corrected or amended entries and indicate the place in the record where the corrected or amended information is located, in a manner practicable under the circumstances.

(2) If the health care provider maintaining the record of the patient's health care information refuses to make the patient's proposed correction or amendment, the provider shall:

- (a) Permit the patient to file as a part of the record of the patient's health care information a concise statement of the correction or amendment requested and the reasons therefor; and
- (b) Mark the challenged entry to indicate that the patient claims the entry is inaccurate or incomplete and indicate the place in the record where the statement of disagreement is located, in a manner practicable under the circumstances.

ARTICLE V NOTICE OF INFORMATION PRACTICES

NEW SECTION. Sec. 501. CONTENT AND DISSEMINATION OF NOTICE. (1) A health care provider who provides health care at a health care facility that the provider operates and who maintains a record of a patient's health care information shall create a "notice of information practices" that contains substantially the following:

NOTICE

"We keep a record of the health care services we provide you. You may ask us to see and copy that record. You may also ask us to correct that record. We will not disclose your record to others unless you direct us to do so or unless the law authorizes or compels us to do so. You may see your record or get more information about it at"

(2) The health care provider shall place a copy of the notice of information practices in a conspicuous place in the health care facility, on a consent form or with a billing or other notice provided to the patient.

ARTICLE VI

PERSONS AUTHORIZED TO ACT FOR PATIENT

NEW SECTION. Sec. 601. HEALTH CARE REPRESENTATIVES. (1) A person authorized to consent to health care for another may exercise the rights of that person under this chapter to the extent necessary to effectuate the terms or purposes of the grant of authority. If the patient is a minor and is authorized to consent to health care without parental consent under federal and state law, only the minor may exercise the rights of a patient under this chapter as to information pertaining to health care to which the minor lawfully consented. In cases where parental consent is required, a health care provider may rely, without incurring any civil or criminal liability for such reliance, on the representation of a parent that he or she is authorized to consent to health care for the minor patient regardless of whether:

- (a) The parents are married, unmarried, or separated at the time of the representation;
- (b) The consenting parent is, or is not, a custodial parent of the minor;
- (c) The giving of consent by a parent is, or is not, full performance of any agreement between the parents, or of any order or decree in any action entered pursuant to chapter 26.09 RCW.

(2) A person authorized to act for a patient shall act in good faith to represent the best interests of the patient.

NEW SECTION. Sec. 602. REPRESENTATIVE OF DECEASED PATIENT. A personal representative of a deceased patient may exercise all of the deceased patient's rights under this chapter. If there is no personal representative, or upon discharge of the personal representative, a deceased patient's rights under this chapter may be exercised by persons who would have been authorized to make health care decisions for the deceased patient when the patient was living under RCW 7.70.065.

ARTICLE VII
SECURITY SAFEGUARDS AND RECORD RETENTION

NEW SECTION. Sec. 701. DUTY TO ADOPT SECURITY SAFEGUARDS. A health care provider shall effect reasonable safeguards for the security of all health care information it maintains.

NEW SECTION. Sec. 702. RETENTION OF RECORD. A health care provider shall maintain a record of existing health care information for at least one year following receipt of an authorization to disclose that health care information under section 203 of this act, and during the pendency of a request for examination and copying under section 301 of this act or a request for correction or amendment under section 401 of this act.

ARTICLE VIII
CIVIL REMEDIES

NEW SECTION. Sec. 801. CIVIL REMEDIES. (1) A person who has complied with this chapter may maintain an action for the relief provided in this section against a health care provider or facility who has not complied with this chapter.

(2) The court may order the health care provider or other person to comply with this chapter. Such relief may include actual damages, but shall not include consequential or incidental damages. The court shall award reasonable attorneys' fees and all other expenses reasonably incurred to the prevailing party.

(3) Any action under this chapter is barred unless the action is commenced within two years after the cause of action is discovered.

(4) A violation of this act shall not be deemed a violation of the consumer protection act, chapter 19.86 RCW.

ARTICLE IX
MISCELLANEOUS PROVISIONS

NEW SECTION. Sec. 901. CONFLICTING LAWS. (1) This chapter does not restrict a health care provider from complying with obligations imposed by federal or state health care payment programs or federal or state law.

(2) This chapter does not modify the terms and conditions of disclosure under Title 51 RCW and chapters 13.50, 26.09, 70.24, 70.39, 70.96A, 71.05, and 71.34 RCW and rules adopted under these provisions.

NEW SECTION. Sec. 902. A new section is added to chapter 42.17 RCW to read as follows:

FREEDOM OF INFORMATION ACT. Chapter 70.— RCW (sections 101 through 901 of this act) applies to public inspection and copying of health care information of patients.

NEW SECTION. Sec. 903. UNIFORMITY OF APPLICATION AND CONSTRUCTION. This act shall be applied and construed to effectuate its general purpose to make uniform the law with respect to the subject of this act among states enacting it.

NEW SECTION. Sec. 904. SHORT TITLE. This act may be cited as the uniform health care information act.

NEW SECTION. Sec. 905. SEVERABILITY. 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. 906. CAPTIONS. As used in this act, captions constitute no part of the law.

NEW SECTION. Sec. 907. LEGISLATIVE DIRECTIVE. Sections 101 through 901 of this act shall constitute a new chapter in Title 70 RCW.

Passed the House March 19, 1991.

Passed the Senate April 18, 1991.

Approved by the Governor May 21, 1991.

Filed in Office of Secretary of State May 21, 1991.

CHAPTER 336

[Engrossed House Bill 2093]

LODGING TAX—DISTRIBUTION OF REVENUES

Effective Date: 1/1/92

AN ACT Relating to distributing excise taxes on lodgings in counties that have, prior to June 26, 1975, pledged tax revenues or issued bonds for purposes of public stadium, convention, performing arts and/or visual arts center facilities; amending RCW 67.28.180 and 67.40.120; and providing an effective date.

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

Sec. 1. RCW 67.28.180 and 1987 c 483 s 1 are each amended to read as follows:

(1) Subject to the conditions set forth in subsections (2) and (3) of this section, the legislative body of any county or any city, is authorized to levy and collect a special excise tax of not to exceed two percent on the sale of or charge made for the furnishing of lodging by a hotel, rooming house, tourist court, motel, trailer camp, and the granting of any similar license to use real property, as distinguished from the renting or leasing of real property: PROVIDED, That it shall be presumed that the occupancy of real property for a continuous period of one month or more constitutes a rental or lease of real property and not a mere license to use or to enjoy the same.

(2) Any levy authorized by this section shall be subject to the following:

(a) Any county ordinance or resolution adopted pursuant to this section shall contain, in addition to all other provisions required to conform to this chapter, a provision allowing a credit against the county tax for the full amount of any city tax imposed pursuant to this section upon the same taxable event.

(b) In the event that any county has levied the tax authorized by this section and has, prior to June 26, 1975, either pledged the tax revenues for payment of principal and interest on city revenue or general obligation bonds authorized and issued pursuant to RCW 67.28.150 through 67.28.160 or has authorized and issued revenue or general obligation bonds pursuant to the provisions of RCW 67.28.150 through 67.28.160, such county shall be exempt from the provisions of subsection (a), to the extent that the tax revenues are pledged for payment of principal and interest on bonds issued at any time pursuant to the provisions of RCW 67.28.150 through 67.28.160: **PROVIDED**, That so much of such pledged tax revenues, together with any investment earnings thereon, not immediately necessary for actual payment of principal and interest on such bonds may be used: (i) In class AA counties, for repayment either of limited tax levy general obligation bonds or of any county fund or account from which a loan was made, the proceeds from the bonds or loan being used to pay for constructing, installing, improving, and equipping stadium capital improvement projects, and to pay for any engineering, planning, financial, legal and professional services incident to the development of such stadium capital improvement projects, regardless of the date the debt for such capital improvement projects was or may be incurred; or (ii) in counties other than class AA counties, for county-owned facilities for agricultural promotion. A county is exempt under this subsection in respect to city revenue or general obligation bonds issued after April 1, 1991, only if such bonds mature before January 1, 2013.

As used in this subsection (2)(b), "capital improvement projects" may include, but not be limited to a stadium restaurant facility, restroom facilities, artificial turf system, seating facilities, parking facilities and scoreboard and information system adjacent to or within a county owned stadium, together with equipment, utilities, accessories and appurtenances necessary thereto. The stadium restaurant authorized by this subsection (2)(b) shall be operated by a private concessionaire under a contract with the county.

(c) No city within a county exempt under subsection (2)(b) of this section may levy the tax authorized by this section so long as said county is so exempt: **PROVIDED**, That in the event that any city in such county has levied the tax authorized by this section and has, prior to June 26, 1975, authorized and issued revenue or general obligation bonds pursuant to the provisions of RCW 67.28.150 through 67.28.160, such city may levy the tax so long as and to the extent that the tax revenues are pledged for payment of principal and interest on bonds issued pursuant to the provisions of RCW 67.28.150 through 67.28.160.

(3) Any levy authorized by this section by a county that has levied the tax authorized by this section and has, prior to June 26, 1975, either pledged the tax revenues for payment of principal and interest on city revenue or general obligation bonds authorized and issued pursuant to RCW 67.28.150 through 67.28.160 or has authorized and issued revenue or general obligation bonds pursuant to the provisions of RCW 67.28.150 through 67.28.160 shall be subject to the following:

(a) Taxes collected under this section in any calendar year in excess of five million three hundred thousand dollars shall only be used as follows:

(i) Seventy-five percent from January 1, 1992, through December 31, 2000, and seventy percent from January 1, 2001, through December 31, 2012, for art museums, cultural museums, heritage museums, the arts, ((and/or)) and the performing arts. Moneys spent under this subsection (3)(a)(i) shall be used for the purposes of this subsection (3)(a)(i) in all parts of the county.

((b)) (ii) Twenty-five percent from January 1, 1992, through December 31, 2000, and thirty percent from January 1, 2001, through December 31, 2012, for the following purposes and in a manner reflecting the following order of priority: Stadium capital improvements, as defined in subsection (2)(b) of this section; acquisition of open space lands; youth sports activities; and tourism promotion.

(b) At least seventy percent of moneys spent under (a)(i) of this subsection for the period January 1, 1992, through December 31, 2000, shall be used only for the purchase, design, construction, and remodeling of performing arts, visual arts, heritage, and cultural facilities, and for the purchase of fixed assets that will benefit art, heritage, and cultural organizations. For purposes of this subsection, fixed assets are tangible objects such as machinery and other equipment intended to be held or used for ten years or more. Moneys received under this subsection (3)(b) may be used for payment of principal and interest on bonds issued for capital projects. Qualifying organizations receiving moneys under this subsection (3)(b) must be financially stable and have at least the following:

- (i) A legally constituted and working board of directors;
- (ii) A record of artistic, heritage, or cultural accomplishments;
- (iii) Been in existence and operating for at least two years;
- (iv) Demonstrated ability to maintain net current liabilities at less than thirty percent of general operating expenses;
- (v) Demonstrated ability to sustain operational capacity subsequent to completion of projects or purchase of machinery and equipment; and
- (vi) Evidence that there has been independent financial review of the organization.

(c) At least forty percent of the revenues distributed pursuant to (a)(i) of this subsection for the period January 1, 2001, through December 31,

2012, shall be deposited in an account and shall be used to establish an endowment. Principal in the account shall remain permanent and irreducible. The earnings from investments of balances in the account may only be used for the purposes of (a)(i) of this subsection.

(d) Schools districts and schools shall not receive revenues distributed pursuant to (a)(i) of this subsection.

(e) Moneys distributed to art museums, cultural museums, heritage museums, the arts, and the performing arts, and moneys distributed for tourism promotion shall be in addition to and may not be used to replace or supplant any other funding by the legislative body of the county.

(f) As used in this section, "tourism promotion" includes activities intended to attract visitors for overnight stays, arts, heritage, and cultural events, and recreational, professional, and amateur sports events. Moneys allocated to tourism promotion in a class AA county shall be allocated to nonprofit organizations formed for the express purpose of tourism promotion in the county. Such organizations shall use moneys from the taxes to promote events in all parts of the class AA county.

(g) No taxes collected under this section may be used for the operation or maintenance of a public stadium that is financed directly or indirectly by bonds to which the tax is pledged. Expenditures for operation or maintenance include all expenditures other than expenditures that directly result in new fixed assets or that directly increase the capacity, life span, or operating economy of existing fixed assets.

~~((f))~~ (h) No ad valorem property taxes may be used for debt service on bonds issued for a public stadium that is financed by bonds to which the tax is pledged, unless the taxes collected under this section are or are projected to be insufficient to meet debt service requirements on such bonds.

~~((d))~~ (i) If a substantial part of the operation and management of a public stadium that is financed directly or indirectly by bonds to which the tax is pledged is performed by a nonpublic entity or if a public stadium is sold that is financed directly or indirectly by bonds to which the tax is pledged, any bonds to which the tax is pledged shall be retired.

~~((e))~~ (j) The county shall not lease a public stadium that is financed directly or indirectly by bonds to which the tax is pledged to, or authorize the use of the public stadium by, a professional major league sports franchise unless the sports franchise gives the right of first refusal to purchase the sports franchise, upon its sale, to local government. This subsection (3)~~((e))~~ (j) does not apply to contracts in existence on April 1, 1986.

If a court of competent jurisdiction declares any provision of this subsection (3) invalid, then that invalid provision shall be null and void and the remainder of this section is not affected.

Sec. 2. RCW 67.40.120 and 1988 ex.s. c 1 s 8 are each amended to read as follows:

The state convention and trade center corporation may contract with the Seattle-King county convention and visitors bureau for marketing the convention and trade center facility and services. Any contract with the Seattle-King county convention and visitors bureau shall include, but is not limited to, the following condition: Each dollar in convention and trade center operations account funds provided to the Seattle-King county convention and visitors bureau shall be matched by at least one dollar and ten cents in nonstate funds. "Nonstate funds" does not include funds received under RCW 67.28.180.

NEW SECTION. Sec. 3. This act shall take effect January 1, 1992.

Passed the House April 28, 1991.

Passed the Senate April 28, 1991.

Approved by the Governor May 21, 1991.

Filed in Office of Secretary of State May 21, 1991.

CHAPTER 337

[Engrossed Substitute House Bill 1864]

SAND AND GRAVEL REMOVAL—NO CHARGE WHEN USED FOR PUBLIC PURPOSES

Effective Date: 7/28/91

AN ACT Relating to removal of sand and gravel; amending RCW 79.90.150; and repealing RCW 79.90.140.

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

Sec. 1. RCW 79.90.150 and 1982 1st ex.s. c 21 s 21 are each amended to read as follows:

When gravel, rock, sand, silt or other material from any aquatic lands is removed by any public agency or under public contract for channel or harbor improvement, or flood control, use of such material may be authorized by the department of natural resources for a public purpose on land owned or leased by the state or any municipality, county, or public corporation: **PROVIDED**, That when no public land site is available for deposit of such material, its deposit on private land with the landowner's permission is authorized and may be designated by the department of natural resources to be for a public purpose. Prior to removal and use, the state agency, municipality, county, or public corporation contemplating or arranging such use shall first obtain written permission from the department of natural resources. No payment of royalty shall be required for such gravel, rock, sand, silt, or other material used for such public purpose, but a charge will be made if such material is subsequently sold or used for some other purpose: **PROVIDED**, That the department may authorize such public agency or private landowner to dispose of such material without charge when necessary to implement disposal of material. No charge shall be required for any use of the material obtained under the provisions of this chapter when used

solely on an authorized site. No charge shall be required for any use of the material obtained under the provisions of this chapter if the material is used for public purposes by local governments. Public purposes include, but are not limited to, construction and maintenance of roads, dikes, and levies. Nothing in this section shall repeal or modify the provisions of RCW 75-.20.100 or eliminate the necessity of obtaining a permit for such removal from other state or federal agencies as otherwise required by law.

NEW SECTION. Sec. 2. RCW 79.90.140 and 1982 1st ex.s. c 21 s 20 are each repealed.

Passed the House March 20, 1991.

Passed the Senate April 11, 1991.

Approved by the Governor May 21, 1991.

Filed in Office of Secretary of State May 21, 1991.

CHAPTER 338

[Senate Bill 5170]

DISTRICT JUDGES—SALARIES

Effective Date: 7/28/91

AN ACT Relating to district judges; amending RCW 3.34.010, 3.34.040, and 3.58.020; and declaring an emergency.

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

***Sec. 1. RCW 3.34.010 and 1989 c 227 s 6 are each amended to read as follows:**

The number of district judges to be elected in each county shall be: Adams, three; Asotin, one; Benton, two; Chelan, one; Clallam, one; Clark, four; Columbia, one; Cowlitz, two; Douglas, one; Ferry, two; Franklin, one; Garfield, one; Grant, one; Grays Harbor, two; Island, three; Jefferson, one; King, twenty-four; Kitsap, two; Kittitas, two; Klickitat, two; Lewis, two; Lincoln, one; Mason, one; Okanogan, two; Pacific, ~~((three))~~ two; Pend Oreille, two; Pierce, eight; San Juan, one; Skagit, three; Skamania, one; Snohomish, eight; Spokane, eight; Stevens, two; Thurston, one; Wahkiakum, one; Walla Walla, three; Whatcom, two; Whitman, two; Yakima, six: PROVIDED, That this number may be increased in accordance with a resolution of the county commissioners under RCW 3.34.020.

*Sec. 1 was vetoed, see message at end of chapter.

Sec. 2. RCW 3.34.040 and 1984 c 258 s 10 are each amended to read as follows:

A district judge serving a district having a population of forty thousand or more persons, and a district judge receiving a salary ~~((greater than))~~ equal to the maximum salary ((provided in RCW 3.58.020(6))) set by the salary commission under RCW 3.58.020 for district judges shall be deemed full time judges and shall devote all of their time to the office and shall not

engage in the practice of law. Other judges shall devote sufficient time to the office to properly fulfill the duties thereof and may engage in other occupations but shall maintain a separate office for private business and shall not use for private business the services of any clerk or secretary paid for by the county or office space or supplies furnished by the judicial district.

Sec. 3. RCW 3.58.020 and 1984 c 258 s 35 are each amended to read as follows:

The annual salaries of part time district judges shall be set by the ~~((county legislative authority in each county in accordance with the minimum and maximum salaries provided in this subsection:~~

~~(1) In districts having a population under two thousand five hundred persons, the salary shall be not less than one thousand five hundred dollars nor more than twelve thousand dollars;~~

~~(2) In districts having a population of two thousand five hundred persons or more, but less than five thousand, the salary shall be set at not less than one thousand eight hundred dollars nor more than fifteen thousand five hundred dollars;~~

~~(3) In districts having a population of five thousand persons or more, but less than seven thousand five hundred, the salary shall be set at no less than one thousand eight hundred or more than twenty-five thousand dollars;~~

~~(4) In districts having a population of seven thousand five hundred persons or more, but less than ten thousand, the salary shall be set at not less than two thousand two hundred fifty dollars or more than thirty thousand dollars;~~

~~(5) In districts having a population of ten thousand persons or more, but less than twenty thousand, the salary shall be set at no less than three thousand dollars or more than thirty-two thousand dollars;~~

~~(6) In districts having a population of twenty thousand persons or more, but less than thirty thousand, the salary shall be set at not less than five thousand two hundred fifty dollars or more than forty thousand dollars)) citizens' commission on salaries.~~

****NEW SECTION. Sec. 4. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.***

*Sec. 4 was vetoed, see message at end of chapter.

Passed the Senate April 27, 1991.

Passed the House April 27, 1991.

Approved by the Governor May 21, 1991, with the exception of certain items which were vetoed.

Filed in Office of Secretary of State May 21, 1991.

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

"I am returning herewith, without my approval as to sections 1 and 4, Senate Bill No. 5170 entitled:

"AN ACT Relating to district judges."

This bill reduces the number of district court judges in Pacific County from three to two and changes the salary setting authority for part-time district court judges' salaries from county commissions to the Citizens' Commission on Salaries.

Section 1 of the bill reduces the number of district court judges in Pacific County. Identical language is included in House Bill No. 1467 which I have signed.

Section 4 contains an emergency clause. If the emergency clause were to go into effect, the Citizens' Commission on Salaries would have only 13 days to analyze, determine a process, and set salaries for district court judges. I do not consider that sufficient time to properly address a potentially complex issue. By deleting the emergency clause, the salary commission will have time to evaluate the salary needs of part-time judges, take public testimony, and make appropriate salary determinations.

For the reasons stated, I have vetoed sections 1 and 4 of Senate Bill No. 5170.

With the exception of sections 1 and 4, Senate Bill No. 5170 is approved."

CHAPTER 339

[Substitute House Bill 1704]

MOTOR VEHICLES—REVISED PROVISIONS

Effective Date: 7/28/91 – Except Sections 16 & 17 which become effective on 7/1/91.

AN ACT Relating to motor vehicles; amending RCW 82.36.040, 82.36.120, 82.38.090, 82.38.170, 46.87.070, 46.87.140, 46.16.319, 82.80.010, 82.36.010, 82.36.030, 82.38.150, 46.01.140, 46.01.270, 46.12.101, 46.16.220, 46.16.381, 46.16.390, 46.20.308, 46.30.020, 46.61.582, 46.61.583, 46.70.023, 35.58.273, 88.02.070, and 88.02.220; reenacting and amending RCW 46.63.020 and 88.02.030; adding new sections to chapter 82.36 RCW; adding a new section to chapter 46.87 RCW; adding a new section to chapter 82.42 RCW; adding a new section to chapter 88.02 RCW; creating a new section; prescribing penalties; providing an effective date; and declaring an emergency.

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

NEW SECTION. Sec. 1. A new section is added to chapter 82.36 RCW to read as follows:

(1) If the department determines that the tax reported by a motor vehicle fuel distributor is deficient, the department shall assess the deficiency on the basis of information available to it, and shall add a penalty of two percent of the amount of the deficiency.

(2) If a distributor, whether licensed or not licensed as such, fails, neglects, or refuses to file a motor vehicle fuel tax report the department shall, on the basis of information available to it, determine the tax liability of the distributor for the period during which no report was filed. The department shall add the penalty provided in subsection (1) of this section to the tax. An assessment made by the department under this subsection or subsection (1) of this section is presumed to be correct. In any case, where the validity of the assessment is questioned, the burden is on the person who challenges the assessment to establish by a fair preponderance of evidence that it is erroneous or excessive, as the case may be.

(3) If a distributor files a false or fraudulent report with intent to evade the tax imposed by this chapter, the department shall add to the amount of deficiency a penalty equal to twenty-five percent of the deficiency, in addition to the penalty provided in subsections (1) and (2) of this section and all other penalties prescribed by law.

(4) Motor vehicle fuel tax, penalties, and interest payable under this chapter bears interest at the rate of one percent per month, or fraction thereof, from the first day of the calendar month after the amount or any portion of it should have been paid until the date of payment. If a distributor establishes by a fair preponderance of evidence that the failure to pay the amount of tax due was attributable to reasonable cause and was not intentional or willful, the department may waive the penalty. The department may waive the interest when it determines the cost of processing or collection of the interest exceeds the amount of interest due.

(5) Except in the case of a fraudulent report, neglect or refusal to make a report, or failure to pay or to pay the proper amount, the department shall assess the deficiency under subsection (1) or (2) of this section within three years from the last day of the succeeding calendar month after the reporting period for which the amount is proposed to be determined or within three years after the return is filed, whichever period expires later.

(6) Except in the case of violations of filing a false or fraudulent report, if the department deems mitigation of penalties and interest to be reasonable and in the best interest of carrying out the purpose of this chapter, it may mitigate such assessments upon whatever terms the department deems proper, giving consideration to the degree and extent of the lack of records and reporting errors. The department may ascertain the facts regarding recordkeeping and payment penalties in lieu of more elaborate proceedings under this chapter.

(7) A distributor against whom an assessment is made under subsection (1) or (2) of this section may petition for a reassessment within thirty days after service upon the distributor of notice of the assessment. If the petition is not filed within the thirty-day period, the amount of the assessment becomes final at the expiration of that period.

If a petition for reassessment is filed within the thirty-day period, the department shall reconsider the assessment and, if the distributor has so requested in its petition, shall grant the distributor an oral hearing and give the distributor twenty days' notice of the time and place of the hearing. The department may continue the hearing from time to time. The decision of the department upon a petition for reassessment becomes final thirty days after service of notice upon the distributor.

An assessment made by the department becomes due and payable when it becomes final. If it is not paid to the department when due and payable, the department shall add a penalty of ten percent of the amount of the tax.

(8) In a suit brought to enforce the rights of the state under this chapter, the assessment showing the amount of taxes, penalties, interest, and cost unpaid to the state is prima facie evidence of the facts as shown.

(9) A notice of assessment required by this section must be served personally or by mail. If it is served by mail, service shall be made by deposit of the notice in the United States mail, postage prepaid, addressed to the distributor at the most current address furnished to the department.

Sec. 2. RCW 82.36.040 and 1989 c 378 s 24 are each amended to read as follows:

If payment of any tax due is not received by the due date, there shall be assessed a penalty of two percent of the amount of the tax. ~~((If any distributor establishes by a fair preponderance of evidence that the distributor's failure to pay the amount of tax due by the due date was attributable to reasonable cause and was not intentional or willful, the department may waive the penalty imposed by this section:~~

~~Any motor vehicle fuel tax, penalties, and interest payable under the provisions of this chapter shall bear interest at the rate of one percent per month, or fraction thereof, from the first day of the calendar month after the close of the monthly period for which the amount or any portion thereof should have been paid until the date of payment. The department may waive the interest when the department determines that the cost of processing the collection of the interest exceeds the amount of interest due.~~

~~In any suit brought to enforce the rights of the state under this chapter, the certificate of the director showing the amount of taxes, penalties, interest and cost unpaid by any distributor and that the same are due and unpaid to the state shall be prima facie evidence of the facts as shown:))~~

Sec. 3. RCW 82.36.120 and 1961 c 15 s 82.36.120 are each amended to read as follows:

~~((In the event any))~~ If a distributor is delinquent in the payment of ((his excise tax hereunder, the director)) an obligation imposed under this chapter, the department may give notice of the amount ((thereof)) of the delinquency by registered or certified mail to all persons having in their possession or under their control any credits or other personal property belonging to such distributor, or owing any debts to such distributor at the time of receipt by them of such notice((, and thereafter the persons)). A person so notified shall neither transfer nor make any other disposition of such credits, ((other)) personal property, or debts((;) until ((twenty days have elapsed from and after receipt of such notice unless the director has given his consent to a previous transfer;)) the department consents to a transfer or other disposition. All persons so notified must, within ((five)) twenty days after receipt of the notice, advise the ((director)) department of any and all such credits, ((other)) personal property, or debts in their possession, under their control or owing by them, as the case may be, and shall

deliver upon demand the credits, personal property, or debts to the department or its duly authorized representative to be applied to the indebtedness involved.

If a person fails to answer the notice within the time prescribed by this section, it is lawful for the court, upon application of the department and after the time to answer the notice has expired, to render judgment by default against the person for the full amount claimed by the department in the notice to withhold and deliver, together with costs.

NEW SECTION. Sec. 4. A new section is added to chapter 82.36 RCW to read as follows:

When an assessment becomes final in accordance with this chapter, the department may file with the clerk of any county within the state a warrant in the amount of the assessment of taxes, penalties, interest, and a filing fee of five dollars. The clerk of the county in which the warrant is filed shall immediately designate a superior court cause number for the warrant, and the clerk shall cause to be entered in the judgment docket under the superior court cause number assigned to the warrant the name of the distributor mentioned in the warrant, the amount of the tax, penalties, interest, and filing fee, and the date when the warrant was filed. The aggregate amount of the warrant as docketed becomes a lien upon the title to and interest in all real and personal property of the named person against whom the warrant is issued, the same as a judgment in a civil case duly docketed in the office of the clerk. The warrant so docketed is sufficient to support the issuance of writs of execution and writs of garnishment in favor of the state in the manner provided by law in the case of a civil judgment, wholly or partially unsatisfied. The clerk of the court is entitled to a filing fee of five dollars.

NEW SECTION. Sec. 5. A new section is added to chapter 46.87 RCW to read as follows:

Except in the case of violations of filing a false or fraudulent application, if the department deems mitigation of penalties and interest to be reasonable and in the best interests of carrying out the purpose of this chapter, it may mitigate such assessments upon whatever terms the department deems proper, giving consideration to the degree and extent of the lack of records and reporting errors. The department may ascertain the facts regarding recordkeeping and payment penalties in lieu of more elaborate proceedings under this chapter.

Sec. 6. RCW 82.38.090 and 1990 c 250 s 84 are each amended to read as follows:

It shall be unlawful for any person to act as a special fuel dealer, a special fuel supplier or a special fuel user in this state unless such person is the holder of an uncanceled special fuel dealer's, a special fuel supplier's or a special fuel user's license issued to him by the department. A special fuel supplier's license authorizes a person to sell special fuel without collecting

the special fuel tax to other suppliers and dealers holding valid special fuel licenses.

A special fuel dealer's license authorizes a person to deliver previously untaxed special fuel into the fuel supply tanks of motor vehicles, collect the special fuel tax on behalf of the state at the time of delivery, and remit the taxes collected to the state as provided herein. A licensed special fuel dealer may also deliver untaxed special fuel into bulk storage facilities of a licensed special fuel user without collecting the special fuel tax. Special fuel dealers and suppliers, when making deliveries of special fuel into bulk storage to any person not holding a valid special fuel license must collect the special fuel tax at time of delivery, unless the person to whom the delivery is made is specifically exempted from the tax as provided herein.

A special fuel user's license authorizes a person to purchase special fuel into bulk storage for use in motor vehicles either on or off the public highways of this state without payment of the special fuel tax at time of purchase. Holders of special fuel licenses are all subject to the bonding, reporting, tax payment, and record-keeping provisions of this chapter. All purchases of special fuel by a licensed special fuel user directly into the fuel supply tank of a motor vehicle are subject to the special fuel tax at time of purchase unless the purchase is made from an unattended keylock metered pump, cardrol, or such similar dispensing devices. Persons utilizing special fuel for heating purposes only are not required to be licensed.

Special fuel users operating motor vehicles in interstate commerce having two axles and a gross vehicle weight or registered gross vehicle weight not exceeding twenty-six thousand pounds are not required to be licensed. Special fuel users operating motor vehicles in interstate commerce having two axles and a gross vehicle weight or registered gross vehicle weight exceeding twenty-six thousand pounds, or having three or more axles regardless of weight, or a combination of vehicles, when the combination exceeds twenty-six thousand pounds gross vehicle weight, must comply with the licensing and reporting requirements of this chapter. A copy of the license must be carried in each motor vehicle entering this state from another state or province.

Sec. 7. RCW 82.38.170 and 1987 c 174 s 6 are each amended to read as follows:

(1) If any special fuel dealer or special fuel user fails to pay any taxes collected or due the state of Washington by said dealer or user within the time prescribed by RCW 82.38.150 and 82.38.160, said dealer or user shall pay in addition to such tax a penalty of ten percent of the amount thereof.

(2) If it be determined by the department that the tax reported by any special fuel dealer or special fuel user is deficient it shall proceed to assess the deficiency on the basis of information available to it and there shall be added to this deficiency a penalty of ten percent of the amount of the deficiency.

(3) If any special fuel dealer or special fuel user, whether or not he or she is licensed as such, fails, neglects, or refuses to file a special fuel tax report, the department shall, on the basis of information available to it, determine the tax liability of the special fuel dealer or the special fuel user for the period during which no report was filed, and to the tax as thus determined, the department shall add the penalty and interest provided in subsection (2) of this section. An assessment made by the department pursuant to this subsection or to subsection (2) of this section shall be presumed to be correct, and in any case where the validity of the assessment is drawn in question, the burden shall be on the person who challenges the assessment to establish by a fair preponderance of the evidence that it is erroneous or excessive as the case may be.

(4) If any special fuel dealer or special fuel user shall establish by a fair preponderance of evidence that his or her failure to file a report or pay the proper amount of tax within the time prescribed was due to reasonable cause and was not intentional or willful, the department may waive the penalty prescribed in subsections (1), (2), and (3) of this section.

(5) If any special fuel dealer or special fuel user shall file a false or fraudulent report with intent to evade the tax imposed by this chapter, there shall be added to the amount of deficiency determined by the department a penalty equal to twenty-five percent of the deficiency, in addition to the penalty provided in subsection (2) of this section and all other penalties prescribed by law.

(6) Any fuel tax, penalties, and interest payable under this chapter shall bear interest at the rate of one percent per month, or fraction thereof, from the first day of the calendar month after the amount or any portion thereof should have been paid until the date of payment: PROVIDED, That the department may waive the interest when it determines that the cost of processing the collection of the interest exceeds the amount of interest due.

(7) Except in the case of violations of filing a false or fraudulent report, if the department deems mitigation of penalties and interest to be reasonable and in the best interests of carrying out the purpose of this chapter, it may mitigate such assessments upon whatever terms the department deems proper, giving consideration to the degree and extent of the lack of records and reporting errors. The department may ascertain the facts regarding recordkeeping and payment penalties in lieu of more elaborate proceedings under this chapter.

(8) Except in the case of a fraudulent report or of neglect or refusal to make a report, every deficiency shall be assessed under subsection (2) of this section within three years from the twenty-fifth day of the next succeeding calendar month following the reporting period for which the amount is proposed to be determined or within three years after the return is filed, whichever period expires the later.

~~((#))~~ (9) Any special fuel dealer or special fuel user against whom an assessment is made under the provisions of subsections (2) or (3) of this section may petition for a reassessment thereof within thirty days after service upon the special fuel dealer or special fuel user of notice thereof. If such petition is not filed within such thirty day period, the amount of the assessment becomes final at the expiration thereof.

If a petition for reassessment is filed within the thirty day period, the department shall reconsider the assessment and, if the special fuel dealer or special fuel user has so requested in his or her petition, shall grant such special fuel dealer or special fuel user an oral hearing and give the special fuel dealer or special fuel user ten days' notice of the time and place thereof. The department may continue the hearing from time to time. The decision of the department upon a petition for reassessment shall become final thirty days after service upon the special fuel dealer or special fuel user of notice thereof.

Every assessment made by the department shall become due and payable at the time it becomes final and if not paid to the department when due and payable, there shall be added thereto a penalty of ten percent of the amount of the tax.

~~((#))~~ (10) Any notice of assessment required by this section shall be served personally or by mail; if by mail, service shall be made by depositing such notice in the United States mail, postage prepaid addressed to the special fuel dealer or special fuel user at his or her address as the same appears in the records of the department.

~~((+))~~ (11) Any licensee who has had their special fuel user license, special fuel dealer license, special fuel supplier license, or combination thereof revoked shall pay a one hundred dollar penalty prior to the issuance of a new license.

~~((++))~~ (12) Any person who, upon audit or investigation by the department, is found to have not paid special fuel taxes as required by this chapter shall be subject to cancellation of all vehicle registrations for vehicles utilizing special fuel as a means of propulsion. Any unexpired Washington tonnage on the vehicles in question may be transferred to a purchaser of the vehicles upon application to the department who shall hold such tonnage in its custody until a sale of the vehicle is made or the tonnage has expired.

NEW SECTION. Sec. 8. A new section is added to chapter 82.42 RCW to read as follows:

Except in the case of violations of filing a false or fraudulent report, if the department deems mitigation of penalties and interest to be reasonable and in the best interests of carrying out the purpose of this chapter, it may mitigate such assessments upon whatever terms the department deems proper, giving consideration to the degree and extent of the lack of records and reporting errors. The department may ascertain the facts regarding

recordkeeping and payment penalties in lieu of more elaborate proceedings under this chapter.

Sec. 9. RCW 46.87.070 and 1990 c 42 s 112 are each amended to read as follows:

(1) Washington-based trailers, semitrailers, converter gears (auxiliary axles), or pole trailers shall be ~~((fully))~~ licensed in this state under the provisions of chapter 46.16 RCW except as herein provided. If these vehicles are being operated in jurisdictions that require the registration of such vehicles, the applicable vehicles may be considered as apportionable or commercial vehicles for the purpose of registration in those jurisdictions and this state. ~~((The prorate percentage for which registration fees and taxes were paid to such jurisdictions for each nonmotor vehicle of the fleet may be credited toward the one hundred percent of registration fees and taxes due this state for full licensing of each such vehicle.))~~

(2) Trailers, semitrailers, converter gears (auxiliary axles), and pole trailers which are properly based in jurisdictions other than Washington, and which display currently registered license plates from such jurisdictions will be granted vehicle license reciprocity in this state without the need of further vehicle license registration. If converter gears (auxiliary axles) or pole trailers are not required to be licensed separately by a member jurisdiction, such vehicles may be operated in this state without displaying a current base license plate.

Sec. 10. RCW 46.87.140 and 1990 c 42 s 114 are each amended to read as follows:

(1) Any owner engaged in interstate operations of one or more fleets of apportionable or commercial vehicles may, in lieu of registration of the vehicles under chapter 46.16 RCW, register and license the vehicles of each fleet under this chapter by filing a proportional registration application for each fleet with the department. The nonmotor vehicles of Washington-based fleets which are operated in IRP jurisdictions that require registration of such vehicles may be proportionally registered for operation in those jurisdictions as herein provided. The application shall contain the following information and such other information pertinent to vehicle registration as the department may require:

(a) A description and identification of each vehicle of the fleet. Motor vehicles and nonpower units shall be placed in separate fleets.

(b) If registering under the provisions of the IRP, the registrant shall also indicate member jurisdictions in which registration is desired and furnish such other information as those member jurisdictions require.

(c) An original or renewal application shall also be accompanied by a mileage schedule for each fleet.

(2) Each application shall, at the time and in the manner required by the department, be supported by payment of a fee computed as follows:

(a) Divide the in-jurisdiction miles by the total miles and carry the answer to the nearest thousandth of a percent (three places beyond the decimal, e.g. 10.543%). This factor is known as the prorate percentage.

(b) Determine the total proratable fees and taxes required for each vehicle in the fleet for which registration is requested, based on the regular annual fees and taxes or applicable fees and taxes for the unexpired portion of the registration year under the laws of each jurisdiction for which fees or taxes are to be calculated.

Washington-based (~~nonpower~~) nonmotor vehicles shall normally be fully licensed (~~(by paying full registration fees and taxes, in this state)~~) under the provisions of chapter 46.16 RCW. If these vehicles are being operated in jurisdictions that require the registration of such vehicles, the applicable vehicles may be considered as apportionable vehicles for the purpose of registration in those jurisdictions and this state. The prorate percentage for which registration fees and taxes were paid to such jurisdictions may be credited toward the one hundred percent of registration fees and taxes due this state for full licensing. Applicable fees and taxes for vehicles of Washington-based fleets are those prescribed under RCW 46.16.070, 46.16.085, 82.38.075, and 82.44.020, as applicable.

(c) Multiply the total, proratable fees or taxes for each motor vehicle by the prorate percentage applicable to the desired jurisdiction and round the results to the nearest cent. Fees and taxes for nonmotor vehicles being prorated will be calculated as indicated in (b) of this subsection.

(d) Add the total fees and taxes determined in (~~(subsection (2))~~)(c) of this (~~(section)~~) subsection for each vehicle to the nonproratable fees required under the laws of the jurisdiction for which fees are being calculated. Nonproratable fees required for vehicles of Washington-based fleets are the administrative fee required by RCW 82.38.075, if applicable, and the vehicle transaction fee pursuant to the provisions of RCW 46.87.130.

(e) Add the total fees and taxes determined in (~~(subsection (2))~~)(d) of this (~~(section)~~) subsection for each vehicle listed on the application. Assuming the fees and taxes calculated were for Washington, this would be the amount due and payable for the application under the provisions of the Western Compact. Under the provisions of the IRP, the amount due and payable for the application would be the sum of the fees and taxes referred to in (~~(subsection (2))~~)(d) of this (~~(section)~~) subsection, calculated for each member jurisdiction in which registration of the fleet is desired.

(3) All assessments for proportional registration fees are due and payable in United States funds on the date presented or mailed to the registrant at the address listed in the proportional registration records of the department. The registrant may petition for reassessment of the fees or taxes due under this section within thirty days of the date of original service as provided for in this chapter.

Sec. 11. RCW 46.16.319 and 1990 c 250 s 6 are each amended to read as follows:

(1) The department shall issue upon payment of a fee and proof from an honorably discharged veteran, veterans with honorable military service, or military personnel on active duty in the armed service, a remembrance emblem depicting a tribute or message and the American flag.

(2) Veterans and military personnel who served in our nation's wars and conflicts can, upon request and payment of a fee and proof of service, receive a remembrance emblem depicting the campaign ribbon ~~((the veteran was)) they were awarded. ((Only))~~ The following campaign ribbon remembrance emblems will be available: World War I victory medal; Asiatic-Pacific campaign medal, WWII; European-African-Middle East campaign medal, WWII; American campaign medal, WWII; Korean service medal; Vietnam service medal; Armed Forces Expeditionary, after 1958. The director may adopt additional campaign ribbon remembrance emblems by rule.

(3) The remembrance emblem will be displayed upon vehicle license plates in the manner prescribed by the department.

(4) A veteran or military personnel requesting a remembrance emblem from the department shall provide a copy of his or her discharge papers (DD-214) or military orders indicating their military status and campaign ribbon awarded along with payment of the fee. A veteran or military personnel requesting a remembrance emblem must be a legal or registered owner of the vehicle on which remembrance emblems are to be displayed.

Sec. 12. RCW 82.80.010 and 1990 c 42 s 201 are each amended to read as follows:

(1) Subject to the conditions of this section, any county may levy, by approval of its legislative body and a majority of the registered voters of the county voting on the proposition at a general or special election, additional excise taxes equal to ten percent of the state-wide motor vehicle fuel tax rate under RCW 82.36.025 on each gallon of motor vehicle fuel as defined in RCW 82.36.010(2) and on each gallon of special fuel as defined in RCW 82.38.020(5)~~((, per gallon or one hundred cubic feet of compressed natural gas measured at standard temperature and pressure))~~ sold within the boundaries of the county. Vehicles paying an annual license fee under RCW 82.38.075 are exempt from the county fuel excise tax. An election held under this section must be held not more than twelve months before the date on which the proposed tax is to be levied. The ballot setting forth the proposition shall state the tax rate that is proposed. The county's authority to levy additional excise taxes under this section includes the incorporated and unincorporated areas of the county. The additional excise taxes are subject to the same exceptions and rights of refund as applicable to other motor vehicle fuel and special fuel excise taxes levied under chapters 82.36 and 82.38 RCW. The proposed tax shall not be levied less than one month from

the date the election results are certified by the county election officer. The commencement date for the levy of any tax under this section shall be the first day of January, April, July, or October.

(2) Every person subject to the tax shall pay, in addition to any other taxes provided by law, an additional excise tax to the director of licensing at the rate levied by a county exercising its authority under this section.

(3) The state treasurer shall distribute monthly to the levying county and cities contained therein the proceeds of the additional excise taxes collected under this section, after the deductions for payments and expenditures as provided in RCW 46.68.090 (1) (~~((a) and (b))~~) and (2) and under the conditions and limitations provided in RCW 82.80.080.

(4) The proceeds of the additional excise taxes levied under this section shall be used strictly for transportation purposes in accordance with RCW 82.80.070.

(5) The department of licensing shall administer and collect the county fuel taxes. The department shall deduct a percentage amount, as provided by contract, for administrative, collection, refund, and audit expenses incurred. The remaining proceeds shall be remitted to the custody of the state treasurer for monthly distribution under RCW 82.80.080.

Sec. 13. RCW 82.36.010 and 1990 c 250 s 79 are each amended to read as follows:

For the purposes of this chapter:

(1) "Motor vehicle" means every vehicle that is in itself a self-propelled unit, equipped with solid rubber, hollow-cushion rubber, or pneumatic rubber tires and capable of being moved or operated upon a public highway, except motor vehicles used as motive power for or in conjunction with farm implements and machines or implements of husbandry;

(2) "Motor vehicle fuel" means gasoline or any other inflammable gas or liquid, by whatsoever name such gasoline, gas, or liquid may be known or sold, the chief use of which is as fuel for the propulsion of motor vehicles or motorboats;

(3) "Distributor" means every person who refines, manufactures, produces, or compounds motor vehicle fuel and sells, distributes, or in any manner uses it in this state; also every person engaged in business as a bona fide wholesale merchant dealing in motor vehicle fuel who either acquires it within the state from any person refining it within or importing it into the state, on which the tax has not been paid, or imports it into this state and sells, distributes, or in any manner uses it in this state. For the purposes of liability for a county fuel tax, "distributor" has that meaning defined in the county ordinance imposing the tax;

(4) "Service station" means a place operated for the purpose of delivering motor vehicle fuel into the fuel tanks of motor vehicles;

(5) "Department" means the department of licensing;

(6) "Director" means the director of licensing;

(7) "Dealer" means any person engaged in the retail sale of liquid motor vehicle fuels;

(8) "Person" means every natural person, firm, partnership, association, or private or public corporation;

(9) "Highway" means every way or place open to the use of the public, as a matter of right, for purposes of vehicular travel;

(10) "Broker" means every person, other than a distributor, engaged in business as a broker, jobber, or wholesale merchant dealing in motor vehicle fuel or other petroleum products used or usable in propelling motor vehicles, or in other petroleum products which may be used in blending, compounding, or manufacturing of motor vehicle fuel;

(11) "Producer" means every person, other than a distributor, engaged in the business of producing motor vehicle fuel or other petroleum products used in, or which may be used in, the blending, compounding, or manufacturing of motor vehicle fuel;

(12) "Distribution" means all withdrawals of motor vehicle fuel for delivery to others, to retail service stations, or to unlicensed bulk storage plants;

(13) "Bulk storage plant" means, pursuant to the licensing provisions of RCW 82.36.070, any plant, under the control of the distributor, used for the storage of motor vehicle fuel to which no retail outlets are directly connected by pipe lines;

(14) "Marine fuel dealer" means any person engaged in the retail sale of liquid motor vehicle fuel whose place of business and or sale outlet is located upon a navigable waterway;

~~((15) "Aggregate motor vehicle fuel tax revenues" means the amount of excise taxes to be paid by distributors, retailers, and users pursuant to chapters 82.36, 82.37, and 82.38 RCW for any designated fiscal period, whether or not such amounts are actually received by the department of licensing. The phrase does not include fines or penalties assessed for violations;~~

~~(16) "Fiscal year" means a twelve-month period ending June 30th;~~

~~(17) "State personal income" means the dollar amount published as total personal income of persons in the state for the calendar year by the United States department of commerce or its successor agency;~~

~~(18) "State personal income ratio" for any calendar year means that ratio expressed in percentage terms that is the sum of one hundred percent, plus seventy percent of the percentage increase or decrease in state personal income for the calendar year under consideration as compared to state personal income for the immediately preceding calendar year;~~

~~(19) "Motor vehicle fund revenue" means all state taxes, fees, and penalties deposited in the motor vehicle fund and all other state revenue required by statute to be deposited in the motor vehicle fund, but does not include (a) moneys derived from nonfuel tax sources which are deposited~~

~~directly in the several accounts, (b) interest deposited directly in the several accounts within the motor vehicle fund, (c) federal funds, (d) proceeds from the sale of bonds, or (e) reimbursements to the motor vehicle fund for services performed by the department of transportation for others;~~

~~(20))~~ (15) "Alcohol" means alcohol that is produced from renewable resources;

~~((21))~~ (16) "Electronic funds transfer" means any transfer of funds, other than a transaction originated by check, draft, or similar paper instrument, which is initiated through an electronic terminal, telephonic instrument, or computer or magnetic tape so as to order, instruct, or authorize a financial institution to debit or credit an account.

Sec. 14. RCW 82.36.030 and 1990 c 42 s 202 are each amended to read as follows:

Every distributor shall on or before the twenty-fifth day of each calendar month file, on forms furnished by the director, a statement signed by the distributor or his authorized agent showing the total number of gallons of motor vehicle fuel sold, distributed, or used by such distributor within this state during the preceding calendar month and, for counties within which an additional excise tax on motor vehicle fuel has been levied by that jurisdiction under RCW 82.80.010, showing the total number of gallons of motor vehicle fuel sold, distributed ~~((and sold to dealers))~~, or used by the distributor ~~((for sale))~~ within the boundaries of the county during the preceding calendar month.

If any distributor fails to file such report, the director shall proceed forthwith to determine from the best available sources, the amount of motor vehicle fuel sold, distributed, or used by such distributor for the unreported period, and said determination shall be presumed to be correct for that period until proved by competent evidence to be otherwise. The director shall immediately assess the excise tax in the amount so determined, adding thereto a penalty of ten percent for failure to report. Such penalty shall be cumulative of other penalties herein provided. All statements filed with the director, as required in this section, shall be public records.

If any distributor establishes by a fair preponderance of evidence that his or her failure to file a report by the due date was attributable to reasonable cause and was not intentional or willful, the department may waive the penalty imposed by this section.

Sec. 15. RCW 82.38.150 and 1990 c 42 s 203 are each amended to read as follows:

For the purpose of determining the amount of liability for the tax herein imposed each special fuel dealer and each special fuel user shall file tax reports with the department, on forms prescribed by the department. Special fuel dealers shall file the reports at the intervals as shown in the following schedule:

Estimated Yearly Tax Liability	Reporting Frequency
\$ 0 – \$100	Yearly
\$101 – 250	Semi-yearly
\$251 – 499	Quarterly
\$500 and over	Monthly

Special fuel users whose estimated yearly tax liability is two hundred fifty dollars or less, shall file a report yearly, and special fuel users whose estimated yearly tax liability is more than two hundred fifty dollars, shall file reports quarterly.

The department shall establish the reporting frequency for each applicant at the time the special fuel license is issued. If it becomes apparent that any special fuel licensee is not reporting in accordance with the above schedule, the department shall change the licensee's reporting frequency by giving thirty days' notice to the licensee by mail to his address of record. A report shall be filed with the department even though no special fuel was used, or tax is due, for the reporting period. Each tax report shall contain a declaration by the person making the same, to the effect that the statements contained therein are true and are made under penalties of perjury, which declaration shall have the same force and effect as a verification of the report and is in lieu of such verification. The report shall show such information as the department may reasonably require for the proper administration and enforcement of this chapter: **PROVIDED**, That if a special fuel dealer or special fuel user is also a special fuel supplier at a location where special fuel is delivered into the supply tank of a motor vehicle, and if separate storage is provided thereat from which special fuel is delivered or placed into fuel supply tanks of motor vehicles, the tax report to the department need not include inventory control data covering bulk storage from which wholesale distribution of special fuel is made. For counties within which an additional excise tax on special fuel has been levied by that jurisdiction under RCW 82.80.010, the report must show the quantities of special fuel sold, distributed ((and sold)), or withdrawn from bulk storage by the reporting dealer or user within the county's boundaries and the tax liability from its levy. The special fuel dealer or special fuel user shall file the report on or before the twenty-fifth day of the next succeeding calendar month following the period to which it relates.

Subject to the written approval of the department, tax reports may cover a period ending on a day other than the last day of the calendar month. Taxpayers granted approval to file reports in this manner will file such reports on or before the twenty-fifth day following the end of the reporting period. No change to this reporting period will be made without the written authorization of the department.

If the final filing date falls on a Saturday, Sunday, or legal holiday the next secular or business day shall be the final filing date. Such reports shall

be considered filed or received on the date shown by the post office cancellation mark stamped upon an envelope containing such report properly addressed to the department, or on the date it was mailed if proof satisfactory to the department is available to establish the date it was mailed.

The department, if it deems it necessary in order to insure payment of the tax imposed by this chapter, or to facilitate the administration of this chapter, has the authority to require the filing of reports and tax remittances at shorter intervals than one month if, in its opinion, an existing bond has become insufficient.

The department may permit any special fuel user whose sole use of special fuel is in motor vehicles or equipment exempt from tax as provided in RCW 82.38.075 and RCW 82.38.080 (1), (2), (3), (8), and (9), in lieu of the reports required in this section, to submit reports annually or as requested by the department, in such form as the department may require.

A special fuel user whose sole use of special fuel is for purposes other than the propulsion of motor vehicles upon the public highways of this state shall not be required to submit the reports required in this section.

Sec. 16. RCW 46.01.140 and 1990 c 250 s 89 are each amended to read as follows:

(1) The county auditor, if appointed by the director of licensing shall carry out the provisions of this title relating to the licensing of vehicles and the issuance of vehicle license number plates under the direction and supervision of the director and may with the approval of the director appoint assistants as special deputies and subagents to accept applications and collect fees for vehicle licenses and transfers and to deliver vehicle license number plates.

(2) At any time any application is made to the director, the county auditor, or other agent pursuant to any law dealing with licenses, registration, or the right to operate any vehicle upon the public highways of this state, excluding applicants already paying such fee under RCW 46.16.070 or 46.16.085, the applicant shall pay to the director, county auditor, or other agent a fee of two dollars for each application in addition to any other fees required by law. Applicants for certificates of ownership, including applicants paying fees under RCW 46.16.070 or 46.16.085, shall pay to the director, county auditor, or other agent a fee of three dollars in addition to any other fees required by law. These ~~((additional))~~ fees, if paid to the county auditor as agent of the director, or if paid to ~~((an agent))~~ a subagent of the county auditor, shall be paid to the county treasurer in the same manner as other fees collected by the county auditor and credited to the county current expense fund. If the fee is paid to another agent of the director, the fee shall be used by the agent to defray his or her expenses in handling the application ~~((: PROVIDED, That an agent of the county auditor))~~.

(3) A subagent is entitled to an additional service charge of two dollars. However, from July 1, 1991, through June 30, 1992, subagents shall collect a service fee of (a) five dollars and fifty cents for changes in a certificate of ownership, with or without registration renewal, or verification of record and preparation of an affidavit of lost title other than at the time of the title application or transfer and (b) two dollars and twenty-five cents for registration renewal only, issuing a transit permit, or any other service under this section.

~~((3))~~ (4) If the fee is collected by the state patrol as agent for the director, the fee so collected shall be certified to the state treasurer and deposited to the credit of the state patrol highway account. If the fee is collected by the department of transportation as agent for the director, the fee shall be certified to the state treasurer and deposited to the credit of the motor vehicle fund. All such fees collected by the director or branches of his office shall be certified to the state treasurer and deposited to the credit of the highway safety fund.

****NEW SECTION. Sec. 17. The director of licensing shall review the costs and revenues of all vehicle licensing agents and subagents and the benefits provided to the communities they serve and submit a report by January 15, 1992, to the legislative transportation committee including the following:***

(1) Criteria for determining the costs and benefits of title and registration activities by agents and subagents;

(2) A review of the rate structure for agents and subagents;

(3) A review of other fee structures for counties and subagents;

(4) An estimate of the costs of providing each individual title and registration function;

(5) Consideration of the need for cost allocations, such as a revolving fund or other mechanisms for funding an automated licensing system;

(6) Consideration of the County Auditors' Automation Program (CAAP) system and other changes in methods of providing title and registration services since adoption of the current method of compensating agents and subagents;

(7) Recommendations for a process to allow counties to recover their full costs of vehicle title and registration activities without increasing costs to consumers;

(8) Recommendations for one standard contract to be used by the director of licensing for county auditor agents and one standard contract for subagents, with provisions in each requiring disclosure of all costs and revenues to the director, but protecting the confidentiality of this information;

(9) An examination of alternative methods of providing title and registration services.

*Sec. 17 was vetoed, see message at end of chapter.

Sec. 18. RCW 46.01.270 and 1967 c 32 s 4 are each amended to read as follows:

The county auditor may destroy applications for vehicle licenses(;) and any copies of vehicle licenses issued(, applications for vehicle driver's licenses, and copies of issued vehicle driver's licenses, if any there be,) after such records ~~((shall))~~ have been on file in ~~((his))~~ the auditor's office for a period of ~~((three years))~~ eighteen months, unless otherwise directed by the director.

Sec. 19. RCW 46.12.101 and 1990 c 238 s 4 are each amended to read as follows:

A transfer of ownership in a motor vehicle is perfected by compliance with the requirements of this section.

(1) If an owner transfers his or her interest in a vehicle, other than by the creation, deletion, or change of a security interest, the owner shall, at the time of the delivery of the vehicle, execute an assignment to the transferee and provide an odometer disclosure statement under RCW 46.12.124 on the certificate of ownership or as the department otherwise prescribes, and cause the certificate and assignment to be transmitted to the transferee. Within five days, excluding Saturdays, Sundays, and state and federal holidays, the owner shall notify the department in writing, on the appropriate form, of the date of the sale or transfer ~~((giving the date thereof)),~~ the name and address of the owner and of the transferee, and such description of the vehicle, including the vehicle identification number, the license plate number, or both, as may be required in the appropriate form provided for that purpose by the department.

(2) The requirements of subsection (1) of this section to provide an odometer disclosure statement apply to the transfer of vehicles held for lease when transferred to a lessee and then to the lessor at the end of the leasehold and to vehicles held in a fleet when transferred to a purchaser.

(3) Except as provided in RCW 46.12.120 the transferee shall within fifteen days after delivery to the transferee of the vehicle, execute the application for a new certificate of ownership in the same space provided therefor on the certificate or as the department prescribes, and cause the certificates and application to be transmitted to the department.

(4) Upon request of the owner or transferee, a secured party in possession of the certificate of ownership shall, unless the transfer was a breach of its security agreement, either deliver the certificate to the transferee for transmission to the department or, when the secured party receives the owner's assignment from the transferee, it shall transmit the transferee's application for a new certificate, the existing certificate, and the required fee to the department. Compliance with this section does not affect the rights of the secured party.

(5) If a security interest is reserved or created at the time of the transfer, the certificate of ownership shall be retained by or delivered to the person who becomes the secured party, and the parties shall comply with the provisions of RCW 46.12.170.

(6) If the purchaser or transferee fails or neglects to make application to transfer the certificate of ownership and license registration within fifteen days after the date of delivery of the vehicle, he or she shall on making application for transfer be assessed a twenty-five dollar penalty on the sixteenth day and two dollars additional for each day thereafter, but not to exceed one hundred dollars. The director may by rule establish conditions under which the penalty will not be assessed when an application for transfer is delayed for reasons beyond the control of the purchaser. Conditions for not assessing the penalty may be established for but not limited to delays caused by:

- (a) The department requesting additional supporting documents;
- (b) Extended hospitalization or illness of the purchaser;
- (c) Failure of a legal owner to release his or her interest;
- (d) Failure, negligence, or nonperformance of the department, auditor, or subagent.

Failure or neglect to make application to transfer the certificate of ownership and license registration within forty-five days after the date of delivery of the vehicle is a misdemeanor.

(7) Upon receipt of an application for reissue or replacement of a certificate of ownership and transfer of license registration, accompanied by the endorsed certificate of ownership or other documentary evidence as is deemed necessary, the department shall, if the application is in order and if all provisions relating to the certificate of ownership and license registration have been complied with, issue new certificates of title and license registration as in the case of an original issue and shall transmit the fees together with an itemized detailed report to the state treasurer, to be deposited in the motor vehicle fund.

(8) Once each quarter the department shall report to the department of revenue a list of those vehicles for which a seller's report has been received but no transfer of title has taken place.

Sec. 20. RCW 46.16.220 and 1975 1st ex.s. c 118 s 9 are each amended to read as follows:

Vehicle licenses and vehicle license number plates may be renewed for the subsequent registration year on and after the forty-fifth day prior to the end of the current registration year and must be used and displayed from the date of issue or from the day of the expiration of the preceding registration year, whichever date is later(~~(-PROVIDED, That in no case shall a citation be issued for nonregistration prior to the first day of the month following the calendar month in which vehicle licenses and vehicle license number plates are to be renewed))~~).

Sec. 21. RCW 46.16.381 and 1990 c 24 s 1 are each amended to read as follows:

(1) The director shall grant special parking privileges to any person who has a disability that limits or impairs the ability to walk and meets one of the following criteria, as determined by a licensed physician:

(a) ~~((Loss of both lower limbs))~~ Cannot walk two hundred feet without stopping to rest;

(b) ~~((Loss of normal or full use of the lower limbs to sufficiently constitute a severe disability))~~ Is severely limited in ability to walk due to arthritic, neurological, or orthopedic condition;

(c) Is so severely disabled, that the person cannot ((move)) walk without the ((aid of crutches or a wheelchair)) use of or assistance from a brace, cane, another person, prosthetic device, wheelchair, or other assistive device;

(d) ~~((Loss of both hands))~~ Uses portable oxygen;

(e) ~~((Suffers from))~~ Is restricted by lung disease to such an extent that forced expiratory respiratory volume, when measured by spirometry is less than one liter per second or the arterial oxygen tension is less than sixty mm/hg on room air at rest;

(f) Impairment by cardiovascular disease or cardiac condition to the extent that the person's functional limitations are classified as class III or IV under standards accepted by the American Heart Association; or

(g) Has a disability resulting from an acute sensitivity to automobile emissions which limits or impairs the ability to walk. The personal physician of the applicant shall document that the disability is comparable in severity to the others listed in this subsection.

(2) Persons ((with)) who qualify for special parking privileges are entitled to receive from the department of licensing ((both a special card to be left in a vehicle in a conspicuous place and, for one motor vehicle only, a decal to be attached to the vehicle in a conspicuous place designated by the director)) a removable windshield placard bearing the international symbol of access. The department shall design the placard to be displayed when the vehicle is parked by suspending it from the rearview mirror, or in the absence of a rearview mirror the card may be displayed on the dashboard of any vehicle used to transport the disabled person. Instead of ((the decal and)) regular motor vehicle license plates, ((the)) disabled persons are entitled to receive ((a)) special license ((plate. The card, decal, and special license plate shall be designed to show distinguishing marks, letters, or numerals indicating that the vehicle is being used to transport a disabled person:)) plates bearing the international symbol of access for one vehicle registered in the disabled person's name. Disabled persons who are not issued the special license plates are entitled to receive a second special placard. Persons who have been issued the parking privileges and who are using a vehicle((s)) or are riding in a vehicle displaying the special license ((plate, card, or decal shall be permitted to)) plates or placard may park in places ((otherwise)) reserved for ((physically)) mobility disabled persons. The director shall ((also)) adopt rules providing for the issuance of special

~~((cards))~~ placards and license plates to public transportation authorities, nursing homes licensed under chapter 18.51 RCW, senior citizen centers, and private nonprofit agencies as defined in chapter 24.03 RCW that regularly transport disabled persons who have been determined eligible for special parking privileges provided under this section. ~~The ((special card shall be displayed in a vehicle operated when actually transporting the disabled persons))~~ director may issue special license plates for a vehicle registered in the name of the public transportation authority, nursing home, senior citizen center, or private nonprofit agency if the vehicle is primarily used to transport persons with disabilities described in this section. Public transportation authorities, nursing homes, senior citizen centers, and private nonprofit agencies are responsible for insuring that the special ~~((cards))~~ placards and license plates are not used improperly and are responsible for all fines and penalties for improper use.

(3) Whenever the disabled person transfers or assigns his or her interest in the vehicle, the special ~~((decals or))~~ license plates shall be removed from the motor vehicle. ~~((The person shall immediately surrender the decal to the director together with a notice of the transfer of interest in the vehicle. If another vehicle is acquired by, or for the primary use of, the disabled person, a new decal shall be issued by the director.))~~ If another vehicle is acquired by the disabled person and the vehicle owner qualifies for a special plate ((is used)), the plate shall be attached to the vehicle, and the director shall be immediately notified of the transfer of the plate. If another vehicle is not acquired by the disabled person, the removed plate shall be immediately ~~((forwarded))~~ surrendered to the director ~~((to be reissued later upon payment of the regular registration fee)).~~

(4) The special license plate shall be renewed in the same manner and at the time required for the renewal of regular motor vehicle license plates under this chapter. No special license plate may be issued to a person who is temporarily disabled. A person who ~~((is permanently disabled under this section shall be issued a permanent card. A person who is temporarily disabled under this section shall))~~ has a condition expected to improve within six months may be issued a temporary ((card which)) placard for a period not to exceed six months. The director may issue a second temporary placard during that period if requested by the person who is temporarily disabled. If the condition exists after six months a new temporary placard shall be issued upon receipt of a new certification from the disabled person's physician. The parking placard of a disabled person shall be renewed, when required by the director, by satisfactory proof of the right to continued use of the ((card)) privileges.

(5) Additional fees shall not be charged for the issuance of the special ~~((card and decal, and, at the time the vehicle is originally licensed in this state,))~~ placards. No additional fee may be charged for the issuance of the special license plates except the regular motor vehicle registration fee and

any other fees and taxes required to be paid upon ((initial)) registration of a motor vehicle.

(6) Any unauthorized use of the special ((~~card, the decal,~~) placard or the special license plate is a ((~~traffic infraction~~) misdemeanor.

(7) It is a traffic infraction, with a monetary penalty of not less than fifteen and not more than fifty dollars for any person to park a vehicle in a parking place provided on private property without charge or on public property reserved for physically disabled persons without a special license plate((~~, card, or decal~~) or placard. If a person is charged with a violation, the person shall not be determined to have committed an infraction if the person produces in court or before the court appearance the special license plate((~~, card, or decal~~) or placard required under this section ((~~or demonstrates that the person was entitled to the special license plate, card, or decal~~)).

(8) It is a misdemeanor for any person to willfully obtain a special ((~~decal,~~) license plate((~~, or card~~) or placard in a manner other than that established under this section.

Sec. 22. RCW 46.16.390 and 1984 c 51 s 1 are each amended to read as follows:

A special license plate((~~,~~) or card((~~, or decal~~)) issued by another state or country that indicates an occupant of the vehicle is disabled, entitles the vehicle on or in which it is displayed and being used to transport the disabled person to lawfully park in a parking place reserved for physically disabled persons pursuant to chapter 70.92 RCW or authority implemental thereof.

***Sec. 23. RCW 46.20.308 and 1989 c 337 s 8 are each amended to read as follows:**

(1) Any person who operates a motor vehicle within this state is deemed to have given consent, subject to the provisions of RCW 46.61.506, to a test or tests of his or her breath or blood for the purpose of determining the alcoholic content of his or her breath or blood if arrested for any offense where, at the time of the arrest, the arresting officer has reasonable grounds to believe the person had been driving or was in actual physical control of a motor vehicle while under the influence of intoxicating liquor.

(2) The test or tests of breath shall be administered at the direction of a law enforcement officer having reasonable grounds to believe the person to have been driving or in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor. However, in those instances where: (a) The person is incapable due to physical injury, physical incapacity, or other physical limitation, of providing a breath sample; or (b) as a result of a traffic accident the person is being treated for a medical condition in a hospital, clinic, doctor's office, or other similar facility in which a breath testing instrument is not present, a blood test shall be administered by a qualified person as provided in RCW 46.61.506(4). The officer

shall inform the person of his or her right to refuse the breath or blood test, and of his or her right to have additional tests administered by any qualified person of his or her choosing as provided in RCW 46.61.506. The officer shall warn the driver that (a) his or her privilege to drive will be revoked or denied if he or she refuses to submit to the test, and (b) that his or her refusal to take the test may be used in a criminal trial.

(3) Except as provided in this section, the test administered shall be of the breath only. If an individual is unconscious or is under arrest for the crime of vehicular homicide as provided in RCW 46.61.520 or vehicular assault as provided in RCW 46.61.522, or if an individual is under arrest for the crime of driving while under the influence of intoxicating liquor or drugs as provided in RCW 46.61.502, which arrest results from an accident in which another person has been injured and there is a reasonable likelihood that such other person may die as a result of injuries sustained in the accident, a breath or blood test may be administered without the consent of the individual so arrested.

(4) Any person who is dead, unconscious, or who is otherwise in a condition rendering him or her incapable of refusal, shall be deemed not to have withdrawn the consent provided by subsection (1) of this section and the test or tests may be administered, subject to the provisions of RCW 46.61.506, and the person shall be deemed to have received the warnings required under subsection (2) of this section.

(5) If, following his or her arrest and receipt of warnings under subsection (2) of this section, the person arrested refuses upon the request of a law enforcement officer to submit to a test or tests of his or her breath or blood, no test shall be given except as authorized under subsection (3) or (4) of this section.

(6) The department of licensing, upon the receipt of a sworn report of the law enforcement officer that the officer had reasonable grounds to believe the arrested person had been driving or was in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor and that the person had refused to submit to the test or tests upon the request of the law enforcement officer after being informed that refusal would result in the revocation of the person's privilege to drive, shall revoke the person's license or permit to drive or any nonresident operating privilege.

(7) Upon revoking the license or permit to drive or the nonresident operating privilege of any person, the department shall immediately notify the person involved in writing by personal service or by certified mail of its decision and the grounds therefor, and of the person's right to a hearing, specifying the steps he or she must take to obtain a hearing. Within fifteen days after the notice has been given, the person may, in writing, request a formal hearing. Upon receipt of such request, the department shall afford the person an opportunity for a hearing as provided in RCW 46.20.329 and 46.20.332. The hearing shall be conducted in the county of the arrest. For the

purposes of this section, the scope of such hearing shall cover the issues of whether a law enforcement officer had reasonable grounds to believe the person had been driving or was in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor, whether the person was placed under arrest, and whether the person refused to submit to the test or tests upon request of the officer after having been informed that such refusal would result in the revocation of the person's privilege to drive. The department shall order that the revocation either be rescinded or sustained. Any decision by the department revoking a person's driving privilege shall be stayed and shall not take effect while a formal hearing is pending as provided in this section or during the pendency of a subsequent appeal to superior court so long as there is no conviction for a moving violation or no finding that the person has committed a traffic infraction that is a moving violation during pendency of the hearing and appeal.

(8) If the revocation is sustained after such a hearing, the person whose license, privilege, or permit is revoked has the right to file a petition in the superior court of the county of arrest to review the final order of revocation by the department in the manner provided in RCW 46.20.334.

(9) The department shall rescind the revocation of a person's driving privilege under this section upon notification from the court of record that, for the incident upon which the department based its administrative action:

(a)(i) The officer's grounds for believing that the person had been driving or was in actual physical control of a motor vehicle while under the influence of intoxicating liquor were based solely on a nonalcohol or nondrug-related medical condition or (ii) the person's refusal or inability to submit to a breath test was based solely on a nonalcohol or nondrug-related medical condition; and

(b) The person has been found not guilty of driving or being in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor or any drug including any drug prescribed for the medical condition. Upon notification from the court of record of a not guilty finding, the department shall expunge the implied consent violation from the person's driving record.

(10) When it has been finally determined under the procedures of this section that a nonresident's privilege to operate a motor vehicle in this state has been revoked, the department shall give information in writing of the action taken to the motor vehicle administrator of the state of the person's residence and of any state in which he or she has a license.

*Sec. 23 was vetoed, see message at end of chapter.

Sec. 24. RCW 46.30.020 and 1989 c 353 s 2 are each amended to read as follows:

(1) No person may operate a motor vehicle subject to registration under chapter 46.16 RCW in this state unless the person is insured under a motor vehicle liability policy with liability limits of at least the amounts

provided in RCW 46.29.090, is self-insured as provided in RCW 46.29.630, is covered by a certificate of deposit in conformance with RCW 46.29.550, or is covered by a liability bond of at least the amounts provided in RCW 46.29.090.

(2) A violation of this section constitutes a traffic infraction punishable by a fine of two hundred and fifty dollars unless a court determines that in the interest of justice the fine should be reduced. In lieu of the fine, a court may permit the defendant to perform community service designated by the court.

(3) If a person cited for a violation of this section appears in person before the court and provides written evidence that at the time the person was cited, he or she was in compliance with this section, the citation shall be dismissed. In lieu of personal appearance, a person cited for a violation of this section may, before the date scheduled for the person's appearance before the court, submit by mail to the court written evidence that at the time the person was cited, he or she was in compliance with this section, in which case the citation shall be dismissed.

(4) The provisions of this chapter shall not govern:

(a) The operation of a motor vehicle registered under RCW ~~((46.16.310 or 46.16.315))~~ 46.16.305(1), governed by RCW 46.16.020, or registered with the Washington utilities and transportation commission as common or contract carriers; or

(b) The operation of a motorcycle as defined in RCW 46.04.330, a motor-driven cycle as defined in RCW 46.04.332, or a moped as defined in RCW 46.04.304.

(5) RCW 46.29.490 shall not be deemed to govern all motor vehicle liability policies required by this chapter but only those certified for the purposes stated in chapter 46.29 RCW.

Sec. 25. RCW 46.61.582 and 1984 c 154 s 5 are each amended to read as follows:

Any person who meets the criteria for special parking privileges under RCW 46.16.381 shall be allowed free of charge to park a vehicle being used to transport that person for unlimited periods of time in parking zones or areas including zones or areas with parking meters which are otherwise restricted as to the length of time parking is permitted. This section does not apply to those zones or areas in which the stopping, parking, or standing of all vehicles is prohibited or which are reserved for special types of vehicles. The person shall obtain and display a special ~~((card, decal))~~ placard or license plate under RCW 46.16.381 to be eligible for the privileges under this section.

Sec. 26. RCW 46.61.583 and 1984 c 51 s 2 are each amended to read as follows:

A special license plate~~((;))~~ or card~~((; or decal))~~ issued by another state or country that indicates an occupant of the vehicle is disabled, entitles the

vehicle on or in which it is displayed and being used to transport the disabled person to the same overtime parking privileges granted under this chapter to a vehicle with a similar special license plate(~~(;)~~) or card(~~(; or decal)~~) issued by this state.

Sec. 27. RCW 46.63.020 and 1990 c 250 s 59 and 1990 c 95 s 3 are each reenacted and amended to read as follows:

Failure to perform any act required or the performance of any act prohibited by this title or an equivalent administrative regulation or local law, ordinance, regulation, or resolution relating to traffic including parking, standing, stopping, and pedestrian offenses, is designated as a traffic infraction and may not be classified as a criminal offense, except for an offense contained in the following provisions of this title or a violation of an equivalent administrative regulation or local law, ordinance, regulation, or resolution:

- (1) RCW 46.09.120(2) relating to the operation of a nonhighway vehicle while under the influence of intoxicating liquor or a controlled substance;
- (2) RCW 46.09.130 relating to operation of nonhighway vehicles;
- (3) RCW 46.10.090(2) relating to the operation of a snowmobile while under the influence of intoxicating liquor or narcotics or habit-forming drugs or in a manner endangering the person of another;
- (4) RCW 46.10.130 relating to the operation of snowmobiles;
- (5) Chapter 46.12 RCW relating to certificates of ownership and registration;
- (6) RCW 46.16.010 relating to initial registration of motor vehicles;
- (7) RCW 46.16.011 relating to permitting unauthorized persons to drive;
- (8) RCW 46.16.160 relating to vehicle trip permits;
- (9) RCW 46.16.381(6) or (8) relating to unauthorized use or acquisition of a special (~~decal;~~) placard or license plate(~~(; or card)~~) for disabled persons' parking;
- (10) RCW 46.20.021 relating to driving without a valid driver's license;
- (11) RCW 46.20.336 relating to the unlawful possession and use of a driver's license;
- (12) RCW 46.20.342 relating to driving with a suspended or revoked license or status;
- (13) RCW 46.20.410 relating to the violation of restrictions of an occupational driver's license;
- (14) RCW 46.20.420 relating to the operation of a motor vehicle with a suspended or revoked license;
- (15) RCW 46.20.750 relating to assisting another person to start a vehicle equipped with an ignition interlock device;
- (16) RCW 46.25.170 relating to commercial driver's licenses;

- (17) Chapter 46.29 RCW relating to financial responsibility;
- (18) RCW 46.30.040 relating to providing false evidence of financial responsibility;
- (19) RCW 46.37.435 relating to wrongful installation of suncreening material;
- (20) RCW 46.44.180 relating to operation of mobile home pilot vehicles;
- (21) RCW 46.48.175 relating to the transportation of dangerous articles;
- (22) RCW 46.52.010 relating to duty on striking an unattended car or other property;
- (23) RCW 46.52.020 relating to duty in case of injury to or death of a person or damage to an attended vehicle;
- (24) RCW 46.52.090 relating to reports by repairmen, storagemen, and appraisers;
- (25) RCW 46.52.100 relating to driving under the influence of liquor or drugs;
- (26) RCW 46.52.130 relating to confidentiality of the driving record to be furnished to an insurance company, an employer, and an alcohol/drug assessment or treatment agency;
- (27) RCW 46.55.020 relating to engaging in the activities of a registered tow truck operator without a registration certificate;
- (28) RCW 46.55.035 relating to prohibited practices by tow truck operators;
- (29) RCW 46.61.015 relating to obedience to police officers, flagmen, or fire fighters;
- (30) RCW 46.61.020 relating to refusal to give information to or cooperate with an officer;
- (31) RCW 46.61.022 relating to failure to stop and give identification to an officer;
- (32) RCW 46.61.024 relating to attempting to elude pursuing police vehicles;
- (33) RCW 46.61.500 relating to reckless driving;
- (34) RCW 46.61.502 and 46.61.504 relating to persons under the influence of intoxicating liquor or drugs;
- (35) RCW 46.61.520 relating to vehicular homicide by motor vehicle;
- (36) RCW 46.61.522 relating to vehicular assault;
- (37) RCW 46.61.525 relating to negligent driving;
- (38) RCW 46.61.530 relating to racing of vehicles on highways;
- (39) RCW 46.61.685 relating to leaving children in an unattended vehicle with the motor running;
- (40) RCW 46.64.010 relating to unlawful cancellation of or attempt to cancel a traffic citation;

- (41) RCW 46.64.020 relating to nonappearance after a written promise;
- (42) RCW 46.64.048 relating to attempting, aiding, abetting, coercing, and committing crimes;
- (43) Chapter 46.65 RCW relating to habitual traffic offenders;
- (44) Chapter 46.70 RCW relating to unfair motor vehicle business practices, except where that chapter provides for the assessment of monetary penalties of a civil nature;
- (45) Chapter 46.72 RCW relating to the transportation of passengers in for hire vehicles;
- (46) Chapter 46.80 RCW relating to motor vehicle wreckers;
- (47) Chapter 46.82 RCW relating to driver's training schools;
- (48) RCW 46.87.260 relating to alteration or forgery of a cab card, letter of authority, or other temporary authority issued under chapter 46.87 RCW;
- (49) RCW 46.87.290 relating to operation of an unregistered or unlicensed vehicle under chapter 46.87 RCW.

Sec. 28. RCW 46.70.023 and 1989 c 301 s 2 are each amended to read as follows:

(1) An "established place of business" requires a permanent, enclosed commercial building located within the state of Washington easily accessible at all reasonable times. An established place of business shall have an improved display area of not less than three thousand square feet in or immediately adjoining the building, or a display area large enough to display six or more vehicles of the type the dealer is licensed to sell, whichever area is larger. The business of a vehicle dealer, including the display and repair of vehicles, may be lawfully carried on at an established place of business in accordance with the terms of all applicable building code, zoning, and other land-use regulatory ordinances. The dealer shall keep the building open to the public so that they may contact the vehicle dealer or the dealer's salespersons at all reasonable times. The books, records, and files necessary to conduct the business shall be kept and maintained at that place. The established place of business shall display an exterior sign with the ~~((business))~~ business name and nature of the business, such as auto sales, permanently affixed to the land or building, with letters clearly visible to the major avenue of traffic. In no event may a room or rooms in a hotel, rooming house, or apartment house building or part of a single or multiple-unit dwelling house be considered an "established place of business" unless the ground floor of such a dwelling is devoted principally to and occupied for commercial purposes and the dealer offices are located on the ground floor. A mobile office or mobile home may be used as an office if it is connected to utilities and is set up in accordance with state law. This subsection does not apply to auction companies that do not own vehicle inventory or sell vehicles from an auction yard.

(2) An auction company shall have office facilities within the state. The books, records, and files necessary to conduct the business shall be maintained at the office facilities. All storage facilities for inventory shall be listed with the department, and shall meet local zoning and land use ordinances. An auction company shall maintain a telecommunications system.

(3) Auction companies shall post their vehicle dealer license at each auction where vehicles are offered, and shall provide the department with the address of the auction at least three days before the auction.

(4) If a dealer maintains a place of business at more than one location or under more than one name in this state, he or she shall designate one location as the principal place of business of the firm, one name as the principal name of the firm, and all other locations or names as subagencies. A subagency license is required for each and every subagency: PROVIDED, That the department may grant an exception to the subagency requirement in the specific instance where a licensed (~~new motor vehicle~~) dealer is unable to locate their used vehicle sales facilities adjacent to or at the established place of business. This exception shall be granted and defined under the promulgation of rules consistent with the Administrative Procedure Act.

(5) All vehicle dealers shall maintain ownership or leasehold throughout the license year of the real property from which they do business. The dealer shall provide the department with evidence of ownership or leasehold whenever the ownership changes or the lease is terminated.

(6) A subagency shall comply with all requirements of an established place of business, except that auction companies shall comply with the requirements in subsection (2) of this section.

(7) A temporary subagency shall meet all local zoning and building codes for the type of merchandising being conducted. The dealer license certificate shall be posted at the location. No other requirements of an established place of business apply to a temporary subagency. Auction companies are not required to obtain a temporary subagency license.

(8) A wholesale vehicle dealer shall have office facilities in a commercial building within this state, and all storage facilities for inventory shall be listed with the department, and shall meet local zoning and land use ordinances. A wholesale vehicle dealer shall maintain a telecommunications system. An exterior sign visible from the nearest street shall identify the business name and the nature of business. A wholesale dealer need not maintain a display area as required in this section. When two or more vehicle dealer businesses share a location, all records, office facilities, and inventory, if any, must be physically segregated and clearly identified.

(9) A retail vehicle dealer shall be open during normal business hours, maintain office and display facilities in a commercially zoned location or in a location complying with all applicable building and land use ordinances, and maintain a business telephone listing in the local directory. When two

or more vehicle dealer businesses share a location, all records, office facilities, and inventory shall be physically segregated and clearly identified.

(10) A listing dealer need not have a display area if the dealer does not physically maintain any vehicles for display.

(11) A subagency license is not required for a mobile home dealer to display an on-site display model, a consigned mobile home not relocated from its site, or a repossessed mobile home if sales are handled from a principal place of business or subagency. A mobile home dealer shall identify on-site display models, repossessed mobile homes, and those consigned at their sites with a sign that includes the dealer's name and telephone number.

(12) Every vehicle dealer shall advise the department of the location of each and every place of business of the firm and the name or names under which the firm is doing business at such location or locations. If any name or location is changed, the dealer shall notify the department of such change within ten days. The license issued by the department shall reflect the name and location of the firm and shall be posted in a conspicuous place at that location by the dealer.

(13) A vehicle dealer's license shall upon the death or incapacity of an individual vehicle dealer authorize the personal representative of such dealer, subject to payment of license fees, to continue the business for a period of six months from the date of the death or incapacity.

Sec. 29. RCW 35.58.273 and 1990 c 42 s 316 are each amended to read as follows:

(1) Through June 30, 1992, any municipality within a class AA county, or within a class A county contiguous to a class AA county, or within a second class county contiguous to a class A county that is contiguous to a class AA county is authorized to levy and collect a special excise tax not exceeding .7824 percent and beginning July 1, 1992, .725 percent on the ~~((fair market))~~ value, as determined under chapter 82.44 RCW, of every motor vehicle owned by a resident of such municipality for the privilege of using such motor vehicle provided that in no event shall the tax be less than one dollar and, subject to RCW 82.44.150 ~~((5) and (6))~~ (3) and (4), the amount of such tax shall be credited against the amount of the excise tax levied by the state under RCW 82.44.020.

(2) Through June 30, 1992, any other municipality is authorized to levy and collect a special excise tax not exceeding .815 percent, and beginning July 1, 1992, .725 percent on the ~~((fair market))~~ value, as determined under chapter 82.44 RCW, of every motor vehicle owned by a resident of such municipality for the privilege of using such motor vehicle provided that in no event shall the tax be less than one dollar and, subject to RCW 82.44.150 (3) and (4), the amount of such tax shall be credited against the amount of the excise tax levied by the state under RCW 82.44.020. Before utilization of any excise tax moneys collected under authorization of this

section for acquisition of right of way or construction of a mass transit facility on a separate right of way the municipality shall adopt rules affording the public an opportunity for "corridor public hearings" and "design public hearings" as herein defined, which rule shall provide in detail the procedures necessary for public participation in the following instances: (a) prior to adoption of location and design plans having a substantial social, economic or environmental effect upon the locality upon which they are to be constructed or (b) on such mass rapid transit systems operating on a separate right of way whenever a substantial change is proposed relating to location or design in the adopted plan. In adopting rules the municipality shall adhere to the provisions of the Administrative Procedure Act.

(3) A "corridor public hearing" is a public hearing that: (a) is held before the municipality is committed to a specific mass transit route proposal, and before a route location is established; (b) is held to afford an opportunity for participation by those interested in the determination of the need for, and the location of, the mass rapid transit system; (c) provides a public forum that affords a full opportunity for presenting views on the mass rapid transit system route location, and the social, economic and environmental effects on that location and alternate locations: **PROVIDED**, That such hearing shall not be deemed to be necessary before adoption of an overall mass rapid transit system plan by a vote of the electorate of the municipality.

(4) A "design public hearing" is a public hearing that: (a) is held after the location is established but before the design is adopted; and (b) is held to afford an opportunity for participation by those interested in the determination of major design features of the mass rapid transit system; and (c) provides a public forum to afford a full opportunity for presenting views on the mass rapid transit system design, and the social, economic, environmental effects of that design and alternate designs.

Sec. 30. RCW 88.02.030 and 1989 c 393 s 13 and 1989 c 102 s 1 are each reenacted and amended to read as follows:

Vessel registration is required under this chapter except for the following:

(1) Military or public vessels of the United States, except recreational-type public vessels;

(2) Vessels owned by a state or subdivision thereof, used principally for governmental purposes and clearly identifiable as such;

(3) Vessels either (a) registered or numbered under the laws of a country other than the United States; or (b) having a valid United States customs service cruising license issued pursuant to 19 C.F.R. Sec. 4.94;

(4) Vessels (~~owned by a resident of another state if the vessel is registered in accordance with the laws of the state in which the owner resides, but only to the extent that a similar exemption or privilege is granted under the laws of that state for vessels registered in this state.~~ **PROVIDED**, That

~~any vessel which is validly registered in another state and which is physically located in this state for a period of more than sixty days is subject to registration under this chapter))~~ that have been issued a valid number under federal law or by an approved issuing authority of the state of principal operation. However, a vessel that is validly registered in another state but that is removed to this state for principal use is subject to registration under this chapter. The issuing authority for this state shall recognize the validity of the numbers previously issued for a period of sixty days after arrival in this state;

(5) Vessels owned by a resident of another state if the vessel is located upon the waters of this state exclusively for repairs or reconstruction, or any testing related to the repair or reconstruction conducted in this state if an employee of the repair facility is on board the vessel during any testing; PROVIDED, That any vessel owned by a resident of another state is located upon the waters of this state exclusively for repairs, reconstruction or testing for a period longer than sixty days, that the nonresident shall file an affidavit with the department of revenue verifying the vessel is located upon the waters of this state for repair, reconstruction or testing and shall continue to file such affidavit every sixty days thereafter, while the vessel is located upon the waters of this state exclusively for repairs, reconstruction or testing;

(6) Vessels equipped with propulsion machinery of less than ten horsepower that:

(a) Are owned by the owner of a vessel for which a valid vessel number has been issued;

(b) Display the number of that numbered vessel followed by the suffix "1" in the manner prescribed by the department; and

(c) Are used as a tender for direct transportation between that vessel and the shore and for no other purpose;

(7) Vessels under sixteen feet in overall length which have no propulsion machinery of any type or which are not used on waters subject to the jurisdiction of the United States or on the high seas beyond the territorial seas for vessels owned in the United States and are powered by propulsion machinery of ten or less horsepower;

(8) Vessels with no propulsion machinery of any type for which the primary mode of propulsion is human power;

(9) Vessels which are temporarily in this state undergoing repair or alteration;

(10) Vessels primarily engaged in commerce which have or are required to have a valid marine document as a vessel of the United States. Commercial vessels which the department of revenue determines have the external appearance of vessels which would otherwise be required to register under this chapter, must display decals issued annually by the department of revenue that indicate the vessel's exempt status; and

(11) Vessels primarily engaged in commerce which are owned by a resident of a country other than the United States.

Sec. 31. RCW 88.02.070 and 1985 c 258 s 4 are each amended to read as follows:

(1) The department shall provide for the issuance of vessel certificates of title. Applications for certificates may be made through the agents appointed under RCW 88.02.040. The fee for a vessel certificate of title is five dollars. Fees for vessel certificates of title shall be deposited in the general fund. Security interests in vessels subject to the requirements of this chapter and attaching after July 1, 1983, shall be perfected only by indication upon the vessel's title certificate. The provisions of chapters 46.12 and 46.16 RCW relating to motor vehicle certificates of registration, titles, certificate issuance, ownership transfer, and perfection of security interests, and other provisions which may be applied to vessels subject to this chapter, may be so applied by rule of the department if they are not inconsistent with this chapter.

(2) Whenever a vessel is to be registered for the first time as required by this chapter, except for a vessel having a valid marine document as a vessel of the United States, application shall be made at the same time for a certificate of title. Any person who purchases or otherwise obtains majority ownership of any vessel subject to the provisions of this chapter, except for a vessel having a valid marine document as a vessel of the United States, shall within fifteen days thereof apply for a new certificate of title which shows the vessel's change of ownership.

(3) Security interests may be released or acted upon as provided by the law under which they arose or were perfected. No new security interest or renewal or extension of an existing security interest is affected except as provided under the terms of this chapter and RCW 46.12.095.

(4) Notice shall be given to the issuing authority by the owner indicated on the certificate of registration within fifteen days of the occurrence of any of the following: (~~Transfer of any part or all of the ownership of a vessel registered under this chapter;~~) Any change of address of owner; destruction, loss, abandonment, theft, or recovery of the vessel; or loss or destruction of a valid certificate of registration on the vessel.

(5) Within five days, excluding Saturdays, Sundays, and state and federal holidays, the owner shall notify the department in writing, on the appropriate form, of the date of the sale or transfer, the name and address of the owner and of the transferee, and such description of the vessel, including the hull identification number, the vessel decal number, or both, as may be required by the department.

NEW SECTION. Sec. 32. A new section is added to chapter 88.02 RCW to read as follows:

(1) The department may issue confidential vessel registration for law enforcement purposes only to units of local government and to agencies of the federal government.

(2) The department shall limit confidential vessel registrations owned or operated by the state of Washington or by any officer or employee thereof, to confidential, investigative, or undercover work of state law enforcement agencies.

(3) The director may adopt rules governing applications for and the use of confidential vessel registrations by law enforcement and other public agencies.

Sec. 33. RCW 88.02.220 and 1987 c 149 s 11 are each amended to read as follows:

A vessel dealer who receives cash or a negotiable instrument (~~((from a purchaser before delivery of the vessel))~~) of deposit in excess of one thousand dollars, or a deposit of any amount that will be held for more than fourteen calendar days, shall place the funds in a separate trust account.

(1) The cash or negotiable instrument must be set aside immediately upon receipt for the trust account, or endorsed to such a trust account immediately upon receipt.

(2) The cash or negotiable instrument must be deposited in the trust account by the close of banking hours on the day following the receipt.

(3) After delivery of the purchaser's vessel the vessel dealer shall remove the deposited funds from the trust account.

(4) The dealer shall not commingle the purchaser's funds with any other funds at any time.

(5) The funds shall remain in the trust account until the delivery of the purchased vessel. However, (~~for the purpose of manufacturing a vessel that does not already exist, and~~) upon written agreement from the purchaser, the vessel dealer may remove and release trust funds before delivery.

NEW SECTION. Sec. 34. Sections 16 and 17 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1991.

Passed the House April 27, 1991.

Passed the Senate April 27, 1991.

Approved by the Governor May 21, 1991, with the exception of certain items which were vetoed.

Filed in Office of Secretary of State May 21, 1991.

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

"I am returning herewith, without my approval as to sections 17 and 23, Substitute House Bill No. 1704 entitled:

"AN ACT Relating to motor vehicle special fuel taxes."

Section 17 of this bill proposes a new study of the costs and revenues related to vehicle licensing agents and subagents and the benefits provided to the public. A

similar study has already been released by the Department of Licensing, entitled Taking The Title and Registration Process To The Customer, dated January, 1991. Additionally, the Legislative Transportation Committee intends to discuss policy questions relevant to this area. Thus, the proposed study under section 17 is redundant.

Section 23 relates to the state's implied consent law. Currently, if a suspected drunk driver is asked to take a blood or breath test and refuses, the person's driving privilege is revoked. This section would rescind that revocation if the basis for the suspicion is a nonalcohol or nondrug-related medical condition and the person is subsequently found not guilty of the offense.

I vetoed a similar provision last session. As I said in my veto message last year, the implied consent law "is the state's most effective tool to combat drunken driving." My belief has not changed. Section 23 erodes the implied consent law and is, therefore, unacceptable. Adequate safeguards exist under current law to protect drivers who experience difficulties because of medical conditions.

For the reasons stated, I have vetoed sections 17 and 23 of Substitute House Bill No. 1704.

With the exception of sections 17 and 23, Substitute House Bill No. 1704 is approved."

CHAPTER 340

[Substitute Senate Bill 5916]

SOCIAL AND HEALTH SERVICES DEPARTMENT—GRIEVANCE PROCEDURES

Effective Date: 5/21/91

AN ACT Relating to the department of social and health services; amending RCW 13.34.110 and 74.13.280; adding a new section to chapter 74.13 RCW; creating a new section; and declaring an emergency.

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

NEW SECTION. Sec. 1. It is the intent of the legislature to provide timely, thorough, and fair procedures for resolution of grievances of clients, foster parents, and the community resulting from decisions made by the department of social and health services related to programs administered pursuant to this chapter. Grievances should be resolved at the lowest level possible. However, all levels of the department should be accountable and responsible to individuals who are experiencing difficulties with agency services or decisions. It is the intent of the legislature that grievance procedures be made available to individuals who do not have other remedies available through judicial review or adjudicative proceedings.

NEW SECTION. Sec. 2. A new section is added to chapter 74.13 RCW to read as follows:

The department shall develop and implement an informal, nonadversarial complaint resolution process to be used by clients of the department, foster parents, and other affected individuals who have complaints regarding a department policy or procedure, or the application of such a policy or procedure, related to programs administered under this chapter. The process shall not apply in circumstances where the complainant has the right under

Title 13, 26, or 74 RCW to seek resolution of the complaint through judicial review or through an adjudicative proceeding.

Nothing in this section shall be construed to create substantive or procedural rights in any person. Participation in the complaint resolution process shall not entitle any person to an adjudicative proceeding under chapter 34.05 RCW or to superior court review. Participation in the process shall not affect the right of any person to seek other statutorily or constitutionally permitted remedies.

The department shall develop procedures to assure that clients and foster parents are informed of the availability of the complaint resolution process and how to access it. The department shall incorporate information regarding the complaint resolution process into the training for foster parents and caseworkers.

The department shall compile complaint resolution data including the nature of the complaint and the outcome of the process. The department shall submit semi-annual reports, due January and July of each year, beginning July 1992, to the senate children and family services committee and the house of representatives human services committee.

Sec. 3. RCW 13.34.110 and 1983 c 311 s 4 are each amended to read as follows:

The court shall hold a fact-finding hearing on the petition and, unless the court dismisses the petition, shall make written findings of fact, stating the reasons therefor, and after it has announced its findings of fact shall hold a hearing to consider disposition of the case immediately following the fact-finding hearing or at a continued hearing within fourteen days or longer for good cause shown. The parties need not appear at the fact-finding or dispositional hearing if all are in agreement; but the court shall receive and review a social study before entering an order based on agreement. No social file or social study may be considered by the court in connection with the fact-finding hearing or prior to factual determination, except as otherwise admissible under the rules of evidence. Notice of the time and place of the continued hearing may be given in open court. If notice in open court is not given to a party, that party shall be notified by mail of the time and place of any continued hearing.

All hearings may be conducted at any time or place within the limits of the county, and such cases may not be heard in conjunction with other business of any other division of the superior court. The general public shall be excluded, and only such persons may be admitted who are found by the judge to have a direct interest in the case or in the work of the court. If a child resides in foster care or in the home of a relative pursuant to a disposition order entered under RCW 13.34.130, the court may allow the child's foster parent or relative care provider to attend dependency review proceedings pertaining to the child for the sole purpose of providing information about the child to the court.

Stenographic notes or any device which accurately records the proceedings may be required as provided in other civil cases pursuant to RCW 2.32.200.

Sec. 4. RCW 74.13.280 and 1990 c 284 s 10 are each amended to read as follows:

(1) Except as provided in RCW 70.24.105, whenever a child is placed in out-of-home care by the department or a child-placing agency, the department or agency may share information about the child and the child's family with the care provider and may consult with the care provider regarding the child's case plan. If the child is dependent pursuant to a proceeding under chapter 13.34 RCW, the department or agency shall keep the care provider informed regarding the dates and location of dependency review hearings pertaining to the child.

(2) Any person who receives information about a child or a child's family pursuant to this section shall keep the information confidential and shall not further disclose or disseminate the information except as authorized by law.

(3) Nothing in this section shall be construed to limit the authority of the department or child-placing agencies to disclose client information or to maintain client confidentiality as provided by law.

NEW SECTION. Sec. 5. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate April 25, 1991.

Passed the House April 19, 1991.

Approved by the Governor May 21, 1991.

Filed in Office of Secretary of State May 21, 1991.

CHAPTER 341

[Engrossed Substitute House Bill 1426]

CENTER FOR SUSTAINING AGRICULTURE AND NATURAL RESOURCES

Effective Date: 7/28/91

AN ACT Relating to research and extension programs of Washington State University; adding new sections to chapter 15.58 RCW; adding a new chapter to Title 15 RCW; creating new sections; and providing an expiration date.

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

NEW SECTION. Sec. 1. The legislature finds that public concerns are increasing about the need for significant efforts to develop sustainable systems in agriculture. The sustainable systems would address many anxieties, including the erosion of agricultural lands, the protection and wise utilization of natural resources, and the safety of food production. Consumers

have demonstrated their apprehension in the marketplace by refusing to purchase products whose safety is suspect and consumer confidence is essential for a viable agriculture in Washington. Examples of surface and ground water contamination by pesticides and chemical fertilizers raise concerns about deterioration of environmental quality. Reducing soil erosion would maintain water quality and protect the long-term viability of the soil for agricultural productivity. Both farmers and farm labor are apprehensive about the effects of pesticides on their health and personal safety. Development of sustainable farming systems would strengthen the economic viability of Washington's agricultural production industry.

Public anxieties over the use of chemicals in agriculture have resulted in congress amending the federal insecticide, fungicide and rodenticide act which requires all pesticides and their uses registered before November 1984 to be reregistered, complying with present standards, by the end of 1997. The legislature finds that the pesticide reregistration process and approval requirements could reduce the availability of chemical pesticides for use on minor crops in Washington and may jeopardize the farmers' ability to grow these crops in Washington.

The legislature recognizes that Washington State University supports research and extension programs that can lead to reductions in pesticide use where viable alternatives are both environmentally and economically sound. Yet, the legislature finds that a focused and coordinated program is needed to develop possible alternatives, increase public confidence in the safety of the food system, and educate farmers and natural resource managers on land stewardship.

The legislature further finds that growers, processors, and agribusiness depend upon pesticide laboratories associated with manufacturers, regional universities, state departments of agriculture, and the United States department of agriculture to provide residue data for registering essential pesticides. The registration of uses for minor crops, which include vegetables, fruits, nuts, berries, nursery and greenhouse crops, and reregistration of needed chemicals, are activities of particular concern to ensure crop production. Furthermore, public demands for improved information and education on pesticides and risk assessment efforts justify these efforts.

The legislature further finds that multiple alternatives are needed for pest control, including programs for integrated pest management, genetic resistance to pests, biological control, cultural practices, and the use of appropriate approved chemicals.

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

(1) "Center" means the center for sustaining agriculture and natural resources established at Washington State University.

(2) "Laboratory" means the food and environmental quality laboratory established at Washington State University at Tri-Cities.

(3) "Integrated pest management" is a strategy that uses various combinations of pest control methods, biological, cultural, and chemical, in a compatible manner to achieve satisfactory control and ensure favorable economic and environmental consequences.

(4) "IR-4 program" means interregional research project number four, clearances of chemicals and biologics for minor or special uses, established in 1963 by the cooperative state research service of the United States department of agriculture, the coordinated national program involving land-grant universities and the United States department of agriculture to provide data required for the registration of pesticides needed for the production of minor crops.

(5) "Natural resources" means soil, water, air, forests, wetlands, wildlands, and wildlife.

(6) "Pesticide" means chemical or biologic used to control pests such as insect, rodent, nematode, snail, slug, weed, virus, or any organism the director of agriculture may declare to be a pest.

(7) "Registration" means use of a pesticide approved by the state department of agriculture.

(8) "Sustainable agriculture" means a systems approach to farming, ranching, and natural resource production that builds on and supports the physical, biological, and ecological resource base upon which agriculture depends. The goals of sustainable agriculture are to provide human food and fiber needs in an economically viable manner for the agriculture industry and in a manner which protects the environment and contributes to the overall safety and quality of life.

NEW SECTION. Sec. 3. A center for sustaining agriculture and natural resources is established at Washington State University. The center shall provide state-wide leadership in research, extension, and resident instruction programs to sustain agriculture and natural resources.

NEW SECTION. Sec. 4. The center is to work cooperatively with the University of Washington to maximize the use of financial resources in addressing forestry issues. The center's primary activities include but are not limited to:

(1) Research programs which focus on developing possible alternative production and marketing systems through:

- (a) Integrated pest management;
- (b) Biological pest control;
- (c) Plant and animal breeding;
- (d) Conservation strategies; and
- (e) Understanding the ecological basis of nutrient management;

(2) Extension programs which focus on:

(a) On-farm demonstrations and evaluation of alternative production practices;

(b) Information dissemination, and education concerning sustainable agriculture and natural resource systems; and

(c) Communication and training on sustainable agriculture strategies for consumers, producers, and farm and conservation-related organizations;

(3) On-farm testing and research to calculate and demonstrate costs and benefits, including economic and environmental benefits and trade-offs, inherent in farming systems and technologies;

(4) Crop rotation and other natural resource processes such as pest-predator interaction to mitigate weed, disease, and insect problems, thereby reducing soil erosion and environmental impacts;

(5) Management systems to improve nutrient uptake, health, and resistance to diseases and pests by incorporating the genetic and biological potential of plants and animals into production practices;

(6) Soil management, including conservation tillage and other practices to minimize soil loss and maintain soil productivity; and

(7) Animal production systems emphasizing preventive disease practices and mitigation of environmental pollution.

NEW SECTION. Sec. 5. The center is managed by an administrator. The administrator shall hold a joint appointment as an assistant director in the Washington State University agricultural research center and cooperative extension.

(1) A committee shall advise the administrator. The dean of the Washington State University college of agriculture and home economics shall make appointments to the advisory committee so the committee is representative of affected groups, such as the Washington department of social and health services, the Washington department of ecology, the Washington department of agriculture, the chemical and fertilizer industry, food processors, marketing groups, consumer groups, environmental groups, farm labor, and natural resource and agricultural organizations.

(2) Each appointed member shall serve a term of three years, and one-third are appointed every year. The entire committee is appointed the first year: One-third for a term of one year, one-third for a term of two years, and one-third for a term of three years. A member shall continue to serve until a successor is appointed. Vacancies are filled by appointment for the unexpired term. The members of the advisory committee shall serve without compensation but shall be reimbursed for travel expenses incurred while engaged in the business of the committee as provided in RCW 43.03.050 and 43.03.060.

(3) It is the responsibility of the administrator, in consultation with the advisory committee, to:

(a) Recommend research and extension priorities for the center;

(b) Conduct a competitive grants process to solicit, review, and prioritize research and extension proposals; and

(c) Advise Washington State University on the progress of the development and implementation of research, teaching, and extension programs that sustain agriculture and natural resources of Washington.

NEW SECTION. Sec. 6. A food and environmental quality laboratory operated by Washington State University is established in the Tri-Cities area to conduct pesticide residue studies concerning fresh and processed foods, in the environment, and for human and animal safety. The laboratory shall cooperate with public and private laboratories in Washington, Idaho, and Oregon.

NEW SECTION. Sec. 7. The responsibilities of the laboratory shall include:

- (1) Evaluating regional requirements for minor crop registration through the federal IR-4 program;
- (2) Conducting studies on the fate of pesticides on crops and in the environment, including soil, air, and water;
- (3) Improving pesticide information and education programs; and
- (4) Assisting federal and state agencies with questions regarding registration of pesticides which are deemed critical to crop production, consistent with priorities established in section 8 of this act; and
- (5) Assisting in the registration of biopesticides, pheromones, and other alternative chemical and biological methods.

NEW SECTION. Sec. 8. The laboratory is advised by a board appointed by the dean of the Washington State University college of agriculture and home economics. The dean shall cooperate with appropriate officials in Washington, Idaho, and Oregon in selecting board members.

(1) The board shall consist of one representative from each of the following interests: A human toxicologist or a health professional knowledgeable in worker exposure to pesticides, the Washington State University vice-provost for research or research administrator, representatives from the state department of agriculture, the department of ecology, the department of health, the department of labor and industry, privately owned Washington pesticide analytical laboratories, federal regional pesticide laboratories, an Idaho and Oregon laboratory, whether state, university, or private, a chemical and fertilizer industry representative, farm organizations, food processors, marketers, farm labor, environmental organizations, and consumers. Each board member shall serve a three-year term. The members of the board shall serve without compensation but shall be reimbursed for travel expenses incurred while engaged in the business of the board as provided in RCW 43.03.050 and 43.03.060.

(2) The board is in liaison with the pesticide advisory board and the pesticide incident reporting and tracking panel and shall review the chemicals investigated by the laboratory according to the following criteria:

(a) Chemical uses for which a data base exists on environmental fate and acute toxicology, and that appear safer environmentally than pesticides available on the market;

(b) Chemical uses not currently under evaluation by public laboratories in Idaho or Oregon for use on Washington crops;

(c) Chemicals that have lost or may lose their registration and that no reasonably viable alternatives for Washington crops are known; and

(d) Other chemicals vital to Washington agriculture.

(3) The laboratory shall conduct research activities using approved good laboratory practices, namely procedures and recordkeeping required of the national IR-4 minor use pesticide registration program.

(4) The laboratory shall coordinate activities with the national IR-4 program.

NEW SECTION. Sec. 9. The center for sustaining agriculture and natural resources at Washington State University shall prepare and present an annual report to the appropriate legislative committees. The report shall include the center's priorities to find alternatives to the use of agricultural chemicals that pose human and environmental risks. The first report, due no later than November 1, 1992, shall use federal criteria of acceptable risk of human and environmental exposure for establishing such priorities and for conducting responsive research and education programs. For each subsequent year, the report shall detail the center's progress toward meeting the goals identified in the center's plan.

NEW SECTION. Sec. 10. If specific funding for the purposes of sections 6 through 8 of this act, referencing sections 6 through 8 of this act by bill number, is not provided by June 30, 1991, in the omnibus appropriations act, sections 6 through 8 of this act shall be null and void.

NEW SECTION. Sec. 11. Sections 1 through 9 of this act shall constitute a new chapter in Title 15 RCW.

NEW SECTION. Sec. 12. A new section is added to chapter 15.58 RCW to read as follows:

The legislature finds that agriculture is the largest industry in the state of Washington largely due to the tremendous diversity of agricultural crops produced in the state. The tremendous public benefit from this diversity takes many forms, including greater selection and quality of foods for consumers. This crop diversity is heavily reliant on the ability of producers to effectively control pests. While new technologies are being developed to aid in pest control, their effectiveness has yet to be proven, and immediate needs can only be met through the use of plant protection products.

The legislature further finds that in order to preserve the agricultural diversity of the state and the availability of abundant, high quality food for consumers, it is vital that the registration and production of plant protection products for minor uses be maintained. The high cost of developing the

necessary scientific information to support registration for these products for minor uses has caused many manufacturers to discontinue their involvement in these product development areas. As a result, growers who depend on the products for minor uses must now attempt to produce the necessary scientific information for product registration through other means to maintain an adequate array of products to produce the high quality crops demanded by processors and the consuming public. The registration procedure is so complex that it is beyond the ability of most small grower organizations to complete without technical assistance.

The purpose of this chapter is to enable the various agencies involved in pesticide registration to coordinate their activities to ensure the continued availability of plant protection products for minor uses. This coordination will promote the public welfare of the state of Washington by assuring the viability of farm operations, preventing the erosion of the tax base in rural areas, and enhancing the financial stability of the agricultural industry.

NEW SECTION. Sec. 13. A new section is added to chapter 15.58 RCW to read as follows:

(1) The minor uses advisory committee is created in the department. The committee shall consist of the coordinator of the interregional project number 4 program at Washington State University, who shall be a permanent member, and six members appointed by the director.

(2) The director shall make appointments to the advisory committee so that the committee is representative of affected segments of agriculture.

(3) Each appointed member shall serve a term of three years, and one-third shall be appointed every year. The entire committee shall be appointed the first year: One-third for a term of one year, one-third for a term of two years, and one-third for a term of three years. A member shall continue to serve until a successor is appointed. Vacancies shall be filled by appointment for the unexpired term.

(4) The committee shall meet at the call of the chairperson or the director. A majority of the members present at any meeting shall constitute a quorum, and a majority vote of the quorum at any meeting shall constitute an official act of the committee. At the first meeting of each calendar year, the committee shall select a chairperson.

(5) The dean of the college of agriculture of Washington State University and the director, or their representatives, shall be ex officio members without the right to vote.

(6) No person appointed to the minor uses advisory committee shall receive a salary or other compensation as a member of the committee. Each member shall receive travel expenses in accordance with RCW 43.03.050 and 43.03.060 for each day spent in actual attendance at or traveling to and from meetings of the committee or special assignments for the committee.

(7) The committee shall:

(a) Advise the department in the administration of this chapter as it relates to minor use registrations;

(b) Advise the department on ways to track the availability of effective pest control methods for minor crops or for any crops suffering unique conditions that require the minor use of plant protection products, and provide information to grower organizations;

(c) Cooperate with the United States department of agriculture's interregional project number 4 and the United States environmental protection agency in obtaining federal registrations of plant protection products for minor uses; and

(d) Maintain close contact between the department and agricultural producers regarding the need for research to support registration of plant protection products for minor uses.

NEW SECTION. Sec. 14. A new section is added to chapter 15.58 RCW to read as follows:

The department shall develop a program to provide assistance and information on the registration and reregistration process for pesticides under the federal insecticide, fungicide and rodenticide act and the 1988 amendments to the act to interested grower organizations. The department, in consultation with the minor uses advisory committee established under section 16 of this act, shall:

(1) Track the availability of effective pest control methods for the various minor crops produced in this state in addition to any crops suffering unique conditions that require the minor use of plant protection products;

(2) Provide information to grower organizations in the form of seminars or informational meetings and brochures. The information supplied shall include:

(a) The environmental protection agency's registration and reregistration processes; and

(b) Field and laboratory testing programs and procedures; and

(3) Provide technical and financial assistance to minor use research efforts at Washington State University.

NEW SECTION. Sec. 15. Sections 12 through 14 of this act shall cease to exist April 1, 1995, unless extended by law for an additional fixed period of time.

NEW SECTION. Sec. 16. If specific funding for the purposes of sections 12 through 14 of this act, referencing sections 12 through 14 of this act by bill number, is not provided by June 30, 1991, in the omnibus appropriations act, sections 12 through 14 of this act shall be null and void.

Passed the House March 19, 1991.

Passed the Senate April 9, 1991.

Approved by the Governor May 21, 1991.

Filed in Office of Secretary of State May 21, 1991.

CHAPTER 342

[Engrossed Senate Bill 5801]

STATE HIGHWAY ROUTES—REVISIONS TO

Effective Date: 4/1/92 – Except Sections 62 & 63 which become effective on 6/1/91.

AN ACT Relating to state highway routes; amending RCW 47.17.115, 47.17.170, 47.17.225, 47.17.255, 47.17.305, 47.17.330, 47.17.370, 47.17.375, 47.17.410, 47.17.460, 47.17.517, 47.17.550, 47.17.615, 47.17.625, 47.17.630, 47.17.650, 47.17.660, 47.17.680, 47.17.695, 47.17.730, 47.17.752, 47.17.755, 47.17.824, 47.17.825, 47.17.830, 47.17.835, 47.17.855, 47.24.020, 47.39.020, 46.68.090, 82.36.025, 46.68.110, and 46.68.120; adding new sections to chapter 47.17 RCW; adding new sections to chapter 47.26 RCW; creating new sections; repealing RCW 47.17.245, 47.17.270, 47.17.415, 47.17.420, 47.17.450, 47.17.453, 47.17.555, 47.17.590, 47.17.600, 47.17.620, 47.17.700, and 47.17.810; making appropriations; providing effective dates; and declaring an emergency.

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

NEW SECTION. Sec. 1. A state highway to be known as state route number 19 is established as follows:

Beginning at a junction with state route number 104, thence northerly to a junction with state route number 20 near Old Fort Townsend state park.

Sec. 2. RCW 47.17.115 and 1979 ex.s. c 195 s 1 are each amended to read as follows:

A state highway to be known as state route number 27 is established as follows:

Beginning at a junction with state route number 195 in the vicinity of Pullman, thence northerly to a junction with state route number 271 in the vicinity of Oakesdale; also

From a junction with state route number 271 at Oakesdale, thence ((in a)) northerly ((direction)) by way of Tekoa, Latah, Fairfield, and Rockford to a junction with state route number ((90)) 290 in the vicinity of ((Opportunity)) Millwood.

NEW SECTION. Sec. 3. A state highway to be known as state route number 96 is established as follows:

Beginning at a junction with state route number 5 in the vicinity south of Everett, thence easterly to a junction with state route number 9 in the vicinity of Ree's Corner.

NEW SECTION. Sec. 4. A state highway to be known as state route number 100 is established as follows:

Beginning at a junction with state route number 101 in Ilwaco, thence westerly and southerly to Fort Canby state park; also

Beginning at a junction with state route number 100 in Ilwaco, thence southerly to Fort Canby state park.

Sec. 5. RCW 47.17.170 and 1970 ex.s. c 51 s 35 are each amended to read as follows:

A state highway to be known as state route number 103 is established as follows:

Beginning at a junction with state route number 101 at Seaview, thence northerly by ~~((the most feasible route by))~~ way of Long Beach to ~~((Ocean Park))~~ Leadbetter Point state park.

NEW SECTION. Sec. 6. A state highway to be known as state route number 110 is established as follows:

Beginning at a junction with state route number 101 in the vicinity north of Forks, thence westerly to the Olympic national park boundary in the vicinity of La Push; also

Beginning at a junction with state route number 110 near the Quillayute river, thence westerly to the Olympic national park boundary in the vicinity of Moro.

NEW SECTION. Sec. 7. A state highway to be known as state route number 113 is established as follows:

Beginning at a junction with state route number 101 in the vicinity of Sappho, thence northerly to a junction with state route number 112 in the vicinity of the Pysht River.

NEW SECTION. Sec. 8. A state highway to be known as state route number 116 is established as follows:

Beginning at a junction with state route number 19 in the vicinity of Irondale, thence easterly and northerly to Fort Flagler state park.

NEW SECTION. Sec. 9. A state highway to be known as state route number 117 is established as follows:

Beginning at a junction with state route number 101 in Port Angeles, thence northerly to the port of Port Angeles at Marine Drive.

NEW SECTION. Sec. 10. A state highway to be known as state route number 119 is established as follows:

Beginning at a junction with state route number 101 near Hoodsport, thence northwesterly to the Mount Rose development intersection.

Sec. 11. RCW 47.17.225 and 1970 ex.s. c 51 s 46 are each amended to read as follows:

A state highway to be known as state route number 121 is established as follows:

Beginning at a junction with state route number ~~((12))~~ 5 in the vicinity of ~~((Rochester))~~ Maytown, thence easterly ~~((and northeasterly))~~, northerly, and westerly by way of Millersylvania state park to a junction with state route number 5 ~~((in the vicinity of Maytown))~~ south of Tumwater.

NEW SECTION. Sec. 12. A state highway to be known as state route number 122 is established as follows:

Beginning at a junction with state route number 12 near Mayfield dam, thence northeasterly and southerly by way of Mayfield to a junction with state route number 12 in Mossyrock.

Sec. 13. RCW 47.17.255 and 1990 c 108 s 1 are each amended to read as follows:

A state highway to be known as state route number 128 is established as follows:

Beginning at a junction with state route number 12 (~~at Pomeroy, thence southeasterly to Peola~~) in Clarkston, thence northeasterly and easterly by way of the Red Wolf crossing to the Idaho state line.

NEW SECTION. Sec. 14. A state highway to be known as state route number 131 is established as follows:

Beginning at the Gifford Pinchot national forest boundary south of Randle, thence northerly to a junction with state route number 12 in Randle.

Sec. 15. RCW 47.17.305 and 1970 ex.s. c 51 s 62 are each amended to read as follows:

A state highway to be known as state route number 160 is established as follows:

Beginning at a junction with state route number 16 (~~in the vicinity west of~~) near Port Orchard, thence (~~northeasterly by way of Port Orchard~~) easterly to ((Harper and)) the Washington state ferry dock at Point Southworth.

NEW SECTION. Sec. 16. A state highway to be known as state route number 163 is established as follows:

Beginning at a junction with state route number 16 in Tacoma, thence northerly to the Point Defiance ferry terminal.

Sec. 17. RCW 47.17.330 and 1979 ex.s. c 33 s 8 are each amended to read as follows:

A state highway to be known as state route number 167 is established as follows:

Beginning at a junction with state route number 5 in the vicinity of Tacoma, thence easterly by way of the vicinity of Puyallup and Sumner, thence northerly by way of the vicinity of Auburn(;) and Kent(, Renton, and Bryn Mawr) to a junction with state route number 900 (~~at Seattle~~) in the vicinity of Renton.

Sec. 18. RCW 47.17.370 and 1979 ex.s. c 192 s 4 are each amended to read as follows:

A state highway to be known as state route number 181 is established as follows:

Beginning at a junction with state route number (~~18~~) 516 in the vicinity (~~west of Auburn~~) of Kent, thence northerly to a junction with state route number 405 in the vicinity of Tukwila.

Sec. 19. RCW 47.17.375 and 1990 c 108 s 2 are each amended to read as follows:

A state highway to be known as state route number 193 is established as follows:

Beginning at a junction with state route number 128 in the vicinity of the Red Wolf crossing, thence westerly ~~((and northerly by way of Steptoe canyon to a junction of state route number 195 in the vicinity of Colton. Until such time as state route number 193 between Colton and Clarkston is actually constructed on the location adopted by the department, no existing county roads may be maintained or improved by the department as a temporary route of state route number 193))~~ to the port of Wilma.

NEW SECTION. Sec. 20. A state highway to be known as state route number 194 is established as follows:

Beginning at the port of Almota, thence northerly and easterly to a junction with state route number 195 in the vicinity of Pullman.

Sec. 21. RCW 47.17.410 and 1970 ex.s. c 51 s 83 are each amended to read as follows:

A state highway to be known as state route number 207 is established as follows:

Beginning at a junction with state route number 2 in the vicinity north of Winton, thence northerly to ~~((a junction with state route number 209 at Lake Wenatchee; also~~

~~From that junction with state route number 209 at Lake Wenatchee, thence northwesterly by the most feasible route on the north side of))~~ Lake Wenatchee ~~((to Telma))~~ state park.

NEW SECTION. Sec. 22. A state highway to be known as state route number 225 is established as follows:

Beginning at a junction with state route number 224 in Kiona, thence northeasterly by way of Benton City to a junction with state route number 240 near Horn Rapids dam.

Sec. 23. RCW 47.17.460 and 1987 c 199 s 20 are each amended to read as follows:

A state highway to be known as state route number 241 is established as follows:

Beginning at a junction with state route number ~~((82 east of))~~ 22 in Mabton, thence northerly and northeasterly by way of Sunnyside~~((; thence northeasterly))~~ to a junction with state route number 24.

NEW SECTION. Sec. 24. A state highway to be known as state route number 262 is established as follows:

Beginning at a junction with state route number 26 east of Royal City, thence northerly and easterly to a junction with state route number 17 west of Warden.

NEW SECTION. Sec. 25. A state highway to be known as state route number 263 is established as follows:

Beginning at the port of Windust, thence easterly and northerly to a junction with state route number 260 in Kahlotus.

NEW SECTION. Sec. 26. A state highway to be known as state route number 278 is established as follows:

Beginning at a junction with state route number 27 in Rockford, thence easterly and southerly to the Washington-Idaho boundary.

Sec. 27. RCW 47.17.517 and 1977 ex.s. c 224 s 1 are each amended to read as follows:

A state highway to be known as state route number 285 is established as follows:

Beginning at a junction with state route number 28 in ~~((the))~~ East Wenatchee ~~((vicinity))~~, thence westerly across the Columbia river ~~((to the west pavement seat of the Columbia River bridge at milepost number 123.45))~~ and northwesterly to a junction with state route number 2 in Wenatchee.

Sec. 28. RCW 47.17.550 and 1971 ex.s. c 73 s 14 are each amended to read as follows:

A state highway to be known as state route number 303 is established as follows:

~~((Beginning at a junction with state route number 304 at Bremerton, thence northerly by way of the Manette bridge, across the Port Washington Narrows to a junction with state route number 308 in the vicinity west of Keyport, also))~~

Beginning at a junction with state route number 304 at Bremerton, thence by way of the Warren Avenue bridge across the Port Washington Narrows northerly to a junction with state route number ~~((303, all within Bremerton))~~ 3 in the vicinity north of Silverdale.

NEW SECTION. Sec. 29. A state highway to be known as state route number 307 is established as follows:

Beginning at a junction with state route number 305 at Poulsbo, thence northeasterly to a junction with state route number 104 near Miller Lake.

NEW SECTION. Sec. 30. A state highway to be known as state route number 310 is established as follows:

Beginning at a junction with state route number 3 near Oyster Bay, thence easterly to a junction with state route number 304 in Bremerton.

NEW SECTION. Sec. 31. A state highway to be known as state route number 397 is established as follows:

Beginning at Game Farm Road in the vicinity of Finely, thence northwesterly and northerly across the Columbia River, thence easterly and northerly to a junction with state route number 395 in Pasco.

Sec. 32. RCW 47.17.615 and 1970 ex.s. c 51 s 124 are each amended to read as follows:

A state highway to be known as state route number 411 is established as follows:

Beginning at a junction with state route number ~~((4 in West Kelso))~~ 432 in Longview, thence northerly to a junction with state route number ~~((506 in the vicinity of Vader))~~ 5 at Castle Rock.

Sec. 33. RCW 47.17.625 and 1970 ex.s. c 51 s 126 are each amended to read as follows:

A state highway to be known as state route number 432 is established as follows:

Beginning at a junction with state route number 4 ~~((at))~~ in the vicinity west of Longview, thence southeasterly ~~((by the most feasible route))~~ to a junction with state route number 5 south of Kelso.

Sec. 34. RCW 47.17.630 and 1987 c 199 s 25 are each amended to read as follows:

A state highway to be known as state route number 433 is established as follows:

Beginning at the Washington-Oregon boundary on the interstate bridge at Longview, thence northerly to a junction with state route number 432 in Longview.

Sec. 35. RCW 47.17.650 and 1975 c 63 s 6 are each amended to read as follows:

A state highway to be known as state route number 503 is established as follows:

Beginning at a junction with state route number 500 at Orchards, thence northerly to a junction with state route number 502 at Battle Ground, thence northerly to Amboy, thence northeasterly by way of Cougar to the Cowlitz-Skamania county line; also

Beginning at a junction with state route number 503 in the vicinity of Yale, thence westerly to a junction with state route number 5 in the vicinity of Woodland.

Sec. 36. RCW 47.17.660 and 1970 ex.s. c 51 s 133 are each amended to read as follows:

A state highway to be known as state route number 505 is established as follows:

Beginning ~~((at a junction with state route number 5 west of Toledo))~~ in Winlock, thence via Toledo, easterly and southerly to a junction with state route number 504 in the vicinity north of Toutle.

Sec. 37. RCW 47.17.680 and 1979 ex.s. c 33 s 14 are each amended to read as follows:

A state highway to be known as state route number 509 is established as follows:

Beginning at a junction with state route number 705 at Tacoma, thence northeasterly to a junction with state route number 99 in the vicinity of Redondo; also

From a junction with state route number ~~((99 northeast of Redondo))~~ 516 at Des Moines, thence northerly ~~((via Des Moines))~~ to a junction with state route number 99 in Seattle ~~((: PROVIDED, That until state route number 705 is constructed and open to traffic on an anticipated new alignment, that portion of existing state route number 509 in Tacoma from state route number 5 northerly to the central business district shall remain on the state highway system))~~.

Sec. 38. RCW 47.17.695 and 1971 ex.s. c 73 s 16 are each amended to read as follows:

A state highway to be known as state route number 513 is established as follows:

Beginning at a junction with state route number 520 in Seattle, thence northerly and easterly to the vicinity of Sand Point ~~((; thence northwesterly to a junction with state route number 5 in the vicinity north of Seattle))~~.

NEW SECTION. Sec. 39. A state highway to be known as state route number 519 is established as follows:

Beginning at a junction with state route number 90 in Seattle, thence westerly, and northerly to the Washington state ferry terminal.

NEW SECTION. Sec. 40. A state highway to be known as state route number 523 is established as follows:

Beginning at a junction with state route number 99 and Northeast 145th Street in Seattle, thence easterly to a junction with state route number 522.

Sec. 41. RCW 47.17.730 and 1984 c 7 s 137 are each amended to read as follows:

A state highway to be known as state route number 524 is established as follows:

Beginning at a junction with state route number 104 at Edmonds, thence northeasterly to a junction with state route number 5 in the vicinity of Lynnwood, thence easterly to a junction with state route number ~~((527: Until such times as state route number 524 east of Lynnwood is actually constructed on the location adopted by the department, no existing county roads may be maintained or improved by the department as a temporary route of state route number 524))~~ 522 near Maltby.

Sec. 42. RCW 47.17.752 and 1971 ex.s. c 73 s 19 are each amended to read as follows:

A state highway to be known as state route number 529 is established as follows:

Beginning at a junction with state route number 5 in Everett, thence westerly and northerly through Everett to a junction with state route number 528 in Marysville.

Sec. 43. RCW 47.17.755 and 1983 c 131 s 1 are each amended to read as follows:

A state highway to be known as state route number 530 is established as follows:

Beginning at a junction with state route number 5 (~~at Conway, thence southerly by way of Stanwood, thence southeasterly to a junction with state route number 5, thence easterly to a junction with state route number 9 at~~) in the vicinity west of Arlington, thence easterly ((to)) and northerly by way of Darrington((, thence northerly)) to a junction with state route number 20 ~~((at))~~ in the vicinity of Rockport.

NEW SECTION. Sec. 44. A state highway to be known as state route number 531 is established as follows:

Beginning at Wenberg state park, thence northerly and easterly to a junction with state route number 9 in the vicinity north of Marysville.

NEW SECTION. Sec. 45. A state highway to be known as state route number 548 is established as follows:

Beginning at a junction with state route number 5 in the vicinity north of Ferndale, thence westerly and northerly to a junction with state route number 5 in Blaine.

Sec. 46. RCW 47.17.824 and 1984 c 197 s 3 are each amended to read as follows:

A state highway to be known as state route number 823 is established as follows:

Beginning at the junction of state route number 82 (~~at the Selah interchange, thence northerly to a junction with Fasset Avenue~~) in the vicinity of Selah northerly by way of Selah and easterly to a junction with state route number 821 in the vicinity of the firing center interchange.

Before award of any construction contract for improvements to state route number 823 under either program A or program C, the department of transportation shall secure a portion of the construction cost from the city of Selah or Yakima county, or both.

Sec. 47. RCW 47.17.825 and 1979 ex.s. c 33 s 16 are each amended to read as follows:

A state highway to be known as state route number 900 is established as follows:

Beginning at a junction with state route number ((99)) 5 in Seattle near the Duwamish River, thence ~~((easterly and))~~ southerly by way of Renton to a junction with state route number 90 in the vicinity of Issaquah.

Sec. 48. RCW 47.17.830 and 1971 ex.s. c 73 s 24 are each amended to read as follows:

A state highway to be known as state route number 901 is established as follows:

Beginning at a junction with state route number 90 in the vicinity west of Issaquah, thence northerly to the ~~((west))~~ east of Lake Sammamish to a junction with state route number ~~((908))~~ 202 in the vicinity of Redmond.

Sec. 49. RCW 47.17.835 and 1970 ex.s. c 51 s 168 are each amended to read as follows:

A state highway to be known as state route number 902 is established as follows:

Beginning ~~((in the vicinity of the state custodial school, thence northerly to))~~ at a junction with state route number 90, thence northwesterly, northerly, northeasterly, and easterly, via the town of Medical Lake, ~~((thence northeasterly and easterly))~~ to a junction with state route number 90 at a point approximately three miles northeast of Four Lakes.

Sec. 50. RCW 47.17.855 and 1971 ex.s. c 73 s 27 are each amended to read as follows:

A state highway to be known as state route number 908 is established as follows:

Beginning at a junction with state route number ~~((520, Evergreen Point bridge route, in the vicinity of Northrup Road, thence northerly and easterly in the vicinity of))~~ 405 in Kirkland, thence easterly to a junction with state route number 202 in the vicinity of Redmond.

NEW SECTION. Sec. 51. A state highway to be known as state route number 971 is established as follows:

Beginning at a junction with state route number 97—alternate in the vicinity of Winesap, thence northerly to Lake Chelan state park, thence southeasterly to a junction with state route number 97—alternate west of Chelan.

Sec. 52. RCW 47.24.020 and 1987 c 68 s 1 are each amended to read as follows:

The jurisdiction, control, and duty of the state and city or town with respect to such streets shall be as follows:

(1) The department has no authority to change or establish any grade of any such street without approval of the governing body of such city or town, except with respect to limited access facilities established by the commission;

(2) The city or town shall exercise full responsibility for and control over any such street beyond the curbs and if no curb is installed, beyond that portion of the highway used for highway purposes. However, within incorporated cities and towns the title to a state limited access highway vests in the state, and, notwithstanding any other provision of this section, the department shall exercise full jurisdiction, responsibility, and control to and over such facility as provided in chapter 47.52 RCW;

(3) The department has authority to prohibit the suspension of signs, banners, or decorations above the portion of such street between the curbs or portion used for highway purposes up to a vertical height of twenty feet above the surface of the roadway;

(4) The city or town shall at its own expense maintain all underground facilities in such streets, and has the right to construct such additional underground facilities as may be necessary in such streets;

(5) The city or town has the right to grant the privilege to open the surface of any such street, but all damage occasioned thereby shall promptly be repaired either by the city or town itself or at its direction;

(6) The city or town at its own expense shall provide street illumination and shall clean all such streets, including storm sewer inlets and catch basins, and remove all snow, except that the state shall when necessary plow the snow on the roadway. In cities and towns having a population of fifteen thousand or less according to the latest determination of population by the office of financial management, the state, when necessary for public safety, shall assume, at its expense, responsibility for the stability of the slopes of cuts and fills and the embankments within the right of way to protect the roadway itself. When the population of a city or town reaches fifteen thousand after January 1, 1990, the state shall retain the responsibility for the stability of slopes of cuts and fills and the embankments within the right of way to protect the road itself until the legislature acts upon the findings of the task force created in section 53 of this act or until June 30, 1993, whichever occurs first. The state shall install, maintain, and operate all illuminating facilities on any limited access facility, together with its interchanges, located within the corporate limits of any city or town, and shall assume and pay the costs of all such installation, maintenance, and operation incurred after November 1, 1954;

(7) The department has the right to use all storm sewers on such highways without cost; and if new storm sewer facilities are necessary in construction of new streets by the department, the cost of the facilities shall be borne by the state and/or city as may be mutually agreed upon between the department and the governing body of the city or town;

(8) Cities and towns have exclusive right to grant franchises not in conflict with state laws, over, beneath, and upon such streets, but the department is authorized to enforce in an action brought in the name of the state any condition of any franchise which a city or town has granted on such street. No franchise for transportation of passengers in motor vehicles may be granted on such streets without the approval of the department, but the department shall not refuse to approve such franchise unless another street conveniently located and of strength of construction to sustain travel of such vehicles is accessible;

(9) Every franchise or permit granted any person by a city or town for use of any portion of such street by a public utility shall require the grantee

or permittee to restore, repair, and replace to its original condition any portion of the street damaged or injured by it;

(10) The city or town has the right to issue overload or overwidth permits for vehicles to operate on such streets or roads subject to regulations printed and distributed to the cities and towns by the department;

(11) Cities and towns shall regulate and enforce all traffic and parking restrictions on such streets, but all regulations adopted by a city or town relating to speed, parking, and traffic control devices on such streets not identical to state law relating thereto are subject to the approval of the department before becoming effective. All regulations pertaining to speed, parking, and traffic control devices relating to such streets heretofore adopted by a city or town not identical with state laws shall become null and void unless approved by the department heretofore or within one year after March 21, 1963;

(12) The department shall erect, control, and maintain at state expense all route markers and directional signs, except street signs, on such streets;

(13) The department shall install, operate, maintain, and control at state expense all traffic control signals, signs, and traffic control devices for the purpose of regulating both pedestrian and motor vehicular traffic on, entering upon, or leaving state highways in cities and towns having a population of fifteen thousand or less according to the latest determination of population by the office of financial management. Such cities and towns may submit to the department a plan for traffic control signals, signs, and traffic control devices desired by them, indicating the location, nature of installation, or type thereof, or a proposed amendment to such an existing plan or installation, and the department shall consult with the cities or towns concerning the plan before installing such signals, signs, or devices. Cities and towns having a population in excess of fifteen thousand according to the latest determination of population by the office of financial management shall install, maintain, operate, and control such signals, signs, and devices at their own expense, subject to approval of the department for the installation and type only. When the population of a city or town reaches fifteen thousand after January 1, 1990, the state shall retain the responsibility for installing, operating, maintaining, and controlling such signals, signs, and devices until the legislature acts upon the findings of the task force created in section 53 of this act or until June 30, 1993, whichever occurs first. For the purpose of this subsection, striping, lane marking, and channelization are considered traffic control devices;

(14) All revenue from parking meters placed on such streets belongs to the city or town;

(15) Rights of way for such streets shall be acquired by either the city or town or by the state as shall be mutually agreed upon. Costs of acquiring rights of way may be at the sole expense of the state or at the expense of the city or town or at the expense of the state and the city or town as may

be mutually agreed upon. Title to all such rights of way so acquired shall vest in the city or town: PROVIDED, That no vacation, sale, rental, or any other nontransportation use of any unused portion of any such street may be made by the city or town without the prior written approval of the department; and all revenue derived from sale, vacation, rental, or any nontransportation use of such rights of way shall be shared by the city or town and the state in the same proportion as the purchase costs were shared;

(16) If any city or town fails to perform any of its obligations as set forth in this section or in any cooperative agreement entered into with the department for the maintenance of a city or town street forming part of the route of a state highway, the department may notify the mayor of the city or town to perform the necessary maintenance within thirty days. If the city or town within the thirty days fails to perform the maintenance or fails to authorize the department to perform the maintenance as provided by RCW 47.24.050, the department may perform the maintenance, the cost of which is to be deducted from any sums in the motor vehicle fund credited or to be credited to the city or town.

NEW SECTION. Sec. 53. (1) A task force is created to examine the population threshold at which cities and towns must assume additional responsibility for their streets that are part of the state highway system.

(2) The task force shall consist of eight members: (a) Four representatives from the department of transportation, with the assistant secretary for local programs acting as chair; (b) one representative from the association of Washington cities; (c) three city representatives selected by the association of Washington cities.

(3) The task force's study shall included [include], but is not limited to:

(a) Identifying the population threshold at which cities and towns must assume responsibility for the stability of slopes of cuts and fills, the embankments within the right of way, and traffic signals and other control devices on their streets that are part of the state highway system. The task force shall also determine whether the transfer of responsibilities will be incremental or total.

(b) Assessing a city's ability, including its staffing and technical capabilities, to assume responsibility for maintaining traffic signals and other control devices on their streets that are part of the state highway system.

(4) The task force must submit its findings and recommendations to the legislative transportation committee by July 1, 1992.

Sec. 54. RCW 47.39.020 and 1990 c 240 s 3 are each amended to read as follows:

The following portions of highways are designated as part of the scenic and recreational highway system:

(1) State route number 2, beginning at the crossing of Woods creek at the east city limits of Monroe, thence in an easterly direction by way of Stevens pass to a junction with state route number 97 in the vicinity of Peshastin;

(2) State route number 3, beginning at a junction with state route number 106 in the vicinity of Belfair, thence in a northeasterly direction to a junction with Arsenal Way south of Bremerton; also

Beginning at a junction of Erlands Point Road north of Bremerton thence northeasterly to a junction with state route number 104 in the vicinity of Port Gamble;

(3) State route number 8, beginning at a junction with state route number 12 in the vicinity of Elma, thence easterly to a junction with state route number 101 near Tumwater;

(4) State route number 10, beginning at Teanaway junction, thence easterly to a junction with state route number 97 west of Ellensburg;

(5) State route number 12, beginning at a junction with a county road approximately 2.8 miles west of the crossing of the Wynooche river which is approximately 1.2 miles west of Montesano, thence in an easterly direction to a junction with state route number 8 in the vicinity of Elma; also

Beginning at the Burlington Northern Railroad bridge approximately 3.4 miles west of Dixie, thence in a northerly and easterly direction by way of Dayton, Dodge, and Pomeroy to a junction with a county road approximately 2.4 miles west of a junction with state route number 129 at Clarkston;

(6) State route number 14, beginning at the crossing of Gibbons creek approximately 0.9 miles east of Washougal, thence in an easterly direction by way of Stevenson to a westerly junction with state route number 97 in the vicinity of Maryhill; also

Beginning at the easterly junction with state route number 97 in the vicinity of Maryhill, thence easterly along the north bank of the Columbia river to a point in the vicinity of Plymouth;

(7) State route number 17, beginning at a junction with state route number 395 in the vicinity of Eltopia, thence in a northwesterly direction to the south end of the overcrossing of state route number 90, in the vicinity of Moses Lake; also

Beginning at a junction with Grape Drive in the vicinity of Moses Lake, thence northwesterly and northerly by way of Soap Lake to a junction with state route number 2 west of Coulee City;

(8) State route number 20, beginning at the Keystone ferry slip on Whidbey Island, thence easterly and northerly to a junction with Rhododendron road in the vicinity east of Coupeville; also

Beginning at a junction with Sherman road in the vicinity west of Coupeville, generally northerly to a junction with Miller road in the vicinity southwest of Oak Harbor; also

Beginning at a junction with Torpedo road in the vicinity northeast of Oak Harbor, thence northerly by way of Deception Pass to a junction with state route number 20 north in the vicinity southeast of Anacortes; also

Beginning at the crossing of Hanson creek approximately 6.0 miles west of Lyman, thence easterly by way of Concrete, Marblemount, Diablo Dam, and Twisp to a junction with state route number 153 southeast of Twisp; also

Beginning at a junction with state route number 21 approximately three miles east of Republic, thence in an easterly direction to a junction with state route number 395 at the west end of the crossing over the Columbia river at Kettle Falls; also

Beginning at a junction with a county road 2.76 miles east of the junction with state route number 395 in Colville, thence in a northeasterly direction to a junction with state route number 31 at Tiger; thence in a southerly direction to a junction with state route number 2 at Newport;

(9) State route number 21, beginning at the Keller ferry slip on the north side of Roosevelt lake, thence in a northerly direction to the crossing of Granite creek approximately fifty-four miles north of the Keller ferry;

(10) State route number 90, beginning at the CMSTPP railroad overcrossing approximately 2.3 miles southeast of North Bend, thence in an easterly direction by way of Snoqualmie pass to the crossing of the Cle Elum river approximately 2.6 miles west of Cle Elum;

(11) State route number 97, beginning at the crossing of the Columbia river at Biggs Rapids, thence in a northerly direction to the westerly junction with state route number 14 in the vicinity of Maryhill;

(12) State route number 101, beginning at a junction with state route number 109 in the vicinity of Queets, thence in a northerly, northeasterly, and easterly direction by way of Forks to the west boundary of the Olympic national park in the vicinity of Lake Crescent; also

Beginning at Sequim Bay state park, thence in a southeasterly and southerly direction to a junction with the Airport road north of Shelton; also

Beginning at a junction with state route number 3 south of Shelton, thence in a southerly and southeasterly direction to the west end of the Black Lake road overcrossing in the vicinity northeast of Tumwater;

(13) State route number 104, beginning at a junction with state route number 101 in the vicinity south of Discovery bay, thence in a southeasterly direction to the vicinity of Shine on Hood Canal; also

Beginning at a junction with state route number 3 east of the Hood Canal crossing, thence northeasterly to Port Gamble;

(14) State route number 105, beginning at a junction with state route number 101 at Raymond, thence westerly and northerly by way of Tokeland and North Cove to the shore of Grays Harbor north of Westport; also

Beginning at a junction with state route number 105 in the vicinity south of Westport, thence northeasterly to a junction with state route number 101 at Aberdeen;

(15) State route number 106, beginning at a junction with state route number 101 in the vicinity of Union, thence northeasterly to a junction with state route number 3 in the vicinity of Belfair;

(16) State route number 109, beginning at a junction with a county road approximately 3.0 miles northwest of the junction with state route number 101 in Hoquiam, thence in a northwesterly direction by way of Ocean City, Copalis, Pacific Beach, and Moclips to a junction with state route number 101 in the vicinity of Queets;

(17) State route number 112, beginning at the easterly boundary of the Makah Indian reservation, thence in an easterly direction to the vicinity of Laird's corner on state route number 101;

~~(18) ((State route number 126, beginning at a junction with state route number 12 in the vicinity of Dayton, thence in a northeasterly direction to a junction with state route number 12 in the vicinity west of Pomeroy;~~

~~(19))~~ State route number 153, beginning at a junction with state route number 97 in the vicinity of Pateros, thence in a northerly direction to a junction with state route number 20 in the vicinity south of Twisp;

~~((20))~~ (19) State route number 155, beginning at a junction with state route number 2 in the vicinity north of Coulee City, thence in a northeasterly direction to the boundary of the federal reservation at the Grand Coulee dam; also

Beginning at a junction with a county road 2.07 miles north of the junction with 12th street in Elmer City, thence in a northwesterly direction to the west end of the crossing of Omak creek east of Omak;

~~((21))~~ (20) State route number 206, Mt. Spokane Park Drive, beginning at a junction with state route number 2 near the north line of section 3, township 26 N, range 43 E, thence northeasterly to a point in section 28, township 28 N, range 45 E at the entrance to Mt. Spokane state park;

~~((22))~~ (21) State route number 395, beginning at a point approximately 2.6 miles north of Pasco thence in a northerly direction to a junction with state route number 17 in the vicinity of Eltopia; also

Beginning at the north end of the crossing of Mill creek in the vicinity of Colville, thence in a northwesterly direction to a junction with state route number 20 at the west end of the crossing over the Columbia river at Kettle Falls;

~~((23))~~ (22) State route number 401, beginning at a junction with state route number 101 at Point Ellice, thence easterly and northerly to a junction with state route number 4 in the vicinity north of Naselle;

~~((24))~~ (23) State route number 504, beginning at a junction with state route number 5 in the vicinity north of Castle Rock, thence in an easterly direction by way of St. Helens and Spirit lake to Mt. St. Helens;

~~((25))~~ (24) State route number 525, beginning at a junction with Maxwellton road in the southern portion of Whidbey Island, thence northwesterly to a junction with state route number 20 east of the Keystone ferry slip;

~~((26))~~ (25) State route number 542, beginning at the Nugent crossing over the Nooksack river approximately 7.7 miles northeast of Bellingham, thence easterly to the vicinity of Austin pass in Whatcom county;

~~((27))~~ (26) State route number 821, beginning at a junction with state route number 82 at the Yakima firing center interchange, thence in a northerly direction to a junction with state route number 82 at the Thrall road interchange;

~~((28))~~ (27) State route number 901, beginning at a junction with state route number 90 in the vicinity west of Issaquah, thence northerly to the ~~((west))~~ east of Lake Sammamish to a junction with state route number ~~((908))~~ 202 in the vicinity of Redmond. ~~((If the description of state route number 901 is changed after June 7, 1990, the revised route shall retain its status as part of the scenic and recreational highway system.))~~

NEW SECTION. Sec. 55. Although not part of the state highway system, the bridges designated in this section shall remain the continuing responsibility of the Washington state department of transportation. Continuing responsibility includes all structural maintenance, repair, and replacement of the substructure, superstructure, and roadway deck. Local agencies are responsible for snow and ice control, sweeping, striping, lane marking, and channelization.

Facility	State of Washington Inventory of Bridges and Structures (SWIBS) Number
S. Fork Skykomish River Bridge	WN-002000487032
Manette Bridge	WN-303250032700
Grays River Bridge (Rosburg)	WN-403000064300
Elochoman Bridge	WN-407000023300

Sec. 56. RCW 46.68.090 and 1990 c 42 s 102 are each amended to read as follows:

(1) All moneys that have accrued or may accrue to the motor vehicle fund from the motor vehicle fuel tax and special fuel tax shall be first expended for the following purposes:

(a) For payment of refunds of motor vehicle fuel tax and special fuel tax that has been paid and is refundable as provided by law;

(b) For payment of amounts to be expended pursuant to appropriations for the administrative expenses of the offices of state treasurer, state auditor, and the department of licensing of the state of Washington in the administration of the motor vehicle fuel tax and the special fuel tax, which sums shall be distributed monthly;

(c) From April 1, 1992, through March 31, 1996, for distribution to the transfer relief account, hereby created in the motor vehicle fund, an amount not to exceed three hundred twenty-five one-thousandths of one percent;

(d) For distribution to the rural arterial trust account in the motor vehicle fund, an amount as provided in RCW 82.36.025(2) and 46.68.095(3);

~~((d))~~ (e) For distribution to the urban arterial trust account in the motor vehicle fund, an amount as provided in RCW 82.36.025(3);

~~((e))~~ (f) For distribution to the transportation improvement account in the motor vehicle fund, an amount as provided in RCW 46.68.095(1);

~~((f))~~ (g) For distribution to the special category C account, hereby created in the motor vehicle fund, an amount as provided in RCW 46.68.095(2);

~~((g))~~ (h) For distribution to the county arterial preservation account, hereby created in the motor vehicle fund, an amount as provided in RCW 46.68.095(4);

~~((h))~~ (i) For distribution to the motor vehicle fund to be allocated to cities and towns as provided in RCW 46.68.110, an amount as provided in RCW 46.68.095(5);

~~((i))~~ (j) For distribution to the motor vehicle fund to be allocated to counties as provided in RCW 46.68.120, an amount as provided in RCW 46.68.095(6);

~~((j))~~ (k) For expenditure for highway purposes of the state as defined in RCW 46.68.130, an amount as provided in RCW 82.36.025(4) and 46.68.095(7).

(2) The amount accruing to the motor vehicle fund by virtue of the motor vehicle fuel tax and the special fuel tax and remaining after payments, distributions, and expenditures as provided in this section shall, for the purposes of this chapter, be referred to as the "net tax amount."

Sec. 57. RCW 82.36.025 and 1990 c 42 s 101 are each amended to read as follows:

The motor vehicle fuel tax rate shall be computed as the sum of the tax rate provided in subsection (1) of this section and the additional tax rates provided in subsections (2) through (5) of this section.

(1) A motor vehicle fuel tax rate of seventeen cents per gallon shall apply to the sale, distribution, or use of motor vehicle fuel.

(2) An additional motor vehicle fuel tax rate of one-third cent per gallon shall apply to the sale, distribution, or use of motor vehicle fuel, and the proceeds from this additional tax rate, reduced by an amount equal to the sum of the payments under RCW 46.68.090 (1) (a) ~~((and))~~, (b), and (c) multiplied by the additional tax rate prescribed by this subsection divided by the motor vehicle fuel tax rate provided in this section, shall be deposited in the rural arterial trust account in the motor vehicle fund for expenditures under RCW 36.79.020.

(3) An additional motor vehicle fuel tax rate of one-third cent per gallon shall apply to the sale, distribution, or use of motor vehicle fuel, and the proceeds from this additional tax rate, reduced by an amount equal to the sum of the payments under RCW 46.68.090 (1) (a) ~~((and))~~, (b), and (c) multiplied by the additional tax rate prescribed by this subsection divided by the motor vehicle fuel tax rate provided in this section, shall be deposited in the urban arterial trust account in the motor vehicle fund.

(4) An additional motor vehicle fuel tax rate of one-third cent per gallon shall be applied to the sale, distribution, or use of motor vehicle fuel, and the proceeds from this additional tax rate, reduced by an amount equal to the sum of the payments under RCW 46.68.090 (1) (a) ~~((and))~~, (b), and (c) multiplied by the additional tax rate prescribed by this subsection divided by the motor vehicle fuel tax rate provided in this section, shall be deposited in the motor vehicle fund to be expended for highway purposes of the state as defined in RCW 46.68.130.

(5) An additional motor vehicle fuel tax rate of four cents per gallon from April 1, 1990, through March 31, 1991, and five cents per gallon from April 1, 1991, applies to the sale, distribution, or use of motor vehicle fuel. The proceeds from the additional tax rate under this subsection, reduced by an amount equal to the sum of the payments under RCW 46.68.090 (1) (a) ~~((and))~~, (b), and (c) multiplied by the additional tax rate prescribed by this subsection divided by the motor fuel tax rate provided in this section, shall be deposited in the motor vehicle fund and shall be distributed by the state treasurer according to RCW 46.68.095.

NEW SECTION. Sec. 58. The sum of two million five hundred thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1993, from the transfer relief account to the department of transportation for the purposes of implementing the road jurisdiction study recommendations for funding assistance related to jurisdictional transfers.

Sec. 59. RCW 46.68.110 and 1989 1st ex.s. c 6 s 41 are each amended to read as follows:

Funds credited to the incorporated cities and towns of the state as set forth in subdivision (1) of RCW 46.68.100 shall be subject to deduction and distribution as follows:

(1) One and one-half percent of such sums shall be deducted monthly as such sums are credited and set aside for the use of the department of transportation for the supervision of work and expenditures of such incorporated cities and towns on the city and town streets thereof, including the supervision and administration of federal-aid programs for which the department of transportation has responsibility: PROVIDED, That any moneys so retained and not expended shall be credited in the succeeding biennium to the incorporated cities and towns in proportion to deductions herein made;

(2) (~~From July 1, 1987, through June 30, 1989;~~) Thirty-three one-hundredths of one percent of such funds shall be deducted monthly, as such funds accrue, and set aside for the use of the department of transportation for the purpose of funding the cities' share of the costs of highway jurisdiction studies and other studies. Any funds so retained and not expended shall be credited in the succeeding biennium to the cities in proportion to the deductions made;

(3) (~~From July 1, 1989, through June 30, 1991, thirty-three one-hundredths of one percent of such funds shall be deducted monthly, as such funds accrue, and set aside for the use of the department of transportation for the purpose of funding the cities' share of the costs of highway jurisdiction studies and other studies. Any funds so retained and not expended shall be credited in the succeeding biennium to the cities in proportion to the deductions made~~) From April 1, 1992, two percent of such funds shall be deducted monthly, as such funds accrue, to be deposited in the city hardship assistance account, hereby created in the motor vehicle fund, to implement the city hardship assistance program, as provided in section 60 of this act;

(4) The balance remaining to the credit of incorporated cities and towns after such deduction shall be apportioned monthly as such funds accrue among the several cities and towns within the state ratably on the basis of the population last determined by the office of financial management.

NEW SECTION. Sec. 60. A new section is added to chapter 47.26 RCW to read as follows:

The board shall adopt reasonable rules necessary to implement the city hardship assistance program as recommended by the road jurisdiction study.

The following criteria shall be used to implement the program:

(1) Only those cities with a net gain in cost responsibility due to jurisdictional transfers in chapter, Laws of 1991 (this act), as determined by the board, may participate;

(2) Cities with populations of fifteen thousand or less, as determined by the office of financial management, may participate;

(3) The board shall develop criteria and procedures under which eligible cities may request funding for rehabilitation projects on city streets acquired under chapter, Laws of 1991 (this act); and

(4) The board shall also be authorized to allocate funds from the hardship account to cities with a population under twenty thousand to offset extraordinary costs associated with the transfer of roadways other than pursuant to chapter, Laws of 1991 (this act), that occur after January 1, 1991.

NEW SECTION. Sec. 61. The sum of seven hundred fifty thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1993, from the city hardship assistance account to the transportation improvement board for the purpose of implementing the city hardship assistance program as provided in section 60 of this act.

NEW SECTION. Sec. 62. A new section is added to chapter 47.26 RCW to read as follows:

The legislature recognizes the need for a multijurisdictional body to review future requests for jurisdictional transfers. The board is hereby directed, beginning September 1, 1991, to receive petitions from cities, counties, or the state requesting any addition or deletion from the state highway system. The board is required to utilize the criteria established in RCW 47.17.001 in evaluating petitions and to adopt rules for implementation of this process. The board shall forward to the legislative transportation committee by November 15 each year any recommended jurisdictional transfers.

NEW SECTION. Sec. 63. A new section is added to chapter 47.26 RCW to read as follows:

In addition to any other reports required by law, by August 1, 1991, the board shall submit to the legislative transportation committee a report setting forth its plans for implementing sections 60 and 62 of this act.

Sec. 64. RCW 46.68.120 and 1989 1st ex.s. c 6 s 42 are each amended to read as follows:

Funds to be paid to the counties of the state shall be subject to deduction and distribution as follows:

(1) One and one-half percent of such funds shall be deducted monthly as such funds accrue and set aside for the use of the department of transportation and the county road administration board for the supervision of work and expenditures of such counties on the county roads thereof, including the supervision and administration of federal-aid programs for which the department of transportation has responsibility: PROVIDED, That any funds so retained and not expended shall be credited in the succeeding biennium to the counties in proportion to deductions herein made;

(2) All sums required to be repaid to counties composed entirely of islands shall be deducted;

(3) ~~((From July 1, 1987, through June 30, 1989,))~~ Thirty-three one-hundredths of one percent of such funds shall be deducted monthly, as such funds accrue, and set aside for the use of the department of transportation for the purpose of funding the counties' share of the costs of highway jurisdiction studies and other studies. Any funds so retained and not expended shall be credited in the succeeding biennium to the counties in proportion to the deductions made;

(4) ~~((From July 1, 1989, through June 30, 1991, thirty-three one-hundredths of one percent of such funds shall be deducted monthly, as such funds accrue, and set aside for the use of the department of transportation for the purpose of funding the counties' share of the costs of highway jurisdiction studies and other studies. Any funds so retained and not expended shall be credited in the succeeding biennium to the counties in proportion to the deductions made;~~

(5)) The balance of such funds remaining to the credit of counties after such deductions shall be paid to the several counties monthly, as such funds accrue, in accordance with RCW 46.68.122 and 46.68.124.

NEW SECTION. Sec. 65. The following acts or parts of acts are each repealed:

- (1) RCW 47.17.245 and 1970 ex.s. c 51 s 50;
- (2) RCW 47.17.270 and 1970 ex.s. c 51 s 55;
- (3) RCW 47.17.415 and 1970 ex.s. c 51 s 84;
- (4) RCW 47.17.420 and 1971 ex.s. c 73 s 11 & 1970 ex.s. c 51 s 85;
- (5) RCW 47.17.450 and 1979 ex.s. c 33 s 12 & 1970 ex.s. c 51 s 91;
- (6) RCW 47.17.453 and 1975 c 63 s 11;
- (7) RCW 47.17.555 and 1970 ex.s. c 51 s 112;
- (8) RCW 47.17.590 and 1970 ex.s. c 51 s 119;
- (9) RCW 47.17.600 and 1970 ex.s. c 51 s 121;
- (10) RCW 47.17.620 and 1970 ex.s. c 51 s 125;
- (11) RCW 47.17.700 and 1971 ex.s. c 73 s 17 & 1970 ex.s. c 51 s 141;

and

- (12) RCW 47.17.810 and 1970 ex.s. c 51 s 163.

NEW SECTION. Sec. 66. Sections 1, 3, 4, 6 through 10, 12, 14, 16, 20, 22, 24 through 26, 29 through 31, 39, 40, 44, 45, 51, and 55 of this act are each added to chapter 47.17 RCW.

NEW SECTION. Sec. 67. Prior to expending any amounts of the appropriation in section 58, chapter —, Laws of 1991 (section 58 of this act), the department of transportation shall, in cooperation with the association of Washington cities and the Washington state association of counties, establish rules governing the transfer relief account.

NEW SECTION. Sec. 68. (1) Sections 62 and 63 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect June 1, 1991.

- (2) The remainder of this act shall take effect April 1, 1992.

Passed the Senate April 23, 1991.

Passed the House April 10, 1991.

Approved by the Governor May 21, 1991.

Filed in Office of Secretary of State May 21, 1991.

CHAPTER 343

[Substitute House Bill 1268]

PUBLIC EMPLOYEES AND TEACHERS RETIREMENT—REVISED PROVISIONS

Effective Date: 7/1/91 – Except Sections 3 through 11 & 14 through 18 which become effective on 9/1/91.

AN ACT Relating to granting whole and partial retirement service credit; amending RCW 41.32.010, 41.32.013, 41.32.765, 41.40.010, 41.40.185, 41.40.235, 41.40.450, 41.40.620, 41.40.630, 41.26.030, 41.26.090, 41.26.100, 41.26.160, and 41.26.430; adding a new section to chapter 41.50 RCW; creating new sections; providing effective dates; and declaring an emergency.

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

NEW SECTION. Sec. 1. The legislature finds:

(1) There is a dichotomy in the provision of service credit within the major two retirement systems of the state. Within plan I of the public employees' retirement system, credit is given in whole months upon completing seventy hours per month. Within plan I of the teachers' retirement system, full annual service credit is given for full-time employment of four-fifths or more of a school year and partial annual service credit is given for employment of less than four-fifths of a school year but more than twenty days in a school year. Plan II of both the public employees' and teachers' retirement systems' full monthly service credit is based on completing ninety hours in each month.

(2) There is an expressed interest by public employers in encouraging job-sharing or tandem positions wherein two persons perform one job. This is seen as opening up job opportunities for those persons who have family responsibilities prohibiting full-time employment.

NEW SECTION. Sec. 2. A new section is added to chapter 41.50 RCW to read as follows:

The legislature sets forth as retirement policy and intent:

(1) The retirement systems of the state shall provide similar benefits wherever possible.

(2) Persons hired into eligible positions shall accrue service credit for all service rendered.

(3) The calculation of benefits shall be done in such a manner as to prevent the arithmetic lowering of benefits.

(4) Liberalization of the granting of service credit shall not jeopardize part-time employment of retirees in ineligible positions.

Sec. 3. RCW 41.32.010 and 1990 c 274 s 2 are each amended to read as follows:

As used in this chapter, unless a different meaning is plainly required by the context:

(1)(a) "Accumulated contributions" for persons who establish membership in the retirement system on or before September 30, 1977, means the sum of all regular annuity contributions with regular interest thereon.

(b) "Accumulated contributions" for persons who establish membership in the retirement system on or after October 1, 1977, means the sum of all contributions standing to the credit of a member in the member's individual account together with the regular interest thereon.

(2) "Actuarial equivalent" means a benefit of equal value when computed upon the basis of such mortality tables and regulations as shall be adopted by the director and regular interest.

(3) "Annuity" means the moneys payable per year during life by reason of accumulated contributions of a member.

(4) "Annuity fund" means the fund in which all of the accumulated contributions of members are held.

(5) "Annuity reserve fund" means the fund to which all accumulated contributions are transferred upon retirement.

(6)(a) "Beneficiary" for persons who establish membership in the retirement system on or before September 30, 1977, means any person in receipt of a retirement allowance or other benefit provided by this chapter.

(b) "Beneficiary" for persons who establish membership in the retirement system on or after October 1, 1977, means any person in receipt of a retirement allowance or other benefit provided by this chapter resulting from service rendered to an employer by another person.

(7) "Contract" means any agreement for service and compensation between a member and an employer.

(8) "Creditable service" means membership service plus prior service for which credit is allowable. This subsection shall apply only to persons who establish membership in the retirement system on or before September 30, 1977.

(9) "Dependent" means receiving one-half or more of support from a member.

(10) "Disability allowance" means monthly payments during disability. This subsection shall apply only to persons who establish membership in the retirement system on or before September 30, 1977.

(11)(a)(i) "Earnable compensation" for persons who establish membership in the retirement system on or before September 30, 1977, means all salaries and wages paid by an employer to an employee member of the retirement system for personal services rendered during a fiscal year. In all cases where compensation includes maintenance the employer shall fix the value of that part of the compensation not paid in money: PROVIDED, That retroactive payments to an individual by an employer on reinstatement of the employee in a position, or payments by an employer to an individual in lieu of reinstatement in a position which are awarded or granted as the equivalent of the salary or wages which the individual would have earned

during a payroll period shall be considered earnable compensation and the individual shall receive the equivalent service credit: **PROVIDED FURTHER**, That if a leave of absence, without pay, is taken by a member for the purpose of serving as a member of the state legislature, and such member has served in the legislature five or more years, the salary which would have been received for the position from which the leave of absence was taken shall be considered as compensation earnable if the employee's contribution thereon is paid by the employee. In addition, where a member has been a member of the state legislature for five or more years, earnable compensation for the member's two highest compensated consecutive years of service shall include a sum not to exceed thirty-six hundred dollars for each of such two consecutive years, regardless of whether or not legislative service was rendered during those two years.

(ii) For members employed less than full time under written contract with a school district, or community college district, in an instructional position, for which the member receives service credit of less than one year in all of the years used to determine the earnable compensation used for computing benefits due under RCW 41.32.497, 41.32.498, and 41.32.520, the member may elect to have earnable compensation defined as provided in RCW 41.32.011. For the purposes of this subsection, the term "instructional position" means a position in which more than seventy-five percent of the member's time is spent as a classroom instructor (including office hours), a librarian, or a counselor. Earnable compensation shall be so defined only for the purpose of the calculation of retirement benefits and only as necessary to insure that members who receive fractional service credit under RCW 41.32.270 receive benefits proportional to those received by members who have received full-time service credit.

(b) "Earnable compensation" for persons who establish membership in the retirement system on or after October 1, 1977, means salaries or wages earned by a member during a payroll period for personal services, including overtime payments, and shall include wages and salaries deferred under provisions established pursuant to sections 403(b), 414(h), and 457 of the United States Internal Revenue Code, but shall exclude lump sum payments for deferred annual sick leave, unused accumulated vacation, unused accumulated annual leave, or any form of severance pay: **PROVIDED**, That retroactive payments to an individual by an employer on reinstatement of the employee in a position or payments by an employer to an individual in lieu of reinstatement in a position which are awarded or granted as the equivalent of the salary or wages which the individual would have earned during a payroll period shall be considered earnable compensation, to the extent provided above, and the individual shall receive the equivalent service credit: **PROVIDED FURTHER**, That in any year in which a member serves in the legislature the member shall have the option of having such member's earnable compensation be the greater of:

(i) The earnable compensation the member would have received had such member not served in the legislature; or

(ii) Such member's actual earnable compensation received for teaching and legislative service combined. Any additional contributions to the retirement system required because compensation earnable under subparagraph (i) of this subsection is greater than compensation earnable under subparagraph (ii) of this subsection shall be paid by the member for both member and employer contributions.

(12) "Employer" means the state of Washington, the school district, or any agency of the state of Washington by which the member is paid.

(13) "Fiscal year" means a year which begins July 1st and ends June 30th of the following year.

(14) "Former state fund" means the state retirement fund in operation for teachers under chapter 187, Laws of 1923, as amended.

(15) "Local fund" means any of the local retirement funds for teachers operated in any school district in accordance with the provisions of chapter 163, Laws of 1917 as amended.

(16) "Member" means any teacher included in the membership of the retirement system. Also, any other employee of the public schools who, on July 1, 1947, had not elected to be exempt from membership and who, prior to that date, had by an authorized payroll deduction, contributed to the annuity fund.

(17) "Membership service" means service rendered subsequent to the first day of eligibility of a person to membership in the retirement system: PROVIDED, That where a member is employed by two or more employers the individual shall ((only)) receive no more than one ((month's)) service credit month during any calendar month in which multiple service is rendered. The provisions of this subsection shall apply only to persons who establish membership in the retirement system on or before September 30, 1977.

(18) "Pension" means the moneys payable per year during life from the pension reserve fund.

(19) "Pension reserve fund" is a fund in which shall be accumulated an actuarial reserve adequate to meet present and future pension liabilities of the system and from which all pension obligations are to be paid.

(20) "Prior service" means service rendered prior to the first date of eligibility to membership in the retirement system for which credit is allowable. The provisions of this subsection shall apply only to persons who establish membership in the retirement system on or before September 30, 1977.

(21) "Prior service contributions" means contributions made by a member to secure credit for prior service. The provisions of this subsection shall apply only to persons who establish membership in the retirement system on or before September 30, 1977.

(22) "Public school" means any institution or activity operated by the state of Washington or any instrumentality or political subdivision thereof employing teachers, except the University of Washington and Washington State University.

(23) "Regular contributions" means the amounts required to be deducted from the compensation of a member and credited to the member's individual account in the annuity fund. This subsection shall apply only to persons establishing membership in the retirement system on or before September 30, 1977.

(24) "Regular interest" means such rate as the director may determine.

(25)(a) "Retirement allowance" for persons who establish membership in the retirement system on or before September 30, 1977, means the sum of annuity and pension or any optional benefits payable in lieu thereof.

(b) "Retirement allowance" for persons who establish membership in the retirement system on or after October 1, 1977, means monthly payments to a retiree or beneficiary as provided in this chapter.

(26) "Retirement system" means the Washington state teachers' retirement system.

(27)(a) "Service" means the time during which a member has been employed by an employer for compensation: PROVIDED, That where a member is employed by two or more employers the individual shall ~~((only))~~ receive no more than one ((month's)) service credit month during any calendar month in which multiple service is rendered.

(b) "Service" for persons who establish membership in the retirement system on or after October 1, 1977, means periods of employment by a member for one or more employers for which earnable compensation is earned subject to the following conditions:

(i) A member employed in an eligible position or as a substitute shall receive one service credit month for each month of September through August of the following year if he or she earns earnable compensation for eight hundred ten or more hours during that period and is employed during nine of those months, except that a member may not receive credit for any period prior to the member's employment in an eligible position except as provided in sections 12 and 13 of this act;

(ii) If a member is employed either in an eligible position ~~((does not meet the requirements of (b)(i) of this subsection))~~ or as a substitute teacher for nine months of the twelve month period between September through August of the following year but earns earnable compensation for less than eight hundred ten hours but for at least six hundred thirty hours, he or she will receive one-half of a service credit ((only)) month for ~~((those calendar months during which he or she has received compensation for ninety or more hours))~~ each month of the twelve month period;

(iii) All other members in an eligible position or as a substitute teacher shall receive service credit as follows:

(A) A service credit month is earned in those calendar months where earnable compensation is earned for ninety or more hours;

(B) A half-service credit month is earned in those calendar months where earnable compensation is earned for at least seventy hours but less than ninety hours; and

(C) A quarter-service credit month is earned in those calendar months where earnable compensation is earned for less than seventy hours.

Any person who is a member of the teachers' retirement system and who is elected or appointed to a state elective position may continue to be a member of the retirement system and continue to receive a service credit month for ((the time spent)) each of the months in a state elective position by making the required member contributions.

When an individual is employed by two or more employers the individual shall only receive one month's service credit during any calendar month in which multiple service for ninety or more hours is rendered.

Notwithstanding RCW 41.32.240, teachers covered by RCW 41.32-.755 through 41.32.825, who render service need not serve for ninety days to obtain membership so long as the required contribution is submitted for such ninety-day period. Where a member did not receive service credit under RCW 41.32.775 through 41.32.825 due to the ninety-day period in RCW 41.32.240 the member may receive service credit for that period so long as the required contribution is submitted for the period. Anyone entering membership on or after October 1, 1977, and prior to July 1, 1979, shall have until June 30, 1980, to make the required contribution in one lump sum.

The department shall adopt rules implementing this subsection ((27)(b)).

(28) "Service credit year" means an accumulation of months of service credit which is equal to one when divided by twelve.

(29) "Service credit month" means a full service credit month or an accumulation of partial service credit months that are equal to one.

(30) "Survivors' benefit fund" means the fund from which survivor benefits are paid to dependents of deceased members. This subsection shall apply only to persons establishing membership in the retirement system on or before September 30, 1977.

((29)) (31) "Teacher" means any person qualified to teach who is engaged by a public school in an instructional, administrative, or supervisory capacity. The term includes state, educational service district, and school district superintendents and their assistants and all employees certificated by the superintendent of public instruction; and in addition thereto any full time school doctor who is employed by a public school and renders service of an instructional or educational nature.

~~((30))~~ (32) "Average final compensation" for persons who establish membership in the retirement system on or after October 1, 1977, means the member's average earnable compensation of the highest consecutive sixty service credit months ~~((of service))~~ prior to such member's retirement, termination, or death. Periods constituting authorized leaves of absence may not be used in the calculation of average final compensation.

~~((31))~~ (33) "Retiree" means any member in receipt of a retirement allowance or other benefit provided by this chapter resulting from service rendered to an employer by such member.

~~((32))~~ (34) "Department" means the department of retirement systems created in chapter 41.50 RCW.

~~((33))~~ (35) "Director" means the director of the department.

~~((34))~~ (36) "State elective position" means any position held by any person elected or appointed to state-wide office or elected or appointed as a member of the legislature.

~~((35))~~ (37) "State actuary" or "actuary" means the person appointed pursuant to RCW 44.44.010(2).

~~((36))~~ (38) "Retirement board" means the director of retirement systems.

~~((37))~~ (39) "Substitute teacher" means:

(a) A teacher who is hired by ~~((a school district))~~ an employer to work as a temporary teacher, except for teachers who are annual contract employees of ~~((a school district))~~ an employer and are guaranteed a minimum number of hours; or

(b) ~~((Persons))~~ Teachers who either (i) work in ineligible positions ((in)) for more than one ((school district)) employer or (ii) work in an ineligible position or positions together with an eligible position.

~~((38))~~ (40)(a) "Eligible position" ~~((in))~~ for plan II members from June 7, 1990 through the effective date of this section means a position which normally requires two or more uninterrupted months of creditable service during September through August of the following year.

(b) "Eligible position" for plan II on and after the effective date of this section means a position that, as defined by the employer, normally requires five or more months of at least seventy hours of earnable compensation during September through August of the following year.

(c) For purposes of this chapter an employer shall not define "position" in such a manner that an employee's monthly work for that employer is divided into more than one position.

(d) The elected position of the superintendent of public instruction is an eligible position.

Sec. 4. RCW 41.32.013 and 1990 c 274 s 5 are each amended to read as follows:

Substitute teachers may apply to the department to receive service credit or credit for earnable compensation or both after the end of the last

day of instruction of the school year during which the service was performed.

(1) The application must:

(a) Include a list of the employers the substitute teacher has worked for;

(b) Include proof of hours worked and compensation earned; and

(c) Be made prior to retirement.

(2) If the department accepts the substitute teacher's application for service credit, the substitute teacher may obtain service credit by paying the required contribution to the retirement system. The employer must pay the required employer contribution upon notice from the department that the substitute teacher has made contributions under this section.

(3) The department shall charge interest prospectively on employee contributions that are submitted under this section more than six months after the end of the school year, as defined in RCW 28A.150.040, for which the substitute teacher is seeking service credit. The interest rate charged to the employee shall take into account interest lost on employer contributions delayed for more than six months after the end of the school year.

(4) Each ~~((school district))~~ employer shall quarterly notify each substitute teacher it has employed during the school year of the number of hours worked by, and the compensation paid to, the substitute teacher.

(5) The department shall adopt rules implementing this section.

(6) If a substitute teacher as defined in RCW 41.32.010(39)(b)(ii) applies to the department under this section for credit for earnable compensation earned from an employer the substitute teacher must make contributions for all periods of service for that employer.

Sec. 5. RCW 41.32.765 and 1977 ex.s. c 293 s 4 are each amended to read as follows:

(1) **NORMAL RETIREMENT.** Any member with at least five service credit years of service who has attained at least age sixty-five shall be eligible to retire and to receive a retirement allowance computed according to the provisions of RCW 41.32.760.

(2) **EARLY RETIREMENT.** Any member who has completed at least twenty service credit years of service who has attained at least age fifty-five shall be eligible to retire and to receive a retirement allowance computed according to the provisions of RCW 41.32.760, except that a member retiring pursuant to this subsection shall have the retirement allowance actuarially reduced to reflect the difference in the number of years between age at retirement and the attainment of age sixty-five.

Sec. 6. RCW 41.40.010 and 1990 c 274 s 3 are each amended to read as follows:

As used in this chapter, unless a different meaning is plainly required by the context:

(1) "Retirement system" means the public employees' retirement system provided for in this chapter.

(2) "Retirement board" means the board provided for in this chapter and chapter 41.26 RCW.

(3) "State treasurer" means the treasurer of the state of Washington.

(4)(a) "Employer" for persons who establish membership in the retirement system on or before September 30, 1977, means every branch, department, agency, commission, board, and office of the state, any political subdivision or association of political subdivisions of the state admitted into the retirement system, and legal entities authorized by RCW 35.63.070 and 36.70.060 or chapter 39.34 RCW as now or hereafter amended; and the term shall also include any labor guild, association, or organization the membership of a local lodge or division of which is comprised of at least forty percent employees of an employer (other than such labor guild, association, or organization) within this chapter. The term may also include any city of the first class that has its own retirement system.

(b) "Employer" for persons who establish membership in the retirement system on or after October 1, 1977, means every branch, department, agency, commission, board, and office of the state, and any political subdivision and municipal corporation of the state admitted into the retirement system, including public agencies created pursuant to RCW 35.63.070, 36.70.060, and 39.34.030.

(5) "Member" means any employee included in the membership of the retirement system, as provided for in RCW 41.40.120.

(6) "Original member" of this retirement system means:

(a) Any person who became a member of the system prior to April 1, 1949;

(b) Any person who becomes a member through the admission of an employer into the retirement system on and after April 1, 1949, and prior to April 1, 1951;

(c) Any person who first becomes a member by securing employment with an employer prior to April 1, 1951, provided the member has rendered at least one or more years of service to any employer prior to October 1, 1947;

(d) Any person who first becomes a member through the admission of an employer into the retirement system on or after April 1, 1951, provided, such person has been in the regular employ of the employer for at least six months of the twelve-month period preceding the said admission date;

(e) Any member who has restored all contributions that may have been withdrawn as provided by RCW 41.40.150 and who on the effective date of the individual's retirement becomes entitled to be credited with ten years or more of membership service except that the provisions relating to the minimum amount of retirement allowance for the member upon retirement at age seventy as found in RCW 41.40.190(4) shall not apply to the member;

(f) Any member who has been a contributor under the system for two or more years and who has restored all contributions that may have been withdrawn as provided by RCW 41.40.150 and who on the effective date of the individual's retirement has rendered five or more years of service for the state or any political subdivision prior to the time of the admission of the employer into the system; except that the provisions relating to the minimum amount of retirement allowance for the member upon retirement at age seventy as found in RCW 41.40.190(4) shall not apply to the member.

(7) "New member" means a person who becomes a member on or after April 1, 1949, except as otherwise provided in this section.

(8)(a) "Compensation earnable" for persons who establish membership in the retirement system on or before September 30, 1977, means salaries or wages earned during a payroll period for personal services and where the compensation is not all paid in money, maintenance compensation shall be included upon the basis of the schedules established by the member's employer: PROVIDED, That retroactive payments to an individual by an employer on reinstatement of the employee in a position, or payments by an employer to an individual in lieu of reinstatement in a position which are awarded or granted as the equivalent of the salary or wage which the individual would have earned during a payroll period shall be considered compensation earnable and the individual shall receive the equivalent service credit: PROVIDED FURTHER, That if a leave of absence is taken by an individual for the purpose of serving in the state legislature, the salary which would have been received for the position from which the leave of absence was taken, shall be considered as compensation earnable if the employee's contribution is paid by the employee and the employer's contribution is paid by the employer or employee.

(b) "Compensation earnable" for persons who establish membership in the retirement system on or after October 1, 1977, means salaries or wages earned by a member during a payroll period for personal services, including overtime payments, and shall include wages and salaries deferred under provisions established pursuant to sections 403(b), 414(h), and 457 of the United States Internal Revenue Code, but shall exclude nonmoney maintenance compensation and lump sum payments for deferred annual sick leave, unused accumulated vacation, unused accumulated annual leave, or any form of severance pay: PROVIDED, That retroactive payments to an individual by an employer on reinstatement of the employee in a position, or payments by an employer to an individual in lieu of reinstatement in a position which are awarded or granted as the equivalent of the salary or wage which the individual would have earned during a payroll period shall be considered compensation earnable to the extent provided above, and the individual shall receive the equivalent service credit: PROVIDED FURTHER, That in any year in which a member serves in the legislature, the

member shall have the option of having such member's compensation earnable be the greater of:

(i) The compensation earnable the member would have received had such member not served in the legislature; or

(ii) Such member's actual compensation earnable received for nonlegislative public employment and legislative service combined. Any additional contributions to the retirement system required because compensation earnable under subparagraph (i) of this subsection is greater than compensation earnable under subparagraph (ii) of this subsection shall be paid by the member for both member and employer contributions.

(9)(a) "Service" for persons who establish membership in the retirement system on or before September 30, 1977, except as provided in RCW 41.40.450, means periods of employment in an eligible position or positions for one or more employers rendered to any employer for which compensation is paid, and includes time spent in office as an elected or appointed official of an employer. Compensation earnable earned in full time work for seventy hours or more in any given calendar month shall constitute one ((month of)) service credit month except as provided in RCW 41.40.450. Compensation earnable earned for less than seventy hours in any calendar month shall constitute one-quarter service credit month of service except as provided in RCW 41.40.450. Only service credit months ((of service)) and one-quarter service credit months shall be counted in the computation of any retirement allowance or other benefit provided for in this chapter. ((Years of service shall be determined by dividing the total number of months of service by twelve.)) Any fraction of a year of service ((as so determined)) shall be taken into account in the computation of such retirement allowance or benefits.

Service by a state employee officially assigned by the state on a temporary basis to assist another public agency, shall be considered as service as a state employee: PROVIDED, That service to any other public agency shall not be considered service as a state employee if such service has been used to establish benefits in any other public retirement system: PROVIDED FURTHER, That an individual shall receive no more than a total of twelve service credit months of service ((credit)) during any calendar year: PROVIDED FURTHER, That where an individual is employed in an eligible position by ((two or more)) one or more employers the individual shall ((only)) receive no more than one ((months)) service credit month during any calendar month in which multiple service for seventy or more hours is rendered.

(b) "Service" for persons who establish membership in the retirement system on or after October 1, 1977, means periods of employment by a member in an eligible position or positions for one or more employers for which compensation earnable is paid. Compensation earnable earned for ninety or more hours ((per)) in any calendar month shall constitute one

service credit month except as provided in RCW 41.40.450. Compensation earnable earned for at least seventy hours but less than ninety hours in any calendar month shall constitute one-half service credit month of service. Compensation earnable earned for less than seventy hours in any calendar month shall constitute one-quarter service credit month of service.

~~((Years of service shall be determined by dividing the total number of months of service by twelve.))~~ Any fraction of a year of service ~~((as so determined))~~ shall be taken into account in the computation of such retirement allowance or benefits.

Service in any state elective position shall be deemed to be full time service, except that persons serving in state elective positions who are members of the teachers' retirement system or law enforcement officers' and fire fighters' retirement system at the time of election or appointment to such position may elect to continue membership in the teachers' retirement system or law enforcement officers' and fire fighters' retirement system.

A member shall receive a total of not more than twelve service credit months of service for such calendar year: PROVIDED, That when an individual is employed in an eligible position by ~~((two))~~ one or more employers the individual shall ~~((only))~~ receive no more than one ~~((month's))~~ service credit month during any calendar month in which multiple service for ninety or more hours is rendered.

(10) "Service credit year" means an accumulation of months of service credit which is equal to one when divided by twelve.

(11) "Service credit month" means a month or an accumulation of months of service credit which is equal to one.

(12) "Prior service" means all service of an original member rendered to any employer prior to October 1, 1947.

~~((++))~~ (13) "Membership service" means:

(a) All service rendered, as a member, after October 1, 1947;

(b) All service after October 1, 1947, to any employer prior to the time of its admission into the retirement system: PROVIDED, That an amount equal to the employer and employee contributions which would have been paid to the retirement system on account of such service shall have been paid to the retirement system with interest (as computed by the department) on the employee's portion prior to retirement of such person, by the employee or his employer, except as qualified by RCW 41.40.120: PROVIDED FURTHER, That employer contributions plus employee contributions with interest submitted by the employee under this subsection shall be placed in the employee's individual account in the employees' savings fund and be treated as any other contribution made by the employee, with the exception that the contributions submitted by the employee in payment of the employer's obligation, together with the interest the director may apply to the employer's contribution, shall be excluded from the calculation of the

member's annuity in the event the member selects a benefit with an annuity option;

(c) Service not to exceed six consecutive months of probationary service rendered after April 1, 1949, and prior to becoming a member, in the case of any member, upon payment in full by such member of the total amount of the employer's contribution to the retirement fund which would have been required under the law in effect when such probationary service was rendered if the member had been a member during such period, except that the amount of the employer's contribution shall be calculated by the director based on the first month's compensation earnable as a member;

(d) Service not to exceed six consecutive months of probationary service, rendered after October 1, 1947, and before April 1, 1949, and prior to becoming a member, in the case of any member, upon payment in full by such member of five percent of such member's salary during said period of probationary service, except that the amount of the employer's contribution shall be calculated by the director based on the first month's compensation earnable as a member.

((+2)) (14)(a) "Beneficiary" for persons who establish membership in the retirement system on or before September 30, 1977, means any person in receipt of a retirement allowance, pension or other benefit provided by this chapter.

(b) "Beneficiary" for persons who establish membership in the retirement system on or after October 1, 1977, means any person in receipt of a retirement allowance or other benefit provided by this chapter resulting from service rendered to an employer by another person.

((+3)) (15) "Regular interest" means such rate as the director may determine.

((+4)) (16) "Accumulated contributions" means the sum of all contributions standing to the credit of a member in the member's individual account together with the regular interest thereon.

((+5)) (17)(a) "Average final compensation" for persons who establish membership in the retirement system on or before September 30, 1977, means the annual average of the greatest compensation earnable by a member during any consecutive two year period of service credit months for which service credit is allowed; or if the member has less than two years of service credit months then the annual average compensation earnable during the total years of service for which service credit is allowed.

(b) "Average final compensation" for persons who establish membership in the retirement system on or after October 1, 1977, means the member's average compensation earnable of the highest consecutive sixty months of service credit months prior to such member's retirement, termination, or death. Periods constituting authorized leaves of absence may not be used in the calculation of average final compensation.

~~((16))~~ (18) "Final compensation" means the annual rate of compensation earnable by a member at the time of termination of employment.

~~((17))~~ (19) "Annuity" means payments for life derived from accumulated contributions of a member. All annuities shall be paid in monthly installments.

~~((18))~~ (20) "Pension" means payments for life derived from contributions made by the employer. All pensions shall be paid in monthly installments.

~~((19))~~ (21) "Retirement allowance" means the sum of the annuity and the pension.

~~((20))~~ (22) "Employee" means any person who may become eligible for membership under this chapter, as set forth in RCW 41.40.120.

~~((21))~~ (23) "Actuarial equivalent" means a benefit of equal value when computed upon the basis of such mortality and other tables as may be adopted by the director.

~~((22))~~ (24) "Retirement" means withdrawal from active service with a retirement allowance as provided by this chapter.

~~((23))~~ (25) "Eligible position" means:

(a) Any position (~~which~~) that, as defined by the employer, normally requires five or more months of service a year for which regular compensation for at least seventy hours is ~~(paid to)~~ earned by the occupant thereof. For purposes of this chapter an employer shall not define "position" in such a manner that an employee's monthly work for that employer is divided into more than one position;

(b) Any position occupied by an elected official or person appointed directly by the governor for which compensation is paid.

~~((24))~~ (26) "Ineligible position" means any position which does not conform with the requirements set forth in ~~((subdivision (23)))~~ subsection (25) of this section.

~~((25))~~ (27) "Leave of absence" means the period of time a member is authorized by the employer to be absent from service without being separated from membership.

~~((26))~~ (28) "Totally incapacitated for duty" means total inability to perform the duties of a member's employment or office or any other work for which the member is qualified by training or experience.

~~((27))~~ (29) "Retiree" means any member in receipt of a retirement allowance or other benefit provided by this chapter resulting from service rendered to an employer by such member.

~~((28))~~ (30) "Department" means the department of retirement systems created in chapter 41.50 RCW.

~~((29))~~ (31) "Director" means the director of the department.

~~((30))~~ (32) "State elective position" means any position held by any person elected or appointed to state-wide office or elected or appointed as a member of the legislature.

~~((31))~~ (33) "State actuary" or "actuary" means the person appointed pursuant to RCW 44.44.010(2).

Sec. 7. RCW 41.40.185 and 1990 c 249 s 7 are each amended to read as follows:

Upon retirement from service, as provided for in RCW 41.40.180 or 41.40.210, a member shall be eligible for a service retirement allowance computed on the basis of the law in effect at the time of retirement, together with such post-retirement pension increases as may from time to time be expressly authorized by the legislature. The service retirement allowance payable to members retiring on and after February 25, 1972 shall consist of:

(1) An annuity which shall be the actuarial equivalent of his or her additional contributions made pursuant to RCW 41.40.330(2).

(2) A membership service pension, subject to the provisions of subsection (4) of this section, which shall be equal to two percent of his or her average final compensation for each service credit year or fraction of a service credit year of membership service.

(3) A prior service pension which shall be equal to one-seventieth of his or her average final compensation for each year or fraction of a year of prior service not to exceed thirty years credited to his or her service accounts. In no event, except as provided in this 1972 amendatory act, shall any member receive a retirement allowance pursuant to subsections (2) and (3) of this section of more than sixty percent of his or her average final compensation: PROVIDED, That no member shall receive a pension under this section of less than nine hundred dollars per annum if such member has twelve or more years of service credit, or less than one thousand and two hundred dollars per annum if such member has sixteen or more years of service credit, or less than one thousand five hundred and sixty dollars per annum if such member has twenty or more years of service credit.

(4) Notwithstanding the provisions of subsections (1) through (3) of this section, the retirement allowance payable for service where a member was elected or appointed pursuant to Articles II or III of the Constitution of the state of Washington or RCW 48.02.010 and the implementing statutes shall be a combined pension and annuity. Said retirement allowance shall be equal to three percent of the average final compensation for each year of such service. Any member covered by this subsection who upon retirement has served ten or more years shall receive a retirement allowance of at least one thousand two hundred dollars per annum; such member who has served fifteen or more years shall receive a retirement allowance of at least one thousand eight hundred dollars per annum; and such member who has served twenty or more years shall receive a retirement allowance of at least two thousand four hundred dollars per annum: PROVIDED, That the initial retirement allowance of a member retiring only under the provisions of this subsection shall not exceed the average final compensation upon which the retirement allowance is based. The minimum benefits provided in this

subsection shall apply to all retired members or to the surviving spouse of deceased members who were elected to the office of state senator or state representative.

Sec. 8. RCW 41.40.235 and 1986 c 176 s 4 are each amended to read as follows:

(1) Upon retirement, a member shall receive a nonduty disability retirement allowance equal to two percent of average final compensation for each service credit year of service: PROVIDED, That such allowance shall be reduced by two percent of itself for each year or fraction thereof that his or her age is less than fifty-five years: PROVIDED FURTHER, That in no case may the allowance provided by this section exceed sixty percent of average final compensation.

(2) If the recipient of a retirement allowance under this section dies before the total of the retirement allowance paid to the recipient equals the amount of the accumulated contributions at the date of retirement, then the balance shall be paid to such person or persons having an insurable interest in his or her life as the recipient has nominated by written designation duly executed and filed with the director or, if there is no such designated person or persons still living at the time of the recipient's death, then to the surviving spouse or, if there is neither such designated person or persons still living at the time of his or her death nor a surviving spouse, then to his or her legal representative.

Sec. 9. RCW 41.40.450 and 1990 c 274 s 4 are each amended to read as follows:

(1) A plan I member who is employed by a school district or districts, an educational (~~(school-[service])~~) service district, the state school for the deaf, the state school for the blind, institutions of higher education, or community colleges:

(a) Shall receive a service credit month for each month of the period from September through August of the following year if he or she is employed in an eligible position, earns compensation earnable for six hundred thirty hours or more during that period, and is employed during nine months of that period, except that a member may not receive credit for any period prior to the member's employment in an eligible position;

(b) If a member in an eligible position does not meet the requirements of (a) of this subsection, the member is entitled to a service credit ((only)) month for ((those calendar months during which he or she received)) each month of the period he or she earns earnable compensation for seventy or more hours; and the member is entitled to a one-quarter service credit month for those calendar months during which he or she earned compensation for less than seventy hours.

(2) Except for any period prior to the member's employment in an eligible position, a plan II member who is employed by a school district or districts, an educational ((school-[service])) service district, the state school

for the blind, the state school for the deaf, institutions of higher education, or community colleges:

(a) Shall receive a service credit month for each month of the period from September through August of the following year if he or she is employed in an eligible position, earns compensation earnable for eight hundred ten hours or more during that period, and is employed during nine months of that period(~~(, except that a member may not receive credit for any period prior to the member's employment in an eligible position));~~);

(b) If a member in an eligible position for each month of the period from September through August of the following year does not meet the hours requirements of (a) of this subsection, the member is entitled to one-half service credit ((only)) month for ((those calendar months during which he or she received)) each month of the period if he or she earns earnable compensation for ((ninety or more hours)) at least six hundred thirty hours but less than eight hundred ten hours during that period, and is employed nine months of that period.

(c) In all other instances, a member in an eligible position is entitled to service credit months as follows:

(i) One service credit month for each month in which compensation is earned for ninety or more hours;

(ii) One-half service credit month for each month in which compensation is earned for at least seventy hours but less than ninety hours; and

(iii) One-quarter service credit month for each month in which compensation is earned for less than seventy hours.

(3) The department shall adopt rules implementing this section.

Sec. 10. RCW 41.40.620 and 1977 ex.s. c 295 s 3 are each amended to read as follows:

A member of the retirement system shall receive a retirement allowance equal to two percent of such member's average final compensation for each service credit year of service.

Sec. 11. RCW 41.40.630 and 1977 ex.s. c 295 s 4 are each amended to read as follows:

(1) NORMAL RETIREMENT. Any member with at least five service credit years (~~(of service)~~) who has attained at least age sixty-five shall be eligible to retire and to receive a retirement allowance computed according to the provisions of RCW 41.40.620.

(2) EARLY RETIREMENT. Any member who has completed at least twenty service credit years (~~(of service)~~) and has attained age fifty-five shall be eligible to retire and to receive a retirement allowance computed according to the provisions of RCW 41.40.620, except that a member retiring pursuant to this subsection shall have the retirement allowance actuarially reduced to reflect the difference in the number of years between age at retirement and the attainment of age sixty-five.

NEW SECTION. Sec. 12. The department of retirement systems shall credit at least one-half service credit month for each month of each school year, as defined by RCW 28A.150.040, from October 1, 1977, through December 31, 1986, to a member of the teachers' retirement system plan II who was employed by an employer, as defined by RCW 41.32.010(12), under a contract for half-time employment as determined by the department for such school year and from whose compensation contributions were paid by the employee or picked up by the employer. Any withdrawn contributions shall be restored under RCW 41.32.500(1) prior to crediting any service.

NEW SECTION. Sec. 13. (1) By December 31, 1992, the department of retirement systems shall implement and complete the following process for those members of the law enforcement officers' and fire fighters' retirement system plan II, public employees' retirement system plans I and II, and teachers' retirement system plan II who erroneously had contributions either deducted or picked-up from their earnings on and after January 1, 1987:

(a) Create a list of transactions by employer for those members whose employer either deducted or picked-up employee contributions during a month where an employee did not work sufficient hours to earn service credit;

(b) Provide the affected employers with direction and guidance for the review of the transmitted lists from this subsection and the employers' preparation of any necessary correcting transactions to the department's records;

(c) Receive all correcting transactions submitted by the employer.

(2) All debits and credits to all member accounts affected by this remedial process shall be reconciled by the department.

(3) All moneys payable to an affected member, or any moneys to be further deducted or picked-up from such member's earnings, shall be determined and accomplished solely by the employer.

(4) After December 31, 1992, no credit of employer contributions shall be made.

(5) Return of contributions to an employee by the department is limited solely to when such member retires or otherwise terminates his or her membership and chooses to withdraw them with any accumulated interest.

(6) Employer contributions forfeited under this section shall be transferred to the department of retirement systems expense account.

Sec. 14. RCW 41.26.030 and 1987 c 418 s 1 are each amended to read as follows:

As used in this chapter, unless a different meaning is plainly required by the context:

(1) "Retirement system" means the "Washington law enforcement officers' and fire fighters' retirement system" provided herein.

(2)(a) "Employer" for persons who establish membership in the retirement system on or before September 30, 1977, means the legislative authority of any city, town, county or district or the elected officials of any municipal corporation that employs any law enforcement officer and/or fire fighter, any authorized association of such municipalities, and, except for the purposes of RCW 41.26.150, any labor guild, association, or organization, which represents the fire fighters or law enforcement officers of at least seven cities of over 20,000 population and the membership of each local lodge or division of which is composed of at least sixty percent law enforcement officers or fire fighters as defined in this chapter.

(b) "Employer" for persons who establish membership in the retirement system on or after October 1, 1977, means the legislative authority of any city, town, county, or district or the elected officials of any municipal corporation that employs any law enforcement officer and/or fire fighter.

(3) "Law enforcement officer" means any person who is serving on a full time, fully compensated basis as a county sheriff or deputy sheriff, including sheriffs or deputy sheriffs serving under a different title pursuant to a county charter, city police officer, or town marshal or deputy marshal, with the following qualifications:

(a) No person who is serving in a position that is basically clerical or secretarial in nature, and who is not commissioned shall be considered a law enforcement officer;

(b) Only those deputy sheriffs, including those serving under a different title pursuant to county charter, who have successfully completed a civil service examination for deputy sheriff or the equivalent position, where a different title is used, and those persons serving in unclassified positions authorized by RCW 41.14.070 except a private secretary will be considered law enforcement officers;

(c) Only such full time commissioned law enforcement personnel as have been appointed to offices, positions, or ranks in the police department which have been specifically created or otherwise expressly provided for and designated by city charter provision or by ordinance enacted by the legislative body of the city shall be considered city police officers;

(d) The term "law enforcement officer" also includes the executive secretary of a labor guild, association or organization (which is an employer under RCW 41.26.030(2) as now or hereafter amended) if such individual has five years previous membership in the retirement system established in chapter 41.20 RCW: PROVIDED, That for persons who establish membership in the retirement system on or after October 1, 1977, the provisions of this subparagraph shall not apply; and

(e) The term "law enforcement officer" also includes any person employed on or after November 1, 1975, and prior to December 1, 1975, as a director of public safety so long as the duties of the director substantially involve only police and/or fire duties and no other duties.

(4) "Fire fighter" means:

(a) any person who is serving on a full time, fully compensated basis as a member of a fire department of an employer and who is serving in a position which requires passing a civil service examination for fire fighter, or fireman if this title is used by the department, and who is actively employed as such;

(b) anyone who is actively employed as a full time fire fighter where the fire department does not have a civil service examination;

(c) supervisory fire fighter personnel;

(d) any full time executive secretary of an association of fire protection districts authorized under RCW 52.12.031: PROVIDED, That for persons who establish membership in the retirement system on or after October 1, 1977, the provisions of this subparagraph shall not apply;

(e) the executive secretary of a labor guild, association or organization (which is an employer under RCW 41.26.030(2) as now or hereafter amended), if such individual has five years previous membership in a retirement system established in chapter 41.16 or 41.18 RCW: PROVIDED, That for persons who establish membership in the retirement system on or after October 1, 1977, the provisions of this subparagraph shall not apply;

(f) any person who is serving on a full time, fully compensated basis for an employer, as a fire dispatcher, in a department in which, on March 1, 1970, a dispatcher was required to have passed a civil service examination for fireman or fire fighter;

(g) any person who on March 1, 1970, was employed on a full time, fully compensated basis by an employer, and who on May 21, 1971, was making retirement contributions under the provisions of chapter 41.16 or 41.18 RCW; and

(h) the term "fire fighter" also includes any person employed on or after November ~~((1,))~~ 1, 1975, and prior to December 1, 1975, as a director of public safety so long as the duties of the director substantially involve only police and/or fire duties and no other duties.

(5) "Retirement board" means the Washington public employees' retirement system board established in chapter 41.40 RCW, including two members of the retirement system and two employer representatives as provided for in RCW 41.26.050. The retirement board shall be called the Washington law enforcement officers' and fire fighters' retirement board and may enter in legal relationships in that name. Any legal relationships entered into in that name prior to the adoption of this 1972 amendatory act are hereby ratified.

(6) "Surviving spouse" means the surviving widow or widower of a member. The word shall not include the divorced spouse of a member.

(7) "Child" or "children" whenever used in this chapter means every natural born child and stepchild where that relationship was in existence prior to the date benefits are payable under this chapter, posthumous child,

child legally adopted or made a legal ward of a member prior to the date benefits are payable under this chapter, and illegitimate child legitimized prior to the date any benefits are payable under this chapter, all while unmarried, and either under the age of eighteen years or mentally or physically handicapped as determined by the retirement board except a handicapped person in the full time care of a state institution. A person shall also be deemed to be a child up to and including the age of twenty years and eleven months while attending any high school, college, or vocational or other educational institution accredited, licensed, or approved by the state, in which it is located, including the summer vacation months and all other normal and regular vacation periods at the particular educational institution after which the child returns to school.

(8) "Member" means any fire fighter, law enforcement officer, or other person as would apply under subsections (3) or (4) of this section whose membership is transferred to the Washington law enforcement officers' and fire fighters' retirement system on or after March 1, 1970, and every law enforcement officer and fire fighter who is employed in that capacity on or after such date.

(9) "Retirement fund" means the "Washington law enforcement officers' and fire fighters' retirement system fund" as provided for herein.

(10) "Employee" means any law enforcement officer or fire fighter as defined in subsections (3) and (4) ((above)) of this section.

(11)(a) "Beneficiary" for persons who establish membership in the retirement system on or before September 30, 1977, means any person in receipt of a retirement allowance, disability allowance, death benefit, or any other benefit described herein.

(b) "Beneficiary" for persons who establish membership in the retirement system on or after October 1, 1977, means any person in receipt of a retirement allowance or other benefit provided by this chapter resulting from service rendered to an employer by another person.

(12)(a) "Final average salary" for persons who establish membership in the retirement system on or before September 30, 1977, means (i) for a member holding the same position or rank for a minimum of twelve months preceding the date of retirement, the basic salary attached to such same position or rank at time of retirement; (ii) for any other member, including a civil service member who has not served a minimum of twelve months in the same position or rank preceding the date of retirement, the average of the greatest basic salaries payable to such member during any consecutive twenty-four month period within such member's last ten years of service for which service credit is allowed, computed by dividing the total basic salaries payable to such member during the selected twenty-four month period by twenty-four; (iii) in the case of disability of any member, the basic salary payable to such member at the time of disability retirement; (iv) in the case

of a member who hereafter vests pursuant to RCW 41.26.090, the basic salary payable to such member at the time of vesting.

(b) "Final average salary" for persons who establish membership in the retirement system on or after October 1, 1977, means the monthly average of the member's basic salary for the highest consecutive sixty service credit months of service prior to such member's retirement, termination, or death. Periods constituting authorized unpaid leaves of absence may not be used in the calculation of final average salary.

(13)(a) "Basic salary" for persons who establish membership in the retirement system on or before September 30, 1977, means the basic monthly rate of salary or wages, including longevity pay but not including overtime earnings or special salary or wages, upon which pension or retirement benefits will be computed and upon which employer contributions and salary deductions will be based.

(b) "Basic salary" for persons who establish membership in the retirement system on or after October 1, 1977, means salaries or wages earned by a member during a payroll period for personal services, including overtime payments, and shall include wages and salaries deferred under provisions established pursuant to sections 403(b), 414(h), and 457 of the United States Internal Revenue Code, but shall exclude lump sum payments for deferred annual sick leave, unused accumulated vacation, unused accumulated annual leave, or any form of severance pay: PROVIDED, That in any year in which a member serves in the legislature the member shall have the option of having such member's basic salary be the greater of:

(i) the basic salary the member would have received had such member not served in the legislature; or

(ii) such member's actual basic salary received for nonlegislative public employment and legislative service combined. Any additional contributions to the retirement system required because basic salary under subparagraph (i) of this subsection is greater than basic salary under subparagraph (ii) of this subsection shall be paid by the member for both member and employer contributions.

(14)(a) "Service" for persons who establish membership in the retirement system on or before September 30, 1977, means all periods of employment for an employer as a fire fighter or law enforcement officer, for which compensation is paid, together with periods of suspension not exceeding thirty days in duration. For the purposes of this chapter service shall also include service in the armed forces of the United States as provided in RCW 41.26.190. Credit shall be allowed for all service credit months of service rendered by a member from and after the member's initial commencement of employment as a fire fighter or law enforcement officer, during which the member worked for seventy or more hours, or was on disability leave or disability retirement. Only service credit months of service shall be counted in the computation of any retirement allowance or

other benefit provided for in this chapter. In addition to the foregoing, for members retiring after May 21, 1971 who were employed under the coverage of a prior pension act before March 1, 1970, "service" shall include (i) such military service not exceeding five years as was creditable to the member as of March 1, 1970, under the member's particular prior pension act, and (ii) such other periods of service as were then creditable to a particular member under the provisions of RCW 41.18.165, 41.20.160 or 41.20.170. However, in no event shall credit be allowed for any service rendered prior to March 1, 1970, where the member at the time of rendition of such service was employed in a position covered by a prior pension act, unless such service, at the time credit is claimed therefor, is also creditable under the provisions of such prior act: **PROVIDED**, That if such member's prior service is not creditable due to the withdrawal of his contributions plus accrued interest thereon from a prior pension system, such member shall be credited with such prior service, as a law enforcement officer or fire fighter, by paying to the Washington law enforcement officers' and fire fighters' retirement system, on or before March 1, 1975, an amount which is equal to that which was withdrawn from the prior system by such member, as a law enforcement officer or fire fighter: **PROVIDED FURTHER**, That if such member's prior service is not creditable because, although employed in a position covered by a prior pension act, such member had not yet become a member of the pension system governed by such act, such member shall be credited with such prior service as a law enforcement officer or fire fighter, by paying to the Washington law enforcement officers' and fire fighters' retirement system, on or before March 1, 1975, an amount which is equal to the employer's contributions which would have been required under the prior act when such service was rendered if the member had been a member of such system during such period: **AND PROVIDED FURTHER**, That where a member is employed by two employers at the same time, ~~((he))~~ the member shall only be credited with service to one such employer for any month during which ~~((he))~~ the member rendered such dual service.

(b) "Service" for persons who establish membership in the retirement system on or after October 1, 1977, means periods of employment by a member for one or more employers for which basic salary is earned for ninety or more hours per calendar month which shall constitute a service credit month. Periods of employment by a member for one or more employers for which basic salary is earned for at least seventy hours but less than ninety hours per calendar month shall constitute one-half service credit month. Periods of employment by a member for one or more employers for which basic salary is earned for less than seventy hours shall constitute a one-quarter service credit month.

Members of the retirement system who are elected or appointed to a state elective position may elect to continue to be members of this retirement system.

Service credit years of service shall be determined by dividing the total number of service credit months of service by twelve. Any fraction of a service credit year of service as so determined shall be taken into account in the computation of such retirement allowance or benefits.

If a member receives basic salary from two or more employers during any calendar month, the individual shall receive one service credit month's service credit during any calendar month in which multiple service for ninety or more hours is rendered; or one-half service credit month's service credit during any calendar month in which multiple service for at least seventy hours but less than ninety hours is rendered; or one-quarter service credit month during any calendar month in which multiple service for less than seventy hours is rendered.

(15) "Accumulated contributions" means the employee's contributions made by a member plus accrued interest credited thereon.

(16) "Actuarial reserve" means a method of financing a pension or retirement plan wherein reserves are accumulated as the liabilities for benefit payments are incurred in order that sufficient funds will be available on the date of retirement of each member to pay the member's future benefits during the period of retirement.

(17) "Actuarial valuation" means a mathematical determination of the financial condition of a retirement plan. It includes the computation of the present monetary value of benefits payable to present members, and the present monetary value of future employer and employee contributions, giving effect to mortality among active and retired members and also to the rates of disability, retirement, withdrawal from service, salary and interest earned on investments.

(18) "Disability board" means either the county disability board or the city disability board established in RCW 41.26.110 for persons who establish membership in the retirement system on or before September 30, 1977.

(19) "Disability leave" means the period of six months or any portion thereof during which a member is on leave at an allowance equal to the member's full salary prior to the commencement of disability retirement. The definition contained in this subsection shall apply only to persons who establish membership in the retirement system on or before September 30, 1977.

(20) "Disability retirement" for persons who establish membership in the retirement system on or before September 30, 1977, means the period following termination of a member's disability leave, during which the member is in receipt of a disability retirement allowance.

(21) "Position" means the employment held at any particular time, which may or may not be the same as civil service rank.

(22) "Medical services" for persons who establish membership in the retirement system on or before September 30, 1977, shall include the following as minimum services to be provided. Reasonable charges for these services shall be paid in accordance with RCW 41.26.150.

(a) Hospital expenses: These are the charges made by a hospital, in its own behalf, for

(i) Board and room not to exceed semiprivate room rate unless private room is required by the attending physician due to the condition of the patient.

(ii) Necessary hospital services, other than board and room, furnished by the hospital.

(b) Other medical expenses: The following charges are considered "other medical expenses", provided that they have not been considered as "hospital expenses".

(i) The fees of the following:

(A) A physician or surgeon licensed under the provisions of chapter 18.71 RCW;

(B) An osteopath licensed under the provisions of chapter 18.57 RCW;

(C) A chiropractor licensed under the provisions of chapter 18.25 RCW.

(ii) The charges of a registered graduate nurse other than a nurse who ordinarily resides in the member's home, or is a member of the family of either the member or the member's spouse.

(iii) The charges for the following medical services and supplies:

(A) Drugs and medicines upon a physician's prescription;

(B) Diagnostic x-ray and laboratory examinations;

(C) X-ray, radium, and radioactive isotopes therapy;

(D) Anesthesia and oxygen;

(E) Rental of iron lung and other durable medical and surgical equipment;

(F) Artificial limbs and eyes, and casts, splints, and trusses;

(G) Professional ambulance service when used to transport the member to or from a hospital when he or she is injured by an accident or stricken by a disease;

(H) Dental charges incurred by a member who sustains an accidental injury to his or her teeth and who commences treatment by a legally licensed dentist within ninety days after the accident;

(I) Nursing home confinement or hospital extended care facility;

(J) Physical therapy by a registered physical therapist;

(K) Blood transfusions, including the cost of blood and blood plasma not replaced by voluntary donors;

(L) An optometrist licensed under the provisions of chapter 18.53 RCW.

(23) "Regular interest" means such rate as the director may determine.

(24) "Retiree" for persons who establish membership in the retirement system on or after October 1, 1977, means any member in receipt of a retirement allowance or other benefit provided by this chapter resulting from service rendered to an employer by such member.

(25) "Department" means the department of retirement systems created in chapter 41.50 RCW.

(26) "Director" means the director of the department.

(27) "State actuary" or "actuary" means the person appointed pursuant to RCW 44.44.010(2).

(28) "State elective position" means any position held by any person elected or appointed to state-wide office or elected or appointed as a member of the legislature.

(29) "Service credit year" means an accumulation of months of service credit which is equal to one when divided by twelve.

(30) "Service credit month" means a full service credit month or an accumulation of partial service credit months that are equal to one.

Sec. 15. RCW 41.26.090 and 1977 ex.s. c 294 s 22 are each amended to read as follows:

Retirement of a member for service shall be made by the board as follows:

(1) Any member having five or more service credit years of service and having attained the age of fifty years shall be eligible for a service retirement allowance and shall be retired upon his or her written request effective the first day following the date upon which the member is separated from service.

(2) Any member having five or more service credit years of service, who terminates his or her employment with any employer, may leave his or her contributions in the fund. Any employee who so elects, upon attaining age fifty, shall be eligible to apply for and receive a service retirement allowance based on his or her years of service, commencing on the first day following ((his)) attainment of age fifty. This section shall also apply to a person who rendered service as a law enforcement officer or fire fighter, as those terms are defined in RCW 41.26.030, on or after July 1, 1969, but who was not employed as a law enforcement officer or fire fighter on March 1, 1970, by reason of his or her having been elected to a public office. Any member selecting this optional vesting with less than twenty service credit years of service shall not be covered by the provisions of RCW 41.26.150, and his or her survivors shall not be entitled to the benefits of RCW 41.26.160 unless his or her death occurs after he or she has attained the age of fifty years. Those members selecting this optional vesting with twenty or more years service shall not be covered by the provisions of RCW 41.26.150 until the attainment of the age of fifty years: PROVIDED, That a member

selecting this option, with less than twenty service credit years of service credit, who shall die prior to attaining the age of fifty years, shall have paid from the Washington law enforcement officers' and fire fighters' retirement fund, to such member's surviving spouse, if any, otherwise to such beneficiary as the member shall have designated in writing, or if no such designation has been made, to the personal representative of his or her estate, a lump sum which is equal to the amount of such member's accumulated contributions plus accrued interest: PROVIDED FURTHER, That if the vested member has twenty or more service credit years of service credit the surviving spouse or children shall then become eligible for the benefits of RCW 41.26.160 regardless of his or her age at the time of ((his)) death, to the exclusion of the lump sum amount provided by this subsection.

(3) Any member who has attained the age of sixty years shall be retired on the first day of the calendar month next succeeding that in which said member shall have attained the age of sixty and may not thereafter be employed as a law enforcement officer or fire fighter: PROVIDED, That for any member who is elected or appointed to the office of sheriff, chief of police, or fire chief, his or her election or appointment shall be considered as a waiver of the age sixty provision for retirement and nonemployment for whatever number of years remain in his or her present term of office and any succeeding periods for which he or she may be so elected or appointed: PROVIDED FURTHER, That the provisions of this subsection shall not apply to any member who is employed as a law enforcement officer or fire fighter on March 1, 1970.

Sec. 16. RCW 41.26.100 and 1974 ex.s. c 120 s 3 are each amended to read as follows:

A member upon retirement for service shall receive a monthly retirement allowance computed according to his or her completed creditable service credit years of service as follows: Five years but under ten years, one-twelfth of one percent of his or her final average salary for each month of service; ten years but under twenty years, one-twelfth of one and one-half percent of his or her final average salary for each month of service; and twenty years and over one-twelfth of two percent of his or her final average salary for each month of service: PROVIDED, That the recipient of a retirement allowance who shall return to service as a law enforcement officer or fire fighter shall be considered to have terminated his or her retirement status and he or she shall immediately become a member of the retirement system with the status of membership he or she had as of the date of ((his)) retirement. Retirement benefits shall be suspended during the period of his or her return to service and he or she shall make contributions and receive service credit. Such a member shall have the right to again retire at any time and his or her retirement allowance shall be recomputed, and paid, based upon additional service rendered and any change in final average salary: PROVIDED FURTHER, That no retirement allowance paid pursuant

to this section shall exceed sixty percent of final average salary, except as such allowance may be increased by virtue of RCW 41.26.240, as now or hereafter amended.

Sec. 17. RCW 41.26.160 and 1986 c 176 s 7 are each amended to read as follows:

(1) In the event of the death of any member who is in active service, or who has vested under the provisions of RCW 41.26.090 with twenty or more service credit years of service, or who is on disability leave or retired, whether for disability or service, his or her surviving spouse shall become entitled to receive a monthly allowance equal to fifty percent of his or her final average salary at the date of death if active, or the amount of retirement allowance the vested member would have received at age fifty, or the amount of the retirement allowance such retired member was receiving at the time of ~~((his))~~ death if retired for service or disability. The amount of this allowance will be increased five percent of final average salary for each child as defined in RCW 41.26.030(7), as now or hereafter amended, subject to a maximum combined allowance of sixty percent of final average salary: PROVIDED, That if the child or children is or are in the care of a legal guardian, payment of the increase attributable to each child will be made to the child's legal guardian or, in the absence of a legal guardian and if the member has created a trust for the benefit of the child or children, payment of the increase attributable to each child will be made to the trust.

(2) If at the time of the death of a vested member with twenty or more service credit years of service as provided above or a member retired for service or disability, the surviving spouse has not been lawfully married to such member for one year prior to ~~((his))~~ the member's retirement or separation from service if a vested member, the surviving spouse shall not be eligible to receive the benefits under this section: PROVIDED, That if a member dies as a result of a disability incurred in the line of duty, then if he or she was married at the time he or she was disabled, ~~((his))~~ the surviving spouse shall be eligible to receive the benefits under this section.

(3) If there be no surviving spouse eligible to receive benefits at the time of such member's death, then the child or children of such member shall receive a monthly allowance equal to thirty percent of final average salary for one child and an additional ten percent for each additional child subject to a maximum combined payment, under this subsection, of sixty percent of final average salary. When there cease to be any eligible children as defined in RCW 41.26.030(7), as now or hereafter amended, there shall be paid to the legal heirs of said member the excess, if any, of accumulated contributions of said member at the time of ~~((his))~~ death over all payments made to his or her survivors on his or her behalf under this chapter: PROVIDED, That payments under this subsection to children shall be prorated equally among the children, if more than one. If the member has created a

trust for the benefit of the child or children, the payment shall be made to the trust.

(4) In the event that there is no surviving spouse eligible to receive benefits under this section, and that there be no child or children eligible to receive benefits under this section, then the accumulated contributions shall be paid to the estate of said member.

(5) If a surviving spouse receiving benefits under the provisions of this section thereafter dies and there are children as defined in RCW 41.26.030(7), as now or hereafter amended, payment to the spouse shall cease and the child or children shall receive the benefits as provided in subsection (3) (~~(above)~~) of this section.

(6) The payment provided by this section shall become due the day following the date of death and payments shall be retroactive to that date.

Sec. 18. RCW 41.26.430 and 1977 ex.s. c 294 s 4 are each amended to read as follows:

(1) **NORMAL RETIREMENT.** Any member with at least five service credit years of service who has attained at least age fifty-eight shall be eligible to retire and to receive a retirement allowance computed according to the provisions of RCW 41.26.420.

(2) **EARLY RETIREMENT.** Any member who has completed at least twenty service credit years of service and has attained age fifty shall be eligible to retire and to receive a retirement allowance computed according to the provisions of RCW 41.26.420, except that a member retiring pursuant to this subsection shall have the retirement allowance actuarially reduced to reflect the difference in the number of years between age at retirement and the attainment of age fifty-eight.

NEW SECTION. Sec. 19. (1) Sections 3 through 11 and 14 through 18 of this act shall take effect September 1, 1991.

(2) The remainder of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1991.

Passed the House March 7, 1991.

Passed the Senate April 28, 1991.

Approved by the Governor May 21, 1991.

Filed in Office of Secretary of State May 21, 1991.

CHAPTER 344

[Senate Bill 5141]

COUNTY COMMISSIONERS—FIVE-MEMBER BOARDS

Effective Date: 5/21/91

AN ACT Relating to five-member boards of county commissioners; repealing 1990 c 252 s 9 (uncodified); and declaring an emergency.

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

NEW SECTION. Sec. 1. 1990 c 252 s 9 (uncodified) is repealed.

NEW SECTION. Sec. 2. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate February 11, 1991.

Passed the House April 16, 1991.

Approved by the Governor May 21, 1991.

Filed in Office of Secretary of State May 21, 1991.

CHAPTER 345

[Second Substitute Senate Bill 5882]

DRUGS ASSETS PROPERTY FORFEITURE

Effective Date: 7/28/91

AN ACT Relating to drug assets property forfeiture by criminals; adding new sections to chapter 43.10 RCW; and creating a new section.

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

NEW SECTION. Sec. 1. The legislature finds that drug asset forfeiture and criminal profiteering laws allow law enforcement officials and the courts to strip drug dealers and other successful criminals of the wealth they have acquired from their crimes and the assets they have used to facilitate those crimes. These laws are rarely used by prosecutors, however, because of the difficulty in identifying profiteering and the assets that criminals may have as a result of their crimes. It is the intent of the legislature to provide assistance to local law enforcement officials and state agencies to seize the assets of criminals and the proceeds of their profiteering.

NEW SECTION. Sec. 2. A new section is added to chapter 43.10 RCW to read as follows:

The attorney general may: (1) Assist local law enforcement officials in the development of cases arising under the criminal profiteering laws with special emphasis on narcotics related cases; (2) assist local prosecutors in the litigation of criminal profiteering or drug asset forfeiture cases, or, at the request of a prosecutor's office, litigate such cases on its behalf; and (3) conduct seminars and training sessions on prosecution of criminal profiteering cases and drug asset forfeiture cases.

NEW SECTION. Sec. 3. A new section is added to chapter 43.10 RCW to read as follows:

All assets recovered pursuant to section 2 of this act shall be distributed in the following manner: (1) For drug asset forfeitures, pursuant to the

provisions of RCW 69.50.505; and (2) for criminal profiteering cases, pursuant to the provisions of RCW 9A.82.100.

Passed the Senate April 22, 1991.

Passed the House April 19, 1991.

Approved by the Governor May 21, 1991.

Filed in Office of Secretary of State May 21, 1991.

CHAPTER 346

[Senate Bill 5766]

PROJECT DREAM

Effective Date: This act will become effective when funds are made available & only if funds are received by 6/30/93.

AN ACT Relating to a program for academic excellence for at-risk youth; adding new sections to chapter 28A.630 RCW; and providing a contingent effective date.

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

NEW SECTION. Sec. 1. (1) The legislature finds that more and more young people, especially in the urban areas of the state, are becoming involved with gangs, substance abuse, including drug trafficking, and teen pregnancy. As they become involved in such activities, they more frequently drop out of school than other students and are at greater risk of experiencing unemployment, becoming involved with criminal activities, and turning to public assistance programs for support. The end result is harm to both themselves and society. Substance abuse, gang activity, unemployment, and teen pregnancy are taking a disproportionate toll on minority youth.

(2) The legislature further finds that existing programs take a piecemeal approach to the needs of at-risk youth, offering only limited services. As a consequence, the current programs are not adequately effective in stopping the proliferation of gangs, substance abuse, unemployment, teen pregnancy, or other problems among youth, particularly in the urban areas of the state. Studies show clearly that poor academic performance plays a significant part in these problems.

(3) The purpose of sections 1 through 12 of this act is to create a cost-effective program that will challenge, motivate, and give incentive to underachieving, at-risk students in an effort to: Boost their academic achievement in school; reduce their involvement with gangs and substance abuse; reduce the numbers of at-risk youth, particularly minorities, who are unemployed; and reduce the number of teen pregnancies.

NEW SECTION. Sec. 2. This act shall be known and may be cited as project DREAM (dare to reach for educational aspirations and marks).

NEW SECTION. Sec. 3. Unless the context clearly indicates otherwise, the definitions in this section apply throughout sections 4 through 12 of this act.

(1) "Advisor" means an adult assigned specific responsibilities to work individually with at-risk students who receive services under project DREAM established under section 4 of this act. Advisors shall not be required to be professionally certificated.

(2) "At-risk student" or "student" means a student age fourteen through age twenty-one who meets the following criteria:

(a) The student is one or more grade levels behind in basic skills as determined by placement testing or has not graduated from high school or has not successfully completed the general educational development test;

(b) The student has violated school district or school building rules of conduct on at least three occasions in the same school year, is pregnant, or is a parent;

(c) The student comes from an historically disadvantaged group; and

(d) The family income level of the student is below the median level for the state.

(3) "Department" means the department of social and health services.

(4) "Superintendent" means the state superintendent of public instruction.

NEW SECTION. Sec. 4. (1) The superintendent, working with the employment security department, the department of social and health services, the state board for vocational education in the office of the governor, and other state agencies as are appropriate, shall be the lead agency in developing and administering project DREAM, dare to reach for educational aspirations and marks, a pilot grant program for academic excellence for underachieving, at-risk students. The program shall emphasize a focus on minority students but shall not be exclusively limited to serving minority students.

(2) Initially, the program shall be limited to the school districts of Seattle, Tacoma, Spokane, Yakima, and Pasco, focusing on the areas within these school districts with the highest percentages of underachieving, at-risk students.

(3) Project DREAM shall commence at the beginning of the school year following receipt of federal funds by the superintendent of public instruction and, subject to continued federal or state funding, end at the completion of the fourth school year following implementation of the program.

NEW SECTION. Sec. 5. Each school district participating in project DREAM shall be responsible for the following:

(1) Individual programs under project DREAM shall consist of the following:

(a) Academic counseling and outreach, including study skills;

(b) Parent and family outreach and involvement;

(c) Employment and vocational counseling and training;

(d) Substance abuse awareness and counseling, and treatment as necessary;

(e) Teen pregnancy and teen parenting counseling; and

(f) Positive self-image building.

(2) In designing the local program, the participating districts are encouraged to consider:

(a) Dropout prevention strategies developed by school districts under RCW 28A.175.020 through 28A.175.070, the state grant program for local school district student motivation, retention, and retrieval programs; and

(b) Substance abuse prevention, intervention, and aftercare strategies developed by school districts under RCW 28A.170.010 through 28A.170.070, the state grant program for local school district substance abuse awareness programs.

(3) In designing the local program, the participating districts shall:

(a) Contact the local job service center to establish how the center can assist the district in providing participating students employment and vocational counseling and training; and

(b) Contact branch offices of the department and local community-based providers of health care to establish how these entities can and will assist the district in providing participating students counseling and information, and treatment as necessary, relating to substance abuse, teen pregnancy, and teen parenting.

NEW SECTION. Sec. 6. (1) The participating districts shall be responsible for screening and employing adult advisors and for providing any training necessary for the adult advisors to carry out their responsibilities effectively.

(2) Each adult advisor shall be responsible for the following:

(a) Maintaining a caseload of at-risk students not to exceed fifteen;

(b) Signing a written agreement with each student to comply with specific state or local regulations, or both, while participating in project DREAM;

(c) Meeting weekly with each student to monitor the student's progress under project DREAM;

(d) Meeting bi-weekly with each student's teachers, school counselor, and parents or guardian, and family members;

(e) Maintaining for each student a portfolio; and

(f) Serving as the facilitator in getting the student together with school or community-based health care providers, vocational counselors, job service center personnel, employment interviews, and other persons or groups that can help the student gain maximum benefits from participating in project DREAM.

NEW SECTION. Sec. 7. Each student shall be responsible to do the following:

(1) Sign a written agreement with his or her adult advisor to comply with all state or local regulations, or both, while a participant in project DREAM;

(2) Meet weekly with his or her adult advisor to discuss the student's progress;

(3) Maintain a personal written or audio portfolio;

(4) Attend all programs, seminars, training sessions, and other activities arranged by their advisor; and

(5) Maintain regular attendance at school or at work or both.

NEW SECTION. Sec. 8. (1) Each school district participating in project DREAM shall submit annually to the superintendent of public instruction a report on the district's local program. The report shall include an assessment of the effectiveness of the services, programs, or activities provided to the participating at-risk students and other information required by the superintendent. The superintendent shall establish the date for submittal of reports.

(2) The superintendent shall work with the participating districts in developing reporting requirements that do not create excessive paperwork but that provide information necessary for the superintendent to evaluate the impact of project DREAM on the participating at-risk students.

(3) The superintendent shall submit annually to the legislature and the governor a report on project DREAM. The first report shall be submitted not later than December 1 of the second school year following implementation of the program, and each succeeding report shall be submitted not later than December 1st.

(4) The superintendent's reports shall include information on how many students have or are participating in the local programs and the success of the programs in meeting the needs of the participating at-risk students.

NEW SECTION. Sec. 9. The superintendent shall undertake the following activities:

(1) Organize a speakers' bureau of prominent role models, with an emphasis on minority role models;

(2) Meet with community and business leaders to market project DREAM; and

(3) Coordinate with other state and local agencies a centralized data base of preexisting services that can meet the purposes of project DREAM.

NEW SECTION. Sec. 10. Through the state clearinghouse for education information, the superintendent shall collect and disseminate to school districts and other interested parties information about project DREAM.

NEW SECTION. Sec. 11. The employment security department, the department of social and health services, the state board for vocational education in the office of the governor, and other state agencies as may be involved with the development of project DREAM, shall assist the superintendent in providing appropriate and necessary technical support and assistance to the school districts participating in project DREAM.

NEW SECTION. Sec. 12. (1) The superintendent shall adopt rules as necessary under chapter 34.05 RCW to implement the provisions of sections 1 through 10 of this act.

(2) The respective agencies under section 11 of this act shall adopt rules as necessary under chapter 34.05 RCW to implement section 11 of this act.

NEW SECTION. Sec. 13. This act shall take effect when the superintendent of public instruction receives funds made available for the purposes of this act and only if such funds are received by June 30, 1993.

NEW SECTION. Sec. 14. 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. 15. Sections 1 through 12 of this act are each added to chapter 28A.630 RCW.

Passed the Senate April 22, 1991.

Passed the House April 17, 1991.

Approved by the Governor May 21, 1991.

Filed in Office of Secretary of State May 21, 1991.

CHAPTER 347

[Engrossed Substitute House Bill 2026]

WATER RESOURCE MANAGEMENT

Effective Date: 7/28/91 – Except Section 4 which becomes effective on 7/1/91.

AN ACT Relating to water resource management; amending RCW 90.54.045, 90.03.380, 19.27.170, 35.67.020, 56.16.090, 57.20.020, 54.24.080, 80.28.010, 80.28.025, and 90.14.140; reenacting and amending RCW 35.92.010; adding a new section to chapter 90.54 RCW; adding a new section to chapter 90.14 RCW; adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.12 RCW; adding a new chapter to Title 90 RCW; creating new sections; providing an effective date; and declaring an emergency.

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

NEW SECTION. Sec. 1. (1) It is the policy of the state of Washington to recognize and preserve water rights in accordance with RCW 90.03.010.

(2) The legislature finds that:

(a) The state of Washington is faced with a shortage of water with which to meet existing and future needs, particularly during the summer and fall months and in dry years when the demand is greatest;

(b) Consistent with RCW 90.54.180, conservation and water use efficiency programs, including storage, should be the preferred methods of addressing water uses because they can relieve current critical water situations, provide for presently unmet needs, and assist in meeting future water needs. Presently unmet needs or current needs includes the water required to increase the frequency of occurrence of base or minimum flow levels in streams of the state, the water necessary to satisfy existing water rights, or the water necessary to provide full supplies to existing water systems with current supply deficiencies; and

(c) The interests of the state will be served by developing programs and regional water resource plans, in cooperation with local governments, federally recognized tribal governments, appropriate federal agencies, private citizens, and the various water users and water interests in the state, that increase the overall ability to manage the state's waters in order to resolve conflicts and to better satisfy both present and future needs for water.

NEW SECTION. Sec. 2. The purposes of this act are to:

(1) Improve the ability of the state to work with the United States, local governments, federally recognized tribal governments, water right holders, water users, and various water interests in water conservation and water use efficiency programs designed to satisfy existing rights, presently unmet needs, and future needs, both instream and out-of-stream;

(2) Establish new incentives, enhance existing incentives, and remove disincentives for efficient water use;

(3) Establish improved means to disseminate information to the public and provide technical assistance regarding ways to improve the efficiency of water use;

(4) Create a trust water rights mechanism for the acquisition of water rights on a voluntary basis to be used to meet presently unmet needs and future needs;

(5) Prohibit the sale of nonconforming plumbing fixtures and require the marking and labeling of fixtures meeting state standards;

(6) Reduce tax disincentives to water conservation, reuse, and improved water use efficiency; and

(7) Add achievement of water conservation as a factor to be considered by water supply utilities in setting water rates.

NEW SECTION. Sec. 3. A new section is added to chapter 90.54 RCW to read as follows:

(1) State funding of water resource, supply, and quality related capital programs, both current and future, shall, to the maximum extent possible

within state or federal legal requirements, be directed to assist in the resolution of current conflicts and implementation of regional water resource plans with priority given to current needs over new requirements.

(2) Consistent with RCW 90.54.180, priority shall be given, to the maximum extent possible within state or federal legal requirements, to those water conservation projects funded by the state that will result in the greatest net water savings.

Sec. 4. RCW 90.54.045 and 1990 c 295 s 3 are each amended to read as follows:

(1) In the development and implementation of the comprehensive state water resources program required in RCW 90.54.040(1), the process described therein shall involve participation of appropriate state agencies, Indian tribes, local governments, and interested parties, and shall be applied on a regional basis pursuant to subsection (2) of this section.

(2) Prior to (~~January~~) July 1, 1991, the department, with advice from appropriate state agencies, Indian tribes, local government, and interested parties, shall identify regions and establish regional boundaries for water resource planning and shall designate two regions in which the process shall be initiated on a pilot basis. One region shall encompass an area within the Puget Sound basin in which critical water resource issues exist. A concurrent pilot process may encompass a region east of the Cascade mountains.

(3) The department shall report to the chairs of the appropriate legislative committees prior to July 1st each year summarizing the progress of the pilot process in the two regions. The pilot process in each region shall be completed and shall produce a regional water plan by December 31, 1993.

(4) Appropriate state agencies, Indian tribes, local governments, and interested parties in regions not selected for the pilot program are strongly encouraged to commence water resource planning within their regions.

NEW SECTION. Sec. 5. (1) The legislature finds that a need exists to develop and test a means to facilitate the voluntary transfer of water and water rights, including conserved water, to provide water for presently unmet needs and emerging needs. Further, the legislature finds that water conservation activities have the potential of affecting the quantity of return flow waters to which existing water right holders have a right to and rely upon. It is the intent of the legislature that persons holding rights to water, including return flows, not be adversely affected in the implementation of the provisions of this chapter.

The purpose of this chapter is to provide the mechanism for accomplishing this in a manner that will not impair existing rights to water and to test the mechanism in two pilot planning areas designated pursuant to RCW 90.54.045(2) and in the water resource inventory areas designated under subsection (2) of this section.

(2) The department may designate up to four water resource inventory areas west of the crest of the Cascade mountains and up to four water resource inventory areas east of the crest of the Cascade mountains, as identified pursuant to chapter 90.54 RCW. The areas designated shall contain critical water supply problems and shall provide an opportunity to test and evaluate a variety of applications of sections 5 through 13 of this act, including application to municipal, industrial, and agricultural use. The department shall seek advice from appropriate state agencies, Indian tribes, local governments, representatives of water right holders, and interested parties before identifying such water resource inventory areas.

(3) The department shall provide to the appropriate legislative committees by December 31, 1993, a written evaluation of the implementation of sections 5 through 13 of this act and recommendations for future application.

NEW SECTION. Sec. 6. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Department" means the department of ecology.

(2) "Net water savings" means the amount of water that is determined to be conserved and usable within a specified stream reach or reaches for other purposes without impairment or detriment to water rights existing at the time that a water conservation project is undertaken, reducing the ability to deliver water, or reducing the supply of water that otherwise would have been available to other existing water uses.

(3) "Trust water right" means any water right acquired by the state under this chapter for management in the state's trust water rights program.

(4) "Pilot planning areas" means the geographic areas designated under RCW 90.54.045(2).

(5) "Water conservation project" means any project or program that achieves physical or operational improvements that provide for increased water use efficiency in existing systems of diversion, conveyance, application, or use of water under water rights existing on the effective date of this section.

NEW SECTION. Sec. 7. (1) For purposes of this chapter, the state may enter into contracts to provide moneys to assist in the financing of water conservation projects located within pilot planning areas and in water resource inventory areas designated in accordance with section 5 of this act. In consideration for the financial assistance provided, the state shall obtain public benefits defined in guidelines developed under section 9 of this act.

(2) If the public benefits to be obtained require conveyance or modification of a water right, the recipient of funds shall convey to the state the recipient's interest in that part of the water right or claim constituting all or a portion of the resulting net water savings for deposit in the trust water rights program. The amount to be conveyed shall be finitely determined by

the parties, in accordance with the guidelines developed under section 9 of this act, before the expenditure of state funds. Conveyance may consist of complete transfer, lease contracts, or other legally binding agreements. When negotiating for the acquisition of conserved water or net water savings, or a portion thereof, the state may require evidence of a valid water right.

(3) As part of the contract, the water right holder and the state shall specify the process to determine the amount of water the water right holder would continue to be entitled to once the water conservation project is in place.

(4) The state shall cooperate fully with the United States in the implementation of this chapter. Trust water rights may be acquired through expenditure of funds provided by the United States and shall be treated in the same manner as trust water rights resulting from the expenditure of state funds.

(5) If water is proposed to be acquired by or conveyed to the state as a trust water right by an irrigation district, evidence of the district's authority to represent the water right holders shall be submitted to and for the satisfaction of the department.

(6) The state shall not contract with any person to acquire a water right served by an irrigation district without the approval of the board of directors of the irrigation district. Disapproval by a board shall be factually based on probable adverse effects on the ability of the district to deliver water to other members or on maintenance of the financial integrity of the district.

NEW SECTION. Sec. 8. (1) All trust water rights acquired by the state shall be placed in the state trust water rights program to be managed by the department. Trust water rights acquired by the state shall be held or authorized for use by the department for instream flows, irrigation, municipal, or other beneficial uses consistent with applicable regional plans for pilot planning areas, or to resolve critical water supply problems in water resource inventory areas designated in accordance with section 5 of this act.

(2) The department shall issue a water right certificate in the name of the state of Washington for each permanent trust water right conveyed to the state indicating the reach or reaches of the stream, the quantity, and the use or uses to which it may be applied. A superseding certificate shall be issued that specifies the amount of water the water right holder would continue to be entitled to as a result of the water conservation project. The superseding certificate shall retain the same priority date as the original right. For nonpermanent conveyances, the department shall issue certificates or such other instruments as are necessary to reflect the changes in purpose or place of use or point of diversion or withdrawal. Water rights for which such nonpermanent conveyances are arranged shall not be subject to relinquishment for nonuse.

(3) A trust water right retains the same priority date as the water right from which it originated, but as between them the trust right shall be deemed to be inferior in priority unless otherwise specified by an agreement between the state and the party holding the original right.

(4) Exercise of a trust water right may be authorized only if the department first determines that neither water rights existing at the time the trust water right is established, nor the public interest will be impaired. If impairment becomes apparent during the time a trust water right is being exercised, the department shall cease or modify the use of the trust water right to eliminate the impairment.

(5) Before any trust water right is created or modified, the department shall, at a minimum, require that a notice be published in a newspaper of general circulation published in the county or counties in which the storage, diversion, and use are to be made, and in other newspapers as the department determines is necessary, once a week for two consecutive weeks. At the same time the department shall send a notice containing pertinent information to all appropriate state agencies, potentially affected local governments and federally recognized tribal governments, and other interested parties.

(6) RCW 90.14.140 through 90.14.230 have no applicability to trust water rights held by the department under this chapter or exercised under this section.

(7) RCW 90.03.380 has no applicability to trust water rights acquired by the state through the funding of water conservation projects.

NEW SECTION. Sec. 9. The department, in cooperation with federally recognized Indian tribes, local governments, state agencies, and other interested parties, shall establish guidelines by July 1, 1992, governing the acquisition, administration, and management of trust water rights. The guidelines shall address at a minimum the following:

(1) Methods for determining the net water savings resulting from water conservation projects or programs carried out in accordance with this chapter, and other factors to be considered in determining the quantity or value of water available for potential designation as a trust water right;

(2) Criteria for determining the portion of net water savings to be conveyed to the state under this chapter;

(3) Criteria for prioritizing water conservation projects;

(4) A description of potential public benefits that will affect consideration for state financial assistance in section 7 of this act;

(5) Procedures for providing notification to potentially interested parties;

(6) Criteria for the assignment of uses of trust water rights acquired in areas of the state not addressed in a regional water resource plan or critical area agreement; and

(7) Contracting procedures and other procedures not specifically addressed in this section.

These guidelines shall be submitted to the joint select committee on water resource policy before adoption.

NEW SECTION. Sec. 10. The policies and purposes of this chapter shall not be construed as replacing or amending the policies or the purposes for which funds available under chapter 43.83B or 43.99E RCW may be used.

NEW SECTION. Sec. 11. Nothing in this chapter authorizes the involuntary impairment of any existing water rights.

NEW SECTION. Sec. 12. (1) Within the pilot planning areas, and in water resource inventory areas designated in accordance with section 5 of this act, the state may acquire all or portions of existing water rights, by purchase, gift, or other appropriate means other than by condemnation, from any person or entity or combination of persons or entities. Once acquired, such rights are trust water rights.

(2) The department may enter into leases, contracts, or such other arrangements with other persons or entities as appropriate, to ensure that trust water rights acquired in accordance with this chapter may be exercised to the fullest possible extent.

(3) Trust water rights may be acquired by the state on a temporary or permanent basis.

(4) The provisions of RCW 90.03.380 and 90.03.390 apply to transfers of water rights under this section.

(5) No funds may be expended for the purchase of water rights by the state pursuant to this section unless specifically appropriated for this purpose by the legislature.

NEW SECTION. Sec. 13. It is the intent of the legislature that jurisdictional authorities that exist in law not be expanded, diminished, or altered in any manner whatsoever by this chapter.

NEW SECTION. Sec. 14. A new section is added to chapter 90.14 RCW to read as follows:

This chapter shall not apply to trust water rights held or exercised by the department of ecology under chapter 90.38 or 90.— RCW (sections 1 and 5 through 13 of this act).

Sec. 15. RCW 90.03.380 and 1987 c 109 s 94 are each amended to read as follows:

The right to the use of water which has been applied to a beneficial use in the state shall be and remain appurtenant to the land or place upon which the same is used: PROVIDED, HOWEVER, That said right may be transferred to another or to others and become appurtenant to any other land or place of use without loss of priority of right theretofore established if such change can be made without detriment or injury to existing rights.

The point of diversion of water for beneficial use or the purpose of use may be changed, if such change can be made without detriment or injury to existing rights. Before any transfer of such right to use water or change of the point of diversion of water or change of purpose of use can be made, any person having an interest in the transfer or change, shall file a written application therefor with the department, and said application shall not be granted until notice of said application shall be published as provided in RCW 90.03.280. If it shall appear that such transfer or such change may be made without injury or detriment to existing rights, the department shall issue to the applicant a certificate in duplicate granting the right for such transfer or for such change of point of diversion or of use. The certificate so issued shall be filed and be made a record with the department and the duplicate certificate issued to the applicant may be filed with the county auditor in like manner and with the same effect as provided in the original certificate or permit to divert water.

If an application for change proposes to transfer water rights from one irrigation district to another, the department shall, before publication of notice, receive concurrence from each of the irrigation districts that such transfer or change will not adversely affect the ability to deliver water to other land owners or impair the financial integrity of either of the districts.

A change in place of use by an individual water user or users of water provided by an irrigation district need only receive approval for the change from the board of directors of the district if the use of water continues within the irrigation district.

This section shall not apply to trust water rights acquired by the state through the funding of water conservation projects under chapter 90.38 RCW or RCW 90.— through 90.— (sections 5 through 11 of this 1991 act).

Sec. 16. RCW 19.27.170 and 1989 c 348 s 8 are each amended to read as follows:

(1) The state building code council shall adopt rules under chapter 34-.05 RCW that implement and incorporate the water conservation performance standards in subsections ~~((3))~~ (4) and ~~((4))~~ (5) of this section. These standards shall apply to all new construction and all remodeling involving replacement of plumbing fixtures in all residential, hotel, motel, school, industrial, commercial use, or other occupancies determined by the council to use significant quantities of water.

(2) The legislature recognizes that a phasing-in approach to these new standards is appropriate. Therefore, standards in subsection ~~((3))~~ (4) of this section shall take effect on July 1, 1990. The standards in subsection ~~((4))~~ (5) of this section shall take effect July 1, 1993.

(3) No individual, public or private corporation, firm, political subdivision, government agency, or other legal entity may, for purposes of use in

this state, distribute, sell, offer for sale, import, install, or approve for installation any plumbing fixtures unless the fixtures meet the standards as provided for in this section.

(4) Standards for water use efficiency effective July 1, 1990.

(a) Standards for waterclosets. The guideline for maximum water use allowed in gallons per flush (gpf) for any of the following waterclosets is the following:

- Tank-type toilets 3.5 gpf.
- Flushometer-valve toilets 3.5 gpf.
- Flushometer-tank toilets 3.5 gpf.
- Electromechanical hydraulic toilets 3.5 gpf.

(b) Standard for urinals. The guideline for maximum water use allowed for any urinal is 3.0 gallons per flush.

(c) Standard for showerheads. The guideline for maximum water use allowed for any showerhead is 3.0 gallons per minute.

(d) Standard for faucets. The guideline for maximum water use allowed in gallons per minute (gpm) for any of the following faucets and replacement aerators is the following:

- Bathroom faucets 3.0 gpm.
- Lavatory faucets 3.0 gpm.
- Kitchen faucets 3.0 gpm.
- Replacement aerators 3.0 gpm.

(e) Except where designed and installed for use by the physically handicapped, lavatory faucets located in restrooms intended for use by the general public must be equipped with a metering valve designed to close by spring or water pressure when left unattended (self-closing).

(f) No urinal or watercloset that operates on a continuous flow or continuous flush basis shall be permitted.

~~((4))~~ (5) Standards for water use efficiency effective July 1, 1993.

(a) Standards for waterclosets. The guideline for maximum water use allowed in gallons per flush (gpf) for any of the following waterclosets is the following:

- Tank-type toilets 1.6 gpf.
- Flushometer-tank toilets 1.6 gpf.
- Electromechanical hydraulic toilets 1.6 gpf.

(b) Standards for urinals. The guideline for maximum water use allowed for any urinal is 1.0 gallons per flush.

(c) Standards for showerheads. The guideline for maximum water use allowed for any showerhead is 2.5 gallons per minute.

(d) Standards for faucets. The guideline for maximum water use allowed in gallons per minute for any of the following faucets and replacement aerators is the following:

- Bathroom faucets 2.5 gpm.
- Lavatory faucets 2.5 gpm.

Kitchen faucets 2.5 gpm.
 Replacement aerators 2.5 gpm.

(e) Except where designed and installed for use by the physically handicapped, lavatory faucets located in restrooms intended for use by the general public must be equipped with a metering valve designed to close by water pressure when unattended (self-closing).

(f) No urinal or watercloset that operates on a continuous flow or continuous basis shall be permitted.

~~((5) The building code council shall make an assessment regarding the low-volume fixtures required under subsection (4) of this section. The assessment shall consider the availability of low-volume fixtures which are technologically feasible, will operate effectively, and are economically justified. The council shall also assess the potential impact on the necessary flow or water required to insure sewerage or septic lines and treatment plants will effectively operate.~~

~~The council shall submit a report to the chief clerk of the house of representatives and the secretary of the senate by October 30, 1992, setting forth its conclusions, and any recommendations for legislative action:))~~

(6) The building code council shall establish methods and procedures for testing and identifying fixtures that meet the standards established in subsection (5) of this section. The council shall use the testing standards designated as American national standards, written under American national standards institute procedures or other widely recognized national testing standards. The council shall either review test results from independent testing laboratories that are submitted by manufacturers of plumbing fixtures or accept data submitted to and evaluated by the international association of plumbing and mechanical officials. The council shall publish and widely distribute a current list of fixtures that meet the standards established in subsection (5) of this section.

(7) The building code council shall adopt rules for marking and labeling fixtures meeting the standards established in subsection (5) of this section.

(8) This section shall not apply to fixtures installed before the effective date of this section that are removed and relocated to another room or area of the same building after the effective date of this section, nor shall it apply to fixtures, as determined by the council, that in order to perform a specialized function, cannot meet the standards specified in this section.

(9) The water conservation performance standards shall supersede all local government codes. After July 1, 1990, cities, towns, and counties shall not amend the code revisions and standards established under subsection ~~((3)-or)~~ (4) or (5) of this section.

Sec. 17. RCW 35.67.020 and 1965 c 7 s 35.67.020 are each amended to read as follows:

Every city and town may construct, condemn and purchase, acquire, add to, maintain, conduct, and operate systems of sewerage and systems and plants for refuse collection and disposal together with additions, extensions, and betterments thereto, within and without its limits, with full jurisdiction and authority to manage, regulate, and control them and to fix, alter, regulate, and control the rates and charges for the use thereof: PROVIDED, That the rates charged must be uniform for the same class of customers or service.

In classifying customers served or service furnished by such system of sewerage, the city or town legislative body may in its discretion consider any or all of the following factors: The difference in cost of service to the various customers; the location of the various customers within and without the city or town; the difference in cost of maintenance, operation, repair, and replacement of the various parts of the system; the different character of the service furnished various customers; the quantity and quality of the sewage delivered and the time of its delivery; the achievement of water conservation goals and the discouragement of wasteful water use practices; capital contributions made to the system, including but not limited to, assessments; and any other matters which present a reasonable difference as a ground for distinction.

Sec. 18. RCW 35.92.010 and 1985 c 445 s 4 and 1985 c 444 s 2 are each reenacted and amended to read as follows:

A city or town may construct, condemn and purchase, purchase, acquire, add to, alter, maintain and operate waterworks, within or without its limits, for the purpose of furnishing the city and its inhabitants, and any other persons, with an ample supply of water for all purposes, public and private, including water power and other power derived therefrom, with full power to regulate and control the use, distribution, and price thereof: PROVIDED, That the rates charged must be uniform for the same class of customers or service. Such waterworks may include facilities for the generation of electricity as a byproduct and such electricity may be used by the city or town or sold to an entity authorized by law to distribute electricity. Such electricity is a byproduct when the electrical generation is subordinate to the primary purpose of water supply.

In classifying customers served or service furnished, the city or town governing body may in its discretion consider any or all of the following factors: The difference in cost of service to the various customers; location of the various customers within and without the city or town; the difference in cost of maintenance, operation, repair, and replacement of the various parts of the system; the different character of the service furnished various customers; the quantity and quality of the water furnished; the time of its use; the achievement of water conservation goals and the discouragement of wasteful water use practices; capital contributions made to the system including, but not limited to, assessments; and any other matters which

present a reasonable difference as a ground for distinction. No rate shall be charged that is less than the cost of the water and service to the class of customers served.

For such purposes any city or town may take, condemn and purchase, purchase, acquire, and retain water from any public or navigable lake or watercourse, surface or ground, and, by means of aqueducts or pipe lines, conduct it to the city or town; and it may erect and build dams or other works across or at the outlet of any lake or watercourse in this state for the purpose of storing and retaining water therein up to and above high water mark; and for all the purposes of erecting such aqueducts, pipe lines, dams, or waterworks or other necessary structures in storing and retaining water, or for any of the purposes provided for by this chapter, the city or town may occupy and use the beds and shores up to the high water mark of any such watercourse or lake, and acquire the right by purchase, or by condemnation and purchase, or otherwise, to any water, water rights, easements or privileges named in this chapter, or necessary for any of said purposes, and the city or town may acquire by purchase or condemnation and purchase any properties or privileges necessary to be had to protect its water supply from pollution. Should private property be necessary for any such purposes or for storing water above high water mark, the city or town may condemn and purchase, or purchase and acquire such private property. For the purposes of waterworks which include facilities for the generation of electricity as a byproduct, nothing in this section may be construed to authorize a city or town that does not own or operate an electric utility system to condemn electric generating, transmission, or distribution rights or facilities of entities authorized by law to distribute electricity, or to acquire such rights or facilities without the consent of the owner.

Sec. 19. RCW 56.16.090 and 1974 ex.s. c 58 s 3 are each amended to read as follows:

The sewer commissioners of any sewer district, in the event that such sewer revenue bonds are issued, shall provide for revenues by fixing rates and charges for the furnishing of sewerage disposal service to those to whom such service is available. Such rates and charges may be combined for the furnishing of more than one type of sewer service such as but not limited to storm or surface water and sanitary. Such rates and charges are to be fixed as deemed necessary by such sewer commissioners, so that uniform charges will be made for the same class of customer or service.

In classifying customers served or service furnished by such system of sewerage, the board of commissioners may in its discretion consider any or all of the following factors: The difference in cost of service to the various customers; the location of the various customers within and without the district; the difference in cost of maintenance, operation, repair, and replacement of the various parts of the system; the different character of the service furnished various customers; the quantity and quality of the sewage

delivered and the time of its delivery; the achievement of water conservation goals and the discouragement of wasteful water use practices; capital contributions made to the system including but not limited to assessments; and any other matters which present a reasonable difference as a ground for distinction. Such rates are to be made on a monthly basis and shall produce revenues sufficient to take care of the costs of maintenance and operation, revenue bond and warrant interest and principal amortization requirements, and all other charges necessary for efficient and proper operation of the system.

Sec. 20. RCW 57.20.020 and 1983 c 167 s 164 are each amended to read as follows:

(1) Whenever any issue or issues of water revenue bonds have been authorized in compliance with the provisions of RCW 57.16.010 through 57.16.040, said bonds shall be in bearer form or registered as to principal or interest or both, as provided in RCW 39.46.030, and may provide for conversion between registered and coupon bonds; shall be in such denominations, shall be numbered, shall bear such date, and shall be payable at such time or times up to a maximum period of not to exceed thirty years as shall be determined by the board of water commissioners of the district; shall bear interest at such rate or rates payable at such time or times as authorized by the board; shall be payable at the office of the county treasurer of the county in which the water district is located and may also be payable at such other place or places as the board of water commissioners may determine; shall be executed by the president of the board of water commissioners and attested and sealed by the secretary thereof, one of which signatures may, with the written permission of the signator whose facsimile signature is being used, be a facsimile; and may have facsimile signatures of said president or secretary imprinted on any interest coupons in lieu of original signatures.

The water district commissioners shall have power and are required to create a special fund or funds for the sole purpose of paying the interest and principal of such bonds into which special fund or funds the said water district commissioners shall obligate and bind the water district to set aside and pay a fixed proportion of the gross revenues of the water supply system or any fixed amount out of and not exceeding a fixed proportion of such revenues, or a fixed amount or amounts without regard to any fixed proportion and such bonds and the interest thereof shall be payable only out of such special fund or funds, but shall be a lien and charge against all revenues and payments received from any utility local improvement district or districts pledged to secure such bonds, subject only to operating and maintenance expenses.

In creating any such special fund or funds the water district commissioners of such water district shall have due regard to the cost of operation and maintenance of the plant or system as constructed or added to and to

any proportion or part of the revenue previously pledged as a fund for the payment of bonds, warrants or other indebtedness, and shall not set aside into such special fund a greater amount or proportion of the revenue and proceeds than in their judgment will be available over and above such cost of maintenance and operation and the amount or proportion, if any, of the revenue so previously pledged. Any such bonds and interest thereon issued against any such fund as herein provided shall be a valid claim of the owner thereof only as against the said special fund and its fixed proportion or amount of the revenue pledged to such fund, and shall not constitute an indebtedness of such water district within the meaning of the constitutional provisions and limitations. Each such bond shall state upon its face that it is payable from a special fund, naming the said fund and the resolution creating it. Said bonds shall be sold in such manner, at such price and at such rate or rates of interest as the water district commissioners shall deem for the best interests of the water district, either at public or private sale, and the said commissioners may provide in any contract for the construction and acquirement of the proposed improvement (and for the refunding of outstanding local improvement district obligations, if any) that payment therefor shall be made in such bonds at par value thereof.

When any such special fund shall have been heretofore or shall be hereafter created and any such bonds shall have been heretofore or shall hereafter be issued against the same a fixed proportion or a fixed amount out of and not to exceed such fixed proportion, or a fixed amount or amounts without regard to any fixed proportion, of revenue shall be set aside and paid into said special fund as provided in the resolution creating such fund or authorizing such bonds, and in case any water district shall fail thus to set aside and pay said fixed proportion or amount as aforesaid, the owner of any bond payable from such special fund may bring suit or action against the water district and compel such setting aside and payment.

(2) Notwithstanding subsection (1) of this section, such bonds may be issued and sold in accordance with chapter 39.46 RCW.

(3) The water district commissioners of any water district, in the event that such water revenue bonds are issued, shall provide for revenues by fixing rates and charges for the furnishing of water supply to those receiving such service, such rates and charges to be fixed as deemed necessary by such water district commissioners, so that uniform charges will be made for the same class of customer or service.

In classifying customers served or service furnished by such water supply system, the board of water commissioners may in its discretion consider any or all of the following factors: The difference in cost of service to the various customers; the location of the various customers within and without the district; the difference in cost of maintenance, operation, repair and replacement of the various parts of the system; the different character of the service furnished various customers; the quantity and quality of the water

furnished; the time of its use; the achievement of water conservation goals and the discouragement of wasteful practices; capital contributions made to the system including but not limited to assessments; and any other matters which present a reasonable difference as a ground for distinction. Such rates shall be made on a monthly basis as may be deemed proper by such commissioners and as fixed by resolution and shall produce revenues sufficient to take care of the costs of maintenance and operation, revenue bond and warrant interest and principal amortization requirements and all other charges necessary for efficient and proper operation of the system.

Sec. 21. RCW 54.24.080 and 1959 c 218 s 9 are each amended to read as follows:

(1) The commission of each district which shall have revenue obligations outstanding shall have the power and shall be required to establish, maintain, and collect rates or charges for electric energy and water and other services, facilities, and commodities sold, furnished, or supplied by the district which shall be fair and nondiscriminatory and adequate to provide revenues sufficient for the payment of the principal of and interest on such revenue obligations for which the payment has not otherwise been provided and all payments which the district is obligated to set aside in any special fund or funds created for such purpose, and for the proper operation and maintenance of the public utility and all necessary repairs, replacements, and renewals thereof.

(2) In establishing rates or charges for water service, commissioners may in their discretion consider the achievement of water conservation goals and the discouragement of wasteful water use practices.

Sec. 22. RCW 80.28.010 and 1990 1st ex.s. c 1 s 5 are each amended to read as follows:

(1) All charges made, demanded or received by any gas company, electrical company or water company for gas, electricity or water, or for any service rendered or to be rendered in connection therewith, shall be just, fair, reasonable and sufficient.

(2) Every gas company, electrical company and water company shall furnish and supply such service, instrumentalities and facilities as shall be safe, adequate and efficient, and in all respects just and reasonable.

(3) All rules and regulations issued by any gas company, electrical company or water company, affecting or pertaining to the sale or distribution of its product, shall be just and reasonable.

(4) Until June 30, 1991:

(a) Utility service for residential space heating shall not be terminated between November 15 through March 15 if the customer:

(i) Notifies the utility of the inability to pay the bill, including a security deposit. This notice should be provided within five business days of receiving a payment overdue notice unless there are extenuating circumstances. If the customer fails to notify the utility within five business

days and service is terminated, the customer can, by paying reconnection charges, if any, and fulfilling the requirements of this section, receive the protections of this chapter;

(ii) Provides self-certification of household income for the prior twelve months to a grantee of the department of community development which administers federally funded energy assistance programs. The grantee shall determine that the household income does not exceed the maximum allowed for eligibility under the state's plan for low-income energy assistance under 42 U.S.C. 8624 and shall provide a dollar figure that is seven percent of household income. The grantee may verify information provided in the self-certification;

(iii) Has applied for home heating assistance from applicable government and private sector organizations and certifies that any assistance received will be applied to the current bill and future utility bills;

(iv) Has applied for low-income weatherization assistance to the utility or other appropriate agency if such assistance is available for the dwelling;

(v) Agrees to a payment plan and agrees to maintain the payment plan. The plan will be designed both to pay the past due bill by the following October 15 and to pay for continued utility service. If the past due bill is not paid by the following October 15, the customer shall not be eligible for protections under this chapter until the past due bill is paid. The plan shall not require monthly payments in excess of seven percent of the customer's monthly income plus one-twelfth of any arrearage accrued from the date application is made and thereafter during November 15 through March 15. A customer may agree to pay a higher percentage during this period, but shall not be in default unless payment during this period is less than seven percent of monthly income plus one-twelfth of any arrearage accrued from the date application is made and thereafter. If assistance payments are received by the customer subsequent to implementation of the plan, the customer shall contact the utility to reformulate the plan; and

(vi) Agrees to pay the moneys owed even if he or she moves.

(b) The utility shall:

(i) Include in any notice that an account is delinquent and that service may be subject to termination, a description of the customer's duties in this section;

(ii) Assist the customer in fulfilling the requirements under this section;

(iii) Be authorized to transfer an account to a new residence when a customer who has established a plan under this section moves from one residence to another within the same utility service area;

(iv) Be permitted to disconnect service if the customer fails to honor the payment program. Utilities may continue to disconnect service for those practices authorized by law other than for nonpayment as provided for in this subsection. Customers who qualify for payment plans under this section

who default on their payment plans and are disconnected can be reconnected and maintain the protections afforded under this chapter by paying reconnection charges, if any, and by paying all amounts that would have been due and owing under the terms of the applicable payment plan, absent default, on the date on which service is reconnected; and

(v) Advise the customer in writing at the time it disconnects service that it will restore service if the customer contacts the utility and fulfills the other requirements of this section.

(c) A payment plan implemented under this section is consistent with RCW 80.28.080.

(5) Every gas company and electrical company shall offer residential customers the option of a budget billing or equal payment plan. The budget billing or equal payment plan shall be offered low-income customers eligible under the state's plan for low-income energy assistance prepared in accordance with 42 U.S.C. 8624(C)(1) without limiting availability to certain months of the year, without regard to the length of time the customer has occupied the premises, and without regard to whether the customer is the tenant or owner of the premises occupied.

(6) Every gas company, electrical company and water company shall construct and maintain such facilities in connection with the manufacture and distribution of its product as will be efficient and safe to its employees and the public.

(7) An agreement between the customer and the utility, whether oral or written, shall not waive the protections afforded under this chapter.

(8) In establishing rates or charges for water service, water companies as defined in RCW 80.04.010 may consider the achievement of water conservation goals and the discouragement of wasteful water use practices.

Sec. 23. RCW 80.28.025 and 1980 c 149 s 2 are each amended to read as follows:

(1) In establishing rates for each gas and electric company regulated by this chapter, the commission shall adopt policies to encourage meeting or reducing energy demand through cogeneration as defined in RCW 82.35-.020, measures which improve the efficiency of energy end use, and new projects which produce or generate energy from renewable resources, such as solar energy, wind energy, hydroelectric energy, geothermal energy, wood, wood waste, municipal wastes, agricultural products and wastes, and end-use waste heat. These policies shall include but are not limited to allowing a return on investment in measures to improve the efficiency of energy end use, cogeneration, or projects which produce or generate energy from renewable resources which return is established by adding an increment of two percent to the rate of return on common equity permitted on the company's other investment. Measures or projects encouraged under this section are those for which construction or installation is begun after June 12, 1980, and before January 1, 1990, and which, at the time they are

placed in the rate base, are reasonably expected to save, produce, or generate energy at a total incremental system cost per unit of energy delivered to end use which is less than or equal to the incremental system cost per unit of energy delivered to end use from similarly available conventional energy resources which utilize nuclear energy or fossil fuels and which the gas or electric company could acquire to meet energy demand in the same time period. The rate of return increment shall be allowed for a period not to exceed thirty years after the measure or project is first placed in the rate base.

(2) In establishing rates for water companies regulated by this chapter, the commission may consider the achievement of water conservation goals and the discouragement of wasteful water use practices.

NEW SECTION. Sec. 24. A new section is added to chapter 82.04 RCW to read as follows:

The tax imposed by RCW 82.04.240 shall not apply to the treatment or processing of effluent water purchased for commercial use directly from a sewage treatment facility operated by any county, city, town, political subdivision, or municipal or quasi-municipal corporation of this state. This section shall expire December 31, 1993, unless extended by the legislature.

***Sec. 25. RCW 90.14.140 and 1987 c 125 s 1 are each amended to read as follows:**

(1) For the purposes of RCW 90.14.130 through 90.14.180, "sufficient cause" shall be defined as the nonuse of all or a portion of the water by the owner of a water right for a period of five or more consecutive years where such nonuse occurs as a result of:

- (a) Drought, or other unavailability of water;**
- (b) Active service in the armed forces of the United States during military crisis;**
- (c) Nonvoluntary service in the armed forces of the United States;**
- (d) The operation of legal proceedings;**
- (e) Federal laws imposing land or water use restrictions either directly or through the voluntary enrollment of a landowner in a federal program implementing those laws, or acreage limitations, or production quotas.**

(2) Notwithstanding any other provisions of RCW 90.14.130 through 90.14.180, there shall be no relinquishment of any water right:

(a) If such right is claimed for power development purposes under chapter 90.16 RCW and annual license fees are paid in accordance with chapter 90.16 RCW, or

(b) If such right is used for a standby or reserve water supply to be used in time of drought or other low flow period so long as withdrawal or diversion facilities are maintained in good operating condition for the use of such reserve or standby water supply, or

(c) If such right is claimed for a determined future development to take place either within fifteen years of July 1, 1967, or the most recent beneficial use of the water right, whichever date is later, or

(d) If such right is claimed for municipal water supply purposes under chapter 90.03 RCW, or

(e) If the nonuse occurs after the effective date of this section, where such right is claimed by an irrigation district for the benefit of lands lying within such district, or

(f) If such waters are not subject to appropriation under the applicable provisions of RCW 90.40.030 as now or hereafter amended.

*Sec. 25 was vetoed, see message at end of chapter.

NEW SECTION. Sec. 26. A new section is added to chapter 82.12 RCW to read as follows:

This chapter shall not apply with respect to the use of treated or processed effluent water purchased for commercial use directly from a sewage treatment facility operated by any county, city, town, political subdivision, or municipal or quasi-municipal corporation of this state. This section shall expire December 31, 1993, unless extended by the legislature.

NEW SECTION. Sec. 27. Sections 1 and 5 through 13 of this act shall constitute a new chapter in Title 90 RCW.

NEW SECTION. Sec. 28. Section 4 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1991.

NEW SECTION. Sec. 29. If specific funding for the purposes of this act, referencing this act by bill number, is not provided by June 30, 1991, in the omnibus appropriations act, this act shall be null and void.

NEW SECTION. Sec. 30. 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.

Passed the House April 28, 1991.

Passed the Senate April 28, 1991.

Approved by the Governor May 21, 1991, with the exception of certain items which were vetoed.

Filed in Office of Secretary of State May 21, 1991.

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

"I am returning herewith, without my approval as to section 25, Engrossed Substitute House Bill No. 2026 entitled:

"AN ACT Relating to water resource management."

Engrossed Substitute House Bill No. 2026 is the product of more than a year of work by many groups and individuals. First, as part of the Environment 2010 project, and secondly, as part of the Chelan Agreement. The bill is heading the state in the right direction regarding water use and conservation. This bill is good public policy

because, among other things, it addresses inevitable water problems in advance of a crisis. Without some creative tools, such as the trust provisions contained in this bill, reallocation of waters may occur in the courts or by federal actions. Hopefully, the tools contained in this bill will help resolve critical water situations by allowing those within the state to direct the future use and management of our precious water resource.

Numerous groups and individuals have invested a great deal of time and energy in developing, drafting, and supporting this legislation. During the legislative process, however, a provision was added which unnecessarily creates new legal issues and institutional barriers to water conservation. The provision I am vetoing needs more public dialogue and debate by the Joint Select Committee on Water Resource Policy.

Section 25 is troubling in that it exempts irrigation districts from one of the basic tenets of water law — "use it or lose it." Although this amendment would have placed irrigation districts in the same category as municipal water supply purveyors, it does so without sufficient discussion as to its impact on water conservation. Additional concern has been raised that adding irrigation districts to the exemption list will only compound the problem of speculation in water rights.

Irrigation districts have a vast potential for water use efficiency improvements. As technological improvements become available, irrigation will require less water to meet the increased levels of production. By codifying outdated water requirements as a measure of a water right, this section would frustrate our efforts to encourage water conservation and to locate water for presently unmet and future needs. As such, this section deserves a more comprehensive review by the Joint Select Committee on Water Resource Policy.

For the reasons stated above, I have vetoed section 25 of Engrossed Substitute House Bill No. 2026.

With the exception of section 25, Engrossed Substitute House Bill No. 2026 is approved."

CHAPTER 348

[Substitute House Bill 1886]

VEHICULAR HOMICIDE OR ASSAULT—ALCOHOL AND DRUG EVALUATION AND TREATMENT OF OFFENDERS

Effective Date: 7/1/91

AN ACT Relating to alcohol and drug evaluation and treatment for individuals convicted of vehicular homicide or vehicular assault; amending RCW 46.61.520, 9.94A.120, and 9.94A.030; adding a new section to chapter 46.61 RCW; providing an effective date; and declaring an emergency.

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

Sec. 1. RCW 46.61.520 and 1983 c 164 s 1 are each amended to read as follows:

(1) When the death of any person ensues within three years as a proximate result of injury proximately caused by the driving of any vehicle by any person, the driver is guilty of vehicular homicide if the driver was operating a motor vehicle:

(a) While under the influence of intoxicating liquor or any drug, as defined by RCW 46.61.502(, or by the operation of any vehicle); or

(b) In a reckless manner; or

(c) With disregard for the safety of others~~(, the person so operating such vehicle is guilty of vehicular homicide)~~.

(2) Vehicular homicide is a class B felony punishable under chapter 9A.20 RCW.

NEW SECTION. Sec. 2. A new section is added to chapter 46.61 RCW to read as follows:

(1) A person convicted under RCW 46.61.520(1)(a) or 46.61.522(1)(b) shall, as a condition of community supervision imposed under RCW 9.94A.383 or community placement imposed under RCW 9.94A.120(8), complete a diagnostic evaluation by an alcohol or drug dependency agency approved by the department of social and health services or a qualified probation department, as defined under RCW 46.61.516 that has been approved by the department of social and health services. This report shall be forwarded to the department of licensing. If the person is found to have an alcohol or drug problem that requires treatment, the person shall complete treatment in a program approved by the department of social and health services under chapter 70.96A RCW. If the person is found not to have an alcohol or drug problem that requires treatment, he or she shall complete a course in an information school approved by the department of social and health services under chapter 70.96A RCW. The convicted person shall pay all costs for any evaluation, education, or treatment required by this section, unless the person is eligible for an existing program offered or approved by the department of social and health services. Nothing in this act requires the addition of new treatment or assessment facilities nor affects the department of social and health services use of existing programs and facilities authorized by law.

(2) As provided for under RCW 46.20.285, the department shall revoke the license, permit to drive, or a nonresident privilege of a person convicted of vehicular homicide under RCW 46.61.520 or vehicular assault under RCW 46.61.522. The department shall determine the eligibility of a person convicted of vehicular homicide under RCW 46.61.520(1)(a) or vehicular assault under [RCW] 46.61.522(1)(b) to receive a license based upon the report provided by the designated alcoholism treatment facility or probation department, and shall deny reinstatement until satisfactory progress in an approved program has been established and the person is otherwise qualified.

***Sec. 3. RCW 9.94A.120 and 1990 c 3 s 705 are each amended to read as follows:**

When a person is convicted of a felony, the court shall impose punishment as provided in this section.

(1) Except as authorized in subsections (2), (5), and (7) of this section, the court shall impose a sentence within the sentence range for the offense.

(2) The court may impose a sentence outside the standard sentence range for that offense if it finds, considering the purpose of this chapter, that

there are substantial and compelling reasons justifying an exceptional sentence.

(3) Whenever a sentence outside the standard range is imposed, the court shall set forth the reasons for its decision in written findings of fact and conclusions of law. A sentence outside the standard range shall be a determinate sentence.

(4) An offender convicted of the crime of murder in the first degree shall be sentenced to a term of total confinement not less than twenty years. An offender convicted of the crime of assault in the first degree where the offender used force or means likely to result in death or intended to kill the victim shall be sentenced to a term of total confinement not less than five years. An offender convicted of the crime of rape in the first degree shall be sentenced to a term of total confinement not less than five years, and shall not be eligible for furlough, work release or other authorized leave of absence from the correctional facility during such minimum five-year term except for the purpose of commitment to an inpatient treatment facility. The foregoing minimum terms of total confinement are mandatory and shall not be varied or modified as provided in subsection (2) of this section.

(5) In sentencing a first-time offender the court may waive the imposition of a sentence within the sentence range and impose a sentence which may include up to ninety days of confinement in a facility operated or utilized under contract by the county and a requirement that the offender refrain from committing new offenses. The sentence may also include up to two years of community supervision, which, in addition to crime-related prohibitions, may include requirements that the offender perform any one or more of the following:

- (a) Devote time to a specific employment or occupation;
 - (b) Undergo available outpatient treatment for up to two years, or inpatient treatment not to exceed the standard range of confinement for that offense;
 - (c) Pursue a prescribed, secular course of study or vocational training;
 - (d) Remain within prescribed geographical boundaries and notify the court or the community corrections officer prior to any change in the offender's address or employment;
 - (e) Report as directed to the court and a community corrections officer;
- or
- (f) Pay all court-ordered legal financial obligations as provided in RCW 9.94A.030 and/or perform community service work.

(6) If a sentence range has not been established for the defendant's crime, the court shall impose a determinate sentence which may include not more than one year of confinement, community service work, a term of community supervision not to exceed one year, and/or other legal financial obligations. The court may impose a sentence which provides more than one year of confinement if the court finds, considering the purpose of this chapter, that

there are substantial and compelling reasons justifying an exceptional sentence.

(7)(a)(i) When an offender is convicted of a sex offense other than a violation of RCW 9A.44.050 or a sex offense that is also a serious violent offense and has no prior convictions for a sex offense or any other felony sex offenses in this or any other state, the sentencing court, on its own motion or the motion of the state or the defendant, may order an examination to determine whether the defendant is amenable to treatment.

The report of the examination shall include at a minimum the following: The defendant's version of the facts and the official version of the facts, the defendant's offense history, an assessment of problems in addition to alleged deviant behaviors, the offender's social and employment situation, and other evaluation measures used. The report shall set forth the sources of the evaluator's information.

The examiner shall assess and report regarding the defendant's amenability to treatment and relative risk to the community. A proposed treatment plan shall be provided and shall include, at a minimum:

- (A)** Frequency and type of contact between offender and therapist;
- (B)** Specific issues to be addressed in the treatment and description of planned treatment modalities;
- (C)** Monitoring plans, including any requirements regarding living conditions, lifestyle requirements, and monitoring by family members and others;
- (D)** Anticipated length of treatment; and
- (E)** Recommended crime-related prohibitions.

The court on its own motion may order, or on a motion by the state shall order, a second examination regarding the offender's amenability to treatment. The evaluator shall be selected by the party making the motion. The defendant shall pay the cost of any second examination ordered unless the court finds the defendant to be indigent in which case the state shall pay the cost.

(ii) After receipt of the reports, the court shall consider whether the offender and the community will benefit from use of this special sexual offender sentencing alternative and consider the victim's opinion whether the offender should receive a treatment disposition under this subsection. If the court determines that this special sex offender sentencing alternative is appropriate, the court shall then impose a sentence within the sentence range. If this sentence is less than eight years of confinement, the court may suspend the execution of the sentence and impose the following conditions of suspension:

- (A)** The court shall place the defendant on community supervision for the length of the suspended sentence or three years, whichever is greater, and
- (B)** The court shall order treatment for any period up to three years in duration. The court in its discretion shall order outpatient sex offender treatment or inpatient sex offender treatment, if available. A community

mental health center may not be used for such treatment unless it has an appropriate program designed for sex offender treatment. The offender shall not change sex offender treatment providers or treatment conditions without first notifying the prosecutor, the community corrections officer, and the court, and shall not change providers without court approval after a hearing if the prosecutor or community corrections officer object to the change. In addition, as conditions of the suspended sentence, the court may impose other sentence conditions including up to six months of confinement, not to exceed the sentence range of confinement for that offense, crime-related prohibitions, and requirements that the offender perform any one or more of the following:

- (I) Devote time to a specific employment or occupation;*
- (II) Remain within prescribed geographical boundaries and notify the court or the community corrections officer prior to any change in the offender's address or employment;*
- (III) Report as directed to the court and a community corrections officer;*
- (IV) Pay all court-ordered legal financial obligations as provided in RCW 9.94A.030, perform community service work, or any combination thereof; or*

(V) Make recoupment to the victim for the cost of any counseling required as a result of the offender's crime.

(iii) The sex offender therapist shall submit quarterly reports on the defendant's progress in treatment to the court and the parties. The report shall reference the treatment plan and include at a minimum the following: Dates of attendance, defendant's compliance with requirements, treatment activities, the defendant's relative progress in treatment, and any other material as specified by the court at sentencing.

(iv) At the time of sentencing, the court shall set a treatment termination hearing for three months prior to the anticipated date for completion of treatment. Prior to the treatment termination hearing, the treatment professional and community corrections officer shall submit written reports to the court and parties regarding the defendant's compliance with treatment and monitoring requirements, and recommendations regarding termination from treatment, including proposed community supervision conditions. Either party may request and the court may order another evaluation regarding the advisability of termination from treatment. The defendant shall pay the cost of any additional evaluation ordered unless the court finds the defendant to be indigent in which case the state shall pay the cost. At the treatment termination hearing the court may: (A) Modify conditions of community supervision, and either (B) terminate treatment, or (C) extend treatment for up to the remaining period of community supervision.

(v) The court may revoke the suspended sentence at any time during the period of community supervision and order execution of the sentence if: (A) The defendant violates the conditions of the suspended sentence, or (B) the

court finds that the defendant is failing to make satisfactory progress in treatment. All confinement time served during the period of community supervision shall be credited to the offender if the suspended sentence is revoked.

(vi) After July 1, 1991, examinations and treatment ordered pursuant to this subsection shall only be conducted by sex offender treatment providers certified by the department of health pursuant to chapter 18.155 RCW.

For purposes of this subsection, "victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a result of the crime charged. "Victim" also means a parent or guardian of a victim who is a minor child unless the parent or guardian is the perpetrator of the offense.

(b) When an offender is convicted of any felony sex offense committed before July 1, 1987, and is sentenced to a term of confinement of more than one year but less than six years, the sentencing court may, on its own motion or on the motion of the offender or the state, order the offender committed for up to thirty days to the custody of the secretary of social and health services for evaluation and report to the court on the offender's amenability to treatment at these facilities. If the secretary of social and health services cannot begin the evaluation within thirty days of the court's order of commitment, the offender shall be transferred to the state for confinement pending an opportunity to be evaluated at the appropriate facility. The court shall review the reports and may order that the term of confinement imposed be served in the sexual offender treatment program at the location determined by the secretary of social and health services or the secretary's designee, only if the report indicates that the offender is amenable to the treatment program provided at these facilities. The offender shall be transferred to the state pending placement in the treatment program. Any offender who has escaped from the treatment program shall be referred back to the sentencing court.

If the offender does not comply with the conditions of the treatment program, the secretary of social and health services may refer the matter to the sentencing court. The sentencing court shall commit the offender to the department of corrections to serve the balance of the term of confinement.

If the offender successfully completes the treatment program before the expiration of the term of confinement, the court may convert the balance of confinement to community supervision and may place conditions on the offender including crime-related prohibitions and requirements that the offender perform any one or more of the following:

- (i) Devote time to a specific employment or occupation;*
- (ii) Remain within prescribed geographical boundaries and notify the court or the community corrections officer prior to any change in the offender's address or employment;*
- (iii) Report as directed to the court and a community corrections officer;*
- (iv) Undergo available outpatient treatment.*

If the offender violates any of the terms of community supervision, the court may order the offender to serve out the balance of the community supervision term in confinement in the custody of the department of corrections.

After June 30, 1993, this subsection (b) shall cease to have effect.

(c) When an offender commits any felony sex offense on or after July 1, 1987, and is sentenced to a term of confinement of more than one year but less than six years, the sentencing court may, on its own motion or on the motion of the offender or the state, request the department of corrections to evaluate whether the offender is amenable to treatment and the department may place the offender in a treatment program within a correctional facility operated by the department.

Except for an offender who has been convicted of a violation of RCW 9A.44.040 or 9A.44.050, if the offender completes the treatment program before the expiration of his term of confinement, the department of corrections may request the court to convert the balance of confinement to community supervision and to place conditions on the offender including crime-related prohibitions and requirements that the offender perform any one or more of the following:

(i) Devote time to a specific employment or occupation;

(ii) Remain within prescribed geographical boundaries and notify the court or the community corrections officer prior to any change in the offender's address or employment;

(iii) Report as directed to the court and a community corrections officer;

(iv) Undergo available outpatient treatment.

If the offender violates any of the terms of his community supervision, the court may order the offender to serve out the balance of his community supervision term in confinement in the custody of the department of corrections.

Nothing in (c) of this subsection shall confer eligibility for such programs for offenders convicted and sentenced for a sex offense committed prior to July 1, 1987. This subsection (c) does not apply to any crime committed after July 1, 1990.

(d) Offenders convicted and sentenced for a sex offense committed prior to July 1, 1987, may, subject to available funds, request an evaluation by the department of corrections to determine whether they are amenable to treatment. If the offender is determined to be amenable to treatment, the offender may request placement in a treatment program within a correctional facility operated by the department. Placement in such treatment program is subject to available funds.

(8)(a) When a court sentences a person to a term of total confinement to the custody of the department of corrections for an offense categorized as a sex offense or a serious violent offense committed after July 1, 1988, but before July 1, 1990, assault in the second degree, any crime against a person

where it is determined in accordance with RCW 9.94A.125 that the defendant or an accomplice was armed with a deadly weapon at the time of commission, or any felony offense under chapter 69.50 or 69.52 RCW, committed on or after July 1, 1988, the court shall in addition to the other terms of the sentence, sentence the offender to a one-year term of community placement beginning either upon completion of the term of confinement or at such time as the offender is transferred to community custody in lieu of earned early release in accordance with RCW 9.94A.150 (1) and (2). When the court sentences an offender under this subsection to the statutory maximum period of confinement then the community placement portion of the sentence shall consist entirely of such community custody to which the offender may become eligible, in accordance with RCW 9.94A.150 (1) and (2). Any period of community custody actually served shall be credited against the community placement portion of the sentence.

(b) When a court sentences a person to a term of total confinement to the custody of the department of corrections for an offense categorized as a sex offense or serious violent offense committed on or after July 1, 1990, or vehicular homicide or vehicular assault committed after June 30, 1991, the court shall in addition to other terms of the sentence, sentence the offender to community placement for two years or up to the period of earned early release awarded pursuant to RCW 9.94A.150 (1) and (2), whichever is longer. The community placement shall begin either upon completion of the term of confinement or at such time as the offender is transferred to community custody in lieu of earned early release in accordance with RCW 9.94A.150 (1) and (2). When the court sentences an offender under this subsection to the statutory maximum period of confinement then the community placement portion of the sentence shall consist entirely of the community custody to which the offender may become eligible, in accordance with RCW 9.94A.150 (1) and (2). Any period of community custody actually served shall be credited against the community placement portion of the sentence. Unless a condition is waived by the court, the terms of community placement for offenders sentenced pursuant to this section shall include the following conditions:

(i) The offender shall report to and be available for contact with the assigned community corrections officer as directed;

(ii) The offender shall work at department of corrections-approved education, employment, and/or community service;

(iii) The offender shall not consume controlled substances except pursuant to lawfully issued prescriptions;

(iv) An offender in community custody shall not unlawfully possess controlled substances; ~~((and))~~

(v) The offender shall pay supervision fees as determined by the department of corrections; and

(vi) Any condition required by section 2 of this act.

(c) The court may also order any of the following special conditions:

(i) The offender shall remain within, or outside of, a specified geographical boundary;

(ii) The offender shall not have direct or indirect contact with the victim of the crime or a specified class of individuals;

(iii) The offender shall participate in crime-related treatment or counseling services;

(iv) The offender shall not consume alcohol;

(v) The residence location and living arrangements of a sex offender shall be subject to the prior approval of the department of corrections; or

(vi) The offender shall comply with any crime-related prohibitions.

(d) Prior to transfer to, or during, community placement, any conditions of community placement may be removed or modified so as not to be more restrictive by the sentencing court, upon recommendation of the department of corrections.

(9) If the court imposes a sentence requiring confinement of thirty days or less, the court may, in its discretion, specify that the sentence be served on consecutive or intermittent days. A sentence requiring more than thirty days of confinement shall be served on consecutive days. Local jail administrators may schedule court-ordered intermittent sentences as space permits.

(10) If a sentence imposed includes payment of a legal financial obligation, the sentence shall specify the total amount of the legal financial obligation owed, and shall require the offender to pay a specified monthly sum toward that legal financial obligation. Restitution to victims shall be paid prior to any other payments of monetary obligations. Any legal financial obligation that is imposed by the court may be collected by the department, which shall deliver the amount paid to the county clerk for credit. The offender's compliance with payment of legal financial obligations shall be supervised by the department. All monetary payments ordered shall be paid no later than ten years after the last date of release from confinement pursuant to a felony conviction or the date the sentence was entered. Independent of the department, the party or entity to whom the legal financial obligation is owed shall have the authority to utilize any other remedies available to the party or entity to collect the legal financial obligation. Nothing in this section makes the department, the state, or any of its employees, agents, or other persons acting on their behalf liable under any circumstances for the payment of these legal financial obligations. If an order includes restitution as one of the monetary assessments, the county clerk shall make disbursements to victims named in the order.

(11) Except as provided under RCW 9.94A.140(1) and 9.94A.142(1), a court may not impose a sentence providing for a term of confinement or community supervision or community placement which exceeds the statutory maximum for the crime as provided in chapter 9A.20 RCW.

(12) All offenders sentenced to terms involving community supervision, community service, community placement, or legal financial obligation shall

be under the supervision of the secretary of the department of corrections or such person as the secretary may designate and shall follow explicitly the instructions of the secretary including reporting as directed to a community corrections officer, remaining within prescribed geographical boundaries, and notifying the community corrections officer of any change in the offender's address or employment.

(13) The sentencing court shall give the offender credit for all confinement time served before the sentencing if that confinement was solely in regard to the offense for which the offender is being sentenced.

(14) A departure from the standards in RCW 9.94A.400 (1) and (2) governing whether sentences are to be served consecutively or concurrently is an exceptional sentence subject to the limitations in subsections (2) and (3) of this section, and may be appealed by the defendant or the state as set forth in RCW 9.94A.210 (2) through (6).

(15) The court shall order restitution whenever the offender is convicted of a felony that results in injury to any person or damage to or loss of property, whether the offender is sentenced to confinement or placed under community supervision, unless extraordinary circumstances exist that make restitution inappropriate in the court's judgment. The court shall set forth the extraordinary circumstances in the record if it does not order restitution.

(16) As a part of any sentence, the court may impose and enforce an order that relates directly to the circumstances of the crime for which the offender has been convicted, prohibiting the offender from having any contact with other specified individuals or a specific class of individuals for a period not to exceed the maximum allowable sentence for the crime, regardless of the expiration of the offender's term of community supervision or community placement.

(17) In any sentence of partial confinement, the court may require the defendant to serve the partial confinement in work release or in a program of home detention.

(18) All court-ordered legal financial obligations collected by the department and remitted to the county clerk shall be credited and paid where restitution is ordered. Restitution shall be paid prior to any other payments of monetary obligations.

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

Sec. 4. RCW 9.94A.030 and 1990 c 3 s 602 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Collect," or any derivative thereof, "collect and remit," or "collect and deliver," when used with reference to the department of corrections, means that the department is responsible for monitoring and enforcing the offender's sentence with regard to the legal financial obligation, receiving

payment thereof from the offender, and, consistent with current law, delivering daily the entire payment to the superior court clerk without depositing it in a departmental account.

(2) "Commission" means the sentencing guidelines commission.

(3) "Community corrections officer" means an employee of the department who is responsible for carrying out specific duties in supervision of sentenced offenders and monitoring of sentence conditions.

(4) "Community custody" means that portion of an inmate's sentence of confinement in lieu of earned early release time served in the community subject to controls placed on the inmate's movement and activities by the department of corrections.

(5) "Community placement" means that period during which the offender is subject to the conditions of community custody and/or postrelease supervision, which begins either upon completion of the term of confinement (postrelease supervision) or at such time as the offender is transferred to community custody in lieu of earned early release. Community placement may consist of entirely community custody, entirely postrelease supervision, or a combination of the two.

(6) "Community service" means compulsory service, without compensation, performed for the benefit of the community by the offender.

(7) "Community supervision" means a period of time during which a convicted offender is subject to crime-related prohibitions and other sentence conditions imposed by a court pursuant to this chapter (~~(by a court)~~) or section 2 of this act. For first-time offenders, the supervision may include crime-related prohibitions and other conditions imposed pursuant to RCW 9.94A.120(5). For purposes of the interstate compact for out-of-state supervision of parolees and probationers, RCW 9.95.270, community supervision is the functional equivalent of probation and should be considered the same as probation by other states.

(8) "Confinement" means total or partial confinement as defined in this section.

(9) "Conviction" means an adjudication of guilt pursuant to Titles 10 or 13 RCW and includes a verdict of guilty, a finding of guilty, and acceptance of a plea of guilty.

(10) "Court-ordered legal financial obligation" means a sum of money that is ordered by a superior court of the state of Washington for legal financial obligations which may include restitution to the victim, statutorily imposed crime victims' compensation fees as assessed pursuant to RCW 7.68.035, court costs, county or interlocal drug funds, court-appointed attorneys' fees, and costs of defense, fines, and any other financial obligation that is assessed to the offender as a result of a felony conviction.

(11) "Crime-related prohibition" means an order of a court prohibiting conduct that directly relates to the circumstances of the crime for which the offender has been convicted, and shall not be construed to mean orders

directing an offender affirmatively to participate in rehabilitative programs or to otherwise perform affirmative conduct.

(12)(a) "Criminal history" means the list of a defendant's prior convictions, whether in this state, in federal court, or elsewhere. The history shall include, where known, for each conviction (i) whether the defendant has been placed on probation and the length and terms thereof; and (ii) whether the defendant has been incarcerated and the length of incarceration.

(b) "Criminal history" shall always include juvenile convictions for sex offenses and shall also include a defendant's other prior convictions in juvenile court if: (i) The conviction was for an offense which is a felony or a serious traffic offense and is criminal history as defined in RCW 13.40.020(6)(a); (ii) the defendant was fifteen years of age or older at the time the offense was committed; and (iii) with respect to prior juvenile class B and C felonies or serious traffic offenses, the defendant was less than twenty-three years of age at the time the offense for which he or she is being sentenced was committed.

(13) "Department" means the department of corrections.

(14) "Determinate sentence" means a sentence that states with exactitude the number of actual years, months, or days of total confinement, of partial confinement, of community supervision, the number of actual hours or days of community service work, or dollars or terms of a legal financial obligation. The fact that an offender through "earned early release" can reduce the actual period of confinement shall not affect the classification of the sentence as a determinate sentence.

(15) "Disposable earnings" means that part of the earnings of an individual remaining after the deduction from those earnings of any amount required by law to be withheld. For the purposes of this definition, "earnings" means compensation paid or payable for personal services, whether denominated as wages, salary, commission, bonuses, or otherwise, and, notwithstanding any other provision of law making the payments exempt from garnishment, attachment, or other process to satisfy a court-ordered legal financial obligation, specifically includes periodic payments pursuant to pension or retirement programs, or insurance policies of any type, but does not include payments made under Title 50 RCW, except as provided in RCW 50.40.020 and 50.40.050, or Title 74 RCW.

(16) "Drug offense" means:

(a) Any felony violation of chapter 69.50 RCW except possession of a controlled substance (RCW 69.50.401(d)) or forged prescription for a controlled substance (RCW 69.50.403);

(b) Any offense defined as a felony under federal law that relates to the possession, manufacture, distribution, or transportation of a controlled substance; or

(c) Any out-of-state conviction for an offense that under the laws of this state would be a felony classified as a drug offense under (a) of this subsection.

(17) "Escape" means:

(a) Escape in the first degree (RCW 9A.76.110), escape in the second degree (RCW 9A.76.120), willful failure to return from furlough (RCW 72.66.060), willful failure to return from work release (RCW 72.65.070), or willful failure to comply with any limitations on the inmate's movements while in community custody (RCW 72.09.310); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as an escape under (a) of this subsection.

(18) "Felony traffic offense" means:

(a) Vehicular homicide (RCW 46.61.520), vehicular assault (RCW 46.61.522), eluding a police officer (RCW 46.61.024), or felony hit-and-run injury-accident (RCW 46.52.020(4)); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a felony traffic offense under (a) of this subsection.

(19) "Fines" means the requirement that the offender pay a specific sum of money over a specific period of time to the court.

(20)(a) "First-time offender" means any person who is convicted of a felony (i) not classified as a violent offense or a sex offense under this chapter, or (ii) that is not the manufacture, delivery, or possession with intent to manufacture or deliver a controlled substance classified in schedule I or II that is a narcotic drug, and except as provided in (b) of this subsection, who previously has never been convicted of a felony in this state, federal court, or another state, and who has never participated in a program of deferred prosecution for a felony offense.

(b) For purposes of (a) of this subsection, a juvenile adjudication for an offense committed before the age of fifteen years is not a previous felony conviction except for adjudications of sex offenses.

(21) "Nonviolent offense" means an offense which is not a violent offense.

(22) "Offender" means a person who has committed a felony established by state law and is eighteen years of age or older or is less than eighteen years of age but whose case has been transferred by the appropriate juvenile court to a criminal court pursuant to RCW 13.40.110. Throughout this chapter, the terms "offender" and "defendant" are used interchangeably.

(23) "Partial confinement" means confinement for no more than one year in a facility or institution operated or utilized under contract by the state or any other unit of government, or, if home detention has been ordered by the court, in the residence of either the defendant or a member of

the defendant's immediate family, for a substantial portion of each day with the balance of the day spent in the community. Partial confinement includes work release and home detention as defined in this section.

(24) "Postrelease supervision" is that portion of an offender's community placement that is not community custody.

(25) "Restitution" means the requirement that the offender pay a specific sum of money over a specific period of time to the court as payment of damages. The sum may include both public and private costs. The imposition of a restitution order does not preclude civil redress.

(26) "Serious traffic offense" means:

(a) Driving while intoxicated (RCW 46.61.502), actual physical control while intoxicated (RCW 46.61.504), reckless driving (RCW 46.61.500), or hit-and-run an attended vehicle (RCW 46.52.020(5)); or

(b) Any federal, out-of-state, county, or municipal conviction for an offense that under the laws of this state would be classified as a serious traffic offense under (a) of this subsection.

(27) "Serious violent offense" is a subcategory of violent offense and means:

(a) Murder in the first degree, homicide by abuse, murder in the second degree, assault in the first degree, kidnapping in the first degree, or rape in the first degree, or an attempt, criminal solicitation, or criminal conspiracy to commit one of these felonies; or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a serious violent offense under (a) of this subsection.

(28) "Sentence range" means the sentencing court's discretionary range in imposing a nonappealable sentence.

(29) "Sex offense" means:

(a) A felony that is a violation of chapter 9A.44 RCW or RCW 9A.64.020 or 9.68A.090 or that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit such crimes;

(b) A felony with a finding of sexual motivation under RCW 9.94A.127; or

(c) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a sex offense under (a) of this subsection.

(30) "Sexual motivation" means that one of the purposes for which the defendant committed the crime was for the purpose of his or her sexual gratification.

(31) "Total confinement" means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for twenty-four hours a day, or pursuant to RCW 72.64.050 and 72.64.060.

(32) "Victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a direct result of the crime charged.

(33) "Violent offense" means:

(a) Any of the following felonies, as now existing or hereafter amended: Any felony defined under any law as a class A felony or an attempt to commit a class A felony, criminal solicitation of or criminal conspiracy to commit a class A felony, manslaughter in the first degree, manslaughter in the second degree, indecent liberties if committed by forcible compulsion, kidnapping in the second degree, arson in the second degree, assault in the second degree, extortion in the first degree, robbery in the second degree, vehicular assault, and vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a violent offense in (a) of this subsection; and

(c) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a violent offense under (a) or (b) of this subsection.

(34) "Work release" means a program of partial confinement available to offenders who are employed or engaged as a student in a regular course of study at school. Participation in work release shall be conditioned upon the offender attending work or school at regularly defined hours and abiding by the rules of the work release facility.

(35) "Home detention" means a program of partial confinement available to offenders wherein the offender is confined in a private residence subject to electronic surveillance. Home detention may not be imposed for offenders convicted of a violent offense, any sex offense, any drug offense, reckless burning in the first or second degree as defined in RCW 9A.48.040 or 9A.48.050, assault in the third degree as defined in RCW 9A.36.031, unlawful imprisonment as defined in RCW 9A.40.040, or harassment as defined in RCW 9A.46.020. Home detention may be imposed for offenders convicted of possession of a controlled substance (RCW 69.50.401(d)) or forged prescription for a controlled substance (RCW 69.50.403) if the offender fulfills the participation conditions set forth in this subsection and is monitored for drug use by treatment alternatives to street crime (TASC) or a comparable court or agency-referred program. Home detention may be imposed for offenders convicted of burglary in the second degree as defined in RCW 9A.52.030 or residential burglary conditioned upon the offender:

(a) Successfully completing twenty-one days in a work release program, (b)

having no convictions for burglary in the second degree or residential burglary during the preceding two years and not more than two prior convictions for burglary or residential burglary, (c) having no convictions for a violent felony offense during the preceding two years and not more than two prior convictions for a violent felony offense, (d) having no prior charges of escape, and (e) fulfilling the other conditions of the home detention program. Participation in a home detention program shall be conditioned upon: (a) The offender obtaining or maintaining current employment or attending a regular course of school study at regularly defined hours, or the offender performing parental duties to offspring or minors normally in the custody of the offender, (b) abiding by the rules of the home detention program, and (c) compliance with court-ordered legal financial obligations. The home detention program may also be made available to offenders whose charges and convictions do not otherwise disqualify them if medical or health-related conditions, concerns or treatment would be better addressed under the home detention program, or where the health and welfare of the offender, other inmates, or staff would be jeopardized by the offender's incarceration. Participation in the home detention program for medical or health-related reasons is conditioned on the offender abiding by the rules of the home detention program and complying with court-ordered restitution.

NEW SECTION. Sec. 5. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1991.

Passed the House March 13, 1991.

Passed the Senate April 11, 1991.

Approved by the Governor May 21, 1991, with the exception of certain items which were vetoed.

Filed in Office of Secretary of State May 21, 1991.

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

"I am returning herewith, without my approval as to section 3, Substitute House Bill No. 1886 entitled:

"AN ACT Relating to alcohol and drug evaluation and treatment for individuals convicted of vehicular homicide or vehicular assault."

Section 3 of this bill requires that an individual sentenced to the custody of the department of corrections for vehicular homicide or vehicular assault also be sentenced to the community placement program. RCW 9.94A.150 regulates the conversion of earned early release time to community custody for those offenders sentenced to this program. That statute is specific as to the offenses for which an individual can be denied earned early release and placed in community custody.

Substitute House Bill No. 1886 did not amend RCW 9.94A.150 to include vehicular homicide and vehicular assault in the list of eligible offenses. As a result, the status of offenders who earn early release will be ambiguous at the time they are eligible for release from confinement. Because of this confusion, I am vetoing section 3.

With the exception of section 3, Substitute House Bill No. 1886 is approved."

CHAPTER 349

[Substitute House Bill 1194]

SPECIAL DISTRICTS—ELECTION PROCEDURES

Effective Date: 7/28/91

AN ACT Relating to special districts; amending RCW 85.38.010, 85.05.015, 86.09.377, 85.38.100, 85.24.250, 85.38.040, 85.38.050, 85.38.060, 85.38.070, 85.38.090, 85.38.110, 85.38.120, 85.38.130, 85.38.180, 85.05.410, 85.06.380, 85.08.320, 85.24.080, and 86.09.283; adding new sections to chapter 85.38 RCW; adding a new section to chapter 85.08 RCW; recodifying RCW 85.05.015; and repealing RCW 85.24.210.

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

Sec. 1. RCW 85.38.010 and 1986 c 278 s 41 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter:

(1) "Governing body" means the board of commissioners, board of supervisors, or board of directors of a special district.

(2) "Owner of land" means the record owner of at least a majority ownership interest in a separate and legally created lot or parcel of land, as determined by the records of the county auditor, except that if the lot or parcel has been sold under a real estate contract, the vendee or grantee shall be deemed to be the owner of such land for purposes of authorizing voting rights. It is assumed, unless shown otherwise, that the name appearing as the owner of property on the property tax rolls is the current owner.

(3) "Qualified voter of a special district" means a person who is either: (a) A natural person who is a voter under general state election laws, registered to vote in the state of Washington for a period of not less than ~~((sixty))~~ thirty days before the election, and the owner of land located in the special district for a period of not less than ~~((sixty))~~ thirty days before the election; (b) a corporation or partnership that has owned land located in the special district for a period of not less than sixty days before the election; or (c) the state, its agencies or political subdivisions that own land in the special district or lands proposed to be annexed into the special district except that the state, its agencies and political subdivisions shall not be eligible to vote to elect a member of the governing board of a special district. ~~((If land is owned as community property, both spouses may vote if otherwise qualified. If other multiple undivided interests exist in a lot or parcel, and no person owns a majority undivided interest, the owners of undivided interests at least equal to a majority interest may designate in writing which owner is eligible to vote. A corporation, partnership or governmental entity shall designate a natural person to exercise its voting powers. Except as provided in RCW 85.05.015 and 86.09.377, no owner of land may cast more than one vote, or have more than one vote cast for it, in a special district election.))~~

(4) "Special district" means: (a) A diking district; (b) a drainage district; (c) a diking, drainage, and/or sewerage improvement district; (d) an intercounty diking and drainage district; (e) a consolidated diking district, drainage district, diking improvement district, and/or drainage improvement district; or (f) a flood control district.

(5) "Special district general election" means the election of a special district regularly held on the ~~((second))~~ first Tuesday ~~((of December))~~ after the first Monday in February in each ~~((odd-numbered))~~ even-numbered year at which a member of the special district governing body is regularly elected.

NEW SECTION. Sec. 2. A new section is added to chapter 85.38 RCW to read as follows:

(1) The owner of land located in a special district who is a qualified voter of the special district shall receive two votes at any election.

(2) If multiple undivided interests, other than community property interests, exist in a lot or parcel and no person owns a majority undivided interest, the owners of undivided interests at least equal to a majority interest may designate in writing:

- (a) Which owner is eligible to vote and may cast two votes; or
- (b) Which two owners are eligible to vote and may cast one vote each.

(3) If land is owned as community property, each spouse is entitled to one vote if both spouses otherwise qualify to vote, unless one spouse designates in writing that the other spouse may cast both votes.

(4) A corporation, partnership, or governmental entity shall designate:

- (a) A natural person to cast its two votes; or
- (b) Two natural persons to each cast one of its votes.

(5) Except as provided in RCW 85.05.015 (as recodified by this act) and 86.09.377, no owner of land may cast more than two votes or have more than two votes cast for him or her in a special district election.

Sec. 3. RCW 85.05.015 and 1985 c 396 s 21 are each amended to read as follows:

Each qualified voter of a diking improvement or drainage improvement district who owns more than ten acres of land within the district shall be entitled to ~~((one))~~ two additional votes for each ten acres or major fraction thereof located within the district, up to a maximum total of ~~((twenty))~~ forty votes for any voter, or in the case of community property, a maximum total of ~~((ten))~~ twenty votes per member of the marital community: **PROVIDED**, That this additional voting provision shall only apply in districts that were not in operation and did not have improvements as of May 14, 1925.

Sec. 4. RCW 86.09.377 and 1985 c 396 s 22 are each amended to read as follows:

Each qualified voter of a flood control district who owns more than ten acres of land within the district shall be entitled to ~~((one))~~ two additional votes for each ten acres or major fraction thereof located within the district, up to a maximum total of ~~((twenty))~~ forty votes for any voter, or in the case of community property, a maximum total of ~~((ten))~~ twenty votes per member of the marital community.

Sec. 5. RCW 85.38.100 and 1985 c 396 s 11 are each amended to read as follows:

General elections shall be held in each special district on the ~~((second))~~ first Tuesday ~~((in December))~~ after the first Monday in February in each ~~((odd-numbered))~~ even-numbered year. The auditor of the county within which a special district, or the largest portion of a special district, is located may provide for special elections whenever necessary.

NEW SECTION. Sec. 6. A new section is added to chapter 85.38 RCW to read as follows:

No election shall be held to elect a member of a special district governing body, or to fill the remainder of an unexpired term which arose from a vacancy on the governing body, if no one or only one person files for the position.

If only one person files for the position, he or she shall be considered to have been elected to the position at the election that otherwise would have taken place for such position.

If no one files for the position and the upcoming election is one at which someone would have been elected to fill the expired term, the position shall be treated as vacant at the expiration of the term.

If no one files for the position and the upcoming election is one at which someone would have been elected to fill the remaining term of office, the person appointed to fill the vacancy shall be considered to have been elected to the position at the election and shall serve for the remainder of the unexpired term.

Sec. 7. RCW 85.24.250 and 1973 1st ex.s. c 195 s 119 are each amended to read as follows:

Whenever it ~~((shall))~~ appears to the ~~((city))~~ council of any incorporated city or town not included or not wholly included within the limits of any diking or drainage district established hereunder, which incorporated city or town may be within a county in which a portion of such district is located that the construction and maintenance of such diking and drainage system will be beneficial to the health and general welfare of the inhabitants of ~~((said))~~ the incorporated city ~~((and to the general welfare of the said city))~~ or town, then the city or town council ~~((of said city is hereby empowered and authorized to))~~ may appropriate ~~((such amount of))~~ money out of the general funds of the city ~~((as may to the city council seem proper and just))~~ or town to such diking and drainage system, or the ~~((city))~~ council may for

such purpose ~~((levy an))~~ impose assessments upon all the property in ~~((said)) the city ((subject to taxation by said city, which shall not exceed twelve and one-half cents per thousand dollars of assessed value of property))~~ or town that benefits from facilities and activities of the diking or drainage district, and give the assessments to the diking or drainage district.

Sec. 8. RCW 85.38.040 and 1985 c 396 s 5 are each amended to read as follows:

The county legislative authority shall schedule a public hearing on the proposed special district if the county engineer's report indicates that the proposed projects are feasible. If the engineers of each of the counties within which a proposed special district is located indicate that the proposed projects are feasible, the county legislative authorities shall schedule a joint public hearing on the proposed special district. The county legislative authority may, on its own initiative, schedule a public hearing on the proposed special district if the county engineer's report indicates that the proposed projects are not feasible. The county legislative authorities of counties within which a proposed special district is located may, on their own initiative, schedule a joint public hearing on the proposed special district if one or more of the county engineers' reports indicate that the proposed projects are not feasible.

Notice of the public hearing shall be published ~~((and posted as provided in RCW 85.38.120 for notices of elections. Additional notice of the public hearing shall be published))~~ in ~~((the))~~ a newspaper ~~((in))~~ of general circulation within the proposed special district, which notice shall be purchased in the manner of a general advertisement, not to be included with legal advertisements or with classified advertisements. This ~~((additional))~~ notice shall be published at least twice, not more than twenty nor less than three days before public hearing. Additional notice shall be made as required in RCW 79.44.040.

The notice must contain the following: (1) The date, time, and place of the public hearing; (2) a statement that a particular special district is proposed to be created; (3) a general description of the proposed projects to be completed by the special district; (4) a general description of the proposed special district boundaries; and (5) a statement that all affected persons may appear and present their comments in favor of or against the creation of the proposed special district.

Sec. 9. RCW 85.38.050 and 1985 c 396 s 6 are each amended to read as follows:

The county legislative authority or authorities shall conduct the public hearing at the date, time, and place indicated in the notice. Public hearings may be continued to other dates, times, and places specified by the county legislative authority or authorities before the adjournment of the public hearing. Each county legislative authority may alter those portions of

boundaries of the proposed special district that are located within the county, but if territory is added that was not described in the original proposed boundaries, an additional hearing on the proposal shall be held with notice being ~~((posted and))~~ published as provided in RCW 85.38.040.

After receiving the public testimony, the county legislative authority may cause an election to be held to authorize the creation of a special district if it finds:

(1) That creation of the special district will be conducive to the public health, convenience and welfare;

(2) That the creation of the special district will be of special benefit to a majority of the lands included within the special district; and

(3) That the proposed improvements are feasible and economical, and that the benefits of these improvements exceed costs for the improvements.

If the proposed special district is located within two or more counties, the county legislative authorities may cause an election to be held to authorize the creation of the special district upon making the findings set forth in subsections (1) through (3) of this section.

The county legislative authority or authorities may also choose not to allow such an election to be held by either failing to act or finding that one or more of these factors are not met.

Sec. 10. RCW 85.38.060 and 1985 c 396 s 7 are each amended to read as follows:

The county legislative authority or authorities shall cause an election on the question of creating the special district to be held if findings as provided in RCW 85.38.050 are made. The county legislative authority or authorities shall designate a time and date for such election, which shall be one of the special election dates provided for in RCW 29.13.020, together with the site or sites at which votes may be cast. The persons allowed to vote on the creation of a special district shall be those persons who, if the special district were created, would be qualified voters of the special district as described in RCW 85.38.010. The county auditor or auditors of the counties within which the proposed special district is located shall conduct the election and prepare a list of presumed eligible voters.

Notices for the election shall be published ~~((and posted))~~ as provided in RCW 85.38.040. The special district shall be created if the proposition to create the special district is approved by a simple majority vote of the voters voting on the proposition and the special district may assume operations whenever the initial members of the governing body are appointed as provided in RCW 85.38.070.

Any special district created after July 28, 1985, may only have special assessments measured and imposed, and budgets adopted, as provided in RCW 85.38.140 through 85.38.170.

If the special district is created, the county or counties may charge the special district for the costs incurred by the county engineer or engineers

pursuant to RCW 85.38.030 and the costs of the auditor or auditors related to the election to authorize the creation of the special district pursuant to this section. Such county actions shall be deemed to be special benefits of the property located within the special district that are paid through the imposition of special assessments.

Sec. 11. RCW 85.38.070 and 1987 c 298 s 2 are each amended to read as follows:

(1) Except as provided in RCW 85.38.090, each special district shall be governed by a three-member governing body. The term of office for each member of a special district governing body shall be six years and until his or her successor is elected and qualified. One member of the governing body shall be elected at the time of special district general elections in each ~~((odd-numbered))~~ even-numbered year for a term of six years beginning as ~~((provided in RCW 29.04.170))~~ soon as the election returns have been certified for assumption of office by elected officials of cities.

(2) The terms of office of members of the governing bodies of special districts, who are holding office on July 28, 1985, shall be altered to provide staggered six-year terms as provided in this subsection. The member who on July 28, 1985, has the longest term remaining shall have his or her term altered so that the position will be filled at the ~~((December, 1991,))~~ February 1992, special district general election; the member with the second longest term remaining shall have his or her term altered so that the position will be filled at the December, 1989, special district general election; and the member with the third longest term of office shall have his or her term altered so that the position will be filled at the December, 1987, special district general election.

(3) The initial members of the governing body of a newly created special district shall be appointed by the legislative authority of the county within which the special district, or the largest portion of the special district, is located. These initial governing body members shall serve until their successors are elected and qualified at the next special district general election held at least ninety days after the special district is established. At that election the first elected members of the governing body shall be elected. No primary elections may be held. Any voter of a special district may become a candidate for such a position by filing written notice of this intention with the ~~((governing body of the special district))~~ county auditor at least thirty, but not more than sixty, days before a special district general election. The county auditor in consultation with the special district shall establish the filing period. The names of all candidates for such positions shall be listed alphabetically. At this first election, the candidate receiving the greatest number of votes shall have a six-year term, the candidate receiving the second greatest number of votes shall have a four-year term, and the candidate receiving the third greatest number of votes shall have a two-year term of office. The initially elected members of a governing body shall take office

immediately when qualified as defined in RCW 29.01.135. Thereafter the candidate receiving the greatest number of votes shall be elected for a six-year term of office. Members of a governing body shall hold their office until their successors are elected and qualified, and assume office as ~~((provided in RCW 29.04.170))~~ soon as the election returns have been certified.

(4) The requirements for the filing period and method for filing declarations of candidacy for the governing body of the district and the arrangement of candidate names on the ballot for all special district elections conducted after the initial election in the district shall be the same as the requirements for the initial election in the district. No primary elections may be held for the governing body of a special district.

(5) Whenever a vacancy occurs in the governing body of a special district, the legislative authority of the county within which the special district, or the largest portion of the special district, is located, shall appoint a district voter to serve until a person is elected, at the next special district general election occurring sixty or more days after the vacancy has occurred, to serve the remainder of the unexpired term. The person so elected shall take office immediately when qualified as defined in RCW 29.01.135.

If an election for the position which became vacant would otherwise have been held at this special district election, only one election shall be held and the person elected to fill the succeeding term for that position shall take office immediately when qualified as defined in RCW 29.01.135 and shall serve both the remainder of the unexpired term and the succeeding term. A vacancy occurs upon the death, resignation, or incapacity of a governing body member or whenever the governing body member ceases being a qualified voter of the special district.

~~((5))~~ (6) An elected or appointed member of a special district governing body, or a candidate for a special district governing body, must be a qualified voter of the special district: PROVIDED, That the state, its agencies and political subdivisions, or their designees under RCW 85.38.010(3) shall not be eligible for election or appointment.

Sec. 12. RCW 85.38.090 and 1985 c 396 s 10 are each amended to read as follows:

(1) Whenever the governing body of a special district has more than three members, the governing body shall be reduced to three members as of January 1, 1986, by eliminating the positions of those district governing body members with the shortest remaining terms of office. The remaining three governing body members shall have staggered terms with the one having the shortest remaining term having his or her position filled at the 1987 special district general election, the one with the next shortest remaining term having his or her position filled at the 1989 special district general election, and the one with the longest remaining term having his or her position filled at the ~~((1991))~~ 1992 special district general election. If

any of these remaining three governing body members have identical remaining terms of office, the newly calculated remaining terms of these persons shall be determined by lot with the county auditor who assists the special district in its elections managing such lot procedure. The newly established terms shall be recorded by the county auditor.

(2) However, whenever five or more special districts have consolidated under chapter 85.36 RCW and the consolidated district has five members in its governing body on July 28, 1985, the consolidated district may adopt a resolution retaining a five-member governing body. At any time thereafter, such a district may adopt a resolution and reduce the size of the governing body to three members with the reduction occurring as provided in subsection (1) of this section, but the years of the effective dates shall be extended so that the reduction occurs at the next January 1st occurring after the date of the adoption of the resolution. Whenever a special district is so governed by a five-member governing body, two members shall be elected at each of two consecutive special district general elections, and one member shall be elected at the following special district general election, each to serve a six-year staggered term.

Sec. 13. RCW 85.38.110 and 1985 c 396 s 12 are each amended to read as follows:

A list of presumed eligible voters shall be prepared and maintained by each special district. The list shall include the assessor's tax number for each lot or parcel in the district, the name or the names of the owners of such lots and parcels and their mailing address, the extent of the ownership interest of such persons, and if such persons are natural persons, whether they are known to be registered voters in the state of Washington. Whenever such a list is prepared, the district shall attempt to notify each owner of the requirements necessary to establish voting authority to vote. Whenever lots or parcels in the district are sold, the district shall attempt to notify the purchasers of the requirements necessary to establish voting authority. Each special district shall provide a copy of this list, and any revised list, to the auditor of the county within which all or the largest portion of the special district is located. The special district must compile the list of eligible voters and provide it to the county auditor by the first day of November preceding the special district general election. In the event the special district does not provide the county auditor with the list of qualified voters by this date, the county auditor shall compile the list and charge the special district for the costs required for its preparation. The county auditor shall not be held responsible for any errors in the list.

Sec. 14. RCW 85.38.120 and 1985 c 396 s 13 are each amended to read as follows:

The auditor of the county within which a special district, or the largest portion of a special district, is located shall assist such special district with its elections as provided in this section.

(1) The county auditor shall ~~((both))~~ publish ~~((and post notices for such elections. Notices shall be posted in at least four conspicuous public places within the special district at least two weeks before the election. Notices shall also be published))~~ notice of an election to create a special district and notice of all special district elections not conducted by mail in a newspaper of general circulation in the special district at least once not more than ten nor less than three days before the election. The notices shall describe the election, give its date and times to be held, and indicate the election site or sites in the special district where ballots may be cast.

(2) If a special district has at least five hundred qualified voters, then the county auditor shall publish in a newspaper of general circulation in the special district a notice of the filing period and place for filing a declaration of candidacy to become a member of the governing body. This notice shall be published at least seven days prior to the closing of the filing period. If the special district has less than five hundred qualified voters, then the special district shall mail or deliver this notice to each qualified voter of the special district at least seven days prior to the closing of the filing period.

(3) All costs of the county auditor incurred related to such elections shall be reimbursed by the special district. ~~((A special district may also contract with the county auditor to staff the voting site during the election or contract with the county auditor to conduct the election pursuant to RCW 29.36.120:))~~

NEW SECTION. Sec. 15. A new section is added to chapter 85.38 RCW to read as follows:

(1) If a special district has less than five hundred qualified voters, then the special district must contract with the county auditor to conduct the special district elections. The county auditor has the discretion as to whether to conduct the election by mail.

(2) If a special district has at least five hundred qualified voters, the special district may contract with the county auditor to staff the voting site during the election or contract with the county auditor to conduct the election by mail. A special district with at least five hundred qualified voters may also choose to conduct its own elections. A special district that conducts its own elections must enter into an agreement with the county auditor that specifies the responsibilities of both parties.

(3) If the county auditor conducts a special district election by mail, then the provisions of chapter 29.36 RCW which govern elections by mail, except for the requirements of RCW 29.36.120, shall apply.

Sec. 16. RCW 85.38.130 and 1985 c 396 s 14 are each amended to read as follows:

For special district elections that are not conducted by mail, the governing body of each special district shall appoint three voters of the special district, who may be members of the governing body, to act as election officials, unless the special district contracts with the county auditor to staff the

election site. The election officials shall distribute a ballot or ballots to each voter of the special district who arrives at the voting place during the hours for the election on the day of the election and requests a ballot. Ballots shall also be provided to those persons arriving at the polling place during the hours for the election on the day of the election who present documents or evidence sufficient to establish their eligibility to vote. A person arriving at the polling place at such times who demands a ballot, but who fails to present documents or evidence which in the opinion of the election officials is sufficient to establish eligibility to vote, shall be given a ballot clearly marked as "challenged" and shall be allowed to vote. Each challenged ballot shall be numbered consecutively and a list of such persons and their ballot numbers shall be made.

The governing body of each special district shall designate those hours from 7 a.m. to 8 p.m. during which the election shall be held: PROVIDED, That at least ~~((two))~~ six consecutive hours must be designated. When the election is over, the election officials shall secure the ballots and transport the ballots to the county auditor's office by noon of the day following the election. The auditor may, at his or her discretion, station a deputy auditor or auditors at the election site who shall observe the election and transport the ballots to the auditor's office. The auditor shall count the ballots and certify the count of votes for and against each measure and for each candidate appearing on the ballot. A separate count shall be made of any challenged ballots. A challenged ballot shall be counted as a normal ballot if documents or evidence are supplied to the auditor before 4:00 p.m. on the day after the election that, in the opinion of the auditor, are sufficient to establish the person's eligibility to vote.

Additionally, voting by absentee ballot shall be allowed in every special district. A request for an absentee ballot may be made by an eligible voter by mail or in person to the county auditor who supervises the special district elections. An absentee ballot shall be provided to each voter of a special district requesting such a ballot under this section. A person requesting such a ballot may present information establishing his or her eligibility to vote in such a special district. The auditor shall provide an absentee ballot to each person requesting an absentee ballot who is either included on the list of presumed eligible voters or who submits information which, in the auditor's opinion, establishes his or her eligibility to vote. The names of these persons so determined to be eligible to vote shall be added to the list of presumed eligible voters for the appropriate special district. The request for an absentee ballot must be made no more than forty-five days before the election. To be valid, absentee ballots must be postmarked on or before the day of the election and mailed to the county auditor.

Sec. 17. RCW 85.38.180 and 1985 c 396 s 19 are each amended to read as follows:

A special district may:

(1) Engage in flood control activities, and investigate, plan, construct, acquire, repair, maintain, and operate improvements, works, projects, and facilities necessary to prevent inundation or flooding from rivers, streams, tidal waters or other waters. Such facilities include dikes, levees, dams, banks, revetments, channels, canals, and other works, appliances, machinery, and equipment.

(2) Engage in drainage control, storm water control, and surface water control activities, and investigate, plan, construct, acquire, repair, maintain, and operate improvements, works, projects, and facilities necessary to control and treat storm water, surface water, and flood water. Such facilities include drains, ditches, canals, nonsanitary sewers, pumps, and other works, appliances, machinery, and equipment.

(3) Engage in lake or river restoration, aquatic plant control, and water quality enhancement activities.

(4) Take actions necessary to protect life and property from inundation or flow of flood waters, storm waters, or surface waters.

~~((4))~~ (5) Acquire, purchase, condemn by power of eminent domain pursuant to chapters 8.08 and 8.25 RCW, or lease, in its own name, necessary property, property rights, facilities, and equipment.

~~((5))~~ (6) Sell or exchange surplus property, property rights, facilities, and equipment.

~~((6))~~ (7) Accept funds and property by loan, grant, gift, or otherwise from the United States, the state of Washington, or any other public or private source.

~~((7))~~ (8) Hire staff, employees, or services, or use voluntary labor.

~~((8))~~ (9) Sue and be sued.

~~((9))~~ (10) Cooperate with or join the United States, the state of Washington, or any other public or private entity or person for district purposes.

~~((10))~~ (11) Enter into contracts.

~~((11))~~ (12) Exercise any of the usual powers of a corporation for public purposes.

NEW SECTION. Sec. 18. RCW 85.24.210 and 1909 c 225 s 31 are each repealed.

NEW SECTION. Sec. 19. RCW 85.05.015 as amended by this act is recodified as a section in chapter 85.08 RCW.

Sec. 20. RCW 85.05.410 and 1985 c 396 s 39 are each amended to read as follows:

Members of the board of diking commissioners of any diking district in this state may receive as compensation the sum of up to ~~((twenty-five))~~ fifty dollars for attendance at official meetings of the district and for each day or

major part thereof for all necessary services actually performed in connection with their duties as commissioners, and shall receive the same compensation as other labor of a like character for all other necessary work or services performed in connection with their duties: PROVIDED, That such compensation shall not exceed ~~((three))~~ four thousand eight hundred dollars in one calendar year, except when the commissioners declare an emergency. Allowance of such compensation shall be established and approved at regular meetings of the board, and when a copy of the extracts of minutes of the board meeting relative thereto showing such approval is certified by the secretary of such board and filed with the county auditor, the allowance made shall be paid as are other claims against the district.

Each commissioner is entitled to reimbursement for reasonable expenses actually incurred in connection with such business, including subsistence and lodging, while away from the commissioner's place of residence, and mileage for use of a privately owned vehicle in accordance with chapter 42.24 RCW.

Sec. 21. RCW 85.06.380 and 1985 c 396 s 43 are each amended to read as follows:

In performing their duties under the provisions of this title the board and members of the board of drainage commissioners ~~((shall))~~ may receive as compensation up to ~~((twenty-five))~~ fifty dollars for attendance at official meetings of the district and for each day or major part thereof for all necessary services actually performed in connection with their duties as commissioners: PROVIDED, That such compensation shall not exceed four thousand eight hundred dollars in one calendar year: PROVIDED FURTHER, That such services and compensation are allowed and approved at a regular meeting of the board. Upon the submission of a copy, certified by the secretary, of the extracts of the relevant minutes of the board showing such approval, to the county auditor, the same shall be paid as other claims against the district are paid. Each commissioner is entitled to reimbursement for reasonable expenses actually incurred in connection with such business, including ~~((his))~~ subsistence and lodging, while away from the commissioner's place of residence and mileage for use of a privately-owned vehicle in accordance with chapter 42.24 RCW.

Sec. 22. RCW 85.08.320 and 1986 c 278 s 32 are each amended to read as follows:

The compensation of the superintendent of construction, the board of appraisers hereinafter provided for, and any special engineer, attorney or agent employed by the district in connection with the improvement, the maximum wages to be paid, and the maximum price of materials to be used, shall be fixed by the district board of supervisors. Members of the board of supervisors may receive compensation up to ~~((twenty-five))~~ fifty dollars for attending each official meeting of the district and for each day or

major part thereof for all necessary services actually performed in connection with their duties as supervisors: PROVIDED, That such compensation shall not exceed four thousand eight hundred dollars in one calendar year. Each supervisor shall be entitled to reimbursement for reasonable expenses actually incurred in connection with business, including subsistence and lodging while away from the supervisor's place of residence and mileage for use of a privately owned vehicle in accordance with chapter 42.24 RCW. All costs of construction or maintenance done under the direction of the board of supervisors shall be paid upon vouchers or payrolls verified by two of the said supervisors. All costs of construction and all other expenses, fees and charges on account of such improvement shall be paid by warrants drawn by the county auditor upon the county treasurer upon the proper fund, and shall draw interest at a rate determined by the county legislative authority until paid or called by the county treasurer as warrants of the county are called.

Sec. 23. RCW 85.24.080 and 1985 c 396 s 54 are each amended to read as follows:

The members of the board (~~(shall)~~) may receive as compensation up to (~~(twenty-five)~~) fifty dollars for attendance at official meetings of the district and for each day or major part thereof for all necessary services actually performed in connection with their duties as commissioners: PROVIDED, That such compensation shall not exceed four thousand eight hundred dollars in one calendar year: PROVIDED FURTHER, That the board may fix a different salary for the secretary thereof in lieu of the per diem. Each commissioner is entitled to reimbursement for reasonable expenses actually incurred in connection with such business, including subsistence and lodging, while away from the commissioner's place of residence, and mileage for use of a privately owned vehicle in accordance with chapter 42.24 RCW. The salary and expenses shall be paid by the treasurer of the fund, upon orders made by the board. Each member of the board must before being paid for expenses, take vouchers therefore from the person or persons to whom the particular amount was paid, and must also make affidavit that the amounts were necessarily incurred and expended in the performance of his or her duties.

Sec. 24. RCW 86.09.283 and 1985 c 396 s 61 are each amended to read as follows:

The board of directors (~~(shall)~~) may each receive up to (~~(twenty-five)~~) fifty dollars for attendance at official meetings of the board and for each day or major part thereof for all necessary services actually performed in connection with their duties as director. The board shall fix the compensation to be paid to the directors, secretary, and all other agents and employees of the district. Compensation for the directors shall not exceed four thousand eight hundred dollars in one calendar year. A director is entitled to reimbursement for reasonable expenses actually incurred in connection

with such business, including subsistence and lodging, while away from the director's place of residence, and mileage for use of a privately owned vehicle in accordance with chapter 42.24 RCW.

Passed the House April 27, 1991.

Passed the Senate April 27, 1991.

Approved by the Governor May 21, 1991.

Filed in Office of Secretary of State May 21, 1991.

CHAPTER 350

[Second Substitute Senate Bill 5358]

PUBLIC WATER SYSTEM INTERTIES

Effective Date: 7/28/91

AN ACT Relating to public water system interties; amending RCW 90.03.390; adding a new section to chapter 90.03 RCW; and creating new sections.

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

NEW SECTION. Sec. 1. A new section is added to chapter 90.03 RCW to read as follows:

(1) The legislature recognizes the value of interties for improving the reliability of public water systems, enhancing their management, and more efficiently utilizing the increasingly limited resource. Given the continued growth in the most populous areas of the state, the increased complexity of public water supply management, and the trend toward regional planning and regional solutions to resource issues, interconnections of public water systems through interties provide a valuable tool to ensure reliable public water supplies for the citizens of the state. Public water systems have been encouraged in the past to utilize interties to achieve public health and resource management objectives. The legislature finds that it is in the public interest to recognize interties existing and in use as of January 1, 1991, and to have associated water rights modified by the department of ecology to reflect current use of water through those interties, pursuant to subsection (3) of this section. The legislature further finds it in the public interest to develop a coordinated process to review proposals for interties commencing use after January 1, 1991.

(2) For the purposes of this section, the following definitions shall apply:

(a) "Interties" are interconnections between public water systems permitting exchange or delivery of water between those systems for other than emergency supply purposes, where such exchange or delivery is within established instantaneous and annual withdrawal rates specified in the systems' existing water right permits or certificates, or contained in claims filed pursuant to chapter 90.14 RCW, and which results in better management of public water supply consistent with existing rights and obligations. Interties include interconnections between public water systems permitting

exchange or delivery of water to serve as primary or secondary sources of supply, but do not include development of new sources of supply to meet future demand.

(b) "Service area" is the area designated in a water system plan or a coordinated water system plan pursuant to chapter 43.20 or 70.116 RCW respectively. When a public water system does not have a designated service area subject to the approval process of those chapters, the service area shall be the designated place of use contained in the water right permit or certificate, or contained in the claim filed pursuant to chapter 90.14 RCW.

(3) Public water systems with interties existing and in use as of January 1, 1991, or that have received written approval from the department of health prior to that date, shall file written notice of those interties with the department of health and the department of ecology. The notice may be incorporated into the public water system's five-year update of its water system plan, but shall be filed no later than June 30, 1996. The notice shall identify the location of the intertie; the dates of its first use; the purpose, capacity, and current use; the intertie agreement of the parties and the service areas assigned; and other information reasonably necessary to modify the water right permit. Notwithstanding the provisions of RCW 90.03.380 and 90.44.100, for public water systems with interties existing and in use as of January 1, 1991, the department of ecology, upon receipt of notice meeting the requirements of this subsection, shall, as soon as practicable, modify the place of use descriptions in the water right permits, certificates, or claims to reflect the actual use through such interties, provided that the place of use is within service area designations established in a water system plan approved pursuant to chapter 43.20 RCW, or a coordinated water system plan approved pursuant to chapter 70.116 RCW, and further provided that the water used is within the instantaneous and annual withdrawal rates specified in the water right permit and that no outstanding complaints of impairment to existing water rights have been filed with the department of ecology prior to September 1, 1991. Where such complaints of impairment have been received, the department of ecology shall make all reasonable efforts to resolve them in a timely manner through agreement of the parties or through available administrative remedies.

(4) Notwithstanding the provisions of RCW 90.03.380 and 90.44.100, exchange or delivery of water through interties commencing use after January 1, 1991, shall be permitted when the intertie improves overall system reliability, enhances the manageability of the systems, provides opportunities for conjunctive use, or delays or avoids the need to develop new water sources, and otherwise meets the requirements of this section, provided that each public water system's water use shall not exceed the instantaneous or annual withdrawal rate specified in its water right authorization, shall not adversely affect existing water rights, and shall not be inconsistent with

state-approved plans such as water system plans or other plans which include specific proposals for construction of interties. Interties commencing use after January 1, 1991, shall not be inconsistent with regional water resource plans developed pursuant to chapter 90.54 RCW.

(5) For public water systems subject to the approval process of chapter 43.20 RCW or chapter 70.116 RCW, proposals for interties commencing use after January 1, 1991, shall be incorporated into water system plans pursuant to chapter 43.20 RCW or coordinated water system plans pursuant to chapter 70.116 RCW and submitted to the department of health and the department of ecology for review and approval as provided for in subsections (5) through (9) of this section. The plan shall state how the proposed intertie will improve overall system reliability, enhance the manageability of the systems, provide opportunities for conjunctive use, or delay or avoid the need to develop new water sources.

(6) The department of health shall be responsible for review and approval of proposals for new interties. In its review the department of health shall determine whether the intertie satisfies the criteria of subsection (4) of this section, with the exception of water rights considerations, which are the responsibility of the department of ecology, and shall determine whether the intertie is necessary to address emergent public health or safety concerns associated with public water supply.

(7) If the intertie is determined by the department of health to be necessary to address emergent public health or safety concerns associated with public water supply, the public water system shall amend its water system plan as required and shall file an application with the department of ecology to change its existing water right to reflect the proposed use of the water as described in the approved water system plan. The department of ecology shall process the application for change pursuant to RCW 90.03.380 or 90.44.100 as appropriate, except that, notwithstanding the requirements of those sections regarding notice and protest periods, applicants shall be required to publish notice one time, and the comment period shall be fifteen days from the date of publication of the notice. Within sixty days of receiving the application, the department of ecology shall issue findings and advise the department of health if existing water rights are determined to be adversely affected. If no determination is provided by the department of ecology within the sixty-day period, the department of health shall proceed as if existing rights are not adversely affected by the proposed intertie. The department of ecology may obtain an extension of the sixty-day period by submitting written notice to the department of health and to the applicant indicating a definite date by which its determination will be made. No additional extensions shall be granted, and in no event shall the total review period for the department of ecology exceed one hundred eighty days.

(8) If the department of health determines the proposed intertie appears to meet the requirements of subsection (4) of this section but is not

necessary to address emergent public health or safety concerns associated with public water supply, the department of health shall instruct the applicant to submit to the department of ecology an application for change to the underlying water right or claim as necessary to reflect the new place of use. The department of ecology shall consider the applications pursuant to the provisions of RCW 90.03.380 and 90.44.100 as appropriate. If in its review of proposed interties and associated water rights the department of ecology determines that additional information is required to act on the application, the department may request applicants to provide information necessary for its decision, consistent with agency rules and written guidelines. Parties disagreeing with the decision of the department of ecology on the application for change in place of use may appeal the decision to the pollution control hearings board.

(9) The department of health may approve plans containing intertie proposals prior to the department of ecology's decision on the water right application for change in place of use. However, notwithstanding such approval, construction work on the intertie shall not begin until the department of ecology issues the appropriate water right document to the applicant consistent with the approved plan.

NEW SECTION. Sec. 2. Within service areas established pursuant to chapters 43.20 and 70.116 RCW, the department of ecology and the department of health shall coordinate approval procedures to ensure compliance and consistency with the approved water system plan.

Sec. 3. RCW 90.03.390 and 1987 c 109 s 95 are each amended to read as follows:

RCW 90.03.380 shall not be construed to prevent water users from making a seasonal or temporary change of point of diversion or place of use of water when such change can be made without detriment to existing rights, but in no case shall such change be made without the permission of the water master of the district in which such proposed change is located, or of the department. Nor shall RCW 90.03.380 be construed to prevent construction of emergency interties between public water systems to permit exchange of water during short-term emergency situations, or rotation in the use of water for bringing about a more economical use of the available supply, provided however, that the department of health in consultation with the department of ecology shall adopt rules or develop written guidelines setting forth standards for determining when a short-term emergency exists and the circumstances in which emergency interties are permitted. The rules or guidelines shall be consistent with the procedures established in RCW 43.83B.400 through 43.83B.420. Water users owning lands to which water rights are attached may rotate in the use of water to which they are collectively entitled, or an individual water user having lands to which are attached water rights of a different priority, may in like manner rotate in use

when such rotation can be made without detriment to other existing water rights, and has the approval of the water master or department.

NEW SECTION. Sec. 4. If specific funding for the purposes of this act, referencing this act by bill number, is not provided by June 30, 1991, in the omnibus appropriations act, this act shall be null and void.

- Passed the Senate April 23, 1991.
- Passed the House April 19, 1991.
- Approved by the Governor May 21, 1991.
- Filed in Office of Secretary of State May 21, 1991.

CHAPTER 351

[Substitute Senate Bill 5418]

TASK FORCE ON SENTENCING OF ADULT CRIMINAL OFFENDERS

Effective Date: 5/21/91

AN ACT Relating to criminal justice; creating a new section; and declaring an emergency.

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

NEW SECTION. Sec. 1. The task force on sentencing of adult criminal offenders is created.

- (1) The task force shall have fourteen members.
 - (a) The governor shall appoint two members.
 - (b) The speaker of the house of representatives shall appoint six members, which shall include two members, one from each political party, from each of the following:
 - (i) The house judiciary committee;
 - (ii) The house human services committee; and
 - (iii) Either the house capital facilities and financing committee or the house appropriations committee, or one from each. If one member is appointed from each of the fiscal committees, one appointment must be from the majority party and the other from the minority party.
 - (c) The president of the senate shall appoint six members, which shall include two members, one from each political party, from each of the following standing committees:
 - (i) Senate law and justice committee;
 - (ii) Senate children and family services committee; and
 - (iii) Senate ways and means committee.
- (2) The members of the task force shall select a chair or cochair from among the membership of the task force.
- (3) Staff for the task force shall be provided by the senate, the house of representatives, and the office of financial management.
- (4) The objectives of the task force are to:

(a) Determine whether the articulated purposes of the sentencing reform act of 1981 as defined in RCW 9.94A.010, remain valid or should be modified, and if so, what new sentencing purposes are appropriate;

(b) Study the incarceration patterns of adult offenders convicted of violent and nonviolent offenses to determine whether the purposes of the sentencing reform act of 1981 as defined in RCW 9.94A.010 are being achieved;

(c) Determine the extent to which alternatives to total confinement, including but not limited to intensive rehabilitation camps, are being used for adult felons and to make recommendations to ensure that those alternatives are ordered when appropriate; and

(d) Determine whether an expansion of the court's sentencing options would help achieve the purposes of the sentencing reform act.

(5) The task force shall consult with the sentencing guidelines commission and other interested parties to achieve the objectives of the task force.

(6) The task force shall report to the appropriate standing committees of the legislature and to the governor not later than December 15, 1992.

(7) The task force shall cease to exist on January 1, 1993.

NEW SECTION. Sec. 2. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate April 28, 1991.

Passed the House April 28, 1991.

Approved by the Governor May 21, 1991.

Filed in Office of Secretary of State May 21, 1991.

CHAPTER 352

[Substitute Senate Bill 5612]

NATURAL RESOURCE CONSERVATION AREAS

Effective Date: 7/28/91

AN ACT Relating to natural resources conservation areas; amending RCW 79.71.010, 79.71.020, 79.71.030, 79.71.050, 79.71.060, 79.71.070, 79.71.080, and 79.71.090; adding a new section to chapter 77.12 RCW; creating new sections; and repealing RCW 79.71.110.

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

Sec. 1. RCW 79.71.010 and 1987 c 472 s 1 are each amended to read as follows:

The legislature finds that: (1) (~~That~~) There is an increasing and continuing need by the people of Washington for certain areas of the state to be conserved, in rural as well as urban settings, for the benefit of present and future generations; (2) (~~that~~) such areas are worthy of conservation for their outstanding scenic and ecological values and provide opportunities for

~~((dispersed))~~ low impact public ~~((recreation))~~ use; (3) ~~((that))~~ in certain cases acquisition of property or rights in property is necessary to protect these areas for public purposes; and (4) ~~((that))~~ there is a need for ~~((an))~~ a state agency to act in an effective and timely manner to acquire interests in such areas and to develop appropriate management strategies for conservation purposes.

Sec. 2. RCW 79.71.020 and 1987 c 472 s 2 are each amended to read as follows:

Lands possessing the following characteristics are considered by the legislature to be worthy of consideration for conservation purposes:

(1) Lands identified as having high priority for conservation, natural systems, wildlife, and ~~((dispersed-recreational))~~ low-impact public use values;

(2) ~~((Prime natural features of the Washington landscape or portions thereof, inland or coastal wetlands, significant littoral, estuarine, or aquatic sites, or important geological features))~~ An area of land or water, or land and water, that has flora, fauna, geological, archaeological, scenic, or similar features of critical importance to the people of Washington and that has retained to some degree or has reestablished its natural character;.

(3) Examples of native ecological communities; and

(4) Environmentally significant sites threatened with conversion to incompatible or ecologically irreversible uses.

Sec. 3. RCW 79.71.030 and 1987 c 472 s 3 are each amended to read as follows:

As used in this chapter:

"Commissioner" means the commissioner of public lands.

"Department" means the department of natural resources.

"Conservation purposes" include but are not limited to: (1) Maintaining, enhancing, or restoring ecological systems, including but not limited to aquatic, coastal, riparian, montane, and geological systems, whether such systems be unique or typical to the state of Washington; (2) maintaining exceptional scenic landscapes; (3) maintaining habitat for threatened, endangered, and sensitive species; (4) enhancing sites for primitive recreational purposes; and (5) outdoor environmental education.

"Low-impact public use" includes public recreation uses and improvements that do not adversely affect the resource values, are appropriate to the maintenance of the site in a relatively unmodified natural setting, and do not detract from long-term ecological processes.

"Management ~~((for conservation purposes))~~ activities" may include limited production of income from forestry, agriculture, or other resource management activities, if such actions are consistent with the other purposes and requirements of this chapter.

~~(("Washington natural resources conservation area" is an area of land and/or water which retains to some degree or has reestablished its natural~~

~~character, although it need not be completely undisturbed, or has flora, fauna, geological, archaeological, scenic, or similar features of critical importance to the people of Washington.)~~

"Natural resources conservation area" or "conservation area" means an area having the characteristics identified in RCW 79.71.020.

Sec. 4. RCW 79.71.050 and 1987 c 472 s 5 are each amended to read as follows:

The department is authorized to transfer fee simple interest or less than fee interests in trust land, as defined by Article XVI of the Washington Constitution, for the creation of natural resources conservation ((management)) areas, ((providing there is)) provided the owner of the trust land receives full fair market value compensation for all rights transferred. The proceeds from such transfers shall be used for the exclusive purpose of acquiring real property to replace those interests utilized for the conservation area in order to meet the department's fiduciary obligations and to maintain the productive land base of the various trusts.

Sec. 5. RCW 79.71.060 and 1987 c 472 s 6 are each amended to read as follows:

The department shall hold a public hearing in the county where the majority of the land in the proposed natural resources conservation area is located prior to establishing the boundary. An area proposed for designation must contain resources consistent with ~~((the purposes of this chapter))~~ characteristics identified in RCW 79.71.020.

Sec. 6. RCW 79.71.070 and 1987 c 472 s 7 are each amended to read as follows:

The department shall develop a management plan for each designated area. The plan shall identify the significant resources to be conserved consistent with the purposes of this chapter and identify the areas with potential for ~~((primitive recreation))~~ low-impact public and environmental educational uses. The plan shall specify what types of management activities ~~((will be))~~ and public uses that are permitted, consistent with the conservation purposes of this chapter. The department shall make such plans available for review and comment by the public and other state, tribal, and local agencies, prior to final approval by the commissioner.

Sec. 7. RCW 79.71.080 and 1987 c 472 s 8 are each amended to read as follows:

The department is authorized to administer natural ~~((resource{s}))~~ resources conservation areas and may enter into management agreements for these areas with ~~((other))~~ federal agencies, state agencies, local governments, and private nonprofit conservancy corporations, as defined in RCW 64.04.130, when such agreements are consistent with the purposes of acquisition as defined in the adopted ~~((site))~~ management plan. All management

activities within a Washington natural resources conservation area will conform with the plan. Any moneys derived from the management of these areas in conformance with the adopted plan shall be deposited in the natural resources conservation areas stewardship account (~~established in RCW 79.71.090~~)).

Sec. 8. RCW 79.71.090 and 1987 c 472 s 9 are each amended to read as follows:

There is hereby created the natural resources conservation areas stewardship account in the state treasury to ensure proper and continuing management of land acquired or designated pursuant to this chapter. Funds for the stewardship account shall be derived from appropriations of state general funds, federal funds, grants, donations, gifts, bond issue receipts, securities, and other monetary instruments of value. Income derived from the management of natural resources conservation areas shall also be deposited in this stewardship account. The state treasurer may not deduct a fee for managing the funds in the stewardship account.

Appropriations from this account to the department shall be expended for no other purpose than the following: (1) To manage the areas approved by the legislature in fulfilling the purposes of this chapter; (2) to manage property acquired as natural area preserves under chapter 79.70 RCW; (3) to manage property transferred under the authority and appropriation provided by the legislature to be managed under chapter 79.70 RCW or this chapter or acquired under chapter 43.98A RCW; and (4) to pay for operating expenses for the natural heritage program under chapter 79.70 RCW.

NEW SECTION. Sec. 9. The balance in the conservation area account is transferred to the natural resources conservation areas stewardship account under RCW 79.71.090.

NEW SECTION. Sec. 10. Two million dollars from the existing stewardship account balance shall remain in the account to create an endowment.

NEW SECTION. Sec. 11. RCW 79.71.110 and 1987 c 472 s 11 are each repealed.

NEW SECTION. Sec. 12. A new section is added to chapter 77.12 RCW to read as follows:

(1) The Union Bay portion of Lake Washington is recognized as a prime wetland area that is of significant importance for wildlife habitat, educational opportunity, and recreation. It is also situated near an important research institution, the University of Washington.

(2) The department shall coordinate a cooperative planning effort, to include all interested property owners and managers within or adjacent to Union Bay, and other interested parties, to identify and plan for the Union Bay cooperative wildlife habitat management area. The boundaries of the area shall be delineated by all cooperators in the effort. The plan may not

contain restrictions or limitations on the rights of property owners that are more restrictive than the restrictions and limitations in effect on the effective date of this section. The plan may not contain restrictions on water-related uses of the bay that are more restrictive than those in effect on the effective date of this section.

(3) The department and cooperators identified pursuant to subsection (2) of this section shall identify wildlife resources of, wildlife management objectives for, and compatible uses with wildlife in the Union Bay cooperative wildlife habitat management area. The department and cooperators shall also identify appropriate environmental education opportunities for the area. The department and cooperators shall develop a plan for comanagement of the Union Bay cooperative wildlife habitat management area.

(4) The department shall provide progress reports to the house of representatives committee on fisheries and wildlife and the senate committee on environment and natural resources by December 1, 1991, and December 1, 1992.

(5) The department may solicit gifts, grants, conveyances, bequests, and devises, whether real or personal property, or both, in trust or otherwise, to be directed to the department for carrying out the purposes of this section. The department may solicit contracts for work, financial and in-kind contributions, and support from private industries, interest groups, federal and state sources, and other sources, for the purposes of this section.

NEW SECTION. Sec. 13. If specific funding for the purposes of section 12 of this act, referencing section 12 of this act by bill and section number, is not provided by June 30, 1991, in the omnibus appropriations act, section 12 of this act shall be null and void.

Passed the Senate April 28, 1991.

Passed the House April 28, 1991.

Approved by the Governor May 21, 1991.

Filed in Office of Secretary of State May 21, 1991.

CHAPTER 353

[Engrossed Senate Bill 5824]

COMMUNITY COLLEGES—SUMMER SCHOOL OPERATION

Effective Date: 6/15/91

AN ACT Relating to community college enrollments; amending RCW 28B.15.502; adding a new section to chapter 28B.15 RCW; providing an effective date; and declaring an emergency.

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

NEW SECTION. Sec. 1. A new section is added to chapter 28B.15 RCW to read as follows:

(1) The boards of trustees of the community college districts may operate summer schools on either a self-supporting or a state-funded basis.

If summer school is operated on a self-supporting basis, the fees charged shall be retained by the colleges, and shall be sufficient to cover the direct costs, which are instructional salaries and related benefits, supplies, publications, and records.

Community colleges that have self-supporting summer schools shall continue to receive general fund state support for vocational programs that require that students enroll in a four quarter sequence of courses that includes summer quarter due to clinical or laboratory requirements and for ungraded courses limited to adult basic education, vocational apprenticeship, aging and retirement, small business management, industrial first aid, and parent education.

(2)(a) The board of trustees of a community college district may permit the district's state-funded, full-time equivalent enrollment level, as provided in the operating budget appropriations act, to vary by plus or minus two percent each fiscal year unless otherwise authorized in the operating budget appropriations act. If the variance is above the state-funded level, the district may charge those students above the state-funded level a fee equivalent to the amount of tuition and fees that are charged students enrolled in state-funded courses. These fees shall be retained by the colleges.

(b) Any community college that in 1990-91 has an enrollment above the state-funded level but below the authorized variance may increase its excess enrollments to within the variance.

(c) Community colleges that currently have excess enrollments more than the authorized variance, by means of enrollments that would have otherwise been eligible for state funding, shall reduce those excess enrollments to within the authorized variance by September 1, 1995, in at least equal annual reductions, commencing with the 1991-92 fiscal year.

(d) Except as permitted by (c) of this subsection, should the number of student-supported, full-time equivalent enrollments in any fiscal year fall outside the authorized variance, the college shall return by September 1st to the state general fund, an amount equal to the college's full average state appropriations per full-time equivalent student for such student-funded full-time equivalent outside the variance, unless otherwise provided in the operating budget appropriations act.

(3) The state board for community college education shall ensure compliance with this section.

Sec. 2. RCW 28B.15.502 and 1985 c 390 s 25 are each amended to read as follows:

Tuition fees and services and activities fees at each community college other than at summer quarters shall be as follows:

(1) For full time resident students, the total tuition fees shall be twenty-three percent of the per student educational costs at the community colleges computed as provided in RCW 28B.15.067 and 28B.15.070: PROVIDED, That the building fees for each academic year shall be one hundred and twenty-seven dollars and fifty cents.

(2) For full time nonresident students, the total tuition fees shall be one hundred percent of the per student educational costs at the community colleges computed as provided in RCW 28B.15.067 and 28B.15.070: PROVIDED, That the building fees for each academic year shall be four hundred and three dollars and fifty cents.

(3) The boards of trustees of each of the state community colleges shall charge and collect equally from each of the students registering at the particular institution and included in subsections (1) and (2) hereof a services and activities fee which for each year of the 1981-83 biennium shall not exceed sixty-four dollars and fifty cents. In subsequent biennia the board of trustees may increase the existing fee, consistent with budgeting procedures set forth in RCW 28B.15.045, by a percentage not to exceed the percentage increase in tuition fees authorized in subsection (1) above: PROVIDED, That such percentage increase shall not apply to that portion of the services and activities fee previously committed to the repayment of bonded debt. The services and activities fee committee provided for in RCW 28B.15.045 may initiate a request to the governing board for a fee increase.

(4) Tuition and services and activities fees consistent with the above schedule will be fixed by the state board for community colleges for summer school students unless the community college charges fees in accordance with section 1 of this 1991 act.

The board of trustees shall charge such fees for ungraded courses, noncredit courses, community services courses, and self-supporting short courses as it, in its discretion, may determine, not inconsistent with the rules and regulations of the state board for community college education.

NEW SECTION. Sec. 3. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect June 15, 1991.

Passed the Senate April 27, 1991.

Passed the House April 27, 1991.

Approved by the Governor May 21, 1991.

Filed in Office of Secretary of State May 21, 1991.

CHAPTER 354

[House Bill 1467]

DISTRICT COURT JUDGES—NEW POSITIONS

Effective Date: 7/28/91

AN ACT Relating to district judges; and amending RCW 3.34.010.

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

Sec. 1. RCW 3.34.010 and 1989 c 227 s 6 are each amended to read as follows:

The number of district judges to be elected in each county shall be: Adams, three; Asotin, one; Benton, two; Chelan, one; Clallam, one; Clark, four; Columbia, one; Cowlitz, two; Douglas, one; Ferry, two; Franklin, one; Garfield, one; Grant, one; Grays Harbor, two; Island, three; Jefferson, one; King, ~~((twenty-four))~~ twenty-six; Kitsap, two; Kittitas, two; Klickitat, two; Lewis, two; Lincoln, one; Mason, one; Okanogan, two; Pacific, ~~((three))~~ two; Pend Oreille, two; Pierce, ~~((eight))~~ eleven; San Juan, one; Skagit, three; Skamania, one; Snohomish, eight; Spokane, ~~((eight))~~ nine; Stevens, two; Thurston, one; Wahkiakum, one; Walla Walla, three; Whatcom, two; Whitman, two; Yakima, six: PROVIDED, That this number may be increased in accordance with a resolution of the county commissioners under RCW 3.34.020.

Passed the House March 11, 1991.

Passed the Senate April 12, 1991.

Approved by the Governor May 21, 1991.

Filed in Office of Secretary of State May 21, 1991.

CHAPTER 355

[House Bill 1487]

CHECK CASHERS AND SELLERS—REGULATION OF

Effective Date: 1/1/92

AN ACT Relating to check cashers and sellers; amending RCW 19.60.066; adding a new chapter to Title 31 RCW; adding a new section to chapter 42.17 RCW; prescribing penalties; and providing an effective date.

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

NEW SECTION. Sec. 1. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Check casher" means an individual, partnership, unincorporated association, or corporation that, for compensation, engages, in whole or in part, in the business of cashing checks, drafts, money orders, or other commercial paper serving the same purpose.

(2) "Check seller" means an individual, partnership, unincorporated association, or corporation that, for compensation, engages, in whole or in part, in the business of or selling checks, drafts, money orders, or other commercial paper serving the same purpose.

(3) "Licensee" means a check casher or seller licensed by the supervisor to engage in business in accordance with this chapter.

(4) "Supervisor" means the supervisor of banking.

NEW SECTION. Sec. 2. (1) This chapter does not apply to:

(a) Any bank, trust company, savings bank, savings and loan association, or credit union;

(b) The cashing of checks, drafts, or money orders by any corporation, partnership, association, or person who cashes checks, drafts, or money orders as a convenience, as a minor part of its customary business, and not for profit;

(c) The issuance or sale of checks, drafts, or money orders by any corporation, partnership, or association that has a net worth of not less than three million dollars as shown by audited financial statements; and

(d) The issuance or sale of checks, drafts, money orders, or other commercial paper serving the same purpose by any agent of a corporation, partnership, or association described in (c) of this subsection.

(2) Upon application to the supervisor, the supervisor may exempt a corporation, partnership, association, or other person from any or all provisions of this chapter upon a finding by the supervisor that although not otherwise exempt under this section, the applicant is not primarily engaged in the business of cashing or selling checks and a total or partial exemption would not be detrimental to the public.

NEW SECTION. Sec. 3. (1) Except as provided in section 2 of this act, no check casher or seller may engage in business without first obtaining a license from the supervisor in accordance with this chapter.

(2) Each application for a license shall be in writing in a form prescribed by the supervisor and shall contain the following information:

(a) The legal name, residence, and business address of the applicant and, if the applicant is a partnership, association, or corporation, of every member, officer, and director thereof;

(b) The location where the initial registered office of the applicant will be located in this state;

(c) The complete address of any other locations at which the applicant proposes to engage in business as a check casher or seller;

(d) Such other data, financial statements, and pertinent information as the supervisor may require with respect to the applicant, its directors, trustees, officers, members, or agents.

(3) Any information in the application regarding the personal residential address or telephone number of the applicant is exempt from the public records disclosure requirements of chapter 42.17 RCW.

(4) The application shall be filed together with an investigation and supervision fee established by rule by the supervisor. Such fees collected shall be deposited to the credit of the banking examination fund in accordance with RCW 43.19.095.

(5)(a) If the applicant intends to engage in the business of selling checks, drafts, money orders, or other commercial paper serving the same purpose, the supervisor shall require the applicant to obtain and maintain an adequate fidelity bond or blanket fidelity bond covering each officer, employee, or agent having access to funds collected by or for the licensee. The bond shall be for the protection of the public against loss suffered through embezzlement by any person having access to funds collected by or for the licensee or having authority to draw against such funds, or from mysterious disappearance, theft, holdup, or burglary.

(b) In lieu of providing a bond, the licensee may deposit with the supervisor security in the form and amount determined by the supervisor sufficient to protect the public against loss suffered through embezzlement by any person having access to funds collected by or for the licensee or having authority to draw against such funds, or from mysterious disappearance, theft, holdup, or burglary.

(c) Such security may be sold by the supervisor at public auction if it becomes necessary to satisfy the requirements of this chapter. Notice of the sale shall be served upon the licensee who placed the security personally or by mail. If notice is served by mail, service shall be addressed to the licensee at its address as it appears in the records of the supervisor. Bearer bonds of the United States or the state of Washington without a prevailing market price must be sold at public auction. Such bonds having a prevailing market price may be sold at private sale not lower than the prevailing market price. Upon any sale, any surplus above amounts due shall be returned to the licensee, and the licensee shall deposit with the supervisor additional security sufficient to meet the amount required by the supervisor. A deposit given instead of the bond required by this section shall not be deemed an asset of the licensee for the purpose of complying with the liquid asset provisions of this chapter.

NEW SECTION. Sec. 4. (1) The supervisor shall conduct an investigation of every applicant to determine the financial responsibility, experience, character, and general fitness of the applicant. The supervisor shall issue the applicant a license to engage in the business of cashing or selling checks, or both, if the supervisor determines to his or her satisfaction that:

(a) The applicant is financially responsible and appears to be able to conduct the business of cashing or selling checks in an honest, fair, and efficient manner with the confidence and trust of the community; and

(b) The applicant has the required bonds.

(2) The supervisor may refuse to issue a license if he or she finds that the applicant, or any person who is a director, officer, partner, agent, or

substantial stockholder of the applicant, has been convicted of a felony in any jurisdiction or is associating or consorting with any person who has been convicted of a felony in any jurisdiction. The term "substantial stockholder" as used in this subsection, means a person owning or controlling ten percent or more of the total outstanding shares of the applicant corporation.

(3) No license may be issued to an applicant whose license to conduct business under this chapter had been revoked by the supervisor within the twelve-month period preceding the application.

(4) A license issued under this chapter shall be conspicuously posted in the place of business of the licensee. The license is not transferable or assignable.

(5) A license issued in accordance with this chapter remains in force and effect through the remainder of the calendar year following its date of issuance unless earlier surrendered, suspended, or revoked.

(6) The supervisor's investigation and fees required under this chapter shall differentiate between check cashing and check selling activities and take into consideration the level of risk and potential harm to the public related to each such activity.

NEW SECTION. Sec. 5. (1) A license may be renewed upon the filing of an application containing such information as the supervisor may require and by the payment of a fee in an amount determined by the supervisor as necessary to cover the costs of supervision. Such fees collected shall be deposited to the credit of the bank examination fund in accordance with RCW 43.19.095. The supervisor shall renew the license in accordance with the standards for issuance of a new license.

(2) If a licensee intends to do business at a new location, to close an existing place of business, or to relocate an existing place of business, the licensee shall provide written notification of that intention to the supervisor no less than thirty days before the proposed establishing, closing, or moving of a place of business.

NEW SECTION. Sec. 6. (1) A schedule of the fees and the charges for the cashing and selling of checks, drafts, money orders, or other commercial paper serving the same purpose shall be conspicuously and continuously posted in every location licensed under this chapter. The licensee shall provide to its customer a receipt for each transaction. The receipt must include the name of the licensee, the type and amount of the transaction, and the fee or fees charged for the transaction.

(2) Each licensee shall keep and maintain such business books, accounts, and records as the supervisor may require to fulfill the purposes of this chapter. Every licensee shall preserve such books, accounts, and records for at least two years.

(3) A check, draft, or money order sold by a licensee shall be drawn on an account of a licensee maintained at a bank, savings bank, or savings and loan association authorized to do business in the state of Washington.

NEW SECTION. Sec. 7. (1) Except for the activities of a pawnbroker as defined in RCW 19.60.010, no licensee may engage in a loan business or the negotiation of loans or the discounting of notes, bills of exchange, checks, or other evidences of debt on the same premises where a check cashing or selling business is conducted, unless such loan business is a properly licensed consumer finance company or industrial loan company office or other lending activity permitted in the state of Washington and is physically separated from the check cashing or selling business in a manner approved by the supervisor.

(2) No licensee may at any time cash or advance any moneys on a post-dated check or draft. However, a licensee may cash a check payable on the first banking day following the date of cashing if:

(a) The check is drawn by the United States, the state of Washington, or any political subdivision of the state, or by any department or agency of the state or its subdivisions; or

(b) The check is a payroll check drawn by an employer to the order of its employee in payment for services performed by the employee.

(3) No licensee may agree to hold a check or draft for later deposit. A licensee shall deposit all checks and drafts cashed by the licensee as soon as practicable.

(4) No licensee may issue or cause to be issued any check, draft, or money order, or other commercial paper serving the same purpose, that is drawn upon the trust account of a licensee without concurrently receiving the full principal amount, in cash, or by check, draft, or money order from a third party believed to be valid.

(5) No licensee may advertise, print, display, publish, distribute, or broadcast or cause or permit to be advertised, printed, displayed, published, distributed, or broadcast, any statement or representation that is false, misleading, or deceptive, or that omits material information, or that refers to the supervision of the licensee by the state of Washington or any department or official of the state.

(6) Each licensee shall comply with all applicable federal statutes governing currency transaction reporting.

NEW SECTION. Sec. 8. (1) All funds received by a licensee or its agents from the sale of checks, drafts, money orders, or other commercial paper serving the same purpose constitute trust funds owned by and belonging to the person from whom they were received or to the person who has paid the checks, drafts, money orders, or other commercial paper serving the same purpose.

(2) All such trust funds shall be deposited in a bank, savings bank, or savings and loan association located in Washington state in an account or accounts in the name of the licensee designated "trust account," or by some other appropriate name indicating that the funds are not the funds of the licensee or of its officers, employees, or agents. Such funds are not subject to

attachment, levy of execution, or sequestration by order of a court except by a payee, assignee, or holder in due course of a check, draft, or money order sold by a licensee or its agent. Funds in the trust account, together with funds and checks on hand and in the hands of agents held for the account of the licensee at all times shall be at least equal to the aggregate liability of the licensee on account of checks, drafts, money orders, or other commercial paper serving the same purpose that are sold.

(3) The supervisor shall adopt rules requiring the licensee to periodically withdraw from the trust account the portion of trust funds earned by the licensee from the sale of checks, drafts, money orders, or other commercial paper serving the same purpose. If a licensee has accepted, in payment for a check, draft, money order, or commercial paper serving the same purpose issued by the licensee, a check or draft that is subsequently dishonored, the supervisor shall prohibit the withdrawal of earned funds in an amount necessary to cover the dishonored check or draft.

(4) If a licensee or its agent commingles trust funds with its own funds, all assets belonging to the licensee or its agent are impressed with a trust in favor of the persons specified in subsection (1) of this section in an amount equal to the aggregate funds that should have been segregated. Such trust continues until an amount equal to the necessary aggregate funds have been deposited in accordance with subsection (2) of this section.

(5) Upon request of the supervisor, a licensee shall furnish to the supervisor an authorization for examination of financial records of any trust fund account established for compliance with this section.

(6) The supervisor may adopt any rules necessary for the maintenance of trust accounts, including rules establishing procedures for distribution of trust account funds if a license is suspended, terminated, or not renewed.

NEW SECTION. Sec. 9. (1) Each licensee shall submit to the supervisor, in a form approved by the supervisor, a report containing financial statements covering the calendar year or, if the licensee has an [an] established fiscal year, then for such fiscal year, within one hundred five days after the close of each calendar or fiscal year. The licensee shall also file such additional relevant information as the supervisor may require.

(2) A licensee whose license has been suspended or revoked shall submit to the supervisor, at the licensee's expense, within one hundred five days after the effective date of such surrender or revocation, a closing audit report containing audited financial statements as of such effective date for the twelve months ending with such effective date.

(3) The supervisor shall adopt rules specifying the form and content of such audit reports and may require additional reporting as is necessary for the supervisor to ensure compliance with this chapter.

NEW SECTION. Sec. 10. The supervisor may at any time investigate the business and examine the books, accounts, records, and files of any licensee or person who the supervisor has reason to believe is engaging in the

business governed by this chapter. The supervisor shall collect from the licensee, the actual cost of the examination.

NEW SECTION. Sec. 11. (1) The supervisor may issue and serve upon a licensee a notice of charges if, in the opinion of the supervisor, any licensee:

(a) Is engaging or has engaged in an unsafe or unsound practice in conducting the business governed by this chapter;

(b) Is violating or has violated the law, rule, or any condition imposed in writing by the supervisor in connection with the granting of any application or other request by the licensee or any written agreement made with the supervisor; or

(c) Is about to do the acts prohibited in (a) or (b) of this subsection when the opinion that the threat exists is based upon reasonable cause.

(2) The notice shall contain a statement of the facts constituting the alleged violation or violations or the practice or practices and shall fix a time and place at which a hearing will be held to determine whether an order to cease and desist should be issued against the licensee. The hearing shall be set not earlier than ten days nor later than thirty days after service of the notice unless a later date is set by the supervisor at the request of the licensee.

Unless the licensee personally appears at the hearing or by a duly authorized representative, the licensee is deemed to have consented to the issuance of the cease and desist order. In the event of this consent or if upon the record made at the hearing the supervisor finds that any violation or practice specified in the notice of charges has been established, the supervisor may issue and serve upon the licensee an order to cease and desist from the violation or practice. The order may require the licensee and its directors, officers, employees, and agents to cease and desist from the violation or practice and may require the licensee to take affirmative action to correct the conditions resulting from the violation or practice.

(3) A cease and desist order becomes effective upon the expiration of ten days after the service of the order upon the licensee concerned, except that a cease and desist order issued upon consent becomes effective at the time specified in the order and remains effective as provided in the order unless it is stayed, modified, terminated, or set aside by action of the supervisor or a reviewing court.

NEW SECTION. Sec. 12. Whenever the supervisor determines that the acts specified in section 11 of this act or their continuation is likely to cause insolvency or substantial injury to the public, the supervisor may also issue a temporary order requiring the licensee to cease and desist from the violation or practice. The order becomes effective upon service upon the licensee and remains effective unless set aside, limited, or suspended by a court under section 13 of this act pending the completion of the administrative proceedings under the notice and until such time as the supervisor

dismisses the charges specified in the notice or until the effective date of the cease and desist order issued against the licensee under section 11 of this act.

NEW SECTION. Sec. 13. Within ten days after a licensee has been served with a temporary cease and desist order, the licensee may apply to the superior court in the county of its principal place of business for an injunction setting aside, limiting, or suspending the order pending the completion of the administrative proceedings pursuant to the notice served under section 12 of this act. The superior court has jurisdiction to issue the injunction.

NEW SECTION. Sec. 14. In the case of a violation or threatened violation of a temporary cease and desist order issued under section 12 of this act, the supervisor may apply to the superior court of the county of the principal place of business of the licensee for an injunction.

NEW SECTION. Sec. 15. Whenever as a result of an examination or report it appears to the supervisor that:

- (1) The capital of any licensee is impaired;
 - (2) Any licensee is conducting its business in such an unsafe or unsound manner as to render its further operations hazardous to the public;
 - (3) Any licensee has suspended payment of its trust obligations;
 - (4) Any licensee has refused to submit its books, papers, and affairs to the inspection of the supervisor or the supervisor's examiner;
 - (5) Any officer of any licensee refuses to be examined under oath regarding the business of the licensee;
 - (6) Any licensee neglects or refuses to comply with any order of the supervisor made pursuant to this chapter unless the enforcement of such order is restrained in a proceeding brought by such licensee;
- the supervisor may immediately take possession of the property and business of the licensee and retain possession until the licensee resumes business or its affairs are finally liquidated as provided in section 16 of this act. The licensee may resume business upon such terms as the supervisor may prescribe.

NEW SECTION. Sec. 16. Whenever the supervisor has taken possession of the property and business of a licensee, the supervisor may petition the superior court for the appointment of a receiver to liquidate the affairs of the licensee. During the time that the supervisor retains possession of the property and business of a licensee, the supervisor has the same powers and authority with reference to the licensee as is vested in the supervisor with respect to industrial loan companies, and the licensee has the same rights to hearings and judicial review as are granted to industrial loan companies.

NEW SECTION. Sec. 17. Every licensee violating or failing to comply with any provision of this chapter or any lawful direction or requirement of the supervisor is subject, in addition to any penalty otherwise provided, to a

penalty of not more than one hundred dollars for each offense, to be recovered by the attorney general in a civil action in the name of the state. Each day's continuance of the violation is a separate and distinct offense.

NEW SECTION. Sec. 18. Any person who violates or participates in the violation of any provision of the rules or orders of the supervisor or of this chapter is guilty of a misdemeanor.

NEW SECTION. Sec. 19. The legislature finds and declares that any violation of this chapter substantially affects the public interest and is an unfair and deceptive act or practice and an unfair method of competition in the conduct of trade or commerce as set forth in RCW 19.86.020. Remedies available under chapter 19.86 RCW shall not affect any other remedy the injured party may have.

NEW SECTION. Sec. 20. The supervisor has the power, and broad administrative discretion, to administer and interpret the provisions of this chapter to ensure the protection of the public.

Sec. 21. RCW 19.60.066 and 1984 c 10 s 12 are each amended to read as follows:

It is a gross misdemeanor under chapter 9A.20 RCW for:

(1) Any person to remove, alter, or obliterate any manufacturer's make, model, or serial number, personal identification number, or identifying marks engraved or etched upon an item of personal property that was purchased, consigned, or received in pledge;

(2) Any person to knowingly make, cause, or allow to be made any false entry or misstatement of any material matter in any book, record, or writing required to be kept under this chapter;

(3) Any pawnbroker or second-hand dealer to receive any property from any person under the age of eighteen years, any person under the influence of intoxicating liquor or drugs, or any person known to the pawnbroker or second-hand dealer as having been convicted of burglary, robbery, theft, or possession of or receiving stolen property within the past ten years whether the person is acting in his or her own behalf or as the agent of another; ((or))

(4) Any pawnbroker to engage in the business of cashing or selling checks, drafts, money orders, or other commercial paper serving the same purpose unless the pawnbroker complies with the provisions of chapter 31.— RCW (sections 1 through 20 of this act); or

(5) Any person to violate knowingly any other provision of this chapter.

NEW SECTION. Sec. 22. A new section is added to chapter 42.17 RCW to read as follows:

Information in an application for licensing under section 3 of this act regarding the personal residential address, telephone number of the applicant, or financial statement is exempt from disclosure under this chapter.

NEW SECTION. Sec. 23. Sections 1 through 20 of this act shall constitute a new chapter in Title 31 RCW.

NEW SECTION. Sec. 24. This act shall take effect January 1, 1992. The supervisor shall take such steps as are necessary to ensure that this act is implemented on its effective date.

Passed the House March 19, 1991.

Passed the Senate April 16, 1991.

Approved by the Governor May 21, 1991.

Filed in Office of Secretary of State May 21, 1991.

CHAPTER 356

[Engrossed Substitute House Bill 1624]

HOUSING ASSISTANCE PROGRAM

Effective Date: 7/28/91

AN ACT Relating to the housing trust fund; amending RCW 43.185.010, 43.185.030, 43.185.050, 43.185.070, and 43.185.080; adding new sections to chapter 43.185 RCW; and adding a new chapter to Title 43 RCW.

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

Sec. 1. RCW 43.185.010 and 1986 c 298 s 1 are each amended to read as follows:

The legislature finds that current economic conditions, federal housing policies and declining resources at the federal, state, and local level adversely affect the ability of low and very low-income persons to obtain safe, decent, and affordable housing.

The legislature further finds that members of over one hundred twenty thousand households live in housing units which are overcrowded, lack plumbing, are otherwise threatening to health and safety, and have rents and utility payments which exceed thirty percent of their income.

The legislature further finds that minorities, rural households, and migrant farm workers require housing assistance at a rate which significantly exceeds their proportion of the general population.

The legislature further finds that one of the most dramatic housing needs is that of persons needing special housing-related services, such as the mentally ill, recovering alcoholics, frail elderly persons, families with members who have disabilities, and single parents. These services include medical assistance, counseling, chore services, and child care.

The legislature further finds that housing assistance programs in the past have often failed to help those in greatest need.

The legislature declares that it is in the public interest to establish a continuously renewable resource known as ((α)) the housing trust fund and housing assistance program to assist low and very low-income citizens in meeting their basic housing needs, and that the needs of very low-income

citizens should be given priority and that whenever feasible, assistance should be in the form of loans.

NEW SECTION. Sec. 2. A new section is added to chapter 43.185 RCW to read as follows:

There is created within the department of community development the housing assistance program to carry out the purposes of this chapter.

Sec. 3. RCW 43.185.030 and 1987 c 513 s 6 are each amended to read as follows:

There is hereby created a fund in the office of the treasurer known as the Washington housing trust fund. The housing trust fund shall include revenue from the sources established by this chapter, appropriations by the legislature, private contributions, repayment of loans, and all other sources. ~~((Eighty percent of the return on the fund in the form of investment income or interest shall be added to the principal of the fund. The remaining twenty percent shall be placed in the general fund.))~~

Sec. 4. RCW 43.185.050 and 1986 c 298 s 6 are each amended to read as follows:

(1) The department shall use ~~((funds))~~ moneys from the housing trust fund and other legislative appropriations to finance in whole or in part any loans or grant projects that will provide housing for persons and families with special housing needs and with incomes at or below fifty percent of the median family income for the county or standard metropolitan statistical area where the project is located. ~~((Not less than))~~ At least thirty percent of ~~((such funds))~~ these moneys used in any given ~~((biennium))~~ funding cycle shall be for the benefit of projects located in rural areas ~~((as defined in 63 Stat. 432, 42 U.S.C. Sec. 1471 et seq))~~ of the state as defined by the department of community development. If the department determines that it has not received an adequate number of suitable applications for rural projects during any given funding cycle, the department may allocate unused moneys for projects in nonrural areas of the state.

(2) Activities eligible for assistance from the housing trust fund and other legislative appropriations include, but are not limited to:

(a) New construction, rehabilitation, or acquisition of low and very low-income housing units;

(b) Rent subsidies ~~((in new construction or rehabilitated multifamily units))~~;

(c) Matching funds for social services directly related to providing housing for special-need tenants in assisted projects;

(d) Technical assistance, design and finance services and consultation, and administrative costs for eligible nonprofit community or neighborhood-based organizations;

(e) Administrative costs for housing assistance groups or organizations when such grant or loan will substantially increase the recipient's access to housing funds other than those available under this chapter;

(f) Shelters and related services for the homeless;

(g) Mortgage subsidies ((for new construction or rehabilitation of eligible multifamily units)), including temporary rental and mortgage payment subsidies to prevent homelessness;

(h) Mortgage insurance guarantee or payments for eligible projects; ~~((and))~~

(i) Down payment or closing cost assistance for eligible first-time home buyers;

(j) Acquisition of housing units for the purpose of preservation as low-income or very low-income housing; and

(k) Projects making housing more accessible to families with members who have disabilities.

(3) Legislative appropriations from capital bond proceeds and moneys from repayment of loans from appropriations from capital bond proceeds may be used only for the costs of projects authorized under subsection (2) (a), (i), and (j) of this section, and not for the administrative costs of the department.

Sec. 5. RCW 43.185.070 and 1988 c 286 s 1 are each amended to read as follows:

(1) During each calendar year in which funds from the housing trust fund or other legislative appropriations are available for use by the department ~~((from the housing trust fund, as prescribed in RCW 43.185.030))~~ for the housing assistance program, the department shall announce to all known interested parties, and through major media throughout the state, a grant and loan application period of at least ninety days' duration. This announcement shall be made as often as the director deems appropriate for proper utilization of resources ~~((, but at least twice annually))~~. The department shall then promptly grant as many applications as will utilize available funds less appropriate administrative costs of the department ~~((, not to))~~. Administrative costs paid out of the housing trust fund may not exceed ((thirty-seven thousand five hundred dollars in the fiscal year ending June 30, 1988, and seventy-five thousand dollars in the fiscal year ending June 30, 1989, and not to exceed five)) four percent of annual revenues ((to the fund thereafter)) available for distribution to housing trust fund projects. In awarding funds under this chapter, the department shall provide for a geographic distribution on a state-wide basis.

(2) The department shall give first priority to applications for projects and activities which utilize existing privately owned housing stock including privately owned housing stock purchased by nonprofit public development authorities and public housing authorities as created in chapter 35.82 RCW. As used in this subsection, privately owned housing stock includes

housing that is acquired by a federal agency through a default on the mortgage by the private owner. Such projects and activities shall be evaluated under subsection (3) of this section. Second priority shall be given to activities and projects which utilize existing publicly owned housing stock. ~~((Such))~~ All projects and activities shall be evaluated by some or all of the criteria under subsection (3) of this section, and similar projects and activities shall be evaluated under the same criteria.

(3) The department shall give preference for applications based on the following criteria:

- (a) The degree of leveraging of other funds that will occur;
- (b) Recipient contributions to total project costs, including allied contributions from other sources such as professional, craft and trade services, and lender interest rate subsidies;
- (c) Local government project contributions in the form of infrastructure improvements, and others;
- (d) Projects that encourage ownership, management, and other project-related responsibility opportunities;
- (e) Projects that demonstrate a strong probability of serving the original target group or income level for a period of at least ~~((fifteen))~~ twenty-five years;
- (f) The applicant has the demonstrated ability, stability and resources to implement the project;
- (g) Projects which demonstrate serving the greatest need; ~~((and))~~
- (h) Projects that provide housing for persons and families with the lowest incomes;
- (i) Project location and access to employment centers in the region or area; and
- (j) Project location and access to available public transportation services.

Sec. 6. RCW 43.185.080 and 1986 c 298 s 9 are each amended to read as follows:

(1) The department may use moneys from the housing trust fund and other legislative appropriations, but not appropriations from capital bond proceeds, to provide preconstruction technical assistance to eligible recipients seeking to construct, rehabilitate, or finance housing-related services for very low and low-income persons. The department shall emphasize providing preconstruction technical assistance services to rural areas and small cities and towns. The department may contract with nonprofit organizations to provide this technical assistance. The department may contract for any of the following services:

- (a) Financial planning and packaging for housing projects, including alternative ownership programs, such as limited equity partnerships and syndications;
- (b) Project design, architectural planning, and siting;

- (c) Compliance with planning requirements;
- (d) Securing matching resources for project development;
- (e) Maximizing local government contributions to project development in the form of land donations, infrastructure improvements, waivers of development fees, locally and state-managed funds, zoning variances, or creative local planning;
- (f) Coordination with local planning, economic development, and environmental, social service, and recreational activities;
- (g) Construction and materials management; and
- (h) Project maintenance and management.

(2) The department shall publish requests for proposals which specify contract performance standards, award criteria, and contractor requirements. In evaluating proposals, the department shall consider the ability of the contractor to provide technical assistance to low and very low-income persons and to persons with special housing needs.

NEW SECTION. Sec. 7. A new section is added to chapter 43.185 RCW to read as follows:

The department shall adopt policies to ensure that the state's interest will be protected upon either the sale or change of use of projects financed in whole or in part under RCW 43.185.050(2)(a), (i), and (j). These policies may include, but are not limited to: (1) Requiring a share of the appreciation in the project in proportion to the state's contribution to the project; (2) requiring a lump-sum repayment of the loan or grant upon the sale or change of use of the project; or (3) requiring a deferred payment of principal or principal and interest on loans after a specified time period.

NEW SECTION. Sec. 8. A new section is added to chapter 43.185 RCW to read as follows:

If any part of this act is found to be in conflict with federal requirements which are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this act in its application to the agencies concerned. The rules under this act shall meet federal requirements which are a necessary condition to the receipt of federal funds by the state.

NEW SECTION. Sec. 9. Sections 9 through 19 of this act may be known and cited as the affordable housing act.

NEW SECTION. Sec. 10. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Affordable housing" means residential housing for rental or private individual ownership which, as long as the same is occupied by low-income households, requires payment of monthly housing costs, including

utilities other than telephone, of no more than thirty percent of the family's income.

(2) "Department" means the department of community development.

(3) "Director" means the director of the department of community development.

(4) "First-time home buyer" means an individual or his or her spouse who have not owned a home during the three-year period prior to purchase of a home.

(5) "Low-income household" means a single person, family or unrelated persons living together whose adjusted income is less than eighty percent of the median family income, adjusted for household size, for the county where the project is located.

NEW SECTION. Sec. 11. The affordable housing program is created in the department of community development for the purpose of developing and coordinating public and private resources targeted to meet the affordable housing needs of low-income households in the state of Washington. The program shall be developed and administered by the department with advice and input from the low-income assistance advisory committee established in RCW 43.185.110.

NEW SECTION. Sec. 12. (1) Using moneys specifically appropriated for such purpose, the department shall finance in whole or in part projects that will provide housing for low-income households.

(2) Activities eligible for assistance include, but are not limited to:

(a) New construction, rehabilitation, or acquisition of housing for low-income households;

(b) Rent subsidies in new construction or rehabilitated multifamily units;

(c) Down payment or closing costs assistance for first-time home buyers;

(d) Mortgage subsidies for new construction or rehabilitation of eligible multifamily units; and

(e) Mortgage insurance guarantee or payments for eligible projects.

(3) Legislative appropriations from capital bond proceeds and moneys from repayment of loans from appropriations from capital bond proceeds may be used only for the costs of projects authorized under subsection (2)(a), (c), (d), and (e) of this section, and not for the administrative costs of the department.

NEW SECTION. Sec. 13. Organizations that may receive assistance from the department under this chapter are local governments, local housing authorities, nonprofit community or neighborhood-based organizations, and regional or state-wide nonprofit housing assistance organizations.

NEW SECTION. Sec. 14. (1) During each calendar year in which funds are available for use by the department for the affordable housing

program, the department shall announce to all known interested parties, and through major media throughout the state, a grant and loan application period of at least ninety days' duration. This announcement shall be made as often as the director deems appropriate for proper utilization of resources. The department shall then promptly grant as many applications as will utilize available funds less appropriate administrative costs of the department, not to exceed five percent of moneys appropriated to the affordable housing program.

(2) The department shall develop, with advice and input from the low-income assistance advisory committee established in RCW 43.185.110, criteria to evaluate applications for assistance under this chapter.

NEW SECTION. Sec. 15. The department shall adopt policies to ensure that the state's interest will be protected upon either the sale or change of use of projects financed in whole or in part under section 12(2) (a), (c), (d), and (e) of this act. These policies may include, but are not limited to: (1) Requiring a share of the appreciation in the project in proportion to the state's contribution to the project; (2) requiring a lump-sum repayment of the loan or grant upon the sale or change of use of the project; or (3) requiring a deferred payment of principal or principal and interest on loans after a specified time period.

NEW SECTION. Sec. 16. The director shall monitor the activities of recipients of grants and loans under this chapter to determine compliance with the terms and conditions set forth in its application or stated by the department in connection with the grant or loan.

NEW SECTION. Sec. 17. The department shall have the authority to promulgate rules pursuant to chapter 34.05 RCW, regarding the grant and loan process, and the substance of eligible projects, consistent with this chapter.

NEW SECTION. Sec. 18. 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. 19. If any part of this act is found to be in conflict with federal requirements which are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this act in its application to the agencies concerned. The rules under this act shall meet federal requirements which are a necessary condition to the receipt of federal funds by the state.

NEW SECTION. Sec. 20. Sections 9 through 19 of this act shall constitute a new chapter in Title 43 RCW.

Passed the House March 15, 1991.

Passed the Senate April 12, 1991.

Approved by the Governor May 21, 1991.

Filed in Office of Secretary of State May 21, 1991.

CHAPTER 357

[Substitute House Bill 1993]

CONVENTION FACILITIES IN COUNTIES LOCATED IN NATIONAL SCENIC AREA

Effective Date: 5/21/91

AN ACT Relating to convention facilities; amending RCW 67.28.080; adding new sections to chapter 67.28 RCW; adding a new section to chapter 36.32 RCW; and declaring an emergency.

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

Sec. 1. RCW 67.28.080 and 1967 c 236 s 1 are each amended to read as follows:

In any county located in whole or in part in a national scenic area and the population of which county is less than 20,000, a convention center facility may include a hotel, destination resort, conference center, or similar or related facility. A convention center facility may include the land on which any of the foregoing structures or facilities are sited. A convention center facility may also include land necessary for the operation of a convention center facility.

"Municipality" as used in this chapter means any county, city or town of the state of Washington.

"Person" as used in this chapter means the federal government or any agency thereof, the state or any agency, subdivision, taxing district or municipal corporation thereof other than county, city or town, any private corporation, partnership, association, or individual.

NEW SECTION. Sec. 2. A new section is added to chapter 67.28 RCW to read as follows:

The provisions of this section shall apply to any municipality in any county located in whole or in part in a national scenic area when the population of the county is less than 20,000. The provisions of this section shall also apply to the county when the county contains in whole or in part a national scenic area and the population of the county is less than 20,000.

(1) The legislative body of any municipality or the county legislative authority is authorized to sell to any public or private person, including a corporation, partnership, joint venture, or any other business entity, any convention center facility it owns in whole or in part.

(2) The price and other terms and conditions shall be as the legislative body or authority shall determine.

NEW SECTION. Sec. 3. A new section is added to chapter 36.32 RCW to read as follows:

RCW 36.32.240, 36.32.250, and 36.32.260 do not apply to the selection of persons or entities in respect to convention centers undertaken under chapter 67.28 RCW by a county located in whole or in part in a national scenic area and the population of which is less than twenty thousand.

This section shall expire June 30, 1996.

NEW SECTION. Sec. 4. A new section is added to chapter 67.28 RCW to read as follows:

(1) In addition to the other uses authorized in this chapter, any city with a population of not less than one thousand people located on one of the San Juan islands or the county within which such city is located may impose the tax and use the tax proceeds provided herein for the acquisition, construction, or operation of publicly owned facilities that are used either for county fairs occurring no more than once a year and not extending over a period of more than seven days or to mitigate the impacts of tourism.

NEW SECTION. Sec. 5. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect after immediately [effect immediately]. This act applies retroactively to all actions taken under chapter 67.28 RCW on or after January 1, 1990.

Passed the House March 19, 1991.

Passed the Senate April 19, 1991.

Approved by the Governor May 21, 1991.

Filed in Office of Secretary of State May 21, 1991.

CHAPTER 358

[Substitute House Bill 2140]

BUDGETS—SIX-YEAR PROGRAM AND FINANCIAL PLANS

Effective Date: 4/1/92

AN ACT Relating to budgeting; amending RCW 43.88.030, 43.88.110, 43.88.120, 47.05-.070, and 43.88.020; reenacting and amending RCW 43.88.160; creating a new section; and providing an effective date.

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

Sec. 1. RCW 43.88.030 and 1990 c 115 s 1 are each amended to read as follows:

(1) The director of financial management shall provide all agencies with a complete set of instructions for submitting biennial budget requests to the director at least three months before agency budget documents are due into the office of financial management. The director shall provide

agencies that are required under RCW 44.40.070 to develop comprehensive six-year program and financial plans with a complete set of instructions for submitting these program and financial plans at the same time that instructions for submitting other budget requests are provided. The budget document or documents shall consist of the governor's budget message which shall be explanatory of the budget and shall contain an outline of the proposed financial policies of the state for the ensuing fiscal period, as well as an outline of the proposed six-year financial policies where applicable, and shall describe in connection therewith the important features of the budget. The message shall set forth the reasons for salient changes from the previous fiscal period in expenditure and revenue items and shall explain any major changes in financial policy. Attached to the budget message shall be such supporting schedules, exhibits and other explanatory material in respect to both current operations and capital improvements as the governor shall deem to be useful to the legislature. The budget document or documents shall set forth a proposal for expenditures in the ensuing fiscal period, or six-year period where applicable, based upon the estimated revenues as approved by the economic and revenue forecast council or upon the estimated revenues of the office of financial management for those funds, accounts, and sources for which the office of the economic and revenue forecast council does not prepare an official forecast, including those revenues anticipated to support the six-year programs and financial plans under RCW 44.40.070. In estimating revenues to support financial plans under RCW 44.40.070, the office of financial management shall rely on information and advice from the interagency revenue task force. Revenues shall be estimated for such fiscal period from the source and at the rates existing by law at the time of submission of the budget document, including the supplemental budgets submitted in the even-numbered years of a biennium. However, the estimated revenues for use in the governor's budget document may be adjusted to reflect budgetary revenue transfers and revenue estimates dependent upon budgetary assumptions of enrollments, workloads, and caseloads. All adjustments to the approved estimated revenues must be set forth in the budget document. The governor may additionally submit, as an appendix to each supplemental, biennial, or six-year agency budget or to the budget document or documents, a proposal for expenditures in the ensuing fiscal period from revenue sources derived from proposed changes in existing statutes.

Supplemental and biennial documents shall reflect a six-year expenditure plan consistent with estimated revenues from existing sources and at existing rates for those agencies required to submit six-year program and financial plans under RCW 44.40.070. Any additional revenue resulting from proposed changes to existing statutes shall be separately identified within the document as well as related expenditures for the six-year period.

The budget document or documents shall also contain:

(a) Revenues classified by fund and source for the immediately past fiscal period, those received or anticipated for the current fiscal period, ~~((and))~~ those anticipated for the ensuing biennium, and those anticipated for the ensuing six-year period to support the six-year programs and financial plans required under RCW 44.40.070;

(b) The undesignated fund balance or deficit, by fund;

(c) Such additional information dealing with expenditures, revenues, workload, performance, and personnel as the legislature may direct by law or concurrent resolution;

(d) Such additional information dealing with revenues and expenditures as the governor shall deem pertinent and useful to the legislature;

(e) Tabulations showing expenditures classified by fund, function, activity and object;

(f) A delineation of each agency's activities, including those activities funded from nonbudgeted, nonappropriated sources, including funds maintained outside the state treasury; and

(g) Identification of all proposed direct expenditures to implement the Puget Sound water quality plan under chapter 90.70 RCW, shown by agency and in total.

(2) The budget document or documents shall include detailed estimates of all anticipated revenues applicable to proposed operating or capital expenditures and shall also include all proposed operating or capital expenditures. The total of beginning undesignated fund balance and estimated revenues less working capital and other reserves shall equal or exceed the total of proposed applicable expenditures. The budget document or documents shall further include:

(a) Interest, amortization and redemption charges on the state debt;

(b) Payments of all reliefs, judgments and claims;

(c) Other statutory expenditures;

(d) Expenditures incident to the operation for each agency;

(e) Revenues derived from agency operations;

(f) Expenditures and revenues shall be given in comparative form showing those incurred or received for the immediately past fiscal period and those anticipated for the current biennium and next ensuing biennium, as well as those required to support the six-year programs and financial plans required under RCW 44.40.070;

(g) A showing and explanation of amounts of general fund and other funds obligations for debt service and any transfers of moneys that otherwise would have been available for ~~((general fund))~~ appropriation~~((s))~~;

(h) Common school expenditures on a fiscal-year basis;

(i) A showing, by agency, of the value and purpose of financing contracts for the lease/purchase or acquisition of personal or real property for the current and ensuing fiscal periods.

(3) A separate capital budget document or schedule ((may)) shall be submitted ((consisting of)) that will contain the following:

(a) ((Expenditures incident to current or pending capital projects and to proposed new capital projects, relating the respective amounts proposed to be raised therefor by appropriations in the budget and the respective amounts proposed to be raised therefor by the issuance of bonds during)) A capital plan consisting of proposed capital spending for at least four fiscal periods succeeding the next fiscal period;

(b) A capital program consisting of proposed capital projects for at least the two fiscal periods succeeding the next fiscal period((-The capital program shall include for each proposed project a statement of the reason or purpose for the project along with an estimate of its cost));

(c) ((Such other information bearing upon capital projects as the governor shall deem to be useful to the legislature;

(d) Such other information relating to capital improvement projects as the legislature may direct by law or concurrent resolution)) A statement of the reason or purpose for a project;

(d) Verification that a project is consistent with the provisions set forth in chapter 36.70A RCW;

(e) A statement about the proposed site, size, and estimated life of the project, if applicable;

(f) Estimated total project cost;

(g) Estimated total project cost for each phase of the project as defined by the office of financial management;

(h) Estimated ensuing biennium costs;

(i) Estimated costs beyond the ensuing biennium;

(j) Estimated construction start and completion dates;

(k) Source and type of funds proposed;

(l) Such other information bearing upon capital projects as the governor deems to be useful;

(m) Standard terms, including a standard and uniform definition of maintenance for all capital projects;

(n) Such other information as the legislature may direct by law or concurrent resolution.

For purposes of this subsection (3), the term "capital project" shall be defined subsequent to the analysis, findings, and recommendations of a joint committee comprised of representatives from the house capital appropriations committee, senate ways and means committee, legislative transportation committee, legislative evaluation and accountability program committee, and office of financial management.

(4) No change affecting the comparability of agency or program information relating to expenditures, revenues, workload, performance and personnel shall be made in the format of any budget document or report presented to the legislature under this section or RCW 43.88.160(1) relative

to the format of the budget document or report which was presented to the previous regular session of the legislature during an odd-numbered year without prior legislative concurrence. Prior legislative concurrence shall consist of (a) a favorable majority vote on the proposal by the standing committees on ways and means of both houses if the legislature is in session or (b) a favorable majority vote on the proposal by members of the legislative evaluation and accountability program committee if the legislature is not in session.

Sec. 2. RCW 43.88.110 and 1987 c 502 s 5 are each amended to read as follows:

This section sets forth the expenditure programs and the allotment and reserve procedures to be followed by the executive branch for public funds.

(1) Allotments of an appropriation for any fiscal period shall conform to the terms, limits, or conditions of the appropriation.

~~((1))~~ (2) The director of financial management shall provide all agencies with a complete set of operating and capital instructions for preparing a statement of proposed expenditures at least thirty days before the beginning of a fiscal period. The set of instructions need not include specific appropriation amounts for the agency.

~~((2))~~ (3) Within forty-five days after the beginning of the fiscal period or within forty-five days after the governor signs the omnibus biennial appropriations act, whichever is later, all agencies shall submit to the governor a statement of proposed expenditures at such times and in such form as may be required by the governor.

(4) The office of financial management shall develop a method for monitoring capital appropriations and expenditures that will capture at least the following elements:

(a) Appropriations made for capital projects including transportation projects;

(b) Estimates of total project costs including past, current, ensuing, and future biennial costs;

(c) Comparisons of actual costs to estimated costs;

(d) Comparisons of estimated construction start and completion dates with actual dates;

(e) Documentation of fund shifts between projects.

This data may be incorporated into the existing accounting system or into a separate project management system, as deemed appropriate by the office of financial management.

(5) If at any time during the fiscal period the governor projects a cash deficit in a particular fund or account as defined by RCW 43.88.050, the governor shall make across-the-board reductions in allotments for that particular fund or account so as to prevent a cash deficit, unless the legislature has directed the liquidation of the cash deficit over one or more fiscal periods. Except for the legislative and judicial branches and other agencies

headed by elective officials, the governor shall review the statement of proposed operating expenditures for reasonableness and conformance with legislative intent. Once the governor approves the statements of proposed operating expenditures, further revisions shall be made only at the beginning of the second fiscal year and must be initiated by the governor. However, changes in appropriation level authorized by the legislature, changes required by across-the-board reductions mandated by the governor, and changes caused by executive increases to spending authority may require additional revisions. Revisions shall not be made retroactively. Revisions caused by executive increases to spending authority shall not be made after June 30, 1987. However, the governor may assign to a reserve status any portion of an agency appropriation withheld as part of across-the-board reductions made by the governor and any portion of an agency appropriation conditioned on a contingent event by the appropriations act. The governor may remove these amounts from reserve status if the across-the-board reductions are subsequently modified or if the contingent event occurs. The director of financial management shall enter approved statements of proposed expenditures into the state budgeting, accounting, and reporting system within forty-five days after receipt of the proposed statements from the agencies. If an agency or the director of financial management is unable to meet these requirements, the director of financial management shall provide a timely explanation in writing to the legislative fiscal committees.

~~((3))~~ (6) It is expressly provided that all agencies shall be required to maintain accounting records and to report thereon in the manner prescribed in this chapter and under the regulations issued pursuant to this chapter. Within ninety days of the end of the fiscal year, all agencies shall submit to the director of financial management their final adjustments to close their books for the fiscal year. Prior to submitting fiscal data, written or oral, to committees of the legislature, it is the responsibility of the agency submitting the data to reconcile it with the budget and accounting data reported by the agency to the director of financial management.

(7) The director of financial management shall monitor agency operating expenditures against the approved statement of proposed expenditures and shall provide the legislature with quarterly explanations of major variances.

~~((4))~~ (8) The director of financial management may exempt certain public funds from the allotment controls established under this chapter if it is not practical or necessary to allot the funds. Allotment control exemptions expire at the end of the fiscal biennium for which they are granted. The director of financial management shall report any exemptions granted under this subsection to the legislative fiscal committees.

Sec. 3. RCW 43.88.120 and 1987 c 502 s 6 are each amended to read as follows:

Each agency engaged in the collection of revenues shall prepare estimated revenues and estimated receipts for the current and ensuing biennium and shall submit the estimates to the director of financial management and the director of revenue at times and in the form specified by the directors, along with any other information which the directors may request. For those agencies required to develop six-year programs and financial plans under RCW 44.40.070, six-year revenue estimates shall be submitted to the director of financial management and the legislative transportation committee unless the responsibility for reporting these revenue estimates is assumed elsewhere.

A copy of such revenue estimates shall be simultaneously submitted to the economic and revenue forecast work group when required by the office of the economic and revenue forecast council.

Sec. 4. RCW 43.88.160 and 1987 c 505 s 36 and 1987 c 436 s 1 are each reenacted and amended to read as follows:

This section sets forth the major fiscal duties and responsibilities of officers and agencies of the executive branch. The regulations issued by the governor pursuant to this chapter shall provide for a comprehensive, orderly basis for fiscal management and control, including efficient accounting and reporting therefor, for the executive branch of the state government and may include, in addition, such requirements as will generally promote more efficient public management in the state.

(1) Governor; director of financial management. The governor, through the director of financial management, shall devise and supervise a modern and complete accounting system for each agency to the end that all revenues, expenditures, receipts, disbursements, resources, and obligations of the state shall be properly and systematically accounted for. The accounting system shall include the development of accurate, timely records and reports of all financial affairs of the state. The system shall also provide for central accounts in the office of financial management at the level of detail deemed necessary by the director to perform central financial management. The director of financial management shall adopt and periodically update an accounting procedures manual. Any agency maintaining its own accounting and reporting system shall comply with the updated accounting procedures manual and the rules of the director adopted under this chapter. An agency may receive a waiver from complying with this requirement if the waiver is approved by the director. Waivers expire at the end of the fiscal biennium for which they are granted. The director shall forward notice of waivers granted to the appropriate legislative fiscal committees. The director of financial management may require such financial, statistical, and other reports as the director deems necessary from all agencies covering any period.

(2) The director of financial management is responsible for quarterly reporting of primary operating budget drivers such as applicable workloads, caseload estimates, and appropriate unit cost data. These reports shall be

transmitted to the legislative fiscal committees or by electronic means to the legislative evaluation and accountability program committee. Quarterly reports shall include actual monthly data and the variance between actual and estimated data to date. The reports shall also include estimates of these items for the remainder of the budget period.

(3) The director of financial management shall report at least annually to the appropriate legislative committees regarding the status of all appropriated capital projects, including transportation projects, showing significant cost overruns or underruns. If funds are shifted from one project to another, the office of financial management shall also reflect this in the annual variance report. Once a project is complete, the report shall provide a final summary showing estimated start and completion dates of each project phase compared to actual dates, estimated costs of each project phase compared to actual costs, and whether or not there are any outstanding liabilities or unsettled claims at the time of completion.

(4) In addition, the director of financial management, as agent of the governor, shall:

(a) Make surveys and analyses of agencies with the object of determining better methods and increased effectiveness in the use of manpower and materials; and the director shall authorize expenditures for employee training to the end that the state may benefit from training facilities made available to state employees;

(b) Report to the governor with regard to duplication of effort or lack of coordination among agencies;

(c) Review any pay and classification plans, and changes thereunder, developed by any agency for their fiscal impact: PROVIDED, That none of the provisions of this subsection shall affect merit systems of personnel management now existing or hereafter established by statute relating to the fixing of qualifications requirements for recruitment, appointment, or promotion of employees of any agency. The director shall advise and confer with agencies including appropriate standing committees of the legislature as may be designated by the speaker of the house and the president of the senate regarding the fiscal impact of such plans and may amend or alter said plans, except that for the following agencies no amendment or alteration of said plans may be made without the approval of the agency concerned: Agencies headed by elective officials;

(d) Fix the number and classes of positions or authorized man years of employment for each agency and during the fiscal period amend the determinations previously fixed by the director except that the director shall not be empowered to fix said number or said classes for the following: Agencies headed by elective officials;

(e) Provide for transfers and repayments between the budget stabilization account and the general fund as directed by appropriation and RCW 43.88.525 through 43.88.540;

(f) Promulgate regulations to effectuate provisions contained in subsections (a) through (e) hereof.

~~((2))~~ (5) The treasurer shall:

(a) Receive, keep, and disburse all public funds of the state not expressly required by law to be received, kept, and disbursed by some other persons: PROVIDED, That this subsection shall not apply to those public funds of the institutions of higher learning which are not subject to appropriation;

(b) Disburse public funds under the treasurer's supervision or custody by warrant or check;

(c) Keep a correct and current account of all moneys received and disbursed by the treasurer, classified by fund or account;

(d) Perform such other duties as may be required by law or by regulations issued pursuant to this law.

It shall be unlawful for the treasurer to issue any warrant or check for public funds in the treasury except upon forms duly prescribed by the director of financial management. Said forms shall provide for authentication and certification by the agency head or the agency head's designee that the services have been rendered or the materials have been furnished; or, in the case of loans or grants, that the loans or grants are authorized by law; or, in the case of payments for periodic maintenance services to be performed on state owned equipment, that a written contract for such periodic maintenance services is currently in effect and copies thereof are on file with the office of financial management; and the treasurer shall not be liable under the treasurer's surety bond for erroneous or improper payments so made: PROVIDED, That when services are lawfully paid for in advance of full performance by any private individual or business entity other than as provided for by RCW 42.24.035, such individual or entity other than central stores rendering such services shall make a cash deposit or furnish surety bond coverage to the state as shall be fixed in an amount by law, or if not fixed by law, then in such amounts as shall be fixed by the director of the department of general administration but in no case shall such required cash deposit or surety bond be less than an amount which will fully indemnify the state against any and all losses on account of breach of promise to fully perform such services: AND PROVIDED FURTHER, That no payments shall be made in advance for any equipment maintenance services to be performed more than three months after such payment. Any such bond so furnished shall be conditioned that the person, firm or corporation receiving the advance payment will apply it toward performance of the contract. The responsibility for recovery of erroneous or improper payments made under this section shall lie with the agency head or the agency head's designee in accordance with regulations issued pursuant to this chapter.

Nothing in this section shall be construed to permit a public body to advance funds to a private service provider pursuant to a grant or loan before services have been rendered or material furnished.

~~((3))~~ (6) The state auditor shall:

(a) Report to the legislature the results of current post audits that have been made of the financial transactions of each agency; to this end the auditor may, in the auditor's discretion, examine the books and accounts of any agency, official or employee charged with the receipt, custody or safe-keeping of public funds. The current post audit of each agency may include a section on recommendations to the legislature as provided in (c) of this subsection ~~((3)(c) of this section)~~.

(b) Give information to the legislature, whenever required, upon any subject relating to the financial affairs of the state.

(c) Make the auditor's official report on or before the thirty-first of December which precedes the meeting of the legislature. The report shall be for the last complete fiscal period and shall include at least the following:

Determinations as to whether agencies, in making expenditures, complied with the laws of this state: **PROVIDED**, That nothing in this ~~((act shall))~~ section may be construed to grant the state auditor the right to perform performance audits. A performance audit for the purpose of this ~~((act shall be))~~ section is the examination of the effectiveness of the administration, its efficiency, and its adequacy in terms of the programs of departments or agencies as previously approved by the legislature. The authority and responsibility to conduct such an examination shall be vested in the legislative budget committee as prescribed in RCW 44.28.085 ~~((as now or hereafter amended))~~.

(d) Be empowered to take exception to specific expenditures that have been incurred by any agency or to take exception to other practices related in any way to the agency's financial transactions and to cause such exceptions to be made a matter of public record, including disclosure to the agency concerned and to the director of financial management. It shall be the duty of the director of financial management to cause corrective action to be taken promptly, such action to include, as appropriate, the withholding of funds as provided in RCW 43.88.110.

(e) Promptly report any irregularities to the attorney general.

~~((4))~~ (7) The legislative budget committee may:

(a) Make post audits of the financial transactions of any agency and management surveys and program reviews as provided for in RCW 44.28-.085 ~~((as now or hereafter amended))~~. To this end the committee may in its discretion examine the books, accounts, and other records of any agency, official, or employee.

(b) Give information to the legislature or any legislative committee whenever required upon any subject relating to the performance and management of state agencies.

(c) Make a report to the legislature which shall include at least the following:

(i) Determinations as to the extent to which agencies in making expenditures have complied with the will of the legislature and in this connection, may take exception to specific expenditures or financial practices of any agencies; and

(ii) Such plans as it deems expedient for the support of the state's credit, for lessening expenditures, for promoting frugality and economy in agency affairs and generally for an improved level of fiscal management.

Sec. 5. RCW 47.05.070 and 1983 1st ex.s. c 53 s 31 are each amended to read as follows:

The transportation commission shall approve and present to the governor and to the legislature prior to its convening, a recommended budget for the ensuing ~~((biennium))~~ fiscal period as well as the comprehensive six-year program and financial plan required under RCW 44.40.070, 44.40.080, 47.05.030, and 47.05.040. The ~~((biennial))~~ budget shall include details of proposed expenditures, and performance and public service criteria for construction, maintenance, and planning activities in consonance with the comprehensive six-year program and financial plan ~~((adopted under provisions of RCW 44.40.070 and 47.05.040)).~~

Sec. 6. RCW 43.88.020 and 1990 c 229 s 4 are each amended to read as follows:

(1) "Budget" ~~((shall))~~ means a proposed plan of expenditures for a given period or purpose and the proposed means for financing these expenditures.

(2) "Budget document" ~~((shall))~~ means a formal, written statement offered by the governor to the legislature, as provided in RCW 43.88.030.

(3) "Director of financial management" ~~((shall))~~ means the official appointed by the governor to serve at the governor's pleasure and to whom the governor may delegate necessary authority to carry out the governor's duties as provided in this chapter. The director of financial management shall be head of the office of financial management which shall be in the office of the governor.

(4) "Agency" ~~((shall))~~ means and includes every state office, officer, each institution, whether educational, correctional or other, and every department, division, board and commission, except as otherwise provided in this chapter.

(5) "Public funds", for purposes of this chapter, ~~((shall))~~ means all moneys, including cash, checks, bills, notes, drafts, stocks, and bonds, whether held in trust, for operating purposes, or for capital purposes, and collected or disbursed under law, whether or not such funds are otherwise subject to legislative appropriation, including funds maintained outside the state treasury.

(6) "Regulations" (~~(stat)~~) means the policies, standards, and requirements, stated in writing, designed to carry out the purposes of this chapter, as issued by the governor or the governor's designated agent, and which shall have the force and effect of law.

(7) "Ensuing biennium" (~~(stat)~~) means the fiscal biennium beginning on July 1st of the same year in which a regular session of the legislature is held during an odd-numbered year pursuant to Article II, section 12 of the Constitution and which biennium next succeeds the current biennium.

(8) "Dedicated fund" means a fund in the state treasury, or a separate account or fund in the general fund in the state treasury, that by law is dedicated, appropriated or set aside for a limited object or purpose; but "dedicated fund" (~~(stat)~~) does not include a revolving fund or a trust fund.

(9) "Revolving fund" means a fund in the state treasury, established by law, from which is paid the cost of goods or services furnished to or by a state agency, and which is replenished through charges made for such goods or services or through transfers from other accounts or funds.

(10) "Trust fund" means a fund in the state treasury in which designated persons or classes of persons have a vested beneficial interest or equitable ownership, or which was created or established by a gift, grant, contribution, devise, or bequest that limits the use of the fund to designated objects or purposes.

(11) "Administrative expenses" means expenditures for: (a) Salaries, wages, and related costs of personnel and (b) operations and maintenance including but not limited to costs of supplies, materials, services, and equipment.

(12) "Fiscal year" means the year beginning July 1st and ending the following June 30th.

(13) "Lapse" means the termination of authority to expend an appropriation.

(14) "Legislative fiscal committees" means the legislative budget committee, the legislative evaluation and accountability program committee, the ways and means committees of the senate and house of representatives, and, where appropriate, the legislative transportation committee.

(15) "Fiscal period" means the period for which an appropriation is made as specified within the act making the appropriation.

(16) "Primary budget driver" means the primary determinant of a budget level, other than a price variable, which causes or is associated with the major expenditure of an agency or budget unit within an agency, such as a caseload, enrollment, workload, or population statistic.

(17) "Stabilization account" means the budget stabilization account created under RCW 43.88.525 as an account in the general fund of the state treasury.

(18) "State tax revenue limit" means the limitation created by chapter 43.135 RCW.

(19) "General state revenues" means the revenues defined by Article VIII, section 1(c) of the state Constitution.

(20) "Annual growth rate in real personal income" means the estimated percentage growth in personal income for the state during the current fiscal year, expressed in constant value dollars, as published by the office of financial management or its successor agency.

(21) "Estimated revenues" means estimates of revenue in the most recent official economic and revenue forecast prepared under RCW 82.33.020, and prepared by the office of financial management for those funds, accounts, and sources for which the office of the economic and revenue forecast council does not prepare an official forecast including estimates of revenues to support financial plans under RCW 44.40.070, that are prepared by the office of financial management in consultation with the interagency task force.

(22) "Estimated receipts" means the estimated receipt of cash in the most recent official economic and revenue forecast prepared under RCW 82.33.020, and prepared by the office of financial management for those funds, accounts, and sources for which the office of the economic and revenue forecast council does not prepare an official forecast.

(23) "State budgeting, accounting, and reporting system" means a system that gathers, maintains, and communicates fiscal information. The system links fiscal information beginning with development of agency budget requests through adoption of legislative appropriations to tracking actual receipts and expenditures against approved plans.

(24) "Allotment of appropriation" means the agency's statement of proposed expenditures, the director of financial management's review of that statement, and the placement of the approved statement into the state budgeting, accounting, and reporting system.

(25) "Statement of proposed expenditures" means a plan prepared by each agency that breaks each appropriation out into monthly detail representing the best estimate of how the appropriation will be expended.

(26) "Undesignated fund balance (or deficit)" means unreserved and undesignated current assets or other resources available for expenditure over and above any current liabilities which are expected to be incurred by the close of the fiscal period.

NEW SECTION. Sec. 7. Where there are variances of revenue forecasts between the office of financial management and the interagency revenue task force, for those transportation agencies that are required to develop plans under RCW 44.40.070, the office of financial management shall submit (1) a reconciliation of the differences between the revenue forecasts and (2) the assumptions used by the office of financial management to the legislative transportation committee.

NEW SECTION. Sec. 8. This act shall take effect April 1, 1992.

Passed the House March 19, 1991.

Passed the Senate April 11, 1991.

Approved by the Governor May 21, 1991.

Filed in Office of Secretary of State May 21, 1991.

CHAPTER 359

[House Bill 2147]

LOTTERY—PROHIBITED FORMS OF PLAY

Effective Date: 5/21/91

AN ACT Relating to the lottery; amending RCW 67.70.040; and declaring an emergency.

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

Sec. 1. RCW 67.70.040 and 1988 c 289 s 801 are each amended to read as follows:

The commission shall have the power, and it shall be its duty:

(1) To promulgate such rules governing the establishment and operation of a state lottery as it deems necessary and desirable in order that such a lottery be initiated at the earliest feasible and practicable time, and in order that such lottery produce the maximum amount of net revenues for the state consonant with the dignity of the state and the general welfare of the people. Such rules shall include, but shall not be limited to, the following:

(a) The type of lottery to be conducted which may include the selling of tickets or shares(~~(, or)~~). The use of electronic or mechanical devices or video terminals which ((do not require a printed ticket. PROVIDED; That)) allow for individual play against such devices or terminals shall be prohibited. Approval of the legislature shall be required before entering any agreement with other state lotteries to conduct shared games;

(b) The price, or prices, of tickets or shares in the lottery;

(c) The numbers and sizes of the prizes on the winning tickets or shares;

(d) The manner of selecting the winning tickets or shares;

(e) The manner and time of payment of prizes to the holder of winning tickets or shares which, at the director's option, may be paid in lump sum amounts or installments over a period of years;

(f) The frequency of the drawings or selections of winning tickets or shares, without limitation;

(g) Without limit as to number, the type or types of locations at which tickets or shares may be sold;

(h) ~~The method to be used in selling tickets or shares((, which may include the use of electronic or mechanical devices and video terminals));~~

(i) The licensing of agents to sell or distribute tickets or shares, except that a person under the age of eighteen shall not be licensed as an agent;

(j) The manner and amount of compensation, if any, to be paid licensed sales agents necessary to provide for the adequate availability of tickets or shares to prospective buyers and for the convenience of the public;

(k) The apportionment of the total revenues accruing from the sale of lottery tickets or shares and from all other sources among: (i) The payment of prizes to the holders of winning tickets or shares, which shall not be less than forty-five percent of the gross annual revenue from such lottery, less amounts of unclaimed prizes deposited in the general fund under RCW 67.70.190 during the fiscal year ending June 30, 1989, (ii) transfers to the lottery administrative account created by RCW 67.70.260, and (iii) transfer to the state's general fund. Transfers to the state general fund shall be made in compliance with RCW 43.01.050;

(l) Such other matters necessary or desirable for the efficient and economical operation and administration of the lottery and for the convenience of the purchasers of tickets or shares and the holders of winning tickets or shares.

(2) To ensure that in each place authorized to sell lottery tickets or shares, on the back of the ticket or share, and in any advertising or promotion there shall be conspicuously displayed an estimate of the probability of purchasing a winning ticket.

(3) To amend, repeal, or supplement any such rules from time to time as it deems necessary or desirable.

(4) To advise and make recommendations to the director for the operation and administration of the lottery.

NEW SECTION. Sec. 2. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House March 12, 1991.

Passed the Senate April 16, 1991.

Approved by the Governor May 21, 1991.

Filed in Office of Secretary of State May 21, 1991.

CHAPTER 360

[House Bill 1013]

CITIES AND TOWNS—INCORPORATION PROCEEDINGS

Effective Date: 5/21/91

AN ACT Relating to cities and towns; amending RCW 35.02.078, 35.02.130, 35.02.210, 35.02.220, and 52.02.020; adding new sections to chapter 35.02 RCW; and declaring an emergency.

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

***Sec. 1. RCW 35.02.078 and 1986 c 234 s 10 are each amended to read as follows:**

An election shall be held in the area proposed to be incorporated to determine whether the proposed city or town shall be incorporated if the boundary review board approves or modifies and approves the proposal, or if the county legislative authority does not disapprove the proposal as provided in RCW 35.02.070. Voters at this election shall determine if the area is to be incorporated.

The initial election on the question of incorporation shall be held at the next special election date specified in RCW 29.13.020 that occurs sixty or more days after the final public hearing by the county legislative authority or authorities, or the approval or modification and approval by the boundary review board or boards. The county legislative authority or authorities shall call for this election and, if the incorporation is approved, shall call for other elections to elect the elected officials as provided in this section. If the vote in favor of the incorporation receives ~~((forty))~~ thirty percent or less of the total vote on the question of incorporation, no new election on the question of incorporation for the area or any portion of the area proposed to be incorporated may be held for a period of three years from the date of the election in which the incorporation failed. This three-year prohibition shall not apply to any proposed city or town in which such election was held before the effective date of this act and the vote in favor of the incorporation received thirty percent or more of the total on the question of incorporation.

If the incorporation is authorized as provided by RCW 35.02.120, separate elections shall be held to nominate and elect persons to fill the various elective offices prescribed by law for the population and type of city or town, and to which it will belong. The primary election to nominate candidates for these elective positions shall be held at the next special election date, as specified in RCW 29.13.020, that occurs sixty or more days after the election on the question of incorporation or, if the incorporation election was held in April or May, at a special election by mail ballots to be held on the third Tuesday in July. The election to fill these elective positions shall be held at the next special election date, as specified in RCW 29.13.020, that occurs thirty or more days after certification of the results of the primary election or, if the primary election was held in April or May, at a special election by mail ballots to be held on the third Tuesday in July.

*Sec. 1 was vetoed, see message at end of chapter.

NEW SECTION. Sec. 2. A new section is added to chapter 35.02 RCW to read as follows:

A newly incorporated city or town shall be liable for its proportionate share of the costs of all elections, after the election on whether the area should be incorporated, at which an issue relating to the city or town is placed before the voters, as if the city or town was in existence after the election at which voters authorized the area to incorporate.

Sec. 3. RCW 35.02.130 and 1986 c 234 s 16 are each amended to read as follows:

The city or town officially shall become incorporated at a date from one hundred eighty days to three hundred sixty days after the date of the election on the question of incorporation. An interim period shall exist between the time the newly elected officials have been elected and qualified and this official date of incorporation. During this interim period, the newly elected officials are authorized to adopt ordinances and resolutions which shall become effective on or after the official date of incorporation, and to enter into contracts and agreements to facilitate the transition to becoming a city or town and to ensure a continuation of governmental services after the official date of incorporation. Periods of time that would be required to elapse between the enactment and effective date of such ordinances, including but not limited to times for publication or for filing referendums, shall commence upon the date of such enactment as though the city or town were officially incorporated.

During this interim period, the city or town governing body may adopt rules establishing policies and procedures under the state environmental policy act, chapter 43.21C RCW, and may use these rules and procedures in making determinations under the state environmental policy act, chapter 43.21C RCW.

During this interim period, the newly formed city or town and its governing body shall be subject to the following as though the city or town were officially incorporated: RCW 4.24.470 relating to immunity; chapter 42.17 RCW relating to open government; chapter 40.14 RCW relating to the preservation and disposition of public records; chapters 42.20, 42.22, and 42.23 RCW relating to ethics and conflicts of interest; chapters 42.30 and 42.32 RCW relating to open public meetings and minutes; RCW 35.22.288, 35.23.310, 35.24.220, 35.27.300, 35A.12.160, as appropriate, and chapter 35A.65 RCW relating to the publication of notices and ordinances; RCW 35.21.875 and 35A.21.230 relating to the designation of an official newspaper; RCW 36.16.138 relating to liability insurance; RCW 35.22.620, 35.23.352, and 35A.40.210, as appropriate, and statutes referenced therein relating to public contracts and bidding; and chapter 39.34 RCW relating to interlocal cooperation. Tax anticipation or revenue anticipation notes or warrants and other short-term obligations may be issued and funds may be borrowed on the security of these instruments during this interim period, as provided in chapter 39.50 RCW. Funds also may be borrowed from federal, state, and other governmental agencies in the same manner as if the city or town were officially incorporated.

RCW 84.52.020 and 84.52.070 shall apply to the extent that they may be applicable, and the governing body of such city or town may take appropriate action by ordinance during the interim period to adopt the property tax levy for its first full calendar year following the interim period.

The governing body of the new city or town may acquire needed facilities, supplies, equipment, insurance, and staff during this interim period as

if the city or town were in existence. An interim city manager or administrator, who shall have such administrative powers and duties as are delegated by the governing body, may be appointed to serve only until the official date of incorporation. After the official date of incorporation the governing body of such a new city organized under the council manager form of government may extend the appointment of such an interim manager or administrator with such limited powers as the governing body determines, for up to ninety days. This governing body may submit ballot propositions to the voters of the city or town to authorize taxes to be collected on or after the official date of incorporation, or authorize an annexation of the city or town by a fire protection district or library district to be effective immediately upon the effective date of the incorporation as a city or town.

The boundaries of a newly incorporated city or town shall be deemed to be established for purposes of RCW 84.09.030 on the date that the results of the initial election on the question of incorporation are certified or the first day of January following the date of this election if the newly incorporated city or town does not impose property taxes in the same year that the voters approve the incorporation.

The newly elected officials shall take office immediately upon their election and qualification with limited powers during this interim period as provided in this section. They shall acquire their full powers as of the official date of incorporation and shall continue in office until their successors are elected and qualified at the next general municipal election after the official date of incorporation: **PROVIDED**, That if the date of the next general municipal election is less than ~~((seventy-five days))~~ twelve months after the ~~((official))~~ date ~~((of incorporation, the))~~ of the first election of councilmembers, those initially elected ~~((officials))~~ councilmembers shall ~~((hold office))~~ serve until their successors are elected and qualified at the next following general municipal election ~~((next following))~~ as provided in RCW 29.04.170. For purposes of this section, the general municipal election shall be the date on which city and town general elections are held throughout the state of Washington, pursuant to RCW 29.13.020.

The official date of incorporation shall be on a date from one hundred eighty to three hundred sixty days after the date of the election on the question of incorporation, as specified in a resolution adopted by the governing body during this interim period. A copy of the resolution shall be filed with the county legislative authority of the county in which all or the major portion of the newly incorporated city or town is located. If the governing body fails to adopt such a resolution, the official date of incorporation shall be three hundred sixty days after the date of the election on the question of incorporation. The county legislative authority of the county in which all or the major portion of the newly incorporated city or town is located shall file a notice with the county assessor that the city or town has

been authorized to be incorporated immediately after the favorable results of the election on the question of incorporation have been certified. The county legislative authority shall file a notice with the secretary of state that the city or town is incorporated as of the official date of incorporation.

NEW SECTION. Sec. 4. A new section is added to chapter 35.02 RCW to read as follows:

The newly elected officials shall adopt an interim budget for the interim period or until January 1 of the following year, whichever occurs first. A second interim budget shall be adopted for any period between January 1 and the official date of incorporation. These interim budgets shall be adopted in consultation with the office of the state auditor, division of municipal corporations.

The governing body shall adopt a budget for the newly incorporated city or town for the period between the official date of incorporation and January 1 of the following year. The mayor or governing body, whichever is appropriate shall prepare or the governing body may direct the interim city manager to prepare a preliminary budget in detail to be made public at least sixty days before the official date of incorporation as a recommendation for the final budget. The mayor, governing body, or the interim city manager shall submit as a part of the preliminary budget a budget message that contains an explanation of the budget document, an outline of the recommended financial policies and programs of the city or town for the ensuing fiscal year, and a statement of the relation of the recommended appropriation to such policies and programs. Immediately following the release of the preliminary budget, the governing body shall cause to be published a notice once each week for two consecutive weeks of a public hearing to be held at least twenty days before the official date of incorporation on the fixing of the final budget. Any taxpayer may appear and be heard for or against any part of the budget. The governing body may make such adjustments and changes as it deems necessary and may adopt the final budget at the conclusion of the public hearing or at any time before the official date of incorporation.

NEW SECTION. Sec. 5. A new section is added to chapter 35.02 RCW to read as follows:

Upon the certification of election of officers, the governing body may by resolution borrow money from the municipal sales and use tax equalization account, up to one hundred thousand dollars or five dollars per capita based on the population estimate required by RCW 35.02.030, whichever is less.

The loan authorized by this section shall be repaid over a three-year period. The state treasurer shall withhold moneys from the funds otherwise payable to the city or town that has obtained such a loan, either from the municipal sales and use tax equalization account or from sales and use tax

entitlements otherwise distributable to such city or town, so that the account is fully reimbursed over the three-year period. The state treasurer shall adopt by rule procedures to accomplish the purpose of this section on a reasonable and equitable basis over the three-year period.

NEW SECTION. Sec. 6. A new section is added to chapter 35.02 RCW to read as follows:

The department of community development shall identify federal, state, and local agencies that should receive notification that a new city or town is about to incorporate and shall assist newly formed cities and towns during the interim period before the official date of incorporation in providing such notification to the identified agencies.

NEW SECTION. Sec. 7. A new section is added to chapter 35.02 RCW to read as follows:

During the interim period, the governing body of the newly formed city or town and the board of fire commissioners may by written agreement delay the transfer of the district's assets and liabilities, and the city's or town's responsibility for the provision of fire protection, that would otherwise occur under RCW 35.02.190 or 35.02.200 for up to one year after the official date of incorporation. During the one-year period, the fire protection district may annex the city or town pursuant to chapter 52.04 RCW and retain the responsibility for fire protection.

Sec. 8. RCW 35.02.210 and 1986 c 234 s 21 are each amended to read as follows:

At the option of the governing body of a newly incorporated city or town, any fire protection district or library district serving any part of the area so incorporated shall continue to provide services to such area until the city or town (~~((receives distributions of property tax receipts from these special districts pursuant to RCW 35.02.140, or the city or town))~~) receives its own property tax receipts(~~(, whichever is earlier)~~).

Sec. 9. RCW 35.02.220 and 1986 c 234 s 22 are each amended to read as follows:

The approval of an incorporation by the voters of a proposed city or town, and the existence of a transition period to become a city or town, shall not remove the responsibility of any county, road district, library district, or fire district, within which the area is located, to continue providing services to the area until the official date of the incorporation.

A county shall continue to provide the following services to a newly incorporated city or town, or that portion of the county within which the newly incorporated city or town is located, at the preincorporation level as follows:

(1) Law enforcement services shall be provided for a period not to exceed sixty days from the official date of the incorporation or until the city or

town is receiving or could have begun receiving sales tax distributions under RCW 82.14.030(1), whichever is the shortest time period.

(2) Road maintenance shall be for a period not to exceed sixty days from the official date of the incorporation or until ~~((any))~~ forty percent of the anticipated annual tax distribution from the road district tax levy is made to the newly incorporated city or town pursuant to RCW 35.02.140, whichever is the shorter time period.

Sec. 10. RCW 52.02.020 and 1984 c 230 s 1 are each amended to read as follows:

Fire protection districts for the provision of fire prevention services, fire suppression services, emergency medical services, and for the protection of life and property in areas outside of cities and towns, except where the cities and towns have been annexed into a fire protection district or where the district is continuing service pursuant to section 7 of this act, are authorized to be established as provided in this title.

NEW SECTION. Sec. 11. A new section is added to chapter 35.02 RCW to read as follows:

During the interim period, the governing body of the newly formed city or town may adopt resolutions establishing moratoria during the interim transition period on the filing of applications with the county for development permits or approvals, including, but not limited, subdivision approvals, short subdivision approvals, and building permits.

NEW SECTION. Sec. 12. A new section is added to chapter 35.02 RCW to read as follows:

Cities, towns, counties, and other local government agencies and state agencies may make loans of staff and equipment, and technical and financial assistance to the newly formed city or town during the interim period to facilitate the transition to an incorporated city or town. Such loans and assistance may be without compensation.

NEW SECTION. Sec. 13. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House February 8, 1991.

Passed the Senate April 8, 1991.

Approved by the Governor May 21, 1991, with the exception of certain items which were vetoed.

Filed in Office of Secretary of State May 21, 1991.

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

"I am returning herewith, without my approval as to section 1, House Bill No. 1013 entitled:

"AN ACT Relating to cities and towns."

Current law states that where a vote on incorporation is held, if the vote in favor of incorporation is forty percent or less of the total vote, another election on the same issue cannot be held for three years. Section 1 of this bill seeks to change the forty percent requirement to thirty percent and to make this change applicable to elections held before the effective date of this Act.

Making the change retroactive shifts the rules on the electorate after the game. Voters have a right to vote for a governing structure according to laws existing at the time of the election. Retroactively redefining the rules in this manner will only serve to frustrate the electorate and undermine our democratic process. For this reason, I have vetoed section 1.

With the exception of section 1, House Bill No. 1013 is approved.*

CHAPTER 361

[House Bill 2082]

DISTRICT COURT JUDGES—QUALIFICATIONS

Effective Date: 7/28/91

AN ACT Relating to district courts; and amending RCW 3.34.060 and 3.34.100.

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

Sec. 1. RCW 3.34.060 and 1989 c 227 s 4 are each amended to read as follows:

To be eligible to file a declaration of candidacy for and to serve as a district court judge, a person must:

- (1) Be a registered voter of the district court district and electoral district, if any; and
- (2) Be either:
 - (a) A lawyer admitted to practice law in the state of Washington; or
 - (b) A person who has been elected and has served as a justice of the peace, district judge, municipal judge, or police judge in Washington; or
 - (c) In those districts having a population of less than ~~((ten))~~ five thousand persons, a person who has taken and passed the qualifying examination for the office of district judge as shall be provided by rule of the supreme court.

***Sec. 2. RCW 3.34.100 and 1984 c 258 s 16 are each amended to read as follows:**

If a district judge dies, resigns, is convicted of a felony, ceases to reside in the district, fails to serve for any reason except temporary disability, or if his or her term of office is terminated in any other manner, the office shall be deemed vacant. The county legislative authority shall fill all vacancies by appointment and the judge thus appointed shall hold office until the next general election and until a successor is elected and qualified. District judges shall

be granted ((sick)) leave from their positions due to illness or injury in the same manner as sick leave is provided to other county employees.

*Sec. 2 was vetoed, see message at end of chapter.

Passed the House March 18, 1991.

Passed the Senate April 12, 1991.

Approved by the Governor May 21, 1991, with the exception of certain items which were vetoed.

Filed in Office of Secretary of State May 21, 1991.

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

"I am returning herewith, without my approval as to section 2, House Bill No. 2082 entitled:

"AN ACT Relating to district courts."

Section 2 of this bill addresses the question of sick leave benefits for district court judges. There is confusion as to the scope of the benefit being allowed under current law.

Section 2 attempts to clarify sick leave policy for district court judges. I am not convinced, however, that the language used in section 2 achieves that purpose. In fact, I believe that it would add further ambiguity. Because of the financial implications associated with this issue, it is important that any change in the law be set forth with precision.

I suggest that county elected officials work with district court judges to clarify and resolve sick leave issues before additional legislation is proposed.

For the reasons stated, I have vetoed section 2.

With the exception of section 2, House Bill No. 2082 is approved."

CHAPTER 362

[Substitute Senate Bill 5082]

PROFESSIONAL SALMON GUIDES—LICENSING REQUIREMENTS

Effective Date: 7/28/91

AN ACT Relating to professional salmon fishing guides; amending RCW 75.28.010; adding a new section to chapter 75.28 RCW; creating a new section; and repealing RCW 77.12.480.

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

Sec. 1. RCW 75.28.010 and 1985 c 457 s 18 are each amended to read as follows:

(1) Except as otherwise provided by this title, a license or permit issued by the director is required to:

- (a) Commercially fish for or take food fish or shellfish;
- (b) Deliver food fish or shellfish taken in offshore waters;
- (c) Operate a charter boat; ((or))

(d) Engage in processing or wholesaling food fish or shellfish; or

(e) Operate as a guide for salmon for personal use in freshwater rivers and streams, other than that part of the Columbia river below the bridge at Longview.

(2) It is unlawful to engage in the activities described in subsection (1) of this section without having in possession the licenses or permits required by this title.

(3) No license or permit is required for the production or harvesting of private sector cultured aquatic products as defined in RCW 15.85.020 or for the delivery, processing, or wholesaling of such aquatic products. However, if a means of identifying such products is required by rules adopted under RCW 15.85.060, the exemption from licensing or permit requirements established by this subsection applies only if the aquatic products are identified in conformance with those rules.

NEW SECTION. Sec. 2. A new section is added to chapter 75.28 RCW to read as follows:

A professional salmon guide license is required for the holder to offer or perform the services of a professional salmon guide in the taking of salmon for personal use in freshwater rivers and streams, other than in that part of the Columbia river below the bridge at Longview. The annual license fees are fifty dollars for residents and five hundred dollars for nonresidents. A surcharge of twenty dollars shall be assessed on each resident guide license and a surcharge of one hundred dollars shall be assessed on each nonresident guide license for the purposes of RCW 75.50.100.

NEW SECTION. Sec. 3. The house fisheries and wildlife committee and the senate committee on environment and natural resources shall evaluate whether the fishing guide license requirements under this act are sufficient, and shall present their recommendations to the legislature by December 31, 1991.

***NEW SECTION.** Sec. 4. *RCW 77.12.480 and 1980 c 78 s 64, 1967 c 62 s 4 are each repealed.*

*Sec. 4 was vetoed, see message at end of chapter.

Passed the Senate April 23, 1991.

Passed the House April 18, 1991.

Approved by the Governor May 21, 1991, with the exception of certain items which were vetoed.

Filed in Office of Secretary of State May 21, 1991.

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

"I am returning herewith, without my approval as to section 4, Substitute Senate Bill No. 5082 entitled:

"AN ACT Relating to professional salmon fishing guides."

This bill contains a provision repealing reciprocity with Idaho for fishing in the concurrent waters of Washington and Idaho on the Snake River. This repealer was added during the session when it became apparent that Idaho was acting inconsistently with the reciprocity agreement with respect to fishing guide licenses. Recently, Washington and Idaho wildlife agencies, the Idaho Guides Association, and the respective Attorney General's Offices have agreed to meet and discuss future actions regarding reciprocity between the two states on the Snake River. Due to this renewed

cooperative arrangement, it is unnecessary to repeal the section relating to the reciprocity agreement. I expect that the two states can continue to work together in the future. Without such a cooperative agreement, residents wishing to fish on the concurrent waters of the Snake River would have been required to purchase licenses from both states. This would only cause confusion and animosity.

For these reasons, I have vetoed section 4 of Substitute Senate Bill No. 5082.

With the exception of section 4, Substitute Senate Bill No. 5082 is approved.*

CHAPTER 363

[Substitute House Bill 1201]

COUNTIES—CLASSIFICATION BASED ON POPULATION RATHER THAN FORMAL CLASSES

Effective Date: 7/28/91 – Except Sections 28, 29, 33, & 131 which take effect on 7/1/92; & Section 47 which takes effect on 7/1/93.

AN ACT Relating to local government; amending RCW 2.32.180, 2.32.280, 3.30.020, 3.38.030, 3.74.940, 7.06.010, 8.04.080, 9.73.220, 13.04.035, 13.04.093, 13.20.010, 13.20.060, 13.70.005, 15.60.170, 19.27.160, 26.12.050, 27.24.062, 27.24.068, 28A.315.450, 28A.315.460, 28A.315.590, 28A.315.600, 28A.315.610, 28A.315.620, 28A.315.630, 29.04.200, 29.10.180, 29.13.060, 29.30.060, 29.42.050, 29.42.070, 29.82.060, 35.21.010, 35.21.422, 35.58.040, 35.58.273, 35.81.010, 35.82.285, 36.01.130, 36.13.020, 36.13.100, 36.16.030, 36.16.030, 36.16.032, 36.16.050, 36.16.140, 36.17.010, 36.17.020, 36.17.040, 36.24.175, 36.27.060, 36.32.240, 36.32.350, 36.33.060, 36.33.065, 36.34.020, 36.34.050, 36.34.080, 36.34.090, 36.34.100, 36.47.040, 36.56.010, 36.57A.020, 36.58.030, 36.58.100, 36.64.060, 36.64.070, 36.69.010, 36.70.540, 36.78.020, 36.78.040, 36.79.140, 36.80.010, 36.81.130, 36.82.020, 36.82.160, 36.87.020, 36.93.030, 36.93.040, 36.93.051, 36.93.061, 36.93.063, 36.93.100, 36.93.140, 36.95.020, 40.04.100, 41.14.040, 41.14.065, 41.14.070, 41.14.210, 41.28.020, 41.56.030, 42.23.030, 43.99C.045, 46.09.240, 46.52.100, 47.26.121, 47.76.030, 47.76.040, 47.76.160, 53.12.010, 53.12.020, 53.12.035, 53.12.035, 53.25.100, 53.31.020, 53.49.010, 54.16.180, 56.04.120, 57.90.010, 67.28.090, 67.28.180, 67.28.240, 70.46.030, 70.54.180, 70.94.055, 70.142.040, 71.05.135, 71.24.045, 72.09.300, 72.09.050, 74.20.210, 76.12.030, 79.08.170, 81.100.030, 81.100.060, 81.104.030, 81.104.040, 81.104.140, 82.44.150, 87.19.020, and 88.32.230; reenacting and amending RCW 28A.315.580, 28A.315.670, 28A.315.680, 36.32.250, 70.94.053, 82.14.045, and 53.31.911; adding new sections to chapter 39.04 RCW; adding a new section to chapter 39.30 RCW; adding new sections to chapter 36.32 RCW; adding a new section to chapter 36.77 RCW; adding a new section to chapter 36.62 RCW; adding a new section to chapter 36.88 RCW; adding a new section to chapter 36.28A RCW; adding a new chapter to Title 36 RCW; creating new sections; repealing RCW 29.13.025, 36.13.010, 36.13.075, 36.13.080, 36.13.090, 36.93.920, 53.12.040, 53.12.044, 53.12.055, 53.12.160, 53.12.210, 36.32.271, 36.32.273, 36.32.275, 36.32.277, 36.32.500, 36.32.505, 36.82.030, 36.82.130, and 36.82.150; providing effective dates; and providing expiration dates.

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

NEW SECTION. Sec. 1. The purposes of this act are to eliminate the use of formal county classes and substitute the use of the most current county population figures to distinguish counties. In addition, certain old statutes that reference county class, but no longer are followed, are repealed or amended to conform with current practices.

Sec. 2. RCW 2.32.180 and 1990 c 186 s 3 are each amended to read as follows:

It shall be and is the duty of each and every superior court judge in counties or judicial districts in the state of Washington having a population of over thirty-five thousand inhabitants to appoint, or said judge may, in

any county or judicial district having a population of over twenty-five thousand and less than thirty-five thousand, appoint a stenographic reporter to be attached to the judge's court (~~holden by him~~) who shall have had at least three years' experience as a skilled, practical reporter, or who upon examination shall be able to report and transcribe accurately one hundred and seventy-five words per minute of the judge's charge or two hundred words per minute of testimony each for five consecutive minutes; said test of proficiency, in event of inability to meet qualifications as to length of time of experience, to be given by an examining committee composed of one judge of the superior court and two official reporters of the superior court of the state of Washington, appointed by the president judge of the superior court judges association of the state of Washington: PROVIDED, That a stenographic reporter shall not be required to be appointed for the seven additional judges of the superior court authorized for appointment by section 1, chapter 323, Laws of 1987, the additional superior court judge authorized by section 1, chapter 66, Laws of 1988, the additional superior court judges authorized by sections 2 and 3, chapter 328, Laws of 1989, or the additional superior court judges authorized by sections 1 and 2, chapter 186, Laws of 1990. The initial judicial appointee shall serve for a period of six years; the two initial reporter appointees shall serve for a period of four years and two years, respectively, from September 1, 1957; thereafter on expiration of the first terms of service, each newly appointed member of said examining committee to serve for a period of six years. In the event of death or inability of a member to serve, the president judge shall appoint a reporter or judge, as the case may be, to serve for the balance of the unexpired term of the member whose inability to serve caused such vacancy. The examining committee shall grant certificates to qualified applicants. Administrative and procedural rules and regulations shall be promulgated by said examining committee, subject to approval by the said president judge.

The stenographic reporter upon appointment shall thereupon become an officer of the court and shall be designated and known as the official reporter for the court or judicial district for which he or she is appointed: PROVIDED, That in no event shall there be appointed more official reporters in any one county or judicial district than there are superior court judges in such county or judicial district; the appointments in each (~~class A~~) county with a population of one million or more shall be made by the majority vote of the judges in said county acting en banc; the appointments in (~~class A counties and counties of the first class~~) each county with a population of from one hundred twenty-five thousand to less than one million may be made by each individual judge therein or by the judges in said county acting en banc. Each official reporter so appointed shall hold office during the term of office of the judge or judges appointing him or her, but may be removed for incompetency, misconduct or neglect of duty, and before entering upon the discharge of his or her duties shall take an oath to

perform faithfully the duties of his or her office, and file a bond in the sum of two thousand dollars for the faithful discharge of his or her duties. Such reporter in each court is hereby declared to be a necessary part of the judicial system of the state of Washington.

Sec. 3. RCW 2.32.280 and 1957 c 244 s 5 are each amended to read as follows:

In all counties or judicial districts, except in (~~class AA counties and class A counties and counties of the first class~~) any county with a population of one hundred twenty-five thousand or more, such official reporter shall act as amanuensis to the court for which he or she is appointed.

Sec. 4. RCW 3.30.020 and 1987 c 202 s 110 are each amended to read as follows:

The provisions of chapters 3.30 through 3.74 RCW shall apply to (~~class AA and class A counties~~) each county with a population of two hundred ten thousand or more: PROVIDED, That any city having a population of more than (~~five~~) four hundred thousand may by resolution of its legislative body elect to continue to operate a municipal court pursuant to the provisions of chapter 35.20 RCW, as if chapters 3.30 through 3.74 RCW had never been enacted: PROVIDED FURTHER, That if a city elects to continue its municipal court pursuant to this section, the number of district judges allocated to the county in RCW 3.34.010 shall be reduced by two and the number of full time district judges allocated by RCW 3.34.020 to the district in which the city is situated shall also be reduced by two. The provisions of chapters 3.30 through 3.74 RCW may be made applicable to any county (~~of the first, second, third, fourth, fifth, sixth, seventh, eighth, or ninth class~~) with a population of less than two hundred ten thousand upon a majority vote of its (~~board of~~) county (~~commissioners~~) legislative authority.

Sec. 5. RCW 3.38.030 and 1984 c 258 s 25 are each amended to read as follows:

Upon receipt of the districting plan, the county legislative authority shall hold a public hearing, pursuant to the provisions of RCW 36.32.120(7), as now or hereafter amended. At the hearing, anyone interested in the plan may attend and be heard as to the convenience which will be afforded to the public by the plan, and as to any other matters pertaining thereto. If the county legislative authority finds that the plan proposed by the districting committee conforms to the standards set forth in chapters 3.30 through 3.74 RCW and is conducive to the best interests and welfare of the county as a whole it may adopt such plan. If the county legislative authority finds that the plan does not conform to the standards as provided in chapters 3.30 through 3.74 RCW, the county legislative authority may modify, revise or amend the plan and adopt such amended or revised plan as the county's district court districting plan. The plan decided upon shall

be adopted by the county legislative authority not later than six months after the ~~((classification of the county as class A))~~ county initially obtains a population of two hundred ten thousand or more or the adoption of the elective resolution.

Sec. 6. RCW 3.74.940 and 1965 ex.s. c 110 s 4 are each amended to read as follows:

Any prior action by the ~~((county commissioners))~~ legislative authority of any county ~~((of the first, second, third, fourth, fifth, sixth, seventh, eighth or ninth class))~~ with a population of less than two hundred ten thousand to make the provisions of chapters 3.30 through 3.74 RCW applicable to their county and the organization of any justice court as a result thereof, and all other things and proceedings done or taken by such county or by their respective officers acting under or in pursuance to such prior action and organization are hereby declared legal and valid and of full force and effect.

Sec. 7. RCW 7.06.010 and 1984 c 258 s 511 are each amended to read as follows:

In counties ~~((of the second class and larger))~~ with a population of seventy thousand or more, the superior court of the county, by majority vote of the judges thereof, or the county legislative authority may authorize mandatory arbitration of civil actions under this chapter. In all other counties, the superior court of the county, by a majority vote of the judges thereof, may authorize mandatory arbitration of civil actions under this chapter.

Sec. 8. RCW 8.04.080 and 1988 c 188 s 15 are each amended to read as follows:

The order shall direct that determination be had of the compensation and damages to be paid all parties interested in the land, real estate, premises or other property sought to be appropriated for the taking and appropriation thereof, together with the injury, if any, caused by such taking and appropriation to the remainder of the lands, real estate, premises, or other property from which the same is to be taken and appropriated after offsetting against any and all such compensation and damages the special benefits, if any, accruing to such remainder by reason of the appropriation and the use by the state of the lands, real estate, premises, and other property described in the petition. The determination shall be made within thirty days after the entry of such order, before a jury if trial by jury is demanded at the hearing either by the petitioner or by the respondents, otherwise by the court sitting without a jury. If no regular venire has been called so as to be available to serve within such time on application of the petitioner at the hearing, the court may by its order continue such determination to the next regular jury term if a regular venire will be called within sixty days, otherwise the court shall call a special jury within said sixty days and direct that a jury panel be selected and summoned pursuant to chapter 2.36 RCW, from the citizens of the county in which the lands, real estate, premises, or

other property sought to be appropriated are situated, as many qualified persons as may be necessary in order to form a jury of twelve persons, unless the petitioner and respondents both consent to a less number of jurors (such number to be not less than three), and such consent is entered by the clerk in the minutes of such hearing. In any (~~third-class~~) county (~~or lesser-classification~~) with a population of less than seventy thousand, the costs of such special jury for the trial of such condemnation cases only shall be borne by the state.

Sec. 9. RCW 9.73.220 and 1989 c 271 s 203 are each amended to read as follows:

In each superior court judicial district in (~~class AA and A counties~~) a county with a population of two hundred ten thousand or more there shall be available twenty-four hours a day at least one superior court or district court judge or magistrate designated to receive telephonic requests for authorizations that may be issued pursuant to this chapter. The presiding judge of each such superior court in conjunction with the district court judges in that superior court judicial district shall establish a coordinated schedule of rotation for all of the superior and district court judges and magistrates in the superior court judicial district for purposes of ensuring the availability of at least one judge or magistrate at all times. During the period that each judge or magistrate is designated, he or she shall be equipped with an electronic paging device when not present at his or her usual telephone. It shall be the designated judge's or magistrate's responsibility to ensure that all attempts to reach him or her for purposes of requesting authorization pursuant to this chapter are forwarded to the electronic page number when the judge or magistrate leaves the place where he or she would normally receive such calls.

Sec. 10. RCW 13.04.035 and 1979 c 155 s 5 are each amended to read as follows:

Juvenile court, probation counselor, and detention services shall be administered by the superior court, except that by local court rule and agreement with the legislative authority of the county they may be administered by the legislative authority of the county in the manner prescribed by RCW 13.20.060: PROVIDED, That in any (~~class AA~~) county with a population of one million or more, such services shall be administered in accordance with chapter 13.20 RCW. The administrative body shall appoint an administrator of juvenile court, probation counselor, and detention services who shall be responsible for day-to-day administration of such services, and who may also serve in the capacity of a probation counselor. One person may, pursuant to the agreement of more than one administrative body, serve as administrator of more than one juvenile court.

Sec. 11. RCW 13.04.093 and 1985 c 354 s 30 are each amended to read as follows:

It shall be the duty of the prosecuting attorney to act in proceedings relating to the commission of a juvenile offense as provided in RCW 13.40.070 and 13.40.090 and in proceedings as provided in chapter 71.34 RCW. It shall be the duty of the prosecuting attorney to handle delinquency cases under chapter 13.24 RCW and it shall be the duty of the attorney general to handle dependency cases under chapter 13.24 RCW. It shall be the duty of the attorney general in contested cases brought by the department to present the evidence supporting any petition alleging dependency or seeking the termination of a parent and child relationship or any contested case filed under RCW 26.33.100 or approving or disapproving alternative residential placement: PROVIDED, That in ((class 1 through 9 counties)) each county with a population of less than two hundred ten thousand, the attorney general may contract with the prosecuting attorney of the county to perform said duties of the attorney general.

Sec. 12. RCW 13.20.010 and 1955 c 232 s 1 are each amended to read as follows:

The judges of the superior court of any ((class AA)) county with a population of one million or more are hereby authorized, by majority vote, to appoint a board of managers to administer, subject to the approval and authority of such superior court, the probation and detention services for dependent and delinquent children coming under the jurisdiction of the juvenile court.

Such board shall consist of four citizens of the county and the judge who has been selected to preside over the juvenile court.

Sec. 13. RCW 13.20.060 and 1975 1st ex.s. c 124 s 1 are each amended to read as follows:

In addition, and alternatively, to the authority granted by RCW 13.20.010, the judges of the superior court of any ((class AA)) county with a population of one million or more operating under a county charter providing for an elected county executive are hereby authorized, by a majority vote, subject to approval by ordinance of the legislative authority of the county to transfer to the county executive the responsibility for, and administration of all or part of juvenile court services, including detention, intake and probation. The superior court and county executive of such county are further authorized to establish a five-member juvenile court advisory board to advise the county in its administration of such services, facilities and programs. If the advisory board is established, two members of the advisory board shall be appointed by the superior court, two members shall be appointed by the county executive, and one member shall be selected by the vote of the other four members. The county is authorized to contract or otherwise make arrangements with other public or private agencies to provide all or a part of such services, facilities and programs. Subsequent to any transfer to the county of responsibility and administration of such services, facilities and programs pursuant to the foregoing authority, the judges

of such superior court, by majority vote subject to the approval by ordinance of the legislative authority of the county, may retransfer the same to the superior court.

Sec. 14. RCW 13.70.005 and 1989 1st ex.s. c 17 s 2 are each amended to read as follows:

Periodic case review of all children in substitute care shall be provided in at least one (~~class 1 or higher~~) county with a population of one hundred twenty-five thousand or more, in accordance with this chapter.

The administrator for the courts shall coordinate and assist in the administration of the local citizen review board pilot program created by this chapter.

Sec. 15. RCW 15.60.170 and 1989 c 354 s 64 are each amended to read as follows:

The county legislative authority of any county (~~of the third class~~) with a population of from forty thousand to less than seventy thousand located east of the Cascade crest and bordering on the southern side of the Snake river shall have the power to designate by an order made and published, as provided in RCW 15.60.190, certain territories as apiary coordinated areas in which they may designate the number of colonies per apiary, the distance between apiaries, the minimum required setback distance from property lines, and/or the time of year the regulations shall be in effect. No territory so designated shall be less than two square miles in area.

Sec. 16. RCW 19.27.160 and 1989 c 246 s 7 are each amended to read as follows:

Any county (~~of the seventh class~~) with a population of from five thousand to less than ten thousand that had in effect on July 1, 1985, an ordinance or resolution authorizing and regulating the construction of owner-built residences may reenact such an ordinance or resolution if the ordinance or resolution is reenacted before September 30, 1989. After reenactment, the county shall transmit a copy of the ordinance or resolution to the state building code council.

Sec. 17. RCW 26.12.050 and 1989 c 199 s 1 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, in (~~class "A" counties and counties of the first through ninth classes~~) each county with a population of less than one million, the superior court may appoint the following persons to assist the family court in disposing of its business:

- (a) One or more attorneys to act as family court commissioners, and
- (b) Such investigators, stenographers and clerks as the court shall find necessary to carry on the work of the family court.

(2) The county legislative authority must approve the creation of family court commissioner positions.

(3) The appointments provided for in this section shall be made by majority vote of the judges of the superior court of the county and may be made in addition to all other appointments of commissioners and other judicial attaches otherwise authorized by law. Family court commissioners and investigators shall serve at the pleasure of the judges appointing them and shall receive such compensation as the county legislative authority shall determine. The appointments may be full or part-time positions. A person appointed as a family court commissioner may also be appointed to any other commissioner position authorized by law.

Sec. 18. RCW 27.24.062 and 1971 ex.s. c 141 s 1 are each amended to read as follows:

In each county (~~of the first, second, third, fourth, fifth, and sixth classes~~) with a population of from eight thousand to less than one hundred twenty-five thousand, there shall be a county law library which shall be governed and maintained as hereinafter provided.

Two or more of such counties may, by agreement of the respective law library boards of trustees, create a regional law library and establish and maintain one principal law library at such location as the regional board of trustees may determine will best suit the needs of the users: PROVIDED, HOWEVER, That there shall be at all times a law library in such size as the board of trustees may determine necessary to be located at the courthouse where each superior court is located.

Sec. 19. RCW 27.24.068 and 1975 c 37 s 1 are each amended to read as follows:

In each county (~~of the seventh and eighth class~~) with a population of less than eight thousand, there may be a county law library which shall be governed and maintained by the prosecuting attorney who shall also serve as trustee of such library without additional salary or other compensation.

The use of the county law library shall be free to the judges of the state, to state and county officials, and to members of the bar, and to such others as the prosecuting attorney may by rule provide.

Sec. 20. RCW 28A.315.450 and 1980 c 35 s 1 are each amended to read as follows:

The governing board of a school district shall be known as the board of directors of the district.

Unless otherwise specifically provided, as in RCW 29.13.060, each member of a board of directors shall be elected by ballot by the registered voters of the school district and shall hold office for a term of four years and until a successor is elected and qualified. Terms of school directors shall be staggered, and insofar as possible, not more than a majority of one shall be elected to full terms at any regular election. In case a member or members of a board of directors are to be elected to fill an unexpired term or terms,

the ballot shall specify the term for which each such member is to be elected.

Except for a school district of the first class having within its boundaries a city with a population of four hundred thousand people or more (~~(in class AA counties)~~) which shall have a board of directors of seven members, the board of directors of every school district of the first class or school district of the second class shall consist of five members.

Sec. 21. RCW 28A.315.460 and 1979 ex.s. c 183 s 10 are each amended to read as follows:

After July 1, 1979, the election of directors of any first class school district having within its boundaries a city with a population of four hundred thousand people or more (~~(and being in a class AA county)~~), shall be to four year terms. The initial four year terms required by this section shall commence upon the expiration of terms in existence at July 1, 1979. Nothing in this amendatory act shall affect the term of office of any incumbent director of any such first class school district.

Sec. 22. RCW 28A.315.580 and 1990 c 161 s 5 and 1990 c 33 s 319 are each reenacted and amended to read as follows:

Whenever an election shall be held for the purpose of securing the approval of the voters for the formation of a new school district other than a school district of the first class having within its boundaries a city with a population of four hundred thousand people or more (~~(in class AA counties)~~), if requested by one of the boards of directors of the school districts affected, there shall also be submitted to the voters at the same election a proposition to authorize the regional committee to divide the school district, if formed, into five directors' districts in first class school districts and a choice of five directors' districts or no fewer than three directors' districts with the balance of the directors to be elected at large in second class school districts. Such director districts in second class districts, if approved, shall not become effective until the regular school election following the next regular school election at which time a new board of directors shall be elected as provided in RCW 28A.315.550. Such director districts in first class districts, if approved, shall not become effective until the next regular school election at which time a new board of directors shall be elected as provided in RCW 28A.315.600, 28A.315.610, and 28A.315.620. Each of the five directors shall be elected from among the residents of the respective director district, or from among the residents of the entire school district in the case of directors at large, by the electors of the entire school district.

Sec. 23. RCW 28A.315.590 and 1990 c 161 s 6 are each amended to read as follows:

The board of directors of every first class school district other than a school district of the first class having within its boundaries a city with a

population of four hundred thousand people or more (~~(in class AA counties)~~) which is not divided into directors' districts may submit to the voters at any regular school district election a proposition to authorize the regional committee to divide the district into directors' districts or for second class school districts into director districts or a combination of no fewer than three director districts and no more than two at large positions. If a majority of the votes cast on the proposition shall be affirmative, the regional committee shall proceed to divide the district into directors' districts. Such director districts, if approved, shall not become effective until the next regular school election when a new five member board of directors shall be elected, one from each of the director districts from among the residents of the respective director district, or from among the residents of the entire school district in the case of directors at large, by the electors of the entire district, two for a term of two years and three for a term of four years, unless such district elects its directors for six years, in which case, one for a term of two years, two for a term of four years, and two for a term of six years.

Sec. 24. RCW 28A.315.600 and 1990 c 33 s 320 are each amended to read as follows:

Upon the establishment of a new school district of the first class as provided for in RCW 28A.315.580 containing no former first class district, the directors of the old school districts who reside within the limits of the new district shall meet at the call of the educational service district superintendent and shall constitute the board of directors of the new district. If fewer than five such directors reside in such new district, they shall become directors of said district and the educational service district board shall appoint the number of additional directors to constitute a board of five directors for the district. Vacancies, once such a board has been reconstituted, shall not be filled unless the number of remaining board members is less than five, and such vacancies shall be filled in the manner otherwise provided by law.

Each board of directors so constituted shall proceed at once to organize in the manner prescribed by law and thereafter shall have all the powers and authority conferred by law upon boards of directors of first class school districts until the next regular school election in the district at which election their successors shall be elected and qualified. At such election no more than five directors shall be elected either at large or by director districts, as the case may be, two for a term of two years and three for a term of four years: PROVIDED, That if such first class district is in a (~~(class AA or class A)~~) county with a population of two hundred ten thousand or more and contains a city of the first class, two directors shall be elected for a term of three years and three directors shall be elected for a term of six years.

Sec. 25. RCW 28A.315.610 and 1990 c 33 s 321 are each amended to read as follows:

Upon the establishment of a new school district of the first class as provided for in RCW 28A.315.580 containing only one former first class district, the directors of the former first class district and two directors representative of former second class districts selected by a majority of the board members of former second class districts shall meet at the call of the educational service district superintendent and shall constitute the board of directors of the new district. Vacancies, once such a board has been reconstituted, shall not be filled unless the number of remaining board members is less than five, and such vacancies shall be filled in the manner otherwise provided by law.

Each board of directors so constituted shall proceed at once to organize in the manner prescribed by law and thereafter shall have all the powers and authority conferred by law upon boards of directors of first class school districts until the next regular school election in the district at which election their successors shall be elected and qualified. At such election no more than five directors shall be elected either at large or by director districts, as the case may be, two for a term of two years and three for a term of four years: PROVIDED, That if such first class district is in a (~~class AA or class A~~) county with a population of two hundred ten thousand or more and contains a city of the first class, two directors shall be elected for a term of three years and three directors shall be elected for a term of six years.

Sec. 26. RCW 28A.315.620 and 1990 c 33 s 322 are each amended to read as follows:

Upon the establishment of a new school district of the first class as provided for in RCW 28A.315.580 containing more than one former first class district, the directors of the largest former first class district and three directors representative of the other former first class districts selected by a majority of the board members of the former first class districts and two directors representative of former second class districts selected by a majority of the board members of former second class districts shall meet at the call of the educational service district superintendent and shall constitute the board of directors of the new district. Vacancies once such a board has been reconstituted shall not be filled unless the number of remaining board members is less than seven, and such vacancies shall be filled in the manner otherwise provided by law.

Each board of directors so constituted shall proceed at once to organize in the manner prescribed by law and thereafter shall have all of the powers and authority conferred by law upon boards of first class districts until the next regular school election and until their successors are elected and qualified. At such election other than districts electing directors for six-year terms as provided in RCW 29.13.060, as now or hereafter amended, five directors shall be elected either at large or by director districts, as the case may be, two for a term of two years and three for a term of four years. At such election for districts electing directors for six years other than a district

having within its boundaries a city with a population of four hundred thousand people or more (~~(in class AA counties)~~) and electing directors for six year terms, five directors shall be elected either at large or by director districts, as the case may be, one for a term of two years, two for a term of four years, and two for a term of six years.

Sec. 27. RCW 28A.315.630 and 1990 c 33 s 323 are each amended to read as follows:

Upon the establishment of a new school district of the first class having within its boundaries a city with a population of four hundred thousand people or more (~~(in class AA counties)~~), the directors of the largest former first class district and three directors representative of the other former first class districts selected by a majority of the board members of the former first class districts and two directors representative of former second class districts selected by a majority of the board members of former second class districts shall meet at the call of the educational service district superintendent and shall constitute the board of directors of the new district. Each board of directors so constituted shall proceed at once to organize in the manner prescribed by law and thereafter shall have all the powers and duties conferred by law upon boards of first class districts, until the next regular school election and until their successors are elected and qualified. Such duties shall include establishment of new director districts as provided for in RCW 28A.315.670. At the next regular school election seven directors shall be elected by director districts, two for a term of two years, two for a term of four years and three for a term of six years. Thereafter their terms shall be as provided in RCW 28A.315.460.

Vacancies once such a board has been reconstituted shall not be filled unless the number of remaining board members is less than seven, and such vacancies shall be filled in the manner otherwise provided by law.

Sec. 28. RCW 28A.315.670 and 1990 c 59 s 99 and 1990 c 33 s 327 are each reenacted and amended to read as follows:

Notwithstanding any other provision of law, any school district of the first class having within its boundaries a city with a population of four hundred thousand people or more (~~(in class AA counties)~~) shall be divided into seven director districts. The boundaries of such director districts shall be established by the members of the school board and approved by the county committee on school district organization, such boundaries to be established so that each such district shall comprise, as nearly as practicable, an equal portion of the population of the school district. Boundaries of such director districts shall be adjusted by the school board and approved by the county committee after each federal decennial census if population change shows the need thereof to comply with the equal population requirement above. No person shall be eligible for the position of school director in any such director district unless such person resides in the particular director district. Residents in the particular director district desiring to be a candidate for

school director shall file their declarations of candidacy for such director district and for the position of director in that district and shall be voted upon, in any primary required to be held for the position under Title 29 RCW, by the registered voters of that particular director district. In the general election, each position shall be voted upon by all the registered voters in the school district. The order of the names of candidates shall appear on the primary and general election ballots as required for nonpartisan positions under Title 29 RCW. Except as provided in RCW 28A.315.680, every such director so elected in school districts divided into seven director districts shall serve for a term of four years as otherwise provided in RCW 28A.315.460.

Sec. 29. RCW 28A.315.680 and 1990 c 59 s 72 and 1990 c 33 s 328 are each reenacted and amended to read as follows:

Within thirty days after March 25, 1969, the school boards of any school district of the first class having within its boundaries a city with a population of four hundred thousand people or more (~~(in class AA counties)~~) shall establish the director district boundaries and obtain approval thereof by the county committee on school district organization. Appointment of a board member to fill any vacancy existing for a new director district prior to the next regular school election shall be by the school board. Prior to the next regular election in the school district and the filing of declarations of candidacy therefor, the incumbent school board shall designate said director districts by number. Directors appointed to fill vacancies as above provided shall be subject to election, one for a six-year term, and one for a two-year term and thereafter the term of their respective successors shall be for four years. The term of office of incumbent members of the board of such district shall not be affected by RCW 28A.315.450, 28A.315.460, 28A.315.570, 28A.315.670, 28A.315.680, and 29.21.180.

Sec. 30. RCW 29.04.200 and 1990 c 184 s 1 are each amended to read as follows:

(1) Beginning January 1, 1993, no voting device or machine may be used in a county (~~(of the second class or larger)~~) with a population of seventy thousand or more to conduct a primary or general or special election in this state unless it correctly records on a separate ballot the votes cast by each elector for any person and for or against any measure and such separate ballots are available for audit purposes after such a primary or election.

(2) Beginning January 1, 1993, the secretary of state shall not certify under this title any voting device or machine for use in conducting a primary or general or special election in this state unless the device or machine correctly records on a separate ballot the votes cast by each elector for any person and for or against any measure and such separate ballots are available for audit purposes after such a primary or election.

(3) Beginning January 1, 1993, a county ~~((of the third class or smaller))~~ with a population of less than seventy thousand may use a voting machine or device for conducting a primary or general or special election which does not record on a separate ballot, available for audit purposes after the primary or election, the votes cast by each elector for any person and for or against any measure if:

(a) The device was certified under this title before January 1, 1993, for use in this state;

(b) The device otherwise satisfies the requirements of this title; and

(c) Not more than twenty percent of the votes cast during any primary or general or special election conducted after January 1, 1998, in the county are cast using such a machine or device.

(4) The purpose of subsection (3) of this section is to permit less populous counties to replace voting equipment in stages over several years. These less populous counties are, nonetheless, encouraged to secure as expeditiously as possible voting equipment which would satisfy the requirements of subsection (1) of this section established for more populous counties. The secretary of state shall report to the legislature by January 1st of each odd-numbered year through 1997 on the progress of such less populous counties in replacing equipment which does not satisfy the requirements of subsection (1) of this section established for more populous counties.

Sec. 31. RCW 29.10.180 and 1989 c 261 s 1 are each amended to read as follows:

(1) The county auditor may enter one or more contracts with the United States postal service, or its licensee, which permit the auditor to use postal service change-of-address information. If the auditor finds that information received under such a contract gives the appearance that a voter has changed his or her residence address, the auditor shall notify the voter concerning the requirements of state and federal laws governing voter registration and residence.

(2) Whenever any vote-by-mail ballot, notification to voters following precincting of the county, notification to voters of selection to serve on jury duty, notification under subsection (1) of this section, or initial voter identification card is returned by the postal service as undeliverable, the county auditor shall, in every instance, inquire into the validity of the registration of that voter.

~~((2))~~ (3) The county auditor shall initiate his or her inquiry by sending, by first-class mail, a written notice to the challenged voter at the address indicated on the voter's permanent registration record and to any other address at which the county auditor could reasonably expect mail to be received by the voter. The county auditor shall not request any restriction on the forwarding of such notice by the postal service. The notice shall contain the nature of the inquiry and provide a suitable form for reply. The

notice shall also contain a warning that the county auditor must receive a response within forty-five days from the date of mailing or the individual's voter registration will be canceled.

~~((3))~~ (4) The voter, in person or in writing, may state that the information on the permanent voter registration record is correct or may request a change in the address information on the permanent registration record no later than the forty-fifth day after the date of mailing the inquiry.

~~((4))~~ (5) Upon the timely receipt of a response signed by the voter, the county auditor shall consider the inquiry satisfied and will make any address corrections requested by the voter on the permanent registration record. The county auditor shall cancel the registration of a voter who fails to respond to the notice of inquiry within forty-five days after the date of mailing.

~~((5))~~ (6) The county auditor shall notify any voter whose registration has been canceled by sending, by first class mail, a written notice to the address indicated on the voter's permanent registration record and to any other address to which the original inquiry was sent. Upon receipt of a satisfactory voter response, the auditor shall reinstate the voter.

~~((6))~~ (7) A voter whose registration has been canceled under this section and who offers to vote at the next ensuing election shall be issued a questioned ballot. Upon receipt of such a questioned ballot the auditor shall investigate the circumstances surrounding the original cancellation. If he or she determines that the cancellation was in error, the voter's registration shall be immediately reinstated, and the voter's questioned ballot shall be counted. If the original cancellation was not in error, the voter shall be afforded the opportunity to reregister at his or her correct address, and the voter's questioned ballot shall not be counted.

Sec. 32. RCW 29.13.060 and 1990 c 33 s 563 are each amended to read as follows:

In ~~((class AA and class A counties))~~ each county with a population of two hundred ten thousand or more, first class school districts containing a city of the first class shall hold their elections biennially as provided in RCW 29.13.020.

Except as provided in RCW 28A.315.460, the directors to be elected shall be elected for terms of six years and until their successors are elected and qualified and assume office in accordance with RCW 29.04.170.

Sec. 33. RCW 29.30.060 and 1990 c 59 s 12 are each amended to read as follows:

Except in ~~((class AA counties))~~ each county with a population of one million or more, on or before the fifteenth day before a primary or election, the county auditor shall prepare a sample ballot which shall be made readily available to members of the public. The secretary of state shall adopt rules governing the preparation of sample ballots in ~~((class AA))~~ counties with a population of one million or more. The rules shall permit, among

other alternatives, the preparation of more than one sample ballot by a ~~((class AA))~~ county with a population of one million or more for a primary or election, each of which lists a portion of the offices and issues to be voted on in that county. The position of precinct committee officer shall be shown on the sample ballot for the general election, but the names of candidates for the individual positions need not be shown.

Sec. 34. RCW 29.42.050 and 1987 c 295 s 14 are each amended to read as follows:

The statutory requirements for filing as a candidate at the primaries shall apply to candidates for precinct committee officer except that the filing period for this office alone shall be extended to and include the Friday immediately following the last day for political parties to fill vacancies in the ticket as provided by RCW 29.18.150, and the office shall not be voted upon at the primaries, but the names of all candidates must appear under the proper party and office designations on the ballot for the general November election for each even-numbered year and the one receiving the highest number of votes shall be declared elected: PROVIDED, That to be declared elected, a candidate must receive at least ten percent of the number of votes cast for the candidate of the candidate's party receiving the greatest number of votes in the precinct. Any person elected to the office of precinct committee officer who has not filed a declaration of candidacy shall pay the fee of one dollar to the county auditor for a certificate of election. The term of office of precinct committee officer shall be for two years, commencing upon completion of the official canvass of votes by the county canvassing board of election returns. Should any vacancy occur in this office by reason of death, resignation, or disqualification of the incumbent, or because of failure to elect, the respective county chair of the county central committee shall be empowered to fill such vacancy by appointment: PROVIDED, HOWEVER, That in legislative districts having a majority of its precincts in a ~~((class AA))~~ county with a population of one million or more, such appointment shall be made only upon the recommendation of the legislative district chair: PROVIDED, That the person so appointed shall have the same qualifications as candidates when filing for election to such office for such precinct: PROVIDED FURTHER, That when a vacancy in the office of precinct committee officer exists because of failure to elect at a state general election, such vacancy shall not be filled until after the organization meeting of the county central committee and the new county chair selected as provided by RCW 29.42.030.

Sec. 35. RCW 29.42.070 and 1987 c 295 s 15 are each amended to read as follows:

Within forty-five days after the state-wide general election in even-numbered years, or within thirty days following July 30, 1967, for the biennium ending with the 1968 general elections, the county chair of each major political party shall call separate meetings of all elected precinct committee

officers in each legislative district a majority of the precincts of which are within a ~~((class AA))~~ county with a population of one million or more for the purpose of electing a legislative district chair in such district. The district chair shall hold office until the next legislative district reorganizational meeting two years later, or until a successor is elected.

The legislative district chair can only be removed by the majority vote of the elected precinct committee officers in the chair's district.

Sec. 36. RCW 29.82.060 and 1965 c 9 s 29.82.060 are each amended to read as follows:

When the person, committee, or organization demanding the recall of a public officer has secured sufficient signatures upon the recall petition ~~((the or it))~~ the person, committee, or organization may submit the same to the officer with whom the charge was filed for filing in his or her office. The number of signatures required shall be as follows:

(1) In the case of a state officer, an officer of a city of the first class, a member of a school board in a city of the first class, or a county officer of a county ~~((of the first, second or third class))~~ with a population of forty thousand or more—signatures of legal voters equal to twenty-five percent of the total number of votes cast for all candidates for the office to which the officer whose recall is demanded was elected at the preceding election.

(2) In the case of an officer of any political subdivision, city, town, township, precinct, or school district other than those mentioned in ~~((subdivision))~~ subsection (1) of this section, and in the case of a state senator or representative—signatures of legal voters equal to thirty-five percent of the total number of votes cast for all candidates for the office to which the officer whose recall is demanded was elected at the preceding election.

Sec. 37. RCW 35.21.010 and 1965 c 138 s 1 are each amended to read as follows:

Municipal corporations now or hereafter organized are bodies politic and corporate under the name of the city of, or the town of, as the case may be, and as such may sue and be sued, contract or be contracted with, acquire, hold, possess and dispose of property, subject to the restrictions contained in other chapters of this title, having a common seal, and change or alter the same at pleasure, and exercise such other powers, and have such other privileges as are conferred by this title: PROVIDED, That not more than two square miles in area shall be included within the corporate limits of a ~~((municipal corporation of the fourth class))~~ town having a population of fifteen hundred or less, or located in ~~((class AA counties))~~ a county with a population of one million or more, and not more than three square miles in area shall be included within the corporate limits of a ~~((municipal corporation of the fourth class))~~ town having a population of more than fifteen hundred in ~~((counties other than class AA))~~ a county with a population of less than one million, nor shall more than twenty acres of unplatted land belonging to any one person be taken within the corporate

limits of (~~(municipal corporations of the fourth class)~~) a town without the consent of the owner of such unplatted land: PROVIDED FURTHER, That the original incorporation of (~~(municipal corporations of the fourth class)~~) a town shall be limited to an area of not more than one square mile and a population as prescribed in RCW 35.01.040.

Sec. 38. RCW 35.21.422 and 1967 ex.s. c 52 s 1 are each amended to read as follows:

Any city, located within a (~~(class A)~~) county with a population of two hundred ten thousand or more west of the Cascades, owning and operating a public utility and having facilities for the distribution of electricity located outside its city limits, may provide for the support of cities, towns, counties and taxing districts in which such facilities are located, and enter into contracts with such county therefor. Such contribution shall be based upon the amount of retail sales of electricity, other than to governmental agencies, made by such city in the areas of such cities, towns, counties or taxing districts in which such facilities are located, and shall be divided among them on the same basis as taxes on real and personal property therein are divided.

Sec. 39. RCW 35.58.040 and 1971 ex.s. c 303 s 3 are each amended to read as follows:

At the time of its formation no metropolitan municipal corporation shall include only a part of any city, and every city shall be either wholly included or wholly excluded from the boundaries of such corporation. If subsequent to the formation of a metropolitan municipal corporation a part only of any city shall be included within the boundaries of a metropolitan municipal corporation such part shall be deemed to be "unincorporated" for the purpose of selecting a member of the metropolitan council pursuant to RCW 35.58.120(3) and such city shall neither select nor participate in the selection of a member on the metropolitan council pursuant to RCW 35.58.120.

Any metropolitan municipal corporation now existing or hereafter created, within a (~~(class A county contiguous to a class AA county or class AA)~~) county with a population of from two hundred ten thousand to less than one million bordering a county with a population of one million or more, or within a county with a population of one million or more, shall, upon May 21, 1971, as to metropolitan corporations existing on such date or upon the date of formation as to metropolitan corporations formed after May 21, 1971, have the same boundaries as those of the respective central county of such metropolitan corporation: PROVIDED, That the boundaries of such metropolitan corporation may be enlarged after such date by annexation as provided in chapter 35.58 RCW as now or hereafter amended. Any contiguous metropolitan municipal corporations may be consolidated into a single metropolitan municipal corporation upon such terms, for the purpose of performing such metropolitan function or functions, and to be effective at such time as may be approved by resolutions of the respective

metropolitan councils. In the event of such consolidation the component city with the largest population shall be the central city of such consolidated metropolitan municipal corporation and the component county with the largest population shall be the central county of such consolidated metropolitan municipal corporation.

Sec. 40. RCW 35.58.273 and 1990 c 42 s 316 are each amended to read as follows:

(1) Through June 30, 1992, any municipality (~~((within a class AA county, or within a class A county contiguous to a class AA county, or within a second class county contiguous to a class A county that is contiguous to a class AA county))~~), as defined in this subsection, is authorized to levy and collect a special excise tax not exceeding .7824 percent and beginning July 1, 1992, .725 percent on the fair market value of every motor vehicle owned by a resident of such municipality for the privilege of using such motor vehicle provided that in no event shall the tax be less than one dollar and, subject to RCW 82.44.150 ~~((5) and (6))~~ (3) and (4), the amount of such tax shall be credited against the amount of the excise tax levied by the state under RCW 82.44.020. As used in this subsection, the term "municipality" means a municipality that is located within one of the following counties: (a) A county with a population of one million or more; (b) a county with a population of from two hundred ten thousand to less than one million bordering a county with a population of one million or more; or (c) a county with a population of from one hundred twenty-five thousand to less than two hundred ten thousand, that both borders a county with a population as described under (b) of this subsection and has a portion of its common boundary with that county intersected by an interstate highway.

(2) Through June 30, 1992, any other municipality is authorized to levy and collect a special excise tax not exceeding .815 percent, and beginning July 1, 1992, .725 percent on the fair market value of every motor vehicle owned by a resident of such municipality for the privilege of using such motor vehicle provided that in no event shall the tax be less than one dollar and, subject to RCW 82.44.150 (3) and (4), the amount of such tax shall be credited against the amount of the excise tax levied by the state under RCW 82.44.020. Before utilization of any excise tax moneys collected under authorization of this section for acquisition of right of way or construction of a mass transit facility on a separate right of way the municipality shall adopt rules affording the public an opportunity for "corridor public hearings" and "design public hearings" as herein defined, which rule shall provide in detail the procedures necessary for public participation in the following instances: (a) Prior to adoption of location and design plans having a substantial social, economic or environmental effect upon the locality upon which they are to be constructed or (b) on such mass rapid transit systems operating on a separate right of way whenever a substantial

change is proposed relating to location or design in the adopted plan. In adopting rules the municipality shall adhere to the provisions of the Administrative Procedure Act.

(3) A "corridor public hearing" is a public hearing that: (a) Is held before the municipality is committed to a specific mass transit route proposal, and before a route location is established; (b) is held to afford an opportunity for participation by those interested in the determination of the need for, and the location of, the mass rapid transit system; (c) provides a public forum that affords a full opportunity for presenting views on the mass rapid transit system route location, and the social, economic and environmental effects on that location and alternate locations: PROVIDED, That such hearing shall not be deemed to be necessary before adoption of an overall mass rapid transit system plan by a vote of the electorate of the municipality.

(4) A "design public hearing" is a public hearing that: (a) Is held after the location is established but before the design is adopted; and (b) is held to afford an opportunity for participation by those interested in the determination of major design features of the mass rapid transit system; and (c) provides a public forum to afford a full opportunity for presenting views on the mass rapid transit system design, and the social, economic, environmental effects of that design and alternate designs.

Sec. 41. RCW 35.81.010 and 1975 c 3 s 1 are each amended to read as follows:

The following terms wherever used or referred to in this chapter, shall have the following meanings, unless a different meaning is clearly indicated by the context:

(1) "Agency" or "urban renewal agency" shall mean a public agency created by RCW 35.81.160.

(2) "Blighted area" shall mean an area which, by reason of the substantial physical dilapidation, deterioration, defective construction, material, and arrangement and/or age or obsolescence of buildings or improvements, whether residential or nonresidential, inadequate provision for ventilation, light, proper sanitary facilities, or open spaces as determined by competent appraisers on the basis of an examination of the building standards of the municipality; inappropriate or mixed uses of land or buildings; high density of population and overcrowding; defective or inadequate street layout; faulty lot layout in relation to size, adequacy, accessibility or usefulness; excessive land coverage; insanitary or unsafe conditions; deterioration of site; diversity of ownership; tax or special assessment delinquency exceeding the fair value of the land; defective or unusual conditions of title; improper subdivision or obsolete platting; or the existence of conditions which endanger life or property by fire or other causes, or any combination of such factors, is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency and crime; substantially impairs or arrests the sound growth of the

city or its environs, retards the provision of housing accommodations or constitutes an economic or social liability, and/or is detrimental, or constitutes a menace, to the public health, safety, welfare, and morals in its present condition and use.

(3) "Bonds" shall mean any bonds, notes, or debentures (including refunding obligations) herein authorized to be issued.

(4) "Clerk" shall mean the clerk or other official of the municipality who is the custodian of the official records of such municipality.

(5) "Federal government" shall include the United States of America or any agency or instrumentality, corporate or otherwise, of the United States of America.

(6) "Local governing body" shall mean the council or other legislative body charged with governing the municipality.

(7) "Mayor" shall mean the chief executive of a city~~((;))~~ or town, or ((class AA county or the board of commissioners)) the elected executive, if any, of any county operating under a charter, or the county legislative authority of any other county.

(8) "Municipality" shall mean any incorporated city or town, or any county, in the state.

(9) "Obligee" shall include any bondholder, agent or trustees for any bondholders, or lessor demising to the municipality property used in connection with an urban renewal project, or any assignee or assignees of such lessor's interest or any part thereof, and the federal government when it is a party to any contract with the municipality.

(10) "Person" shall mean any individual, firm, partnership, corporation, company, association, joint stock association, or school district; and shall include any trustee, receiver, assignee, or other person acting in a similar representative capacity.

(11) "Public body" shall mean the state or any municipality, township, board, commission, district, or any other subdivision or public body of the state.

(12) "Public officer" shall mean any officer who is in charge of any department or branch of the government of the municipality relating to health, fire, building regulations, or to other activities concerning dwellings in the municipality.

(13) "Real property" shall include all lands, including improvements and fixtures thereon, and property of any nature appurtenant thereto, or used in connection therewith, and every estate, interest, right and use, legal or equitable, therein, including terms for years and liens by way of judgment, mortgage or otherwise.

(14) "Redevelopment" may include (a) acquisition of a blighted area or portion thereof; (b) demolition and removal of buildings and improvements; (c) installation, construction or reconstruction of streets, utilities, parks, playgrounds, and other improvements necessary for carrying out in

the area the urban renewal provisions of this chapter in accordance with the urban renewal plan, and (d) making the land available for development or redevelopment by private enterprise or public agencies (including sale, initial leasing, or retention by the municipality itself) at its fair value for uses in accordance with the urban renewal plan.

(15) "Rehabilitation" may include the restoration and renewal of a blighted area or portion thereof, in accordance with an urban renewal plan, by (a) carrying out plans for a program of voluntary or compulsory repair and rehabilitation of buildings or other improvements; (b) acquisition of real property and demolition or removal of buildings and improvements thereon where necessary to eliminate unhealthful, insanitary or unsafe conditions, lessen density, reduce traffic hazards, eliminate obsolete or other uses detrimental to the public welfare, or otherwise to remove or prevent the spread of blight or deterioration, or to provide land for needed public facilities; (c) installation, construction or reconstruction of streets, utilities, parks, playgrounds, and other improvements necessary for carrying out in the area the urban renewal provisions of this chapter; and (d) the disposition of any property acquired in such urban renewal area (including sale, initial leasing, or retention by the municipality itself) at its fair value for uses in accordance with such urban renewal plan.

(16) "Urban renewal area" means a blighted area which the local governing body designates as appropriate for an urban renewal project or projects.

(17) "Urban renewal plan" means a plan, as it exists from time to time, for an urban renewal project, which plan (a) shall conform to the comprehensive plan or parts thereof for the municipality as a whole; and (b) shall be sufficiently complete to indicate such land acquisition, demolition, and removal of structures, redevelopment, improvements, and rehabilitation as may be proposed to be carried out in the urban renewal area, zoning and planning changes, if any, land uses, maximum densities, building requirements, and the plan's relationship to definite local objectives respecting appropriate land uses, improved traffic, public transportation, public utilities, recreational and community facilities, and other public improvements.

(18) "Urban renewal project" may include undertakings or activities of a municipality in an urban renewal area for the elimination and for the prevention of the development or spread of blight, and may involve redevelopment in an urban renewal area, or rehabilitation in an urban renewal area, or any combination or part thereof in accordance with an urban renewal plan.

***Sec. 42. RCW 35.82.285 and 1973 1st ex.s. c 198 s 2 are each amended to read as follows:**

Housing authorities of ((first class counties created under this chapter)) each county with a population of one hundred twenty-five thousand or more may establish and operate group homes or halfway houses to serve juveniles

released from state juvenile or correctional institutions, or to serve the developmentally disabled as defined in 42 U.S.C. 2670, 85 Stat. 1316. Such authorities may contract for the operation of facilities so established, with qualified nonprofit organizations as agent of the authority.

Action under this section shall be taken by the authority only after a public hearing as provided by chapter 42.30 RCW. In exercising this power the authority shall not be empowered to acquire property by eminent domain, and the facilities established shall comply with all zoning, building, fire, and health regulations and procedures applicable in the locality.

*Sec. 42 was vetoed, see message at end of chapter.

Sec. 43. RCW 36.01.130 and 1981 c 75 s 2 are each amended to read as follows:

The imposition of controls on rent is of state-wide significance and is preempted by the state. No county ~~((of any class))~~ may enact, maintain or enforce ordinances or other provisions which regulate the amount of rent to be charged for single family or multiple unit residential rental structures or sites other than properties in public ownership, under public management, or properties providing low-income rental housing under joint public-private agreements for the financing or provision of such low-income rental housing. This section shall not be construed as prohibiting any county from entering into agreements with private persons which regulate or control the amount of rent to be charged for rental properties.

Sec. 44. RCW 36.13.020 and 1977 ex.s. c 110 s 6 are each amended to read as follows:

~~((Whenever))~~ The legislative authority of any county ((determines that its county has sufficient population to entitle it to advance to a higher class, and passes a resolution setting forth its estimate as to the population and the classification to which the county is entitled by reason of such estimated population it)) may order a county census to be taken of all the inhabitants of the county. The expense of such census enumeration shall be paid from the county current expense fund.

Sec. 45. RCW 36.13.100 and 1963 c 4 s 36.13.100 are each amended to read as follows:

Whenever any provision of law refers to the population of a county for purposes of distributing funds ((are allocated to counties on the basis of population)) or for any other purpose, the population of the respective counties shall be determined by the most recent census, population estimate ((or survey by the federal bureau of census or any state board or commission authorized to make such a census, estimate or survey. If a maximum percent of error is shown on any such survey or estimate, the population of the county shall be computed by deducting from the estimate fifty percent of the maximum possible error)) by the office of financial management, or special county census as certified by the office of financial management.

Sec. 46. RCW 36.16.030 and 1963 c 4 s 36.16.030 are each amended to read as follows:

In every county there shall be elected from among the qualified voters of the county a county assessor, a county auditor, a county clerk, a county coroner, three county commissioners, a county prosecuting attorney, a county sheriff and a county treasurer(~~(: PROVIDED, That in counties of the fourth, fifth, sixth, seventh, eighth, and ninth classes)~~), except that in each county with a population of less than forty thousand no coroner shall be elected and the prosecuting attorney shall be ex officio coroner(~~(: PROVIDED FURTHER, That in ninth class counties no county auditor or assessor shall be elected and the county clerk shall be ex officio county auditor, and the county treasurer shall be ex officio county assessor)~~). Whenever the population of a county increases to forty thousand or more, the prosecuting attorney shall continue as ex officio coroner until a coroner is elected, at the next general election at which the office of prosecuting attorney normally would be elected, and assumes office as provided in RCW 29.04.170. In any county where the population has once attained forty thousand people and a current coroner is in office and a subsequent census indicates less than forty thousand people, the county legislative authority may maintain the office of coroner by resolution or ordinance. If the county legislative authority has not passed a resolution or enacted an ordinance to maintain the office of coroner, the elected coroner shall remain in office for the remainder of the term for which he or she was elected, but no coroner shall be elected at the next election at which that office would otherwise be filled and the prosecuting attorney shall be the ex officio coroner.

Sec. 47. RCW 36.16.030 and 1990 c 252 s 8 are each amended to read as follows:

Except as provided elsewhere in this section, in every county there shall be elected from among the qualified voters of the county a county assessor, a county auditor, a county clerk, a county coroner, three county commissioners, a county prosecuting attorney, a county sheriff and a county treasurer(~~(: PROVIDED, That in counties of the fourth, fifth, sixth, seventh, eighth, and ninth classes)~~), except that in each county with a population of less than forty thousand no coroner shall be elected and the prosecuting attorney shall be ex officio coroner(~~(: PROVIDED FURTHER, That in ninth class counties no county auditor or assessor shall be elected and the county clerk shall be ex officio county auditor, and the county treasurer shall be ex officio county assessor)~~). Whenever the population of a county increases to forty thousand or more, the prosecuting attorney shall continue as ex officio coroner until a coroner is elected, at the next general election at which the office of prosecuting attorney normally would be elected, and assumes office as provided in RCW 29.04.170. In any county where the population has once attained forty thousand people and a current coroner is in office and a

subsequent census indicates less than forty thousand people, the county legislative authority may maintain the office of coroner by resolution or ordinance. If the county legislative authority has not passed a resolution or enacted an ordinance to maintain the office of coroner, the elected coroner shall remain in office for the remainder of the term for which he or she was elected, but no coroner shall be elected at the next election at which that office would otherwise be filled and the prosecuting attorney shall be the ex officio coroner. A noncharter county may have five county commissioners as provided in RCW 36.32.010 and 36.32.055 through 36.32.0558.

Sec. 48. RCW 36.16.032 and 1973 1st ex.s. c 88 s 1 are each amended to read as follows:

The office of county auditor may be combined with the office of county clerk in ~~((counties of the eighth class))~~ each county with a population of less than five thousand by unanimous resolution of the ~~((board of))~~ county ~~((commissioners))~~ legislative authority passed thirty days or more prior to the first day of filing for the primary election for county offices. The salary of such office of county clerk combined with the office of county auditor ~~((shall be nine thousand four hundred dollars:~~

~~Beginning January 1, 1974, the salary of such office)), and the salary of the office of county auditor that is not combined with the office of county clerk, shall be not less than ten thousand three hundred dollars.~~ The county legislative authority of such county is authorized to increase or decrease the salary of such office: PROVIDED, That the legislative authority of the county shall not reduce the salary of any official below the amount which such official was receiving on January 1, 1973.

Sec. 49. RCW 36.16.050 and 1971 c 71 s 1 are each amended to read as follows:

Every county official before he or she enters upon the duties of his or her office shall furnish a bond conditioned that he or she will faithfully perform the duties of his or her office and account for and pay over all money which may come into his or her hands by virtue of his or her office, and that he or she, or his or her executors or administrators, will deliver to his or her successor safe and undefaced all books, records, papers, seals, equipment, and furniture belonging to his or her office. Bonds of elective county officers shall be as follows:

(1) Assessor: Amount to be fixed and sureties to be approved by proper county legislative authority;

(2) Auditor: Amount to be fixed at not less than ten thousand dollars and sureties to be approved by the proper county legislative authority;

(3) Clerk: Amount to be fixed in a penal sum not less than double the amount of money liable to come into his or her hands and sureties to be approved by the judge or a majority of the judges presiding over the court of which he or she is clerk: PROVIDED, That the maximum bond fixed for

the clerk shall not exceed in amount that required for the treasurer in a county of that class;

(4) Coroner: Amount to be fixed at not less than five thousand dollars with sureties to be approved by the proper county legislative authority;

(5) Members of the proper county legislative authority: Sureties to be approved by the county clerk and the amounts to be:

~~((1))~~ (a) In ~~((class A, AA, counties and first class counties))~~ each county with a population of one hundred twenty-five thousand or more, twenty-five thousand dollars;

~~((2))~~ (b) In ~~((second class counties))~~ each county with a population of from seventy thousand to less than one hundred twenty-five thousand, twenty-two thousand five hundred dollars;

~~((3))~~ (c) In ~~((third class counties))~~ each county with a population of from forty to less than seventy thousand, twenty thousand dollars;

~~((4))~~ (d) In ~~((fourth class counties))~~ each county with a population of from eighteen thousand to less than forty thousand, fifteen thousand dollars;

~~((5))~~ (e) In ~~((fifth class counties))~~ each county with a population of from twelve thousand to less than eighteen thousand, ten thousand dollars;

~~((6))~~ (f) In ~~((sixth class counties))~~ each county with a population of from eight thousand to less than twelve thousand, seven thousand five hundred dollars;

~~((7))~~ (g) In ~~((seventh and eighth class))~~ all other counties, five thousand dollars;

~~((8) In ninth class counties, two thousand dollars;))~~

(6) Prosecuting attorney: In the amount of five thousand dollars with sureties to be approved by the proper county legislative authority;

(7) Sheriff: Amount to be fixed and bond approved by the proper county legislative authority at not less than five thousand nor more than fifty thousand dollars; surety to be a surety company authorized to do business in this state;

(8) Treasurer: Sureties to be approved by the proper county legislative authority and the amounts to be fixed by the proper county legislative authority at double the amount liable to come into the treasurer's hands during his or her term, the maximum amount of the bond, however, not to exceed:

~~((1))~~ (a) In ~~((class A, AA, counties))~~ each county with a population of two hundred ten thousand or more, two hundred fifty thousand dollars;

~~((2))~~ (b) In ~~((first class counties))~~ each county with a population of from one hundred twenty-five thousand to less than two hundred ten thousand, two hundred thousand dollars;

~~((3))~~ (c) In ~~((second, third and fourth class counties))~~ each county with a population of from eighteen thousand to less than one hundred twenty-five thousand, one hundred fifty thousand dollars;

~~((4))~~ (d) In all other counties, one hundred thousand dollars.

The treasurer's bond shall be conditioned that all moneys received by him or her for the use of the county shall be paid as the proper county legislative authority shall from time to time direct, except where special provision is made by law for the payment of such moneys, by order of any court, or otherwise, and for the faithful discharge of his or her duties.

Bonds for other than elective officials, if deemed necessary by the proper county legislative authority, shall be in such amount and form as such legislative authority shall determine.

In the approval of official bonds, the ~~((chairman))~~ chair may act for the ~~((board-of))~~ county ~~((commissioners))~~ legislative authority if it is not in session.

Sec. 50. RCW 36.16.140 and 1965 ex.s. c 23 s 6 are each amended to read as follows:

Public auction sales of property conducted by or for the county or an officer thereof shall be held at such places ~~((on county property as the board of county commissioners))~~ as the county legislative authority may direct.

Sec. 51. RCW 36.17.010 and 1963 c 4 s 36.17.010 are each amended to read as follows:

The county officers of the counties of this state~~((, according to their class;))~~ shall receive a salary for the services required of them by law, or by virtue of their office, which salary shall be full compensation for all services of every kind and description rendered by them.

Sec. 52. RCW 36.17.020 and 1973 1st ex.s. c 88 s 2 are each amended to read as follows:

~~((1) The salaries of the following county officers of class A counties and counties of the first, second, third, fourth, fifth, sixth, seventh, eighth and ninth classes, as determined by the last preceding federal census, or as may be determined under the provisions of RCW 36.13.020 to 36.13.075, inclusive, shall be per annum respectively as follows:~~

~~Class A counties: Auditor, sixteen thousand dollars; clerk, sixteen thousand dollars; treasurer, sixteen thousand dollars; sheriff, seventeen thousand seven hundred dollars; assessor, sixteen thousand dollars; prosecuting attorney, twenty-two thousand five hundred dollars; members of board of county commissioners, seventeen thousand seven hundred dollars; coroner, fifteen thousand dollars;~~

~~Counties of the first class: Auditor, fourteen thousand five hundred dollars; clerk, fourteen thousand five hundred dollars; treasurer, fourteen thousand five hundred dollars; sheriff, sixteen thousand dollars; assessor, fourteen thousand five hundred dollars; prosecuting attorney, twenty-two thousand five hundred dollars; members of board of county commissioners, sixteen thousand dollars; coroner, eight thousand dollars;~~

~~Counties of the second class: Auditor, thirteen thousand five hundred dollars; clerk, thirteen thousand five hundred dollars; treasurer, thirteen thousand five hundred dollars; sheriff, thirteen thousand five hundred fifty dollars; assessor, thirteen thousand five hundred dollars; prosecuting attorney, twenty-one thousand five hundred dollars; members of board of county commissioners, thirteen thousand five hundred dollars; coroner, five thousand dollars;~~

~~Counties of the third class: Auditor, twelve thousand five hundred dollars; clerk, twelve thousand five hundred dollars; treasurer, twelve thousand five hundred dollars; assessor, twelve thousand five hundred dollars; sheriff, twelve thousand five hundred dollars; prosecuting attorney, twenty-one thousand five hundred dollars; members of the board of county commissioners, twelve thousand five hundred dollars; coroner, three thousand six hundred dollars;~~

~~Counties of the fourth class: Auditor, eleven thousand dollars; clerk, eleven thousand dollars; treasurer, eleven thousand dollars; assessor, eleven thousand dollars; sheriff, eleven thousand dollars; prosecuting attorney, in such a county in which there is no state university, thirteen thousand dollars; prosecuting attorney, in such a county in which there is a state university or college, fifteen thousand dollars; members of the board of county commissioners, ten thousand dollars;~~

~~Counties of the fifth class: Auditor, nine thousand one hundred fifty dollars; clerk, nine thousand one hundred fifty dollars; treasurer, nine thousand one hundred fifty dollars; sheriff, ten thousand two hundred dollars; assessor, nine thousand one hundred fifty dollars; prosecuting attorney, twelve thousand dollars; members of the board of county commissioners, eight thousand five hundred dollars;~~

~~Counties of the sixth class: Auditor, nine thousand one hundred fifty dollars; clerk, nine thousand one hundred fifty dollars; treasurer, nine thousand one hundred fifty dollars; assessor, nine thousand one hundred fifty dollars; sheriff, ten thousand two hundred dollars; prosecuting attorney, nine thousand dollars; members of the board of county commissioners, six thousand four hundred dollars;~~

~~Counties of the seventh class: Auditor, eight thousand three hundred dollars; clerk, eight thousand three hundred dollars; treasurer, eight thousand three hundred dollars; assessor, eight thousand three hundred dollars; sheriff, nine thousand five hundred dollars; prosecuting attorney, nine thousand dollars; members of the board of county commissioners, five thousand nine hundred fifty dollars;~~

~~Counties of the eighth class: Auditor, eight thousand three hundred dollars; clerk, eight thousand three hundred dollars; treasurer, eight thousand three hundred dollars; assessor, eight thousand three hundred dollars;~~

~~sheriff, nine thousand five hundred dollars; prosecuting attorney, nine thousand dollars; members of board of county commissioners, five thousand nine hundred fifty dollars;~~

~~Counties of the ninth class: Auditor-clerk, seven thousand four hundred fifty dollars; sheriff, eight thousand five hundred dollars; treasurer=assessor, seven thousand four hundred fifty dollars; prosecuting attorney, nine thousand dollars; members of the board of county commissioners, five thousand five hundred dollars.~~

~~(2) The salaries of the following county officers in counties with a population over five hundred thousand shall be per annum respectively as follows:))~~

The county legislative authority of each county is authorized to establish the salaries of the elected officials of the county. One-half of the salary of each prosecuting attorney shall be paid by the state. The annual salary of a county elected official shall not be less than the following:

~~(1) In each county with a population of one million or more: Auditor, clerk, treasurer, sheriff, members of ((board of)) the county ((commissioners, coroners)) legislative authority, and coroner, eighteen thousand dollars; assessor, nineteen thousand dollars; and prosecuting attorney, ((twenty=seven thousand five hundred dollars.~~

~~Beginning January 1, 1974:~~

~~The salaries of the following county officers of class AA and A counties and counties of the first, second, third, fourth, fifth, sixth, seventh, eighth and ninth classes, as determined by the last preceding federal census, or as may be determined under the provisions of RCW 36.13.020 to 36.13.075, inclusive, shall be per annum respectively as follows:~~

~~Class AA counties: Prosecuting attorney;)) thirty thousand three hundred dollars;~~

~~((Class A counties)) (2) In each county with a population of from two hundred ten thousand to less than one million: Auditor, seventeen thousand six hundred dollars; clerk, seventeen thousand six hundred dollars; treasurer, seventeen thousand six hundred dollars; sheriff, nineteen thousand five hundred dollars; assessor, seventeen thousand six hundred dollars; prosecuting attorney, twenty-four thousand eight hundred dollars; members of ((board of)) the county ((commissioners)) legislative authority, nineteen thousand five hundred dollars; and coroner, sixteen thousand five hundred dollars;~~

~~((Counties of the first class)) (3) In each county with a population of from one hundred twenty-five thousand to less than two hundred ten thousand: Auditor, sixteen thousand dollars; clerk, sixteen thousand dollars; treasurer, sixteen thousand dollars; sheriff, seventeen thousand six hundred dollars; assessor, sixteen thousand dollars; prosecuting attorney, twenty-four thousand eight hundred dollars; members of ((board of)) the county ((commissioners)) legislative authority, seventeen thousand six hundred dollars; and coroner, eight thousand eight hundred dollars;~~

~~((Counties of the second class))~~ (4) In each county with a population of from seventy thousand to less than one hundred twenty-five thousand: Auditor, fourteen thousand nine hundred dollars; clerk, fourteen thousand nine hundred dollars; treasurer, fourteen thousand nine hundred dollars; assessor, fourteen thousand nine hundred dollars; sheriff, fourteen thousand nine hundred dollars; prosecuting attorney, twenty-three thousand seven hundred dollars; members of the ~~((board of))~~ county ~~((commissioners))~~ legislative authority, fourteen thousand nine hundred dollars; and coroner, five thousand five hundred dollars;

~~((Counties of the third class))~~ (5) In each county with a population of from forty thousand to less than seventy thousand: Auditor, thirteen thousand eight hundred dollars; clerk, thirteen thousand eight hundred dollars; treasurer, thirteen thousand eight hundred dollars; assessor, thirteen thousand eight hundred dollars; sheriff, thirteen thousand eight hundred dollars; prosecuting attorney, twenty-three thousand seven hundred dollars; members of the ~~((board of))~~ county ~~((commissioners))~~ legislative authority, thirteen thousand eight hundred dollars; and coroner, four thousand dollars;

~~((Counties of the fourth class))~~ (6) In each county with a population of from eighteen thousand to less than forty thousand: Auditor, twelve thousand one hundred dollars; clerk, twelve thousand one hundred dollars; treasurer, twelve thousand one hundred dollars; sheriff, twelve thousand one hundred dollars; assessor, twelve thousand one hundred dollars; prosecuting attorney in such a county in which there is no state university or college, fourteen thousand three hundred dollars; in such a county in which there is a state university or college, sixteen thousand five hundred dollars; and members of the ~~((board of))~~ county ~~((commissioners))~~ legislative authority, eleven thousand dollars;

~~((Counties of the fifth class))~~ (7) In each county with a population of from twelve thousand to less than eighteen thousand: Auditor, ten thousand one hundred dollars; clerk, ten thousand one hundred dollars; treasurer, ten thousand one hundred dollars; assessor, ten thousand one hundred dollars; sheriff, eleven thousand two hundred dollars; prosecuting attorney, thirteen thousand two hundred dollars; and members of the ~~((board of))~~ county ~~((commissioners))~~ legislative authority, nine thousand four hundred dollars;

~~((Counties of the sixth class))~~ (8) In each county with a population of from eight thousand to less than twelve thousand: Auditor, ten thousand one hundred dollars; clerk, ten thousand one hundred dollars; treasurer, ten thousand one hundred dollars; assessor, ten thousand one hundred dollars; sheriff, eleven thousand two hundred dollars; prosecuting attorney, nine thousand nine hundred dollars; and members of the ~~((board of))~~ county ~~((commissioners))~~ legislative authority, seven thousand dollars;

~~((Counties of the seventh class))~~ (9) In each county with a population of from five thousand to less than eight thousand: Auditor, nine thousand one hundred dollars; clerk, nine thousand one hundred dollars; treasurer,

nine thousand one hundred dollars; assessor, nine thousand one hundred dollars; sheriff, ten thousand five hundred dollars; prosecuting attorney, nine thousand nine hundred dollars; and members of ~~((board of))~~ the county ~~((commissioners))~~ legislative authority, six thousand five hundred dollars;

~~((Counties of the eighth class))~~ (10) In each other county: Auditor, nine thousand one hundred dollars; clerk, nine thousand one hundred dollars; treasurer, nine thousand one hundred dollars; sheriff, ten thousand five hundred dollars; assessor, nine thousand one hundred dollars; prosecuting attorney, nine thousand nine hundred dollars; and members of the ~~((board of))~~ county ~~((commissioners))~~ legislative authority, six thousand five hundred dollars((;

~~Counties of the ninth class: Auditor=clerk, eight thousand two hundred dollars; treasurer=assessor, eight thousand two hundred dollars; sheriff, nine thousand four hundred dollars; prosecuting attorney, nine thousand nine hundred dollars; members of the board of county commissioners, six thousand one hundred dollars:~~

~~The county legislative authority of such county is authorized to increase or decrease the salary of such office. PROVIDED, That the legislative authority of the county shall not reduce the salary of any official below the amount which such official was receiving on January 1, 1973.~~

~~One-half of the salary of each prosecuting attorney shall be paid by the state)).~~

Sec. 53. RCW 36.17.040 and 1988 c 281 s 9 are each amended to read as follows:

The salaries of county officers and employees of counties other than counties ~~((of the eighth and ninth classes))~~ with a population of less than five thousand may be paid twice monthly out of the county treasury, and the county auditor, for services rendered from the first to the fifteenth day, inclusive, may, not later than the last day of the month, draw a warrant upon the county treasurer in favor of each of such officers and employees for the amount of salary due him or her, and such auditor, for services rendered from the sixteenth to the last day, inclusive, may similarly draw a warrant, not later than the fifteenth day of the following month, and the county legislative authority, with the concurrence of the county auditor, may enter an order on the record journal empowering him or her so to do: PROVIDED, That if the county legislative authority does not adopt the semimonthly pay plan, it, by resolution, shall designate the first pay period as a draw day. Not more than forty percent of said earned monthly salary of each such county officer or employee shall be paid to him or her on the draw day and the payroll deductions of such officer or employee shall not be deducted from the salary to be paid on the draw day. If officers and employees are paid once a month, the draw day shall not be later than the last day of each month. The balance of the earned monthly salary of each such officer or

employee shall be paid not later than the fifteenth day of the following month.

In counties ~~((of eighth and ninth classes))~~ with a population of less than five thousand salaries shall be paid monthly unless the county legislative authority by resolution adopts the foregoing draw day procedure.

Sec. 54. RCW 36.24.175 and 1969 ex.s. c 259 s 3 are each amended to read as follows:

In ~~((class AA, class A, first, second and third class counties))~~ each county with a population of forty thousand or more, no person shall be qualified for the office of county coroner as provided for in RCW 36.16.030 who is an owner or employee of any funeral home or mortuary.

Sec. 55. RCW 36.27.060 and 1989 c 39 s 1 are each amended to read as follows:

(1) The prosecuting ~~((attorneys and their deputies of class four counties and counties with population larger than class four counties))~~ attorney, and deputy prosecuting attorneys, of each county with a population of eighteen thousand or more shall serve full time and except as otherwise provided for in this section shall not engage in the private practice of law.

(2) Deputy prosecuting attorneys in ~~((counties of the second class, third class, and fourth class))~~ a county with a population of from eighteen thousand to less than one hundred twenty-five thousand may serve part time and engage in the private practice of law if the ~~((board of))~~ county ~~((commissioners))~~ legislative authority so provides.

(3) Except as provided in subsection (4) of this section, nothing in this section prohibits a prosecuting attorney or deputy prosecuting attorney in any county from:

(a) Performing legal services for himself or herself or his or her immediate family; or

(b) Performing legal services of a charitable nature.

(4) The legal services identified in subsection (3) of this section may not be performed if they would interfere with the duties of a prosecuting attorney, or deputy prosecuting attorney and no services that are performed shall be deemed within the scope of employment of a prosecutor or deputy prosecutor.

NEW SECTION. Sec. 56. A new section is added to chapter 36.28A RCW to read as follows:

The Washington association of sheriffs and police chiefs may, upon request of a county's legislative authority, assist the county in developing and implementing its local law and justice plan. In doing so, the association shall consult with the office of financial management and the department of corrections.

Sec. 57. RCW 36.32.240 and 1985 c 169 s 8 are each amended to read as follows:

In any county the ~~((board of))~~ county ~~((commissioners))~~ legislative authority may by resolution establish a county purchasing department ~~((and thereafter such))~~. The purchasing department shall contract on a competitive basis for all public works, enter into leases on a competitive basis, and purchase ~~((or lease on a competitive basis))~~ all supplies, materials, and equipment, on a competitive basis, for all departments of the county~~((, exclusive of the county hospital, pursuant to the provisions hereof and under such rules as the board shall by resolution adopt, except for such contracts and purchases as shall be made pursuant to RCW 36.77.065, 36.77.070 and 36.82.130, and except for such contracts and purchases for the printing of election ballots, voting machine labels and all other election material containing the names of candidates and ballot titles, and performance-based contracts as defined in RCW 39.35A.020(3), that are negotiated under chapter 39.35A RCW: PROVIDED, That in all class AA or class A counties or in any county of the first class it shall be mandatory that a purchasing department be established))~~, except that the county purchasing department is not required to make purchases for the county hospital, or make purchases that are paid from the county road fund or equipment rental and revolving fund.

Sec. 58. RCW 36.32.250 and 1989 c 431 s 57 and 1989 c 244 s 6 are each reenacted and amended to read as follows:

No contract~~((, lease, or purchase))~~ for public works may be entered into by the county legislative authority or by any elected or appointed officer of ~~((such))~~ the county until after bids have been submitted to the county upon specifications therefor. Such specifications shall be in writing and shall be filed with the clerk of the county legislative authority for public inspection~~((, and))~~. An advertisement ~~((thereof))~~ shall be published in the county official newspaper stating the time and place where bids will be opened, the time after which bids will not be received, the character of the work to be done, ~~((or))~~ the materials~~((;))~~ and equipment~~((, or service))~~ to be ~~((purchased))~~ furnished, and that specifications therefor may be seen at the office of the clerk of the county legislative authority~~((, shall be published in the county official newspaper: PROVIDED, That advertisements for public works contracts for construction, alteration, repair, or improvement of public facilities))~~. An advertisement shall also be ~~((additionally))~~ published in a legal newspaper of general circulation in or as near as possible to that part of the county in which such work is to be done~~((, AND PROVIDED FURTHER, That))~~. If the county official newspaper is a newspaper of general circulation covering at least forty percent of the residences in that part of the county in which such public works are to be done, then the publication of an advertisement of the applicable specifications in the county official newspaper ~~((only))~~ shall be sufficient. Such advertisements shall be published at least once ~~((in each week for two consecutive weeks))~~ at least ten days prior to the last date upon which bids will be received ~~((and as many~~

~~additional publications as shall be determined by the county legislative authority)). The bids shall be in writing, shall be filed with the clerk, shall be opened and read in public at the time and place named therefor in ((said)) the advertisements, and after being opened, shall be filed for public inspection. No bid may be considered for public work unless it is accompanied by a bid deposit in the form of a surety bond, postal money order, cash, cashier's check, or certified check in an amount equal to five percent of the amount of the bid proposed. The contract for the public work((,- lease, or purchase)) shall be awarded to the lowest responsible bidder((,- taking into consideration the quality of the articles or equipment to be purchased or leased)). Any or all bids may be rejected for good cause. The county legislative authority shall require from the successful bidder for such public work a contractor's bond in the amount and with the conditions imposed by law. If the bidder to whom the contract is awarded fails to enter into the contract and furnish the contractor's bond as required within ten days after notice of the award, exclusive of the day of notice, the amount of the bid deposit shall be forfeited to the county and the contract awarded to the next lowest and best bidder. The bid deposit of all unsuccessful bidders shall be returned after the contract is awarded and the required contractor's bond given by the successful bidder is accepted by the county legislative authority. In the letting of any contract((,- lease, or purchase)) involving less than ten thousand dollars, advertisement and competitive bidding may be dispensed with on order of the county legislative authority. ((Notice of intention to let contracts or to enter into lease agreements involving amounts exceeding one thousand dollars but less than ten thousand dollars, shall be posted by the county legislative authority on a bulletin board in its office not less than three days prior to making such lease or contract. For advertisement and competitive bidding to be dispensed with as to purchases between one thousand and ten thousand dollars, the county legislative authority must authorize by resolution a county procedure for securing telephone or written quotations, or both, from enough vendors to assure establishment of a competitive price and for awarding such contracts for purchase of materials, equipment, or services to the lowest responsible bidder. The procedure shall include the annual establishment of an array of general categories in which such contracts, leases, or purchases are anticipated. A roster shall be developed for each category, consisting of all potential bidders who have requested to be included on the roster. The county shall invite proposals from all vendors listed on the appropriate roster for each purchase between one thousand and ten thousand dollars.)) Immediately after the award is made, the bid quotations obtained shall be recorded and open to public inspection and shall be available by telephone inquiry. ((Wherever possible, supplies shall be purchased in quantities for a period of at least three months, and not to exceed one year. Supplies generally used throughout the various departments shall be standardized insofar as possible, and may be purchased~~

~~and stored for general use by all of the various departments which shall be charged for the supplies when withdrawn from the purchasing department:))~~

For advertisement and competitive bidding to be dispensed with as to public works projects with an estimated value of one hundred thousand dollars or less, a county must use a small works roster process as provided in section 109 of this act.

This section does not apply to performance-based contracts, as defined in RCW 39.35A.020(3), that are negotiated under chapter 39.35A RCW.

~~((Nothing in this section shall prohibit the legislative authority of any county from allowing for preferential purchase of products made from recycled materials or products that may be recycled or reused:))~~

Sec. 59. RCW 36.32.350 and 1973 1st ex.s. c 195 s 30 are each amended to read as follows:

County ~~((commissioners))~~ legislative authorities may designate the Washington state association of counties as a coordinating agency in the execution of duties imposed by RCW 36.32.335 through 36.32.360 and reimburse the association from county current expense funds in the county ~~((commissioners'))~~ legislative authority's budget for the costs of any such services rendered~~((: PROVIDED, That the total of such reimbursements from any county in any calendar year shall not exceed a sum equal to the amount which would be raised by a levy of one-half of one cent per thousand dollars of assessed value against the taxable property of the county))~~. Such reimbursement shall be paid on vouchers submitted to the county auditor and approved by the ~~((board of county commissioners))~~ county legislative authority in the manner provided for the disbursement of other current expense funds and the vouchers shall set forth the nature of the service rendered, supported by affidavit that the service has actually been performed.

****NEW SECTION. Sec. 60. A new section is added to chapter 36.32 RCW to read as follows:***

Each county that plans and zones must authorize the siting of schools in all areas within its planning jurisdiction by either outright permitted uses or conditional use permits.

*Sec. 60 was vetoed, see message at end of chapter.

NEW SECTION. Sec. 61. A new section is added to chapter 36.32 RCW to read as follows:

A county when calling for competitive bids for the procurement of road maintenance materials may award to multiple bidders for the same commodity when the bid specifications provide for the factors of haul distance to be included in the determination of which vendor is truly the lowest price to the county. The county may readvertise for additional bidders and vendors if it deems it necessary in the public interest.

NEW SECTION. Sec. 62. A new section is added to chapter 36.32 RCW to read as follows:

(1) No contract for the purchase of materials, equipment, supplies, or services may be entered into by the county legislative authority or by any elected or appointed officer of the county until after bids have been submitted to the county. Bid specifications shall be in writing and shall be filed with the clerk of the county legislative authority for public inspection. An advertisement shall be published in the official newspaper of the county stating the time and place where bids will be opened, the time after which bids will not be received, the materials, equipment, supplies, or services to be purchased, and that the specifications may be seen at the office of the clerk of the county legislative authority. The advertisement shall be published at least once at least ten days prior to the last date upon which bids will be received.

(2) The bids shall be in writing and filed with the clerk. The bids shall be opened and read in public at the time and place named in the advertisement. Immediately after the award is made, the bid quotations shall be recorded and open to public inspection and shall be available by telephone inquiry. Any or all bids may be rejected for good cause.

(3) For advertisement and formal sealed bidding to be dispensed with as to purchases between two thousand five hundred and twenty-five thousand dollars, the county legislative authority must use the uniform process to award contracts as provided in section 110 of this act.

(4) This section does not apply to performance-based contracts, as defined in RCW 39.35A.020(3), that are negotiated under chapter 39.35A RCW; or contracts and purchases for the printing of election ballots, voting machine labels, and all other election material containing the names of candidates and ballot titles.

(5) Nothing in this section shall prohibit the legislative authority of any county from allowing for preferential purchase of products made from recycled materials or products that may be recycled or reused.

NEW SECTION. Sec. 63. A new section is added to chapter 36.32 RCW to read as follows:

No lease may be entered into by the county legislative authority or by any elected or appointed officer of the county until after bids have been submitted to the county. The county shall use the same procedures specified in sections 62 and 110 of this act for awarding contracts for purchases when it leases property from the lowest responsible bidder.

Sec. 64. RCW 36.33.060 and 1973 1st ex.s. c 38 s 1 are each amended to read as follows:

~~((There is created in class AA and class A counties and counties of the first class a fund to be known as the salary fund, which shall))~~ The county legislative authority of each county with a population of one hundred twenty-five thousand or more shall establish a salary fund to be used for paying

the salaries and wages of all officials and employees. (~~In counties smaller than counties of the first class~~) The county legislative authority of any other county may (~~by resolution~~) establish such a salary fund. Said salary fund shall be reimbursed from any county funds or other funds under the jurisdiction or control of the county treasurer or county auditor budgeted for salaries and wages. The deposits shall be made in the exact amount of the payroll or vouchers paid from the salary fund.

Sec. 65. RCW 36.33.065 and 1973 1st ex.s. c 38 s 2 are each amended to read as follows:

The county legislative authority of any (~~class~~) county may establish by resolution a fund to be known as the claims fund, which shall be used for paying claims against the county. Such claims fund shall be reimbursed from any county funds or other funds under the jurisdiction or control of the county treasurer or county auditor budgeted for such expenditures. The deposits shall be made in the exact amount of the vouchers paid from the claims fund.

Sec. 66. RCW 36.34.020 and 1985 c 469 s 45 are each amended to read as follows:

Whenever the county legislative authority desires to dispose of any county property except:

- (1) When selling to a governmental agency;
- (2) When personal property to be disposed of is to be traded in upon the purchase of a like article;
- (3) When the value of the property to be sold is less than two thousand five hundred dollars;
- (4) When the county legislative authority by a resolution setting forth the facts has declared an emergency to exist; it shall publish notice of its intention so to do once each week during two successive weeks in a legal newspaper of general circulation in the county.

Sec. 67. RCW 36.34.050 and 1963 c 4 s 36.34.050 are each amended to read as follows:

Within three days after the hearing upon a proposal to dispose of county property, the (~~board of county commissioners~~) county legislative authority shall make its findings and determination thereon and cause them to be spread upon its minutes and made a matter of record. The county legislative authority may set a minimum sale price on property that is proposed for sale.

Sec. 68. RCW 36.34.080 and 1965 ex.s. c 23 s 1 are each amended to read as follows:

All sales of county property ordered after a public hearing upon the proposal to dispose thereof must be (~~made by the county treasurer at such place on county property as the board of county commissioners may direct to the highest and best bidder at public auction~~) supervised by the county

treasurer and may be sold at a county or other government agency's public auction, at a privately operated consignment auction that is open to the public, or by sealed bid to the highest and best bidder over minimum sale price as directed by the county legislative authority.

Sec. 69. RCW 36.34.090 and 1985 c 469 s 46 are each amended to read as follows:

Whenever county property is to be sold at public auction, consignment auction, or sealed bid, the county auditor shall publish notice thereof once during each of two successive calendar weeks in a newspaper of general circulation in the county. Notice thereof must also be posted in a conspicuous place in the courthouse. The posting and date of first publication must be at least ten days before the day fixed for the sale.

Sec. 70. RCW 36.34.100 and 1963 c 4 s 36.34.100 are each amended to read as follows:

The notice of sale of county property by auction sale must particularly describe the property to be sold and designate the day and hour and the ~~((place of sale. If real property is to be sold on terms, the terms must be stated in the notice))~~ location of the auction sale. The notice of sale of county property by sealed bid must describe the property to be sold, designate the date and time after which the bids are not received, the location to turn in the sealed bid, and the date, time, and location of the public meeting of the county legislative authority when the bids are opened and read in public.

Sec. 71. RCW 36.47.040 and 1977 ex.s. c 221 s 1 are each amended to read as follows:

Each county which designates the Washington state association of county officials as the agency through which the duties imposed by RCW 36.47.020 may be executed is authorized to reimburse the association from the county current expense fund for the cost of any such services rendered: PROVIDED, That no reimbursement shall be made to the association for any expenses incurred under RCW 36.47.050 for travel, meals, or lodging of such county officials, or their representatives at such meetings, but such expenses may be paid by such official's respective county as other expenses are paid for county business. Such reimbursement shall be paid only on vouchers submitted to the county auditor and approved by the ~~((board of county commissioners))~~ legislative authority of each county in the manner provided for the disbursement of other current expense funds. Each such voucher shall set forth the nature of the services rendered by the association, supported by affidavit that the services were actually performed. ~~((The total of such reimbursements for any county in any calendar year shall not exceed a sum equal to the amount which would be raised by a levy of one-half of a cent per thousand dollars of assessed value against the taxable property in such county:))~~

Sec. 72. RCW 36.56.010 and 1977 ex.s. c 277 s 1 are each amended to read as follows:

Any (~~class AA or class A~~) county with a population of two hundred ten thousand or more in which a metropolitan municipal corporation has been established pursuant to chapter 35.58 RCW with boundaries coterminous with the boundaries of the county may by ordinance or resolution, as the case may be, of the county legislative authority assume the rights, powers, functions, and obligations of such metropolitan municipal corporation in accordance with the provisions of this 1977 amendatory act. The definitions contained in RCW 35.58.020 shall be applicable to this chapter.

Sec. 73. RCW 36.57A.020 and 1975 1st ex.s. c 270 s 12 are each amended to read as follows:

The county legislative authority of every (~~class A, class 1, class 2, or class 3~~) county with a population of forty thousand or more shall, and the legislative authority of every other county may, within ninety days of July 1, 1975, and as often thereafter as it deems necessary, and upon thirty days prior written notice addressed to the legislative body of each city within the county and with thirty days public notice, convene a public transportation improvement conference to be attended by an elected representative selected by the legislative body of each city, within such county, and by the county (~~commissioners~~) legislative authority. Such conference shall be for the purpose of evaluating the need for and the desirability of the creation of a public transportation benefit area within certain incorporated and unincorporated portions of the county to provide public transportation services within such area. In those counties where county officials believe the need for public transportation service extends across county boundaries so as to provide public transportation service in a metropolitan area, the county legislative bodies of two or more neighboring counties may elect to convene a multi-county conference. In addition, county-wide conferences may be convened by resolution of the legislative bodies of two or more cities within the county, not to exceed one in any twelve month period, or a petition signed by at least ten percent of the registered voters in the last general election of the city, county or city/county areas of a proposed benefit area. The (~~chairman~~) chair of the conference shall be elected from the members at large.

Sec. 74. RCW 36.58.030 and 1989 c 431 s 27 are each amended to read as follows:

As used in RCW 36.58.030 through 36.58.060, the term "transfer station" means a staffed, fixed supplemental facility used by persons and route collection vehicles to deposit solid wastes into transfer trailers for transportation to a disposal site. This does not include detachable containers, except in (~~third class or smaller~~) counties with a population of less than seventy thousand, and in any (~~first class~~) county with a population of from one hundred twenty-five thousand to less than two hundred ten thousand that is

located east of the crest of the Cascade mountain range, where detachable containers shall be securely fenced, staffed by an attendant during all hours when the detachable container is open to the public, charge a tipping fee that shall cover the cost of providing and for use of the service, and shall be operated as a transfer station.

Sec. 75. RCW 36.58.100 and 1982 c 175 s 1 are each amended to read as follows:

The legislative authority of any county (~~other than a class AA county~~) with a population of less than one million is authorized to establish one or more solid waste disposal districts within the county for the purpose of providing and funding solid waste disposal services. No solid waste disposal district may include any area within the corporate limits of a city or town unless the city or town governing body adopts a resolution approving inclusion of the area within its limits. The county legislative authority may modify the boundaries of the solid waste disposal district by the same procedure used to establish the district. A solid waste disposal district may be dissolved by the county legislative authority after holding a hearing as provided in RCW 36.58.110.

As used in RCW 36.58.100 through 36.58.150 the term "county" includes all counties other than (~~class AA counties~~) a county with a population of one million or more.

A solid waste disposal district is a quasi-municipal corporation, an independent taxing "authority" within the meaning of Article VII, section 1 of the state Constitution, and a "taxing district" within the meaning of Article VII, section 2 of the state Constitution.

A solid waste disposal district shall constitute a body corporate and shall possess all the usual powers of a corporation for public purposes as well as all other powers that may now or hereafter be specifically conferred by statute: PROVIDED, That a solid waste disposal district shall not have the power of eminent domain.

The county legislative authority shall be the governing body of a solid waste disposal district. The electors of a solid waste disposal district shall be all registered voters residing within the district.

NEW SECTION. Sec. 76. A new section is added to chapter 36.62 RCW to read as follows:

All work ordered and materials purchased by a hospital shall be subject to the requirements established in RCW 70.44.140 for public hospital districts.

Sec. 77. RCW 36.64.060 and 1985 c 7 s 105 are each amended to read as follows:

Whenever the (~~board of county commissioners~~) county legislative authority of a county (~~of the first class~~) with a population of one hundred twenty-five thousand or more deems it for the interest of the county to

construct or to aid the United States in constructing a canal to connect any bodies of water within the county, such county may construct such canal or aid the United States in constructing it and incur indebtedness for such purpose to an amount not exceeding five hundred thousand dollars and issue its negotiable bonds therefor in the manner and form provided in RCW 36-.67.010. Such construction or aid in construction is a county purpose.

Sec. 78. RCW 36.64.070 and 1965 c 24 s 1 are each amended to read as follows:

Any (~~class AA or class A~~) county with a population of two hundred ten thousand or more may contract with any city or cities within such county for the financing, erection, ownership, use, lease, operation, control or maintenance of any building or buildings, including open spaces, off-street parking facilities for the use of county and city employees and persons doing business with such county or city, plazas and other improvements incident thereto, for county or city, or combined county-city, or other public use. Property for such buildings and related improvements may be acquired by either such county or city or by both by lease, purchase, donation, exchange, and/or gift or by eminent domain in the manner provided by law for the exercise of such power by counties and cities respectively and any property acquired hereunder, together with the improvements thereon, may be sold, exchanged or leased, as the interests of said county, city or cities may from time to time require.

Sec. 79. RCW 36.69.010 and 1990 c 32 s 1 are each amended to read as follows:

Park and recreation districts are hereby authorized to be formed (~~in each and every class of county~~) as municipal corporations for the purpose of providing leisure time activities and facilities and recreational facilities, of a nonprofit nature as a public service to the residents of the geographical areas included within their boundaries.

The term "recreational facilities" means parks, playgrounds, gymnasiums, swimming pools, field houses, bathing beaches, stadiums, golf courses, automobile race tracks and drag strips, coliseums for the display of spectator sports, public campgrounds, boat ramps and launching sites, public hunting and fishing areas, arboretums, bicycle and bridle paths, senior citizen centers, community centers, and other recreational facilities.

Sec. 80. RCW 36.70.540 and 1963 c 4 s 36.70.540 are each amended to read as follows:

Whenever a (~~board~~) county legislative authority has approved by motion and certified all or part of a comprehensive plan, no (~~street~~) road, square, park or other public ground or open space shall be acquired by dedication or otherwise(~~(, no street shall be disposed of, closed or abandoned;)~~) and no public building or structure shall be constructed or authorized to be constructed in the area to which the comprehensive plan applies

until its location, purpose and extent has been submitted to and reported upon by the planning agency. The report by the planning agency shall set forth the manner and the degree to which the proposed project does or does not conform to the objectives of the comprehensive plan. If final authority is vested by law in some governmental officer or body other than the ~~((board))~~ county legislative authority, such officer or governmental body shall report the project to the planning agency and the planning agency shall render its report to such officer or governmental body. In both cases the report of the planning agency shall be advisory only. Failure of the planning agency to report on such matter so referred to it within forty days or such longer time as the ~~((board))~~ county legislative authority or other governmental officer or body may indicate, shall be deemed to be approval.

NEW SECTION. Sec. 81. A new section is added to chapter 36.77 RCW to read as follows:

In lieu of the procedure for awarding contracts that is provided in RCW 36.77.020 through 36.77.040, a county may award contracts for public works projects on county roads with an estimated value of one hundred thousand dollars or less using a small works roster process as provided in section 109 of this act.

Sec. 82. RCW 36.78.020 and 1965 ex.s. c 120 s 2 are each amended to read as follows:

"Standards of good practice" shall mean general and uniform practices formulated and adopted by the board relating to the administration of county roads ~~((for the several classes of counties))~~ which shall apply to engineering, maintenance, traffic control, safety, planning, programming, road classification, road inventories, budgeting and accounting procedures, equipment policies, and personnel policies.

Sec. 83. RCW 36.78.040 and 1965 ex.s. c 120 s 4 are each amended to read as follows:

Six members of the county road administration board shall be county ~~((commissioners))~~ legislative authority members and three members shall be county engineers. If any member, during the term for which he or she is appointed ceases to be either a ~~((county commissioner))~~ member of a county legislative authority or a county engineer, as the case may be, his or her membership on the county road administration board is likewise terminated. Three members of the board shall be from counties ~~((of the following classes: Class AA, class A, or first class))~~ with a population of one hundred twenty-five thousand or more. Four members shall be from counties ~~((of the following classes: Second class, third class, fourth class, or fifth class))~~ with a population of from twelve thousand to less than one hundred twenty-five thousand. Two members shall be from counties ~~((of the following classes: Sixth class, seventh class, eighth class, or ninth class))~~ with a population

of less than twelve thousand. Not more than one member of the board shall be from any one county.

Sec. 84. RCW 36.79.140 and 1990 c 42 s 104 are each amended to read as follows:

At the time the board reviews the six-year program of each county each even-numbered year, it shall consider and shall approve for inclusion in its recommended budget, as required by RCW 36.79.130, the portion of the rural arterial construction program scheduled to be performed during the biennial period beginning the following July 1st. Subject to the appropriations actually approved by the legislature, the board shall as soon as feasible approve rural arterial trust account funds to be spent during the ensuing biennium for preliminary proposals in priority sequence as established pursuant to RCW 36.79.090. Only those counties that during the preceding twelve months have spent all revenues collected for road purposes only for such purposes, including traffic law enforcement, as are allowed to the state by Article II, section 40 of the state Constitution are eligible to receive funds from the rural arterial trust account: **PROVIDED HOWEVER,** That counties ~~((of the seventh class))~~ with a population of from five thousand to less than eight thousand are exempt from this eligibility restriction: **AND PROVIDED FURTHER,** That counties expending revenues collected for road purposes only on other governmental services after authorization from the voters of that county under RCW 84.55.050 are also exempt from this eligibility restriction. The board shall authorize rural arterial trust account funds for the construction project portion of a project previously authorized for a preliminary proposal in the sequence in which the preliminary proposal has been completed and the construction project is to be placed under contract. At such time the board may reserve rural arterial trust account funds for expenditure in future years as may be necessary for completion of preliminary proposals and construction projects to be commenced in the ensuing biennium.

The board may, within the constraints of available rural arterial trust funds, consider additional projects for authorization upon a clear and conclusive showing by the submitting county that the proposed project is of an emergent nature and that its need was unable to be anticipated at the time the six-year program of the county was developed. The proposed projects shall be evaluated on the basis of the priority rating factors specified in RCW 36.79.080.

Sec. 85. RCW 36.80.010 and 1984 c 11 s 1 are each amended to read as follows:

The ~~((board))~~ county legislative authority of each county with a population of eight thousand or more shall employ a full-time county road engineer residing in the county. ~~((In seventh, eighth, and ninth class counties it may employ))~~ The county legislative authority of each other county shall employ a county engineer on either a full-time or part-time basis who need

not be a resident of the county, or ~~((it))~~ may contract with ~~((other counties))~~ another county for the engineering services of a county road engineer from such other ~~((counties))~~ county.

Sec. 86. RCW 36.81.130 and 1975 1st ex.s. c 21 s 4 are each amended to read as follows:

The laying out, construction, and maintenance of all county roads shall hereafter be in accordance with the following procedure:

On or before the first Monday in ~~((July))~~ October of each year each county road engineer shall file with the county legislative authority a recommended plan for the laying out, construction, maintenance, and special maintenance of county roads for the ensuing fiscal year. Such recommended plan need not be limited to but shall include the following items: Recommended projects, including capital expenditures for ferries, docks, and related facilities, and their priority; the estimated cost of all work, including labor and materials for each project recommended; a statement as to whether such work is to be done by the county forces or by publicly advertised contract; a list of all recommended repairs to and purchases of road equipment, together with the estimated costs thereof. Amounts to be expended for maintenance and special maintenance shall be recommended, but details of these proposed expenditures shall not be made. The recommended plan shall conform as nearly as practicable to the county's long range road program.

~~((Within two weeks after the))~~ After filing of the road engineer's recommended plan, the county legislative authority shall consider the same. Revisions and changes may be made until a plan which is agreeable to a majority of the members of the county legislative authority has been adopted: PROVIDED, That such revisions shall conform as nearly as practicable to the county's long range road program. Any appropriations contained in the county road budget shall be void unless the county's road plan was adopted prior to such appropriation.

The final road plan for the fiscal year shall not thereafter be changed except by unanimous vote of the county legislative authority.

Sec. 87. RCW 36.82.020 and 1963 c 4 s 36.82.020 are each amended to read as follows:

Any funds accruing to and to be deposited in the county road fund arising from any levy in any road district shall be expended for proper county road purposes ~~((entirely within the limits of the road district from which the same was or is collected. PROVIDED, That nothing in this section shall prevent the loan or rental of equipment by one road district to another road district in the county))~~.

Sec. 88. RCW 36.82.160 and 1969 ex.s. c 182 s 14 are each amended to read as follows:

Each (~~board of county commissioners~~) county legislative authority, with the assistance of the county road engineer, shall prepare and file with the county auditor on or before the second Monday in August in each year, detailed and itemized estimates of all expenditures required in the county for the ensuing fiscal year. In the preparation and adoption of the county road budget the (~~board~~) legislative authority shall determine and budget (~~the respective percentages of the~~) sums to become available for the following county road purposes: (1) Administration; (2) bond and warrant retirement; (3) maintenance; (4) construction; (5) operation of equipment rental and revolving fund; and (6) such other items relating to the county road budget as may be required by the county road administration board; and the respective amounts as adopted for these several items in the final budget for the ensuing calendar year shall not be altered or exceeded except as by law provided.

Sec. 89. RCW 36.87.020 and 1985 c 369 s 4 are each amended to read as follows:

(~~Ten freeholders residing in the vicinity of~~) Owners of the majority of the frontage on any county road or portion thereof may petition the county legislative authority to vacate and abandon the same or any portion thereof. The petition must show the land owned by each petitioner and set forth that such county road is useless as part of the county road system and that the public will be benefited by its vacation and abandonment. The legislative authority may (1) require the petitioners to make an appropriate cash deposit or furnish an appropriate bond against which all costs and expenses incurred in the examination, report, and proceedings pertaining to the petition shall be charged; or (2) by ordinance or resolution require the petitioners to pay a fee adequate to cover such costs and expenses.

NEW SECTION. Sec. 90. A new section is added to chapter 36.88 RCW to read as follows:

At its option, a county may include the value of right of way or property that is donated or given to the county for purposes of an improvement to be financed by a road improvement district, together with the costs of acquiring other rights of way or property for the improvement that was not donated or given to the county, in the costs of the improvement and credit or reduce the assessments imposed on benefited property for the value of the right of way or property that the owner of the benefited property donated or gave to the county for the improvement.

Sec. 91. RCW 36.93.030 and 1969 ex.s. c 111 s 1 are each amended to read as follows:

(1) There is hereby created and established in each (~~class AA and class A~~) county with a population of two hundred ten thousand or more a board to be known and designated as a "boundary review board".

(2) A boundary review board may be created and established in any other ((class)) county in the following manner:

(a) The ((board-of)) county ((commissioners)) legislative authority may, by majority vote, adopt a resolution establishing a boundary review board; or

(b) A petition seeking establishment of a boundary review board signed by qualified electors residing in the county equal in number to at least five percent of the votes cast in the county at the last county general election may be filed with the county auditor.

Upon the filing of such a petition, the county auditor shall examine the same and certify to the sufficiency of the signatures thereon. No person may withdraw his or her name from a petition after it has been filed with the auditor. Within thirty days after the filing of such petition, the county auditor shall transmit the same to the ((board-of)) county ((commissioners)) legislative authority, together with his or her certificate of sufficiency.

After receipt of a valid petition for the establishment of a boundary review board, the ((board-of)) county ((commissioners)) legislative authority shall submit the question of whether a boundary review board should be established to the electorate at the next county primary or county general election which occurs more than ((thirty)) forty-five days from the date of receipt of the petition. Notice of the election shall be given as provided in RCW 29.27.080 and shall include a clear statement of the proposal to be submitted.

If a majority of the persons voting on the proposition shall vote in favor of the establishment of the boundary review board, such board shall thereupon be deemed established.

Sec. 92. RCW 36.93.040 and 1967 c 189 s 4 are each amended to read as follows:

For the purposes of this chapter, ((counties other than class AA and class A)) each county with a population of less than two hundred ten thousand shall be deemed to have established a boundary review board((s)) on and after the date a proposition for establishing the same has been approved at an election as provided for in RCW 36.93.030, or on and after the date of adoption of a resolution of the ((board-of)) county ((commissioners)) legislative authority establishing the same as provided for in RCW 36.93.030.

Sec. 93. RCW 36.93.051 and 1989 c 84 s 17 are each amended to read as follows:

The boundary review board in ((class AA counties)) each county with a population of one million or more shall consist of eleven members chosen as follows:

- (1) Three persons shall be appointed by the governor;
- (2) Three persons shall be appointed by the county appointing authority;

(3) Three persons shall be appointed by the mayors of the cities and towns located within the county; and

(4) Two persons shall be appointed by the board from nominees of special districts in the county.

The governor shall designate one initial appointee to serve a term of two years, and two initial appointees to serve terms of four years, if the appointments are made in an odd-numbered year, or one initial appointee to serve a term of one year, and two initial appointees to serve terms of three years, if the appointments are made in an even-numbered year, with the length of the term being calculated from the first day of February in the year the appointment was made.

The county appointing authority shall designate one of its initial appointees to serve a term of two years, and two of its initial appointees to serve terms of four years, if the appointments are made in an odd-numbered year, or one of its initial appointees to serve a term of one year, and two of its initial appointees to serve terms of three years, if the appointments are made in an even-numbered year, with the length of the term being calculated from the first day of February in the year the appointment was made.

The mayors making the initial city and town appointments shall designate two of their initial appointees to serve terms of two years, and one of their initial appointees to serve a term of four years, if the appointments are made in an odd-numbered year, or two of their initial appointees to serve terms of one year, and one of their initial appointees to serve a term of three years, if the appointments are made in an even-numbered year, with the length of the term being calculated from the first day of February in the year the appointment was made.

The board shall make two initial appointments from the nominees of special districts, with one appointee serving a term of four years and one initial appointee serving a term of two years, if the appointments are made in an odd-numbered year, or one initial appointee serving a term of three years and one initial appointee serving a term of one year if the appointments are made in an even-numbered year, with the length of the term being calculated from the first day of March in the year in which the appointment is made.

After the initial appointments, all appointees shall serve four-year terms.

No appointee may be an official or employee of the county or a governmental unit in the county, or a consultant or advisor on a contractual or regular retained basis of the county, any governmental unit in the county, or any agency or association thereof.

Sec. 94. RCW 36.93.061 and 1989 c 84 s 18 are each amended to read as follows:

The boundary review board in (~~all counties other than class AA counties~~) each county with a population of less than one million shall consist of five members chosen as follows:

- (1) Two persons shall be appointed by the governor;
- (2) One person shall be appointed by the county appointing authority;
- (3) One person shall be appointed by the mayors of the cities and towns located within the county; and
- (4) One person shall be appointed by the board from nominees of special districts in the county.

The governor shall designate one initial appointee to serve a term of two years, and one initial appointee to serve a term of four years, if the appointments are made in an odd-numbered year, or one initial appointee to serve a term of one year, and one initial appointee to serve a term of three years, if the appointments are made in an even-numbered year, with the length of a term being calculated from the first day of February in the year that the appointment was made.

The initial appointee of the county appointing authority shall serve a term of two years, if the appointment is made in an odd-numbered year, or a term of one year, if the appointment is made in an even-numbered year. The initial appointee by the mayors shall serve a term of four years, if the appointment is made in an odd-numbered year, or a term of three years, if the appointment is made in an even-numbered year. The length of the term shall be calculated from the first day in February in the year the appointment was made.

The board shall make one initial appointment from the nominees of special districts to serve a term of two years if the appointment is made in an odd-numbered year, or a term of one year if the appointment is made in an even-numbered year, with the length of the term being calculated from the first day of March in the year in which the appointment is made.

After the initial appointments, all appointees shall serve four-year terms.

No appointee may be an official or employee of the county or a governmental unit in the county, or a consultant or advisor on a contractual or regular retained basis of the county, any governmental unit in the county, or any agency or association thereof.

Sec. 95. RCW 36.93.063 and 1989 c 84 s 19 are each amended to read as follows:

The executive of the county shall make the appointments under RCW 36.93.051 and 36.93.061 for the county, if one exists, or otherwise the county legislative authority shall make the appointments for the county.

The mayors of all cities and towns in the county shall meet on or before the last day of January in each odd-numbered year to make such appointments for terms to commence on the first day of February in that year. The date of the meeting shall be called by the mayor of the largest city or

town in the county, and the mayor of the largest city or town in the county who attends the meeting shall preside over the meeting. Selection of each appointee shall be by simple majority vote of those mayors who attend the meeting.

Any special district in the county may nominate a person to be appointed to the board on or before the last day of January in each odd-numbered year that the term for this position expires. The board shall make its appointment of a nominee or nominees from the special districts during the month of February following the date by which such nominations are required to be made.

The county appointing authority and the mayors of cities and towns within the county shall make their initial appointments for newly created boards within sixty days of the creation of the board or shall make sufficient additional appointments to increase a five-member board to an eleven-member board within sixty days of the date the county (~~((becomes a class AA county))~~) obtains a population of one million or more. The board shall make its initial appointment or appointments of board members from the nominees of special districts located within the county within ninety days of the creation of the board or shall make an additional appointment of a board member from the nominees of special districts located within the county within ninety days of the date the county (~~((becomes a class AA county))~~) obtains a population of one million or more.

The term of office for all appointees other than the appointee from the special districts shall commence on the first day of February in the year in which the term is to commence. The term of office for the appointee from nominees of special districts shall commence on the first day of March in the year in which the term is to commence.

Vacancies on the board shall be filled by appointment of a person to serve the remainder of the term in the same manner that the person whose position is vacant was filled.

Sec. 96. RCW 36.93.100 and 1989 c 84 s 3 are each amended to read as follows:

The board shall review and approve, disapprove, or modify any of the actions set forth in RCW 36.93.090 when any of the following shall occur within forty-five days of the filing of a notice of intention:

(1) Three members of a five-member boundary review board or five members of a boundary review board in a (~~(class AA)~~) county with a population of one million or more files a request for review: PROVIDED, That the members of the boundary review board shall not be authorized to file a request for review of the following actions:

(a) The incorporation or change in the boundary of any city, town, or special purpose district;

(b) The extension of permanent water service outside of its existing corporate boundaries by a city, town, or special purpose district where such

extension is through the installation of water mains of six inches or less in diameter; or

(c) The extension of permanent sewer service outside of its existing corporate boundaries by a city, town, or special purpose district where such extension is through the installation of sewer mains of eight inches or less in diameter;

(2) Any governmental unit affected, including the governmental unit for which the boundary change or extension of permanent water or sewer service is proposed, or the county within which the area of the proposed action is located, files a request for review of the specific action;

(3) A petition requesting review is filed and is signed by:

(a) Five percent of the registered voters residing within the area which is being considered for the proposed action (as determined by the boundary review board in its discretion subject to immediate review by writ of certiorari to the superior court); or

(b) An owner or owners of property consisting of five percent of the assessed valuation within such area;

(4) The majority of the members of boundary review boards concur with a request for review when a petition requesting the review is filed by five percent of the registered voters who deem themselves affected by the action and reside within one-quarter mile of the proposed action but not within the jurisdiction proposing the action.

If a period of forty-five days shall elapse without the board's jurisdiction having been invoked as set forth in this section, the proposed action shall be deemed approved.

If a review of a proposal is requested, the board shall make a finding as prescribed in RCW 36.93.150 within one hundred twenty days after the filing of such a request for review. If this period of one hundred twenty days shall elapse without the board making a finding as prescribed in RCW 36.93.150, the proposal shall be deemed approved unless the board and the person who submitted the proposal agree to an extension of the one hundred twenty day period.

Sec. 97. RCW 36.93.140 and 1967 c 189 s 14 are each amended to read as follows:

Actions described in RCW 36.93.090 which are pending July 1, 1967, or actions in counties (~~other than class AA or class A~~) with populations of less than two hundred ten thousand which are pending on the date of the creation of a boundary review board therein, shall not be affected by the provisions of this chapter. Actions shall be deemed pending on and after the filing of sufficient petitions initiating the same with the appropriate public officer, or the performance of an official act initiating the same.

Sec. 98. RCW 36.95.020 and 1971 ex.s. c 155 s 2 are each amended to read as follows:

A district's boundary may include any part or all of any ((class)) county and may include any part or all of any incorporated area located within the county. A district's boundary may not include any territory already being served by a cable TV system (CATV) unless on August 9, 1971, there is a translator station retransmitting television signals to such territory.

NEW SECTION. Sec. 99. PURPOSE. Voters of the unincorporated areas of the state are authorized to establish community councils as provided in this chapter.

It is the purpose of this chapter to provide voters of unincorporated areas in counties with a population of over thirty thousand that are made up entirely of islands with direct input on the planning and zoning of their community by establishing a governmental mechanism to adopt proposed community comprehensive plans and proposed community zoning ordinances that are consistent with an overall guide and framework adopted by the county legislative authority. In addition, it is the purpose of this chapter to have community councils serve as forums for the discussion of local issues.

NEW SECTION. Sec. 100. DEFINITIONS. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Community" means a portion of the unincorporated area for which a community council has been established and which is located in a county with a population of over thirty thousand that is made up entirely of islands.

(2) "Community comprehensive plan" means a comprehensive plan adopted by a community council.

(3) "Community council" means the governing body established under this chapter to adopt community comprehensive plans and community zoning ordinances for a community.

(4) "Community zoning ordinances" means the zoning ordinances adopted by a community council to implement a community comprehensive plan.

NEW SECTION. Sec. 101. MINIMUM REQUIREMENTS FOR A COMMUNITY COUNCIL. A community for which a community council is created may include only unincorporated territory located in a single county with a population of over thirty thousand that is made up entirely of islands and not included within a city or town. A community council must have at least one thousand persons residing within the community when the community council is created or, where the community only includes an entire island, at least three hundred persons must reside on the island when the community council is created. Any portion of such a community that is

annexed by a city or town, or is incorporated as a city or town, shall be removed from the community upon the effective date of the annexation or the official date of the incorporation.

NEW SECTION. Sec. 102. CREATION. (1) The process to create a community council shall be initiated by the filing of petitions with the county auditor of the county in which the community is located which: (a) Call for the creation of a community council; (b) set forth the boundaries for the community; (c) indicate the number of community councilmembers, which shall be five, seven, nine, or eleven; and (d) contain signatures of voters residing within the community equal in number to at least ten percent of the voters residing in the community who voted at the last state general election. The county auditor shall determine if the petitions contain a sufficient number of valid signatures and certify the sufficiency of the petitions within fifteen days of when the petitions were filed. If the petitions are certified as having sufficient valid signatures, the county auditor shall transmit the petitions and certificate to the county legislative authority.

(2) The county legislative authority shall hold a public hearing within the community on the creation of the proposed community council no later than sixty days after the petitions and certificate of sufficiency were transmitted to the county legislative authority. Notice of the public hearing shall be published in a newspaper of general circulation in the community for at least once a week for two consecutive weeks, with the last date of publication no more than ten days prior to the date of the public hearing. At least ten days before the public hearing, additional notice shall be posted conspicuously in at least five places within the proposed community in a manner designed to attract public attention.

(3) After receiving testimony on the creation of the proposed community council, the county legislative authority may alter the boundaries of the community, but the boundaries may not be altered to reduce the number of persons living within the community by more than ten percent or below the minimum number of residents who must reside within the community at the time of the creation of the community council. If territory is added to the community, another public hearing on the proposal shall be held.

(4) The county legislative authority shall call a special election within the community to determine whether the proposed community council shall be created, and to elect the initial community councilmembers, at the next state general election occurring seventy-five or more days after the initial public hearing on the creation of the proposed community council. The community council shall be created if the ballot proposition authorizing the creation of the community is approved by a simple majority vote of the voters voting on the proposition.

NEW SECTION. Sec. 103. ELECTION OF INITIAL COMMUNITY COUNCILMEMBERS. The initial members of the community council shall be elected at the same election as the ballot proposition is submitted

authorizing the creation of the community council. However, the election of the initial community councilmembers shall be null and void if the ballot proposition authorizing the creation of the community council is not approved.

No primary election shall be held to nominate candidates for initial council positions. The initial community council shall consist of the candidate for each council position who receives the greatest number of votes for that council position. Staggering of terms of office shall be accomplished by having the majority of the winning candidates who receive the greatest number of votes being elected to four-year terms of office, and the remaining winning candidates being elected to two-year terms of office, if the election was held in an even-numbered year, or the majority of the winning candidates who receive the greatest number of votes being elected to three-year terms of office, and the remaining winning candidates being elected to one-year terms of office, if the election was held in an odd-numbered year, with the term computed from the first day of January in the year following the election. Initial councilmembers shall take office immediately when qualified in accordance with RCW 29.01.135.

However, where the county operates under a charter providing for the election of members of the county legislative authority in odd-numbered years, the terms of office of the initial councilmembers shall be four years and two years, if the election of the initial councilmembers was held on an odd-numbered year, or three years and one year, if the election of the initial councilmembers was held on an even-numbered year.

NEW SECTION. Sec. 104. COMMUNITY COUNCILMEMBERS. Community councilmembers shall be elected to staggered four-year terms until their successors are elected and qualified. Each council position shall be numbered separately. Candidates shall run for specific council positions. The number of council positions shall be five, seven, nine, or eleven, as specified in the petition calling for the creation of the community council.

Community councilmembers shall be nominated and elected at non-partisan elections pursuant to general election laws, except the elections shall be held in even-numbered years, unless the county operates under a charter and members of the county legislative authority are elected in odd-numbered years, in which case, community councilmembers shall be elected in odd-numbered years.

The provisions of this section apply to the election and terms of office of the initial community councilmembers, except as provided in section 103 of this act.

A councilmember shall lose his or her council position if his or her primary residence no longer is located within the community. Vacancies on a community council shall be filled by action of the remaining councilmembers.

NEW SECTION. Sec. 105. RESPONSIBILITY OF COUNTY LEGISLATIVE AUTHORITY. (1) Within ninety days of the election at which a community council is created, the county legislative authority shall adopt an ordinance establishing policies and conditions and designating portions or components of the county comprehensive plan and zoning ordinances that serve as an overall guide and framework for the development of proposed community comprehensive plans and proposed community zoning ordinances. The conditions and policies shall conform with the requirements of chapter 36.70A RCW.

(2) Proposed community comprehensive plans and proposed community zoning ordinances that are adopted by a community council shall be submitted to the county legislative authority for its review of the consistency of the proposed plans and proposed ordinances with the ordinance adopted under subsection (1) of this section. The county legislative authority shall either approve the proposed plans and proposed ordinances as adopted, or refer the proposed plans and proposed ordinances back to the community council with written findings specifying the inconsistencies, within ninety days after they were submitted. The county comprehensive plan, or subarea plan and comprehensive plan, and zoning ordinances shall remain in effect in the community until the proposed community comprehensive plans and proposed community zoning ordinances have been approved as provided in this subsection.

(3) Each proposed amendment to approved community comprehensive plans or approved community zoning ordinances that is adopted by a community council shall be submitted to the county legislative authority for its review of the consistency of the amendment with the ordinance adopted under subsection (1) of this section. The county legislative authority shall either approve the proposed amendment as adopted or refer the proposed amendment back to the community council with written findings specifying the inconsistencies within ninety days after the proposed amendment was submitted. The unamended community comprehensive plans and unamended community zoning ordinances shall remain in effect in the community until the proposed amendment has been approved as provided in this subsection.

(4) If the county legislative authority amends the ordinance it adopted under subsection (1) of this section, a community council shall be given at least one hundred twenty days to amend its community comprehensive plans and community zoning ordinances to be consistent with this amended ordinance. However, the county legislative authority may amend the community comprehensive plans and community zoning ordinances to achieve consistency with this amended ordinance. Nothing in this subsection shall preclude a community council from subsequently obtaining approval of its proposed community comprehensive plans and proposed community zoning ordinances.

(5) Approved community comprehensive plans and approved community zoning ordinances shall be enforced by the county as if they had been adopted by the county legislative authority. All quasi-judicial actions and permits relating to these plans and ordinances shall be made and decided by the county legislative authority or otherwise as provided by the county legislative authority.

(6) The county shall provide administrative and staff support for each community council within its boundaries.

NEW SECTION. Sec. 106. POWERS OF A COMMUNITY COUNCIL. A community council shall adopt proposed community comprehensive plans and proposed community zoning ordinances as provided in section 105 of this act. Community councils shall not have the authority to take quasi-judicial actions nor to decide permit applications. In addition, a community council shall serve as a forum for the discussion of local issues.

Community councils are subject to chapter 42.30 RCW, the open public meetings act.

NEW SECTION. Sec. 107. ANNEXATION. A community council may provide for the annexation of adjacent unincorporated areas to the community that are not included within another community for which a community council has been established. Annexations shall be initiated by either resolution of the community council proposing the annexation or petition of voters residing in the adjacent area, which petition: (a) Requests the annexation; (b) sets forth the boundaries of the area proposed to be annexed; and (c) contains signatures of voters residing within the area that is proposed to be annexed equal in number to at least ten percent of the voters residing in that area who voted at the last state general election. Annexation petitions shall be filed with the county auditor who shall determine if the petitions contain a sufficient number of valid signatures, certify the sufficiency of the petitions, and notify the community council of the sufficiency of the petitions within fifteen days of when the petitions are submitted.

A ballot proposition authorizing the annexation shall be submitted to the voters of the area that is proposed to be annexed at a primary or general election in either an odd-numbered or even-numbered year, if the community council initiated the annexation by resolution or if the community council concurs in an annexation that was initiated by the submission of annexation petitions containing sufficient valid signatures. The annexation shall occur if the ballot proposition authorizing the creation of the community is approved by a simple majority vote of the voters voting on the proposition. The county's comprehensive plan, and where applicable to the county's subarea plan, and zoning ordinances shall continue in effect in the annexed area until proposed amendments to the approved community comprehensive plans and approved community zoning ordinance have been approved that apply to the annexed area.

NEW SECTION. Sec. 108. DISSOLUTION. A community council shall be dissolved if the population of the community is reduced to less than five hundred persons, or less than two hundred persons if the community only includes an entire island.

At the next general election at which community councilmembers would be elected, occurring at least four years after the creation or reestablishment of a community, a ballot proposition shall be submitted to the voters of the community on whether the community shall be reestablished. If reestablished, the newly elected members of the community council and the retained members of the community council shall constitute the members of the community council.

NEW SECTION. Sec. 109. A new section is added to chapter 39.04 RCW to read as follows:

(1) This section provides a uniform process to award contracts for public works projects by those counties that are authorized to use a small works roster in lieu of the requirements for formal sealed bidding. The state statutes governing counties shall establish the maximum dollar thresholds of the contracts that can be awarded under this process, and may include other matters concerning the small works roster process, for the county.

(2) Counties may create a single general small works roster, or may create a small works roster for different categories of anticipated work. The small works roster or rosters shall consist of all responsible contractors who have requested to be on the list, and where required by law are properly licensed or registered to perform such work in this state. At least once a year, the county shall publish in a newspaper of general circulation within the jurisdiction a notice of the existence of the roster or rosters and solicit the names of contractors for such roster or rosters.

The governing body of the county shall establish a procedure for securing telephone or written quotations from the contractors on the general small works roster, or a specific small works roster for the appropriate category of work, to assure that a competitive price is established and to award contracts to the lowest responsible bidder, as defined in RCW 43.19.1911. Such invitations for quotations shall include an estimate of the scope and nature of the work to be performed as well as materials and equipment to be furnished. Whenever possible at least five contractors shall be invited to submit bids. Once a contractor has been afforded an opportunity to submit a proposal, that contractor shall not be offered another opportunity until all other appropriate contractors on the small works roster have been afforded an opportunity to submit a proposal on a contract.

A contract awarded from a small works roster under this section need not be advertised.

Immediately after an award is made, the bid quotations obtained shall be recorded, open to public inspection, and available by telephone inquiry.

NEW SECTION. Sec. 110. A new section is added to chapter 39.04 RCW to read as follows:

(1) This section provides a uniform process to award contracts for the purchase of any materials, equipment, supplies, or services by those counties that are authorized to use this process in lieu of the requirements for formal sealed bidding. The state statutes governing counties shall establish the maximum dollar thresholds of the contracts that can be awarded under this process, and may include other matters concerning the awarding of contracts for purchases, for the county.

(2) At least once per year, the county shall publish in a newspaper of general circulation within the jurisdiction a notice of the existence of vendor lists and solicit the names of vendors for the lists. Counties shall by resolution establish a procedure for securing telephone or written quotations, or both, from at least three different vendors whenever possible to assure that a competitive price is established and for awarding the contracts for the purchase of any materials, equipment, supplies, or services to the lowest responsible bidder as defined in RCW 43.19.1911. Immediately after the award is made, the bid quotations obtained shall be recorded, open to public inspection, and shall be available by telephone inquiry. A contract awarded pursuant to this section need not be advertised.

NEW SECTION. Sec. 111. A new section is added to chapter 39.04 RCW to read as follows:

Any county that utilizes the small works roster process established in section 109 of this act to award contracts for public works projects, or the uniform process established in section 110 of this act to award contracts for purchases, must post a list of the contracts awarded under sections 109 and 110 of this act at least once every two months. The list shall contain the name of the contractor or vendor awarded the contract, the amount of the contract, a brief description of the type of work performed or items purchased under the contract, and the date it was awarded. The list shall also state the location where the bid quotations for these contracts are available for public inspection.

NEW SECTION. Sec. 112. A new section is added to chapter 39.30 RCW to read as follows:

Any county may purchase any supplies, equipment, or materials at auctions conducted by the government of the United States or any agency thereof, any agency of the state of Washington, any municipality or other government agency, or any private party without being subject to public bidding requirements if the items can be obtained at a competitive price.

Sec. 113. RCW 40.04.100 and 1979 c 151 s 49 are each amended to read as follows:

The supreme court reports and the court of appeals reports shall be distributed by the state law librarian as follows:

(1) Each supreme court justice and court of appeals judge is entitled to receive one copy of each volume containing an opinion signed by him or her.

(2) The state law librarian shall retain such copies as are necessary of each for the benefit of the state law library, the supreme court and its subsidiary offices; and the court of appeals and its subsidiary offices; he or she shall provide one copy each for the official use of the attorney general and for each assistant attorney general maintaining his or her office in the attorney general's suite; three copies for the office of prosecuting attorney, in ~~((class A counties))~~ each county with a population of two hundred ten thousand or more; two copies for such office in ~~((first class counties))~~ each county with a population of from one hundred twenty-five thousand to less than two hundred ten thousand, and one copy for each other prosecuting attorney; one for each United States district court room and every superior court room in this state if regularly used by a judge of such courts; one copy for the use of each state department maintaining a separate office at the state capitol; one copy to the office of financial management, and one copy to the division of inheritance tax and escheats; one copy each to the United States supreme court, to the United States district attorney's offices at Seattle and Spokane, to the office of the United States attorney general, the library of the circuit court of appeals of the ninth circuit, the Seattle public library, the Tacoma public library, the Spokane public library, the University of Washington library, and the Washington State University library; three copies to the Library of Congress; and, for educational purposes, twelve copies to the University of Washington law library, two copies to the University of Puget Sound law library, and two copies to the Gonzaga University law school library and to such other accredited law school libraries as are hereafter established in this state; six copies to the King county law library; and one copy to each county law library organized pursuant to law in ~~((class AA counties, class A counties and in counties of the first, second and third class))~~ each county with a population of forty thousand or more.

(3) The state law librarian is likewise authorized to exchange copies of the supreme court reports and the court of appeals reports for similar reports of other states, territories, and/or governments, or for other legal materials, and to make such other and further distribution as in his or her judgment seems proper.

Sec. 114. RCW 41.14.040 and 1959 c 1 s 4 are each amended to read as follows:

Any counties ~~((of the fourth class or of lesser classifications))~~ with populations of less than forty thousand, whether contiguous or not, are authorized to establish and operate a combined civil service system to serve all counties so combined. The combination of any such counties shall be effective whenever each board of county commissioners of the counties involved adopts a resolution declaring intention to participate in the operation of a combined county civil service system in accordance with agreements

made between any such counties. Any such combined county civil service commission shall serve the employees of each county sheriff's office impartially and according to need.

All matters affecting the combined civil service commission, including the selection of commissioners, shall be decided by majority vote of all the county commissioners of the counties involved.

All the provisions of this chapter shall apply equally to any such combined civil service system.

Sec. 115. RCW 41.14.065 and 1987 c 251 s 2 are each amended to read as follows:

Any (~~class AA~~) county with a population of one million or more may assign the powers and duties of the commission to such county agencies or departments as may be designated by charter or ordinance: PROVIDED, That the powers and duties of the commission under RCW 41.14.120 shall not be assigned to any other body but shall continue to be vested in the commission, which shall exist to perform such powers and duties, together with such other adjudicative functions as may be designated by charter or ordinance.

Sec. 116. RCW 41.14.070 and 1979 ex.s. c 153 s 3 are each amended to read as follows:

The classified civil service and provisions of this chapter shall include all deputy sheriffs and other employees of the office of sheriff in each county except the county sheriff in every county and an additional number of positions, designated the unclassified service, determined as follows:

Staff Personnel	Unclassified Position Appointments
1 through 10	2
11 through 20	3
21 through 50	4
51 through 100	5
101 and over	6

The unclassified position appointments authorized by this section must include selections from the following positions up to the limit of the number of positions authorized: Undersheriff, inspector, chief criminal deputy, chief civil deputy, jail superintendent, and administrative assistant or administrative secretary. The initial selection of specific positions to be exempt shall be made by the sheriff, who shall notify the civil service commission of his or her selection. Subsequent changes in the designation of which positions are to be exempt may be made only with the concurrence of the sheriff and the civil service commission, and then only after the civil service commission has heard the issue in open meeting. Should the position or positions initially selected by the sheriff to be exempt (unclassified) pursuant to this section be under the classified civil service at the time of such selection, and

should it (or they) be occupied, the employee(s) occupying said position(s) shall have the right to return to the next highest position or a like position under classified civil service.

The county legislative authority of any (~~class AA~~) county with a population of five hundred thousand or more operating under a home rule charter may designate unclassified positions of administrative responsibility not to exceed twelve positions.

Sec. 117. RCW 41.14.210 and 1971 ex.s. c 214 s 3 are each amended to read as follows:

The county legislative (~~body of each class AA and A~~) authority or each county with a population of two hundred ten thousand or more may provide in the county budget for each fiscal year a sum equal to one percent of the preceding year's total payroll of those included under the jurisdiction and scope of this chapter. The funds so provided shall be used for the support of the commission. Any part of the funds so provided and not expended for the support of the commission during the fiscal year shall be placed in the general fund of the county, or counties according to the ratio of contribution, on the first day of January following the close of such fiscal year.

Sec. 118. RCW 41.28.020 and 1939 c 207 s 3 are each amended to read as follows:

A retirement system is hereby created and established in each city of the first class in each (~~first class~~) county with a population of one hundred twenty-five thousand or more to be known as the "employees' retirement system". This chapter shall become effective as to any such city when by ordinance of the city duly enacted its terms are expressly accepted and made applicable thereto. This section shall not be construed as preventing performance before July 1, 1939, of any preliminary work which any city council, city commission or board of administration shall deem necessary.

Sec. 119. RCW 41.56.030 and 1989 c 275 s 2 are each amended to read as follows:

As used in this chapter:

(1) "Public employer" means any officer, board, commission, council, or other person or body acting on behalf of any public body governed by this chapter as designated by RCW 41.56.020, or any subdivision of such public body. For the purposes of this section, the public employer of district court employees for wage-related matters is the respective county legislative authority, or person or body acting on behalf of the legislative authority, and the public employer for nonwage-related matters is the judge or judge's designee of the respective district court.

(2) "Public employee" means any employee of a public employer except any person (a) elected by popular vote, or (b) appointed to office pursuant to statute, ordinance or resolution for a specified term of office by the

executive head or body of the public employer, or (c) whose duties as deputy, administrative assistant or secretary necessarily imply a confidential relationship to the executive head or body of the applicable bargaining unit, or any person elected by popular vote or appointed to office pursuant to statute, ordinance or resolution for a specified term of office by the executive head or body of the public employer, or (d) who is a personal assistant to a district judge or court commissioner. For the purpose of (d) of this subsection, no more than one assistant for each judge or commissioner may be excluded from a bargaining unit.

(3) "Bargaining representative" means any lawful organization which has as one of its primary purposes the representation of employees in their employment relations with employers.

(4) "Collective bargaining" means the performance of the mutual obligations of the public employer and the exclusive bargaining representative to meet at reasonable times, to confer and negotiate in good faith, and to execute a written agreement with respect to grievance procedures and collective negotiations on personnel matters, including wages, hours and working conditions, which may be peculiar to an appropriate bargaining unit of such public employer, except that by such obligation neither party shall be compelled to agree to a proposal or be required to make a concession unless otherwise provided in this chapter. In the case of the Washington state patrol, "collective bargaining" shall not include wages and wage-related matters.

(5) "Commission" means the public employment relations commission.

(6) "Executive director" means the executive director of the commission.

(7) "Uniformed personnel" means (a) law enforcement officers as defined in RCW 41.26.030 as now or hereafter amended, of cities with a population of fifteen thousand or more or law enforcement officers employed by the governing body of any county (~~of the second class or larger~~) with a population of seventy thousand or more, or (b) fire fighters as that term is defined in RCW 41.26.030, as now or hereafter amended.

Sec. 120. RCW 42.23.030 and 1990 c 33 s 573 are each amended to read as follows:

No municipal officer shall be beneficially interested, directly or indirectly, in any contract which may be made by, through or under the supervision of such officer, in whole or in part, or which may be made for the benefit of his or her office, or accept, directly or indirectly, any compensation, gratuity or reward in connection with such contract from any other person beneficially interested therein. This section shall not apply in the following cases:

(1) The furnishing of electrical, water or other utility services by a municipality engaged in the business of furnishing such services, at the same rates and on the same terms as are available to the public generally;

(2) The designation of public depositaries for municipal funds;

(3) The publication of legal notices required by law to be published by any municipality, upon competitive bidding or at rates not higher than prescribed by law for members of the general public;

(4) The designation of a school director as clerk or as both clerk and purchasing agent of a school district;

(5) The employment of any person by a municipality, other than a county (~~of the first class or higher~~) with a population of one hundred twenty-five thousand or more, a city of the first or second class, an irrigation district encompassing in excess of fifty thousand acres, or a first class school district, for unskilled day labor at wages not exceeding one hundred dollars in any calendar month;

(6) The letting of any other contract (except a sale or lease as seller or lessor) by a municipality, other than a county (~~of the first class or higher~~) with a population of one hundred twenty-five thousand or more, a city of the first or second class, an irrigation district encompassing in excess of fifty thousand acres, or a first class school district: PROVIDED, That the total volume of business represented by such contract or contracts in which a particular officer is interested, singly or in the aggregate, as measured by the dollar amount of the municipality's liability thereunder, shall not exceed seven hundred fifty dollars in any calendar month: PROVIDED FURTHER, That in the case of a particular officer of a third class city or town (~~of the third, or fourth class~~), or a noncharter optional code city, or a member of any county fair board in a county which has not established a county purchasing department pursuant to RCW 36.32.240, the total volume of such contract or contracts authorized in this subsection may exceed seven hundred fifty dollars in any calendar month but shall not exceed nine thousand dollars in any calendar year: PROVIDED FURTHER, That there shall be public disclosure by having an available list of such purchases or contracts, and if the supplier or contractor is an official of the municipality, he or she shall not vote on the authorization;

(7) The leasing by a port district as lessor of port district property to a municipal officer or to a contracting party in which a municipal officer may be beneficially interested, if in addition to all other legal requirements, a board of three disinterested appraisers, who shall be appointed from members of the American institute of real estate appraisers by the presiding judge of the superior court in the county where the property is situated, shall find and the court finds that all terms and conditions of such lease are fair to the port district and are in the public interest;

(8) The letting of any contract for the driving of a school bus in a second class school district: PROVIDED, That the terms of such contract shall be commensurate with the pay plan or collective bargaining agreement operating in the district;

(9) The letting of any contract to the spouse of an officer of a second class school district in which less than two hundred full time equivalent students are enrolled at the start of the school year as defined in RCW 28A.150.040, when such contract is solely for employment as a certificated or classified employee of the school district, or the letting of any contract to the spouse of an officer of a second class district in which less than five hundred full time equivalent students are enrolled at the start of the school year as defined in RCW 28A.150.040, when such contract is solely for employment as a substitute teacher for the school district: PROVIDED, That the terms of such contract shall be commensurate with the pay plan or collective bargaining agreement applicable to all district employees and the board of directors has found, consistent with the written policy under RCW 28A.330.240, that there is a shortage of substitute teachers in the school district.

Sec. 121. RCW 43.99C.045 and 1989 c 265 s 1 are each amended to read as follows:

Subject to legislative appropriation, all principal proceeds of the bonds and bond anticipation notes authorized in this chapter shall be administered by the state department of social and health services exclusively for the purposes specified in this chapter and for the payment of expenses incurred in connection with the sale and issuance of the bonds and bond anticipation notes.

In carrying out the purposes of this chapter all counties of the state shall be eligible to participate in the distribution of the bond proceeds. The share coming to each county shall be determined by a division among all counties according to the relation which the population of each county, as shown by the last federal or official state census, whichever is the later, bears to the total combined population of all counties, as shown by such census; except that, each (~~sixth, seventh, or eighth class~~) county with a population of less than twelve thousand shall receive an aggregate amount of up to seventy-five thousand dollars if, through a procedure established in rule, the department has determined there is a demonstrated need and the share determined for such county is less than seventy-five thousand dollars. No single project in a (~~class A~~) county with a population of one million or more shall be eligible for more than fifteen percent of such county's total distribution of bond proceeds.

In carrying out the purposes specified in this chapter, the department may use or permit the use of the proceeds by direct expenditures, grants, or loans to any public body, including but not limited to grants to a public body as matching funds in any case where federal, local, or other funds are made available on a matching basis for purposes specified in this chapter.

In carrying out the purpose of this chapter, fixed assets acquired under this chapter, and no longer utilized by the program having custody of the assets, may be transferred to other public bodies either in the same county

or another county. Prior to such transfer the department shall first determine if the assets can be used by another program as designated by the department of social and health services in RCW 43.99C.020. Such programs shall have priority in obtaining the assets to ensure the purpose of this chapter is carried out.

Sec. 122. RCW 46.09.240 and 1986 c 206 s 9 are each amended to read as follows:

(1) After deducting administrative expenses and the expense of any programs conducted under this chapter, the interagency committee for outdoor recreation shall, at least once each year, distribute the funds it receives under RCW 46.09.110 and 46.09.170 to state agencies, counties, municipalities, federal agencies, and Indian tribes.

The committee shall adopt rules governing applications for funds administered by the agency under this chapter and shall determine the amount of money distributed to each applicant. Agencies receiving funds under this chapter for capital purposes shall consider the possibility of contracting with the state parks and recreation commission, the department of natural resources, or other federal, state, and local agencies to employ the youth development and conservation corps or other youth crews in completing the project.

(2) The interagency committee shall require each applicant for land acquisition or development funds under this section to conduct, before submitting the application, a public hearing in the nearest town of five hundred population or more, and publish notice of such hearing on the same day of each week for two consecutive weeks as follows:

(a) In the newspaper of general circulation published nearest the proposed project;

(b) In the newspaper having the largest circulation in the county or counties where the proposed project is located; and

(c) If the proposed project is located in a county (~~of class four or lower~~) with a population of less than forty thousand, the notice shall also be published in the newspaper having the largest circulation published in the nearest county that (~~is class three or above~~) has a population of forty thousand or more.

(3) The notice shall state that the purpose of the hearing is to solicit comments regarding an application being prepared for submission to the interagency committee for outdoor recreation for acquisition or development funds under the off-road and nonhighway vehicle program. The applicant shall file notice of the hearing with the department of ecology at the main office in Olympia and shall comply with the State Environmental Policy Act, chapter 43.21C RCW. A written record and a magnetic tape recording of the hearing shall be included in the application.

Sec. 123. RCW 46.52.100 and 1987 c 3 s 18 are each amended to read as follows:

Every district court, municipal court, and clerk of superior court shall keep or cause to be kept a record of every traffic complaint, traffic citation, notice of infraction, or other legal form of traffic charge deposited with or presented to the court or a traffic violations bureau, and shall keep a record of every official action by said court or its traffic violations bureau in reference thereto, including but not limited to a record of every conviction, forfeiture of bail, judgment of acquittal, finding that a traffic infraction has been committed, dismissal of a notice of infraction, and the amount of fine, forfeiture, or penalty resulting from every said traffic complaint, citation, or notice of infraction deposited with or presented to the district court, municipal court, superior court, or traffic violations bureau.

The Monday following the conviction, forfeiture of bail, or finding that a traffic infraction was committed for violation of any provisions of this chapter or other law regulating the operating of vehicles on highways, every said magistrate of the court or clerk of the court of record in which such conviction was had, bail was forfeited, or the finding made shall prepare and immediately forward to the director of licensing at Olympia an abstract of the record of said court covering the case, which abstract must be certified by the person so required to prepare the same to be true and correct. Report need not be made of any finding involving the illegal parking or standing of a vehicle.

Said abstract must be made upon a form furnished by the director and shall include the name and address of the party charged, the number, if any, of the party's driver's or chauffeur's license, the registration number of the vehicle involved, the nature of the offense, the date of hearing, the plea, the judgment, whether bail forfeited, whether the determination that a traffic infraction was committed was contested, and the amount of the fine, forfeiture, or penalty as the case may be.

Every court of record shall also forward a like report to the director upon the conviction of any person of manslaughter or other felony in the commission of which a vehicle was used.

The failure of any such judicial officer to comply with any of the requirements of this section shall constitute misconduct in office and shall be grounds for removal therefrom.

The director shall keep all abstracts received hereunder at the director's office in Olympia and the same shall be open to public inspection during reasonable business hours.

Venue in all district courts shall be before one of the two nearest district judges in incorporated cities and towns nearest to the point the violation allegedly occurred: PROVIDED, That in counties ((of class A and of the first class)) with populations of one hundred twenty-five thousand or more such cases may be tried in the county seat at the request of the defendant.

It shall be the duty of the officer, prosecuting attorney, or city attorney signing the charge or information in any case involving a charge of driving under the influence of intoxicating liquor or any drug immediately to make request to the director for an abstract of convictions and forfeitures which the director shall furnish.

Sec. 124. RCW 47.26.121 and 1990 c 266 s 4 are each amended to read as follows:

(1) There is hereby created a transportation improvement board of fifteen members, six of whom shall be county members and six of whom shall be city members. The remaining members shall be: (a) The assistant secretary of the department of transportation whose primary responsibilities relate to planning and public transportation; (b) the assistant secretary for highways of the department of transportation; and (c) the state aid engineer of the department of transportation.

(2) Of the county members of the board, one member shall be a county engineer from a county ~~((of the first class or larger))~~ with a population of one hundred twenty-five thousand or more; one member shall be a county engineer from a county ~~((of the second class or smaller))~~ with a population of less than one hundred twenty-five thousand; one member shall be the executive director of the county road administration board, created by RCW 36.78.060; two members shall be county executives, council members, or commissioners from counties ~~((of the first class or larger))~~ with a population of one hundred twenty-five thousand or more; one member shall be a county executive, council member, or commissioner from a county ~~((of the second class or smaller))~~ with a population of less than one hundred twenty-five thousand. All county members of the board, except the executive director of the county road administration board, shall be appointed. Not more than one county member of the board shall be from any one county. For the purposes of this subsection, the term county engineer shall mean the director of public works in any county in which such a position exists.

(3) Of the city members of the board two shall be chief city engineers, public works directors, or other city employees with responsibility for public works activities, of cities over twenty thousand population; one shall be a chief city engineer, public works director, or other city employee with responsibility for public works activities, of a city of less than twenty thousand population; two shall be mayors, commissioners, or city council members of cities of more than twenty thousand population; and one shall be a mayor, commissioner, or council member of a city of less than twenty thousand population. All of the city members shall be appointed. Not more than one city member of the board shall be from any one city.

(4) Appointments of county and city representatives shall be made by the secretary of the department of transportation, with initial appointments to be made by July 1, 1988. Appointees shall be chosen from a list of two persons for each position nominated by the Washington state association of

counties for county members and the association of Washington cities for city members. Except as provided in subsection (5) of this section, terms of appointment are four years. In the case of a vacancy, the appointment shall be only for the remainder of the unexpired term in which the vacancy has occurred. A vacancy shall be deemed to have occurred on the board when any member elected to public office completes that term of office or is removed therefrom for any reason or when any member employed by a political subdivision terminates such employment for whatsoever reason.

(5) The initial appointment to the board for three county representatives and three city representatives shall be for terms of two years and the remainder of the appointments shall be for terms of four years. Terms of all appointed members shall expire on June 30th of even-numbered years.

(6) The board shall elect a chair from among its members for a two-year term.

(7) Expenses of the board, including administration of the transportation improvement program, shall be paid from the urban arterial account.

Sec. 125. RCW 47.76.030 and 1990 c 43 s 11 are each amended to read as follows:

(1) The essential rail assistance account is hereby created in the state treasury. Moneys in the account may be appropriated only for the purposes specified in this section.

(2) Moneys appropriated from the account to the department of transportation may be distributed by the department to first class cities, county rail districts, counties, and port districts for the purpose of:

(a) Acquiring, maintaining, or improving branch rail lines;

(b) Operating railroad equipment necessary to maintain essential rail service;

(c) Construction of transloading facilities to increase business on light density lines or to mitigate the impacts of abandonment; or

(d) Preservation, including operation, of viable light density lines, as identified by the Washington state department of transportation, in compliance with this chapter.

(3) First class cities, county rail districts, counties, and port districts may grant franchises to private railroads for the right to operate on lines acquired, repaired, or improved under this chapter.

(4) If rail lines or rail rights of way are used by county rail districts, port districts, state agencies, or other public agencies for the purposes of rail operations and are later abandoned, the rail lines or rail rights of way cannot be used for any other purposes without the consent of the underlying fee title holder or reversionary rights holder, or compensation has been made to the underlying fee title holder or reversionary rights holder.

(5) Moneys distributed under subsection (2) of this section shall not exceed eighty percent of the cost of the service or project undertaken. At

least twenty percent of the cost shall be provided by the first class city, county, port district, or other local sources.

(6) The amount distributed under this section shall be repaid to the state by the first class city, county rail district, county, or port district. The repayment shall occur within a period not longer than fifteen years, as set by the department, of the distribution of the moneys and shall be deposited in the essential rail assistance account. The repayment schedule and rate of interest, if any, shall be set at the time of the distribution of the moneys.

(7) All earnings of investments of balances in the essential rail assistance account shall be credited to that account except as provided in RCW 43.84.090 and 43.84.092.

Sec. 126. RCW 47.76.040 and 1985 c 432 s 3 are each amended to read as follows:

The department shall sell property acquired under RCW 47.76.030 to a county rail district established under chapter 36.60 RCW, a county, a port district, or any other public or private entity authorized to operate rail service. Any public or private entity which originally donated funds to the department pursuant to RCW 47.76.030 shall receive credit against the purchase price for the amount donated to the department, less management costs, in the event such public or private entity purchases the property from the department.

If no county rail district, county, port district, or other public or private entity authorized to operate rail service offers to purchase such property within six years after its acquisition by the department, the department may sell such property in the manner provided in RCW 47.76.050. Failing this, the department may sell or convey all such property in the manner provided in RCW 47.76.060 or 47.76.080.

Sec. 127. RCW 47.76.160 and 1990 c 43 s 7 are each amended to read as follows:

(1) The essential rail banking account is created in the state treasury. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for the purposes specified in this section.

(2) Moneys in the account may be used by the department to:

(a) Purchase unused rail rights of way; or

(b) Provide up to eighty percent of the funding through loans to first class cities, port districts, counties, and county rail districts to purchase unused rail rights of way.

(3) Use of the moneys pursuant to subsection (2) of this section shall be for rights of way that meet the following criteria:

(a) The right of way has been identified, evaluated, and analyzed in the state rail plan prepared pursuant to this chapter;

(b) The right of way may be or has been abandoned;

(c) The right of way has potential for future rail service; and

(d) Reestablishment of rail service would benefit the state of Washington; and this benefit shall be based on the public and private costs and benefits of reestablishing the service compared with alternative service including necessary road improvement costs, or of taking no action.

Funds in the account may be expended for this purpose only with legislative appropriation. Funds for acquisition of any line shall be expended only after obtaining the approval of the legislative transportation committee. The department may also expend funds from the receipt of a donation of funds sufficient to cover the property acquisition and management costs. The department may receive donations of funds for this purpose, which shall be conditioned upon, and made in consideration for the repurchase rights contained in RCW 47.76.040. The department or the participating local jurisdiction shall be responsible for maintaining the right of way, including provisions for fire and weed control and for liability associated with ownership. Nothing in this section and in RCW 47.76.140 and 47.76.030 shall be interpreted or applied so as to impair the reversionary rights of abutting landowners, if any, without just compensation.

(4) All earnings of investments of balances in the essential rail banking account shall be credited to that account except as provided in RCW 43.84.090 and 43.84.092.

Sec. 128. RCW 53.12.010 and 1965 c 51 s 1 are each amended to read as follows:

The powers of the port district shall be exercised through a port commission consisting of three members. In any port ((districts located in a class AA)) district with boundaries that are coterminous with the boundaries of a county with a population of five hundred thousand or more the members shall be residents of the county in which the port district is located. In all other port districts, three commissioner districts, numbered consecutively, having approximately equal population and boundaries following ward and precinct lines, shall be described in the petition for the formation of the port district, and one commissioner shall be elected from each of said commissioner districts.

In port districts having additional commissioners as authorized by RCW 53.12.120 and 53.12.130, the powers of the port district shall be exercised through a port commission consisting of five members constituted as provided therein.

Sec. 129. RCW 53.12.020 and 1986 c 262 s 2 are each amended to read as follows:

In a port ((districts located in a class AA)) district with boundaries that are coterminous with the boundaries of a county with a population of five hundred thousand or more no person shall be eligible to hold the office of port commissioner unless he or she is a qualified voter of the district. In all other port districts ~~((except those located in a class AA county))~~ the

person must be a qualified voter of the commissioner district from which he or she is elected.

If, pursuant to RCW 29.21.350, a void in candidacy has been declared for a port district, any registered voter of the port district is eligible to file a declaration of candidacy for the office of port commissioner when filing for the office is reopened pursuant to RCW 29.21.360 or 29.21.370.

Sec. 130. RCW 53.12.035 and 1965 c 51 s 3 are each amended to read as follows:

~~((All candidates for district offices in port districts of class AA and class A counties shall file their declarations of candidacy with the county auditor of the county as set forth in RCW 29.21.060, as now or hereafter amended and in the same manner as candidates for county offices. In port districts located in a class AA county the declaration may be for any numbered port commissioner position to be open in the next port district election.))~~ In port districts ~~((with five commissioners in existence on July 1, 1965))~~ that transition from a three-member board to a five-member board, the respective numbered port commissioner positions shall correspond to the numbers of the county ~~((commissioner))~~ legislative authority districts from which the three original commissioners in the port districts were elected, ~~((with the central district being numbered one))~~ if the county had a three-member county legislative authority, and with positions four and five being assigned to the original at large commissioner positions for which the first incumbents received, respectively, the greater and lesser number of votes cast.

~~((In all port districts in a class AA county, with three port commissioners there shall be three positions denominated positions one, two and three, and declarations of candidacy shall be for a specific position. Where a proposition for an increased number of port commissioners is on the ballot under RCW 53.12.120 and RCW 53.12.130, the two additional positions shall be denominated positions four and five, and candidates for the positions thus proposed to be created shall file declarations of candidacy for a specific position.))~~

Each candidate for a port commissioner position, including the initial port commissioner positions, shall file a declaration of candidacy for a specific position, whether or not the position is associated with a commissioner district.

Sec. 131. RCW 53.12.035 and 1990 c 59 s 108 are each amended to read as follows:

~~((All candidates for district offices in port districts of class AA and class A counties shall file their declarations of candidacy with the county auditor of the county as set forth in Title 29 RCW, as now or hereafter amended and in the same manner as candidates for county offices. In port~~

~~districts located in a class AA county the declaration may be for any numbered port commissioner position to be open in the next port district election:)) In port districts ((with five commissioners in existence on July 1, 1965;)) that transition from a three-member board to a five-member board the respective numbered port commissioner positions shall correspond to the numbers of the county ((commissioner)) legislative authority districts from which the three original commissioners in the port districts were elected, ((with the central district being numbered one)) if the county had a three-member county legislative authority, and with positions four and five being assigned to the original at large commissioner positions for which the first incumbents received, respectively, the greater and lesser number of votes cast.~~

~~((In all port districts in a class AA county, with three port commissioners there shall be three positions denominated positions one, two and three, and declarations of candidacy shall be for a specific position. Where a proposition for an increased number of port commissioners is on the ballot under RCW 53.12.120 and RCW 53.12.130, the two additional positions shall be denominated positions four and five, and candidates for the positions thus proposed to be created shall file declarations of candidacy for a specific position:))~~

Each candidate for a port commissioner position, including the initial port commissioner positions, shall file a declaration of candidacy for a specific position, whether or not the position is associated with a commissioner district.

Sec. 132. RCW 53.25.100 and 1955 c 73 s 10 are each amended to read as follows:

All port districts wherein industrial development districts have been established are authorized and empowered to acquire by purchase or condemnation or both, all lands, property and property rights necessary for the purpose of the development and improvement of such industrial development district and to exercise the right of eminent domain in the acquirement or damaging of all lands, property and property rights and the levying and collecting of assessments upon property for the payment of all damages and compensation in carrying out the provisions for which said industrial development district has been created; to develop and improve the lands within such industrial development district to make the same suitable and available for industrial uses and purposes; to dredge, bulkhead, fill, grade, and protect such property; to provide, maintain, and operate water, light, power and fire protection facilities and services, streets, roads, bridges, highways, waterways, tracks, and rail and water transfer and terminal facilities and other harbor and industrial improvements; to execute leases of such lands or property or any part thereof; to establish local improvement districts within such industrial development districts which may, but need

not, be coextensive with the boundaries thereof, and to levy special assessments, under the mode of annual installments, over a period not exceeding ten years, on all property specially benefited by any local improvement, on the basis of special benefits, to pay in whole or in part the damages or costs of any improvement ordered in such local improvement district; to issue local improvement bonds in any such local improvement district; to be repaid by the collection of local improvement assessments; and generally to exercise with respect to and within such industrial development districts all the powers now or hereafter conferred by law upon port districts in counties ~~((of the first class))~~ with a population of one hundred twenty-five thousand or more; PROVIDED, That the exercise of powers hereby authorized and granted shall be in the manner now and hereafter provided by the laws of the state for the exercise of such powers by port districts under the general laws relating thereto insofar as the same shall not be inconsistent with this chapter.

Sec. 133. RCW 53.31.020 and 1986 c 276 s 2 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Port district" means any port district other than a county-wide port district in a ~~((class A or AA))~~ county with a population of two hundred ten thousand or more, established under Title 53 RCW.

(2) "Export services" means the following services when provided in order to facilitate the export of goods or services through Washington ports: International market research, promotion, consulting, marketing, legal assistance, trade documentation, communication and processing of foreign orders to and for exporters and foreign purchasers, financing, and contracting or arranging for transportation, insurance, warehousing, foreign exchange, and freight forwarding.

(3) "Export trading company" means an entity created by a port district under RCW 53.31.040.

(4) "Obligations" means bonds, notes, securities, or other obligations or evidences of indebtedness.

(5) "Person" means any natural person, firm, partnership, association, private or public corporation, or governmental entity.

Sec. 134. RCW 53.49.010 and 1943 c 282 s 1 are each amended to read as follows:

Whenever any port district located in any county ~~((of the sixth class))~~ with a population of from eight thousand to less than twelve thousand shall be dissolved and disestablished or is about to be dissolved and disestablished and any sums of money remain in any of its funds, the port commissioners are authorized and directed to apply by petition, which may be filed without fee, to the superior court of such county for an order authorizing the transfer of such funds to the school district fund or if there be more than one

such district, the school district funds of all districts, which are located within the boundaries of such port district.

Sec. 135. RCW 54.16.180 and 1977 ex.s. c 31 s 1 are each amended to read as follows:

A district may sell and convey, lease, or otherwise dispose of all or any part of its works, plants, systems, utilities and properties, after proceedings and approval by the voters of the district, as provided for the lease or disposition of like properties and facilities owned by cities and towns: **PROVIDED**, That the affirmative vote of three-fifths of the voters voting at an election on the question of approval of a proposed sale, shall be necessary to authorize such sale: **PROVIDED FURTHER**, That a district may sell, convey, lease or otherwise dispose of all or any part of the property owned by it, located outside its boundaries, to another public utility district, city, town or other municipal corporation without the approval of the voters; or may sell, convey, lease, or otherwise dispose of to any person or public body, any part, either within or without its boundaries, which has become unserviceable, inadequate, obsolete, worn out or unfit to be used in the operations of the system and which is no longer necessary, material to, and useful in such operations, without the approval of the voters: **PROVIDED FURTHER**, That a public utility district located within a county (~~of the first class~~) with a population of from one hundred twenty-five thousand to less than two hundred ten thousand may sell and convey to a city of the first class, which owns its own water system, all or any part of a water system owned by said public utility district where a portion of it is located within the boundaries of such city, without approval of the voters upon such terms and conditions as the district shall determine: **PROVIDED FURTHER**, That a public utility district located in a (~~fifth-class~~) county with a population of from twelve thousand to less than eighteen thousand and bordered by the Columbia river may, separately or in connection with the operation of a water system, or as part of a plan for acquiring or constructing and operating a water system, or in connection with the creation of another or subsidiary local utility district, may provide for the acquisition or construction, additions or improvements to, or extensions of, and operation of a sewage system within the same service area as in the judgment of the district commission is necessary or advisable in order to eliminate or avoid any existing or potential danger to the public health by reason of the lack of sewerage facilities or by reason of the inadequacy of existing facilities: **AND PROVIDED FURTHER**, That a public utility district located within a county (~~of the first class~~) with a population of from one hundred twenty-five thousand to less than two hundred ten thousand bordering on Puget Sound may sell and convey to any city of the third class or town all or any part of a water system owned by said public utility district without approval of the voters upon such terms and conditions as the district shall determine. Public utility districts are municipal corporations for the purposes of this

section and the commission shall be held to be the legislative body and the president and secretary shall have the same powers and perform the same duties as the mayor and city clerk and the resolutions of the districts shall be held to be ordinances within the meaning of the statutes governing the sale, lease, or other disposal of public utilities owned by cities and towns.

Sec. 136. RCW 56.04.120 and 1979 c 35 s 1 are each amended to read as follows:

(1) On and after March 16, 1979, any sewerage improvement districts created under Title 85 RCW and located in ~~((third-class counties))~~ a county with a population of from forty thousand to less than seventy thousand shall become sewer districts and shall be operated, maintained, and have the same powers as sewer districts created under Title 56 RCW, upon being so ordered by the ~~((board of))~~ county ~~((commissioners))~~ legislative authority of the county in which such district is located after a hearing of which notice is given by publication in a newspaper of general circulation within the district and mailed to any known creditors, holders of contracts and obligees at least thirty days prior to such hearing. After such hearing if the ~~((board of))~~ county ~~((commissioners))~~ legislative authority finds the converting of such district to be in the best interest of that district, it shall order that such sewer improvement district shall become a sewer district and fix the date of such conversion. All debts, contracts and obligations created while attempting to organize or operate a sewerage improvement district and all other financial obligations and powers of the district to satisfy such obligations established under Title 85 RCW are legal and valid until they are fully satisfied or discharged under Title 85 RCW.

(2) The board of supervisors of a sewerage improvement district in a ~~((third-class))~~ county with a population of from forty thousand to less than seventy thousand shall act as the board of commissioners of the sewer district created under subsection (1) of this section until other members of the board of commissioners of the sewer district are elected and qualified. There shall be an election on the same date as the 1979 state general election and the seats of all three members of the governing authority of every entity which was previously known as a sewerage improvement district in a ~~((third class))~~ county with a population of from forty thousand to less than seventy thousand shall be up for election. The election shall be held in the manner provided for in RCW 56.12.020 for the election of the first board of commissioners of a sewer district. Thereafter, the terms of office of the members of the governing body shall be determined under RCW 56.12.020.

Sec. 137. RCW 57.90.010 and 1979 ex.s. c 30 s 11 are each amended to read as follows:

Water, sewer, park and recreation, metropolitan park, county rural library, cemetery, flood control, mosquito control, diking and drainage, irrigation or reclamation, weed, health, or fire protection districts, and any air pollution control authority, hereinafter referred to as "special districts",

which are located wholly or in part within a (~~class AA or A~~) county with a population of two hundred ten thousand or more may be disincorporated when the district has not actively carried out any of the special purposes or functions for which it was formed within the preceding consecutive five year period.

Sec. 138. RCW 67.28.090 and 1967 c 236 s 2 are each amended to read as follows:

There is created a stadium commission to consist of six members to be selected as follows:

The governor shall appoint a (~~chairman~~) chair and one other member of the commission.

Any (~~class AA county, class A county, or first class~~) county with a population of one hundred twenty-five thousand or more may within ninety days following June 8, 1967 submit to the governor a request that the commission conduct a study and investigation as provided in RCW 67.28.100 relative to the construction of a stadium within such county. Such request shall be supported by plans and other relevant information.

Within two weeks of the end of the ninety-day period, the governor and/or the two members of the commission appointed by him or her shall meet and consider any such requests, and shall accept that request which in their sole discretion appears to present the most feasible plan.

Thereupon, the (~~board of~~) county (~~commissioners~~) legislative authority of the county whose request is accepted shall select two members from its body as members of the commission, and the mayor of the city having the largest population in such county shall appoint two members from such city's legislative body to the commission.

The commission shall meet at such time or times as may be designated either by the governor or by the (~~chairman~~) chair of the board, and shall serve without compensation. They shall receive, for time spent on the commission, per diem and mileage allowances in conformity with the amounts allowed for legislators under the provisions of RCW 44.04.120.

Sec. 139. RCW 67.28.180 and 1987 c 483 s 1 are each amended to read as follows:

(1) Subject to the conditions set forth in subsections (2) and (3) of this section, the legislative body of any county or any city, is authorized to levy and collect a special excise tax of not to exceed two percent on the sale of or charge made for the furnishing of lodging by a hotel, rooming house, tourist court, motel, trailer camp, and the granting of any similar license to use real property, as distinguished from the renting or leasing of real property: PROVIDED, That it shall be presumed that the occupancy of real property for a continuous period of one month or more constitutes a rental or lease of real property and not a mere license to use or to enjoy the same.

(2) Any levy authorized by this section shall be subject to the following:

(a) Any county ordinance or resolution adopted pursuant to this section shall contain, in addition to all other provisions required to conform to this chapter, a provision allowing a credit against the county tax for the full amount of any city tax imposed pursuant to this section upon the same taxable event.

(b) In the event that any county has levied the tax authorized by this section and has, prior to June 26, 1975, either pledged the tax revenues for payment of principal and interest on city revenue or general obligation bonds authorized and issued pursuant to RCW 67.28.150 through 67.28.160 or has authorized and issued revenue or general obligation bonds pursuant to the provisions of RCW 67.28.150 through 67.28.160, such county shall be exempt from the provisions of ~~((subsection))~~ (a) of this subsection, to the extent that the tax revenues are pledged for payment of principal and interest on bonds issued at any time pursuant to the provisions of RCW 67.28.150 through 67.28.160: PROVIDED, That so much of such pledged tax revenues, together with any investment earnings thereon, not immediately necessary for actual payment of principal and interest on such bonds may be used: (i) In ~~((class AA counties))~~ any county with a population of one million or more, for repayment either of limited tax levy general obligation bonds or of any county fund or account from which a loan was made, the proceeds from the bonds or loan being used to pay for constructing, installing, improving, and equipping stadium capital improvement projects, and to pay for any engineering, planning, financial, legal and professional services incident to the development of such stadium capital improvement projects, regardless of the date the debt for such capital improvement projects was or may be incurred; or (ii) in ~~((counties))~~ other ~~((than class AA))~~ counties, for county-owned facilities for agricultural promotion.

As used in this subsection (2)(b), "capital improvement projects" may include, but not be limited to a stadium restaurant facility, restroom facilities, artificial turf system, seating facilities, parking facilities and scoreboard and information system adjacent to or within a county owned stadium, together with equipment, utilities, accessories and appurtenances necessary thereto. The stadium restaurant authorized by this subsection (2)(b) shall be operated by a private concessionaire under a contract with the county.

(c) No city within a county exempt under subsection (2)(b) of this section may levy the tax authorized by this section so long as said county is so exempt: PROVIDED, That in the event that any city in such county has levied the tax authorized by this section and has, prior to June 26, 1975, authorized and issued revenue or general obligation bonds pursuant to the provisions of RCW 67.28.150 through 67.28.160, such city may levy the tax so long as and to the extent that the tax revenues are pledged for payment of principal and interest on bonds issued pursuant to the provisions of RCW 67.28.150 through 67.28.160.

(3) Any levy authorized by this section by a county that has levied the tax authorized by this section and has, prior to June 26, 1975, either pledged the tax revenues for payment of principal and interest on city revenue or general obligation bonds authorized and issued pursuant to RCW 67.28.150 through 67.28.160 or has authorized and issued revenue or general obligation bonds pursuant to the provisions of RCW 67.28.150 through 67.28.160 shall be subject to the following:

(a) Taxes collected under this section in any calendar year in excess of five million three hundred thousand dollars shall only be used for art museums, cultural museums, the arts, and/or the performing arts.

(b) No taxes collected under this section may be used for the operation or maintenance of a public stadium that is financed directly or indirectly by bonds to which the tax is pledged. Expenditures for operation or maintenance include all expenditures other than expenditures that directly result in new fixed assets or that directly increase the capacity, life span, or operating economy of existing fixed assets.

(c) No ad valorem property taxes may be used for debt service on bonds issued for a public stadium that is financed by bonds to which the tax is pledged, unless the taxes collected under this section are or are projected to be insufficient to meet debt service requirements on such bonds.

(d) If a substantial part of the operation and management of a public stadium that is financed directly or indirectly by bonds to which the tax is pledged is performed by a nonpublic entity or if a public stadium is sold that is financed directly or indirectly by bonds to which the tax is pledged, any bonds to which the tax is pledged shall be retired.

(e) The county shall not lease a public stadium that is financed directly or indirectly by bonds to which the tax is pledged to, or authorize the use of the public stadium by, a professional major league sports franchise unless the sports franchise gives the right of first refusal to purchase the sports franchise, upon its sale, to local government. This subsection (3)(e) does not apply to contracts in existence on April 1, 1986.

If a court of competent jurisdiction declares any provision of this subsection (3) invalid, then that invalid provision shall be null and void and the remainder of this section is not affected.

Sec. 140. RCW 67.28.240 and 1988 ex.s. c 1 s 21 are each amended to read as follows:

(1) The legislative body of a county that qualified under RCW 67.28.180(2)(b) other than a ~~((class AA))~~ county with a population of one million or more and the legislative bodies of cities in the qualifying county are each authorized to levy and collect a special excise tax of two percent on the sale of or charge made for the furnishing of lodging by a hotel, rooming house, tourist court, motel, trailer camp, and the granting of any similar license to use real property, as distinguished from the renting or leasing of

real property. For the purposes of this tax, it shall be presumed that the occupancy of real property for a continuous period of one month or more constitutes a rental or lease of real property and not a mere license to use or to enjoy the same.

(2) No city may impose the special excise tax authorized in subsection (1) of this section during the time the city is imposing the tax under RCW 67.28.180, and no county may impose the special excise tax authorized in subsection (1) of this section until such time as those cities within the county containing at least one-half of the total incorporated population have imposed the tax.

(3) Any county ordinance or resolution adopted under this section shall contain, in addition to all other provisions required to conform to this chapter, a provision allowing a credit against the county tax for the full amount of any city tax imposed under this section upon the same taxable event.

(4) Any seller, as defined in RCW 82.08.010, who is required to collect any tax under this section shall pay over such tax to the county or city as provided in RCW 67.28.200. The deduction from state taxes under RCW 67.28.190 does not apply to taxes imposed under this section.

Sec. 141. RCW 70.46.030 and 1969 ex.s. c 70 s 1 are each amended to read as follows:

A health district to consist of one county only and including all cities and towns therein except cities having a population of over one hundred thousand may be created whenever the ~~((board of county commissioners))~~ county legislative authority of the county shall pass a resolution to organize such a health district under chapter 70.05 RCW and RCW 70.46.020 through 70.46.090. The district board of health of such district shall consist of not less than five members, including the three members of the ~~((board of county commissioners))~~ county legislative authority of the county: PROVIDED, That if such health district consists of a county ~~((of the second class))~~ with a population of from seventy thousand to less than one hundred twenty-five thousand, the district board of health shall consist of not less than six members, including the three members of the ~~((board of county commissioners))~~ county legislative authority of the county and one person who is a qualified voter of an unincorporated rural area of the county and who is appointed by the legislative authority of the county. The remaining members shall be representatives of the cities and towns in the district selected by mutual agreement of the legislative bodies of the cities and towns concerned from their membership, taking into consideration the respective populations and financial contributions of such cities and towns.

At the first meeting of a district board of health, the members shall elect a chairman to serve for a period of one year.

Sec. 142. RCW 70.54.180 and 1979 ex.s. c 63 s 2 are each amended to read as follows:

(1) For the purpose of this section "telecommunication device" means an instrument for telecommunication in which speaking or hearing is not required for communicators.

(2) The county legislative authority of each (~~fourth class or larger~~) county with a population of eighteen thousand or more and the governing body of each city with a population in excess of ten thousand shall provide by July 1, 1980, for a telecommunication device in their jurisdiction or through a central dispatch office that will assure access to police, fire, or other emergency services.

(3) The county legislative authority of each (~~fifth class or smaller~~) county with a population of eighteen thousand or less shall by July 1, 1980, make a determination of whether sufficient need exists with their respective counties to require installation of a telecommunication device. Reconsideration of such determination will be made at any future date when a deaf individual indicates a need for such an instrument.

Sec. 143. RCW 70.94.053 and 1987 c 505 s 60 and 1987 c 109 s 34 are each reenacted and amended to read as follows:

(1) In each county of the state there is hereby created an air pollution control authority, which shall bear the name of the county within which it is located. The boundaries of each authority shall be coextensive with the boundaries of the county within which it is located. An authority shall include all incorporated and unincorporated areas of the county within which it is located.

(2) All authorities which are presently or may hereafter be within counties (~~of the first class, class A or class AA,~~) with populations of one hundred twenty-five thousand or more are hereby designated as activated authorities and shall carry out the duties and exercise the powers provided in this chapter. Those authorities hereby activated which encompass contiguous counties located in one or the other of the two major areas determined in RCW 70.94.011 are declared to be and directed to function as a multi-county authority.

(3) Except as provided in RCW 70.94.232, all other air pollution control authorities are hereby designated as inactive authorities.

(4) The boards of those authorities designated as activated authorities by this chapter shall be comprised of such appointees and/or members of county (~~commissioners~~) legislative authorities or other officers as is provided in RCW 70.94.100. The first meeting of the boards of those authorities designated as activated authorities by this chapter shall be on or before sixty days after June 8, 1967.

(5) The department is directed to conduct the necessary evaluations and delineate appropriate air pollution regions throughout the state, taking into consideration:

(a) The natural climatic and topographic features affecting the potential for buildup of air contaminant concentrations.

(b) The degree of urbanization and industrialization and the existence of activities which are likely to cause air pollution.

(c) The county boundaries as related to the air pollution regions and the practicality of administering air pollution control programs.

Sec. 144. RCW 70.94.055 and 1967 c 238 s 5 are each amended to read as follows:

The ~~((board of))~~ county ~~((commissioners))~~ legislative authority of any county ~~((other than a first class, class A or class AA county))~~ with a population of less than one hundred twenty-five thousand may activate an air pollution control authority following a public hearing on its own motion, or upon a filing of a petition signed by one hundred property owners within the county. If the ~~((board of))~~ county ~~((commissioners))~~ legislative authority determines as a result of the public hearing that:

(1) Air pollution exists or is likely to occur; and

(2) The city or town ordinances or county resolutions, or their enforcement, are inadequate to prevent or control air pollution, ~~((they))~~ it shall by resolution activate an air pollution control authority or combine with a contiguous county or counties to form a multicounty air pollution control authority.

Sec. 145. RCW 70.142.040 and 1984 c 187 s 3 are each amended to read as follows:

Each local health department serving a county ~~((of the first class or larger))~~ with a population of one hundred twenty-five thousand or more may establish water quality standards for its jurisdiction more stringent than standards established by the state board of health. Each local health department establishing such standards shall base the standards on the best available scientific information.

Sec. 146. RCW 71.05.135 and 1989 c 174 s 1 are each amended to read as follows:

In ~~((class A counties and counties of the first through ninth classes))~~ each county with a population of less than one million, the superior court may appoint the following persons to assist the superior court in disposing of its business: PROVIDED, That such positions may not be created without prior consent of the county legislative authority:

(1) One or more attorneys to act as mental health commissioners; and

(2) Such investigators, stenographers, and clerks as the court shall find necessary to carry on the work of the mental health commissioners.

The appointments provided for in this section shall be made by a majority vote of the judges of the superior court of the county and may be in addition to all other appointments of commissioners and other judicial attaches otherwise authorized by law. Mental health commissioners and investigators shall serve at the pleasure of the judges appointing them and shall

receive such compensation as the county legislative authority shall determine. The appointments may be full or part-time positions. A person appointed as a mental health commissioner may also be appointed to any other commissioner position authorized by law.

Sec. 147. RCW 71.24.045 and 1991 c 29 s 2 are each amended to read as follows:

The county authority shall:

(1) Submit biennial needs assessments beginning January 1, 1983, and mental health service plans which incorporate all services provided for by the county authority consistent with state minimum standards and which provide access to treatment for the county's residents including children and other underserved populations who are acutely mentally ill, chronically mentally ill, or seriously disturbed. The county program shall provide:

- (a) Outpatient services;
- (b) Emergency care services for twenty-four hours per day;
- (c) Day treatment for mentally ill persons which includes training in basic living and social skills, supported work, vocational rehabilitation, and day activities. Such services may include therapeutic treatment. In the case of a child, day treatment includes age-appropriate basic living and social skills, educational and prevocational services, day activities, and therapeutic treatment;
- (d) Screening for patients being considered for admission to state mental health facilities to determine appropriateness of admission;
- (e) Employment services, which may include supported employment, transitional work, placement in competitive employment, and other work-related services, that result in mentally ill persons becoming engaged in meaningful and gainful full or part-time work;
- (f) Consultation and education services;
- (g) Residential and inpatient services, if the county chooses to provide such optional services; and
- (h) Community support services.

The county shall develop the biennial needs assessment based on clients to be served, services to be provided, and the cost of those services, and may include input from the public, clients, and licensed service providers. Each county authority may appoint a county mental health advisory board which shall review and provide comments on plans and policies developed by the county authority under this chapter. The composition of the board shall be broadly representative of the demographic character of the county and the mentally ill persons served therein. Length of terms of board members shall be determined by the county authority;

(2) Contract as needed with licensed service providers. The county authority may, in the absence of a licensed service provider entity, become a licensed service provider entity pursuant to minimum standards required for

licensing by the department for the purpose of providing services not available from licensed service providers;

(3) Operate as a licensed service provider if it deems that doing so is more efficient and cost effective than contracting for services. When doing so, the county authority shall comply with rules promulgated by the secretary that shall provide measurements to determine when a county provided service is more efficient and cost effective((:);

(4) Monitor and perform biennial fiscal audits of licensed service providers who have contracted with the county to provide services required by this chapter. The monitoring and audits shall be performed by means of a formal process which insures that the licensed service providers and professionals designated in this subsection meet the terms of their contracts, including the minimum standards of service delivery as established by the department;

(5) Assure that the special needs of minorities, the elderly, disabled, children, and low-income persons are met within the priorities established in this chapter;

(6) Maintain patient tracking information in a central location as required for resource management services;

(7) Use not more than two percent of state-appropriated community mental health funds, which shall not include federal funds, to administer community mental health programs under RCW 71.24.155: PROVIDED, That county authorities serving a county or combination of counties whose population is ~~((equal to or greater than that of a county of the first class))~~ one hundred twenty-five thousand or more may be entitled to sufficient state-appropriated community mental health funds to employ up to one full-time employee or the equivalent thereof in addition to the two percent limit established in this subsection when such employee is providing staff services to a county mental health advisory board;

(8) Coordinate services for individuals who have received services through the community mental health system and who become patients at a state mental hospital.

Sec. 148. RCW 72.09.300 and 1987 c 312 s 3 are each amended to read as follows:

(1) A county legislative authority may by resolution or ordinance establish a ~~((community corrections board which shall consist of nine members))~~ local law and justice council. The county legislative authority shall ~~((appoint four members to the board, two of whom shall be from the private sector. The secretary shall appoint one member to the board. In addition, the county prosecutor and county sheriff, or their designees, a judge of the county superior court selected by the county superior court judges, and a county district court judge, selected by the county district court judges, shall be members of the board))~~ determine the size and composition of the council, which shall include the county sheriff and a representative of the

municipal police departments within the county, the county prosecutor and a representative of the municipal prosecutors within the county, a representative of the city legislative authorities within the county, a representative of the county's superior, district, and municipal courts, the county jail administrator, the county clerk, the county risk manager, and the secretary of corrections. Officials designated may appoint representatives.

(2) ((f)) A combination of counties ((establishes)) may establish a ((community corrections board, an)) local law and justice council by inter-governmental agreement ((shall establish the composition and powers of the board, not to exceed the authority granted in this section)). The agreement shall comply with the requirements of this section.

(3) The ((community corrections board)) local law and justice council shall develop a ((community corrections)) local law and justice plan for the county. The council shall design the elements and scope of the plan, subject to final approval by the county legislative authority. The general intent of the plan shall include seeking means to maximize local resources, reduce duplication of services, and share resources between local and state government. The plan shall also include a section on jail management. This section may include the following elements:

(a) A description of current jail conditions, including whether the jail is overcrowded;

(b) A description of potential alternatives to incarceration;

(c) A description of current jail resources;

(d) A description of the jail population as it presently exists and how it is projected to change in the future;

(e) A description of projected future resource requirements;

(f) A proposed action plan, which shall include recommendations to maximize resources, maximize the use of intermediate sanctions, minimize overcrowding, avoid duplication of services, and effectively manage the jail and the offender population;

(g) A list of proposed advisory jail standards and methods to effect periodic quality assurance inspections of the jail;

(h) A proposed plan to collect, synthesize, and disseminate technical information concerning local criminal justice activities, facilities, and procedures;

(i) A description of existing and potential services for offenders including employment services, substance abuse treatment, mental health services, and housing referral services.

(4) The council may propose other elements of the plan, which shall be subject to review and approval by the county legislative authority, prior to their inclusion into the plan.

(5) The county legislative authority may request technical assistance in developing or implementing the plan from other units or agencies of state or

local government, which shall include the department, the office of financial management, and the Washington association of sheriffs and police chiefs.

(6) Upon receiving a request for assistance from a county, the department may provide ((technical)) the requested assistance ((in developing the plan. The plan shall describe the existing correctional resources, goals, objectives, needs, and problems for local and state correctional services in the county. The plan shall review ways to maximize resources and reduce duplication of services. Areas to be addressed in the plan include, but are not limited to: Voluntary services for offenders, which include employment, substance and alcohol abuse services, housing and mental health services; ways to share administrative costs between local and state government, and the development of alternatives to partial and total confinement)).

((4)) (7) The secretary ((shall)) may adopt rules for the submittal ((and)), review, and approval of all ((plans. Representatives from other state and local agencies and organizations shall participate in the review process. Initiatives that reduce the duplication of services or maximize the use of existing resources shall be given priority)) requests for assistance made to the department. The secretary may also appoint an advisory committee of local and state government officials to recommend policies and procedures relating to the state and local correctional systems and to assist the department in providing technical assistance to local governments. The committee shall include representatives of the county sheriffs, the police chiefs, the county prosecuting attorneys, the county and city legislative authorities, and the jail administrators. The secretary may contract with other state and local agencies and provide funding in order to provide the assistance requested by counties.

((5)) (8) The department shall establish a base level of state correctional services, which shall be determined and distributed in a consistent manner state-wide. The department's contributions to any ((partnerships)) local government, approved pursuant to this section, shall not operate to reduce this base level of services.

Sec. 149. RCW 72.09.050 and 1987 c 312 s 4 are each amended to read as follows:

The secretary shall manage the department of corrections and shall be responsible for the administration of adult correctional programs, including but not limited to the operation of all state correctional institutions or facilities used for the confinement of convicted felons. In addition, the secretary shall have broad powers to enter into agreements with any federal agency, or any other state, or any Washington state agency or local government providing for the operation of any correctional facility or program for persons convicted of felonies or misdemeanors or for juvenile offenders. Such agreements for counties with ((community corrections boards)) local law and justice councils shall be required in the ((community corrections)) local law and justice plan pursuant to RCW 72.09.300. The agreements

may provide for joint operation or operation by the department of corrections, alone, or by any of the other governmental entities, alone. The secretary may employ persons to aid in performing the functions and duties of the department. The secretary may delegate any of his functions or duties to department employees. The secretary is authorized to promulgate standards for the department of corrections within appropriation levels authorized by the legislature.

Pursuant to the authority granted in chapter 34.05 RCW, the secretary shall adopt rules providing for inmate restitution when restitution is determined appropriate as a result of a disciplinary action.

Sec. 150. RCW 74.20.210 and 1969 ex.s. c 173 s 14 are each amended to read as follows:

The prosecuting attorney of any county except (~~class AA counties~~) a county with a population of one million or more may enter into an agreement with the attorney general whereby the duty to initiate petitions for support authorized under the provisions of chapter 26.21 RCW as it is now or hereafter amended (Uniform Reciprocal Enforcement of Support Act) in cases where the petitioner has applied for or is receiving public assistance on behalf of a dependent child or children shall become the duty of the attorney general. Any such agreement may also provide that the attorney general has the duty to represent the petitioner in intercounty proceedings within the state initiated by the attorney general which involve a petition received from another county. Upon the execution of such agreement, the attorney general shall be empowered to exercise any and all powers of the prosecuting attorney in connection with said petitions.

Sec. 151. RCW 76.12.030 and 1988 c 128 s 24 are each amended to read as follows:

If any land acquired by a county through foreclosure of tax liens, or otherwise, comes within the classification of land described in RCW 76.12-.020 and can be used as state forest land and if the department deems such land necessary for the purposes of this chapter, the county shall, upon demand by the department, deed such land to the department and the land shall become a part of the state forest lands.

Such land shall be held in trust and administered and protected by the department as other state forest lands. Any moneys derived from the lease of such land or from the sale of forest products, oils, gases, coal, minerals, or fossils therefrom, shall be distributed as follows:

(1) The expense incurred by the state for administration, reforestation, and protection, not to exceed twenty-five percent, which rate of percentage shall be determined by the board of natural resources, shall be returned to the forest development account in the state general fund.

(2) Any balance remaining shall be paid to the county in which the land is located to be paid, distributed, and prorated, except as hereinafter provided, to the various funds in the same manner as general taxes are paid

and distributed during the year of payment: PROVIDED, That any such balance remaining paid to a county (~~of the seventh, eighth, or ninth class~~) with a population of less than nine thousand shall first be applied to the reduction of any indebtedness existing in the current expense fund of such county during the year of payment.

Sec. 152. RCW 79.08.170 and 1983 c 3 s 201 are each amended to read as follows:

The duties of the county auditor in (~~class AA and class A counties~~) each county with a population of two hundred ten thousand or more, with regard to sales and leases of the state lands dealt with under Title 79 RCW except RCW 79.01.100, 79.01.104, and 79.94.040, are transferred to the county treasurer.

Sec. 153. RCW 81.100.030 and 1990 c 43 s 14 are each amended to read as follows:

(1) A (~~class AA~~) county with a population of one million or more, or a (~~class A~~) county with a population of from two hundred ten thousand to less than one million that is adjoining a (~~class AA~~) county with a population of one million or more, and having within its boundaries existing or planned high occupancy vehicle lanes on the state highway system, may, with voter approval impose an excise tax of up to two dollars per employee per month on all employers or any class or classes of employers, public and private, including the state located in the agency's jurisdiction, measured by the number of full-time equivalent employees. The county imposing the tax authorized in this section may provide for exemptions from the tax to such educational, cultural, health, charitable, or religious organizations as it deems appropriate.

Counties may contract with the state department of revenue or other appropriate entities for administration and collection of the tax. Such contract shall provide for deduction of an amount for administration and collection expenses.

(2) The tax shall not apply to employment of a person when the employer has paid for at least half of the cost of a transit pass issued by a transit agency for that employee, valid for the period for which the tax would otherwise be owed.

(3) A county shall adopt rules which exempt from all or a portion of the tax any employer that has entered into an agreement with the county that is designed to reduce the proportion of employees who drive in single-occupant vehicles during peak commuting periods in proportion to the degree that the agreement is designed to meet the goals for the employer's location adopted under RCW 81.100.040.

The agreement shall include a list of specific actions that the employer will undertake to be entitled to the exemption. Employers having an exemption from all or part of the tax through this subsection shall annually

certify to the county that the employer is fulfilling the terms of the agreement. The exemption continues as long as the employer is in compliance with the agreement.

If the tax authorized in RCW 81.100.060 is also imposed by the county, the total proceeds from both tax sources each year shall not exceed the maximum amount which could be collected under RCW 81.100.060.

Sec. 154. RCW 81.100.060 and 1990 c 43 s 17 are each amended to read as follows:

A ~~((class AA))~~ county with a population of one million or more and a ~~((class A))~~ county with a population of from two hundred ten thousand to less than one million that is adjoining a ~~((class AA))~~ county with a population of one million or more, having within their boundaries existing or planned high occupancy vehicle lanes on the state highway system may, with voter approval, impose a local surcharge of not more than fifteen percent on the state motor vehicle excise tax paid under RCW 82.44.020(1) on vehicles registered to a person residing within the county. No surcharge may be imposed on vehicles licensed under RCW 46.16.070 except vehicles with an unladen weight of six thousand pounds or less, RCW 46.16.079, 46.16.080, 46.16.085, or 46.16.090.

Counties imposing a tax under this section shall contract, before the effective date of the resolution or ordinance imposing a surcharge, administration and collection to the state department of licensing, which shall deduct an amount, as provided by contract, for administration and collection expenses incurred by the department. All administrative provisions in chapters 82.03, 82.32, and 82.44 RCW shall, insofar as they are applicable to state motor vehicle excise taxes, be applicable to surcharges imposed under this section.

If the tax authorized in RCW 81.100.030 is also imposed by the county, the total proceeds from both tax sources each year shall not exceed the maximum amount which could be collected under this section.

Sec. 155. RCW 81.104.030 and 1990 c 43 s 24 are each amended to read as follows:

(1) In any ~~((class A))~~ county with a population of from two hundred ten thousand to less than one million that is not bordered by a ~~((class AA))~~ county with a population of one million or more, and in ~~((counties of the first class and smaller))~~ each county with a population of less than two hundred ten thousand, city-owned transit systems, county transportation authorities, metropolitan municipal corporations, and public transportation benefit areas may elect to establish high capacity transportation service. Such agencies shall form a regional policy committee with proportional representation based upon population distribution within the designated service area and a representative of the department of transportation.

(a) City-owned transit systems, county transportation authorities, metropolitan municipal corporations, and public transportation benefit areas

participating in joint regional policy committees shall seek voter approval within their own service boundaries of a high capacity transportation system plan and an implementation program including a financing program.

(b) An interim regional authority may be formed pursuant to RCW 81.104.040(2) and shall seek voter approval of a high capacity transportation plan and financing program within its proposed service boundaries.

(2) City-owned transit systems, county transportation authorities, metropolitan municipal corporations, and public transportation benefit areas in counties adjoining state or international boundaries are authorized to participate in the regional high capacity transportation programs of an adjoining state or nation.

***Sec. 156. RCW 81.104.040 and 1990 c 43 s 25 are each amended to read as follows:**

(1) Agencies in ~~((a class AA))~~ each county with a population of one million or more, and in ~~((class A counties))~~ each county with a population of from two hundred ten thousand to less than one million bordering a ~~((class AA))~~ county with a population of one million or more that are currently authorized to provide high capacity transportation planning and operating services, including but not limited to city-owned transit systems, county transportation authorities, metropolitan municipal corporations, and public transportation benefit areas, must establish through interlocal agreements a joint regional policy committee with proportional representation based upon the population distribution within each agency's designated service area, as determined by the parties to the agreement.

(a) The membership of the joint regional policy committee shall consist of locally elected officials who serve on the legislative authority of the existing transit systems and a representative from the department of transportation. Nonvoting membership for elected officials from adjoining counties may be allowed at the committee's discretion.

(b) The joint regional policy committee shall be responsible for the preparation and adoption of a regional high capacity transportation system plan and an implementation program including a financing package. This plan shall be in conformance with the metropolitan planning organization's regional transportation plan.

(c) Interlocal agreements shall be executed within two years of March 14, 1990. The joint regional policy committee shall present a high capacity transportation plan and local funding program to the boards of directors of the transit agencies within the service area for adoption.

(d) Transit agencies shall present the adopted plan and financing program for voter approval within four years of the execution of the interlocal agreements. A simple majority vote is required for approval of the high capacity transportation plan and financing program in any service district within each county. Implementation of the program may proceed in any service area approving the plan and program.

(2) *If interlocal agreements have not been executed within two years from March 14, 1990, the designated metropolitan planning organization shall convene within one hundred eighty days a conference to be attended by an elected representative selected by the legislative authority of each city and county in a ~~((class AA))~~ county with a population of one million or more, and in ~~((class A counties))~~ each county with a population of from two hundred ten thousand to less than one million bordering a ~~((class AA))~~ county with a population of one million or more.*

(a) *Public notice of the conference shall occur thirty days before the date of the conference.*

(b) *The purpose of the conference is to evaluate the need for developing high capacity transportation service in a ~~((class AA))~~ county with a population of one million or more and in ~~((class A counties))~~ each county with a population of from two hundred ten thousand to less than one million bordering a ~~((class AA))~~ county with a population of one million or more and to determine the desirability of a regional approach to developing such service.*

(c) *The conference may elect to continue high capacity transportation efforts on a subregional basis through existing transit planning and operating agencies.*

(d) *The conference may elect to pursue regional development by creating a multicounty interim regional high capacity transportation authority. Conference members shall determine the structure and composition of any interim regional authority.*

(i) *The interim regional authority shall propose a permanent authority or authorities for voter approval. Permanent regional authorities shall become the responsible agencies for planning, construction, operations, and funding of high capacity transportation systems within their service boundaries. Funding sources for a regional high capacity transportation authority or authorities are separate from currently authorized funding sources for city-owned transit systems, county transportation authorities, metropolitan municipal authorities, or public transportation benefit areas.*

(ii) *State and local jurisdictions, county transportation authorities, metropolitan municipal corporations, or public transportation benefit areas shall retain responsibility for existing facilities and/or services, unless the responsibility is transferred to the high capacity transportation authority or authorities by interlocal agreement.*

(3) *If, within four years of the execution of the interlocal agreements, a high capacity transportation plan and financing program has been approved by a simple majority vote within a participating jurisdiction, that jurisdiction may proceed with high capacity transportation development. If within four years of the execution of the interlocal agreements, a high capacity transportation plan and program has not been approved by a simple majority vote within one or more of the participating jurisdictions, the joint regional policy committee shall convene within one hundred eighty days, a conference to be*

attended by participating jurisdictions within which a plan and financing program have not been approved. Such a conference shall be for the same purpose and shall be subject to the same conditions as described in subsection (2) of this section.

(4) High capacity transportation service planning, construction, operations, and funding shall be governed through the interlocal agreement process, including but not limited to provision for a cost allocation and distribution formula, service corridors, station area locations, right of way transfers, and feeder transportation systems. The interlocal agreement shall include a mechanism for resolving conflicts among parties to the agreement.

***Sec. 156 was vetoed, see message at end of chapter.**

Sec. 157. RCW 81.104.140 and 1990 c 43 s 35 are each amended to read as follows:

(1) Agencies authorized to provide high capacity transportation service, including city-owned transit systems, county transportation authorities, metropolitan municipal corporations and public transportation benefit areas, are hereby granted dedicated funding sources for such systems. These dedicated funding sources, as set forth in RCW 81.104.150, 81.104.160, and 81.104.170, are authorized only for agencies located in ~~((class AA counties, class A counties, counties of the first class which border another state, and counties which, on March 14, 1990, are of the second class and which adjoin class A counties))~~ each county with a population of two hundred ten thousand or more and each county with a population of from one hundred twenty-five thousand to less than two hundred ten thousand, that both borders a county with a population of five hundred thousand or more and has a portion of its common boundary with that county intersected by an interstate highway.

(2) Agencies providing high capacity transportation service should also seek other funds, including federal, state, local, and private sector assistance.

(3) Funding sources should satisfy each of the following criteria to the greatest extent possible:

- (a) Acceptability;
- (b) Ease of administration;
- (c) Equity;
- (d) Implementation feasibility;
- (e) Revenue reliability; and
- (f) Revenue yield.

(4) Agencies participating in regional high capacity transportation system development through interlocal agreements or a conference-approved interim regional rail authority or subregional process as defined in RCW 81.104.040 are authorized to levy and collect the following voter-approved local option funding sources:

- (a) Employer tax as provided in RCW 81.104.150;

(b) Special motor vehicle excise tax as provided in RCW 81.104.160; and

(c) Sales and use tax as provided in RCW 81.104.170.

Revenues from these taxes may be used only to support those purposes prescribed in subsection (8) of this section. Before an agency may impose any of the taxes enumerated in this section and authorized in RCW 81.104.150, 81.104.160, and 81.104.170, it must comply with the process prescribed in RCW 81.104.100 and 81.104.110.

(5) Authorization in subsection (4) of this section shall not adversely affect the funding authority of existing transit agencies. Local option funds may be used to support implementation of interlocal agreements with respect to the establishment of regional high capacity transportation service. Local jurisdictions shall retain control over moneys generated within their boundaries, although funds may be commingled for planning, construction, and operation of high capacity transportation systems as set forth in the agreements.

(6) Agencies providing high capacity transportation service may contract with the state for collection and transference of local option revenue.

(7) Dedicated high capacity transportation funding shall be subject to voter approval by a simple majority.

(8) Agencies providing high capacity transportation service shall retain responsibility for revenue encumbrance, disbursement, and bonding. Funds may be used for any purpose relating to planning, construction, and operation of high capacity transportation, commuter rail, and feeder transportation systems.

Sec. 158. RCW 82.14.045 and 1984 c 112 s 1 and 1983 c 3 s 216 are each reenacted and amended to read as follows:

(1) The legislative body of any city pursuant to RCW 35.92.060, of any county which has created an unincorporated transportation benefit area pursuant to RCW 36.57.100 and 36.57.110, of any public transportation benefit area pursuant to RCW 36.57A.080 and 36.57A.090, of any county transportation authority established pursuant to chapter 36.57 RCW, and of any metropolitan municipal corporation within a ~~((class AA))~~ county with a population of one million or more pursuant to chapter 35.58 RCW, may, by resolution or ordinance for the sole purpose of providing funds for the operation, maintenance, or capital needs of public transportation systems and in lieu of the excise taxes authorized by RCW 35.95.040, submit an authorizing proposition to the voters or include such authorization in a proposition to perform the function of public transportation and if approved by a majority of persons voting thereon, fix and impose a sales and use tax in accordance with the terms of this chapter: PROVIDED, That no such legislative body shall impose such a sales and use tax without submitting such an authorizing proposition to the voters and obtaining the approval of a majority of persons voting thereon: PROVIDED FURTHER, That where

such a proposition is submitted by a county on behalf of an unincorporated transportation benefit area, it shall be voted upon by the voters residing within the boundaries of such unincorporated transportation benefit area and, if approved, the sales and use tax shall be imposed only within such area. Notwithstanding any provisions of this section to the contrary, any county in which a county public transportation plan has been adopted pursuant to RCW 36.57.070 and the voters of such county have authorized the imposition of a sales and use tax pursuant to the provisions of section 10, chapter 167, Laws of 1974 ex. sess., prior to July 1, 1975, shall be authorized to fix and impose a sales and use tax as provided in this section at not to exceed the rate so authorized without additional approval of the voters of such county as otherwise required by this section.

The tax authorized pursuant to this section shall be in addition to the tax authorized by RCW 82.14.030 and shall be collected from those persons who are taxable by the state pursuant to chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within such city, public transportation benefit area, county, or metropolitan municipal corporation as the case may be. The rate of such tax shall be one-tenth, two-tenths, three-tenths, four-tenths, five-tenths, or six-tenths of one percent of the selling price (in the case of a sales tax) or value of the article used (in the case of a use tax). The rate of such tax shall not exceed the rate authorized by the voters unless such increase shall be similarly approved.

(2)(a) In the event a metropolitan municipal corporation shall impose a sales and use tax pursuant to this chapter no city, county which has created an unincorporated transportation benefit area, public transportation benefit area authority, or county transportation authority wholly within such metropolitan municipal corporation shall be empowered to levy and/or collect taxes pursuant to RCW 35.58.273, 35.95.040, and/or 82.14.045, but nothing herein shall prevent such city or county from imposing sales and use taxes pursuant to any other authorization.

(b) In the event a county transportation authority shall impose a sales and use tax pursuant to this section, no city, county which has created an unincorporated transportation benefit area, public transportation benefit area, or metropolitan municipal corporation, located within the territory of the authority, shall be empowered to levy or collect taxes pursuant to RCW 35.58.273, 35.95.040, or 82.14.045.

(c) In the event a public transportation benefit area shall impose a sales and use tax pursuant to this section, no city, county which has created an unincorporated transportation benefit area, or metropolitan municipal corporation, located wholly or partly within the territory of the public transportation benefit area, shall be empowered to levy or collect taxes pursuant to RCW 35.58.273, 35.95.040, or 82.14.045.

(3) Any local sales and use tax revenue collected pursuant to this section by any city or by any county for transportation purposes pursuant to

RCW 36.57.100 and 36.57.110 shall not be counted as locally generated tax revenues for the purposes of apportionment and distribution, in the manner prescribed by chapter 82.44 RCW, of the proceeds of the motor vehicle excise tax authorized pursuant to RCW 35.58.273.

Sec. 159. RCW 82.44.150 and 1990 c 42 s 308 are each amended to read as follows:

(1) The director of licensing shall, on the twenty-fifth day of February, May, August, and November of each year, advise the state treasurer of the total amount of motor vehicle excise taxes remitted to the department during the preceding calendar quarter ending on the last day of March, June, September, and December, respectively, except for those payable under RCW 82.44.030, from motor vehicle owners residing within each municipality which has levied a tax under RCW 35.58.273, which amount of excise taxes shall be determined by the director as follows:

The total amount of motor vehicle excise taxes remitted to the department, except those payable under RCW 82.44.030, from each county shall be multiplied by a fraction, the numerator of which is the population of the municipality residing in such county, and the denominator of which is the total population of the county in which such municipality or portion thereof is located. The product of this computation shall be the amount of excise taxes from motor vehicle owners residing within such municipality or portion thereof. Where the municipality levying a tax under RCW 35.58.273 is located in more than one county, the above computation shall be made by county, and the combined products shall provide the total amount of motor vehicle excise taxes from motor vehicle owners residing in the municipality as a whole. Population figures required for these computations shall be supplied to the director by the office of financial management, who shall adjust the fraction annually.

(2) On the first day of the months of January, April, July, and October of each year, the state treasurer based upon information provided by the department shall, from motor vehicle excise taxes deposited in the general fund, under RCW 82.44.110(7), make the following deposits:

(a) To the high capacity transportation account created in RCW 47.78.010, a sum equal to four and five-tenths percent of the special excise tax levied under RCW 35.58.273 by those municipalities authorized to levy a special excise tax within a ~~((class AA county, or within a class A county contiguous to a class AA county, or within a second class county contiguous to a class A county that is contiguous to a class AA county))~~ county with a population of one million or more, or within a county with a population of from two hundred ten thousand to less than one million bordering a county with a population of one million or more, or within a county with a population of from one hundred twenty-five thousand to less than two hundred thousand that both borders a county with a population of five hundred

thousand or more and has a portion of its common boundary with that county intersected by an interstate highway;

(b) To the central Puget Sound public transportation account created in RCW 82.44.180, for revenues distributed after December 31, 1992, within a (~~class AA county or within a class A county contiguous to a class AA~~) county with a population of one million or more and a county with a population of from two hundred thousand to less than one million bordering a county with a population of one million or more, a sum equal to the difference between (i) the special excise tax levied and collected under RCW 35.58.273 by those municipalities authorized to levy and collect a special excise tax subject to the requirements of subsections (3) and (4) of this section and (ii) the special excise tax that the municipality would otherwise have been eligible to levy and collect at a tax rate of .815 percent and been able to match with locally generated tax revenues, other than the excise tax imposed under RCW 35.58.273, budgeted for any public transportation purpose. Before this deposit, the sum shall be reduced by an amount equal to the amount distributed under (a) of this subsection for each of the municipalities within the counties to which this subsection (2)(b) applies; however, any transfer under this subsection (2)(b) must be greater than zero;

(c) To the public transportation systems account created in RCW 82.44.180, for revenues distributed after December 31, 1992, within counties not described in (b) of this subsection, a sum equal to the difference between (i) the special excise tax levied and collected under RCW 35.58.273 by those municipalities authorized to levy and collect a special excise tax subject to the requirements of subsections (3) and (4) of this section and (ii) the special excise tax that the municipality would otherwise have been eligible to levy and collect at a tax rate of .815 percent and been able to match with locally generated tax revenues, other than the excise tax imposed under RCW 35.58.273, budgeted for any public transportation purpose. Before this deposit, the sum shall be reduced by an amount equal to the amount distributed under (a) of this subsection for each of the municipalities within the counties to which this subsection (2)(c) applies; however, any transfer under this subsection (2)(c) must be greater than zero; and

(d) To the transportation fund created in RCW 82.44.180, for revenues distributed after June 30, 1991, a sum equal to the difference between (i) the special excise tax levied and collected under RCW 35.58.273 by those municipalities authorized to levy and collect a special excise tax subject to the requirements of subsections (3) and (4) of this section and (ii) the special excise tax that the municipality would otherwise have been eligible to levy and collect at a tax rate of .815 percent notwithstanding the requirements set forth in subsections (3) through (6) of this section, reduced by an amount equal to distributions made under (a), (b), and (c) of this subsection.

(3) On the first day of the months of January, April, July, and October of each year, the state treasurer, based upon information provided by the department, shall remit motor vehicle excise tax revenues imposed and collected under RCW 35.58.273 as follows:

(a) The amount required to be remitted by the state treasurer to the treasurer of any municipality levying the tax shall not exceed in any calendar year the amount of locally-generated tax revenues, excluding the excise tax imposed under RCW 35.58.273 for the purposes of this section, which shall have been budgeted by the municipality to be collected in such calendar year for any public transportation purposes including but not limited to operating costs, capital costs, and debt service on general obligation or revenue bonds issued for these purposes; and

(b) In no event may the amount remitted in a single calendar quarter exceed the amount collected on behalf of the municipality under RCW 35.58.273 during the calendar quarter next preceding the immediately preceding quarter.

(4) At the close of each calendar year accounting period, but not later than April 1, each municipality that has received motor vehicle excise taxes under subsection (3) of this section shall transmit to the director of licensing and the state auditor a written report showing by source the previous year's budgeted tax revenues for public transportation purposes as compared to actual collections. Any municipality that has not submitted the report by April 1 shall cease to be eligible to receive motor vehicle excise taxes under subsection (3) of this section until the report is received by the director of licensing. If a municipality has received more or less money under subsection (3) of this section for the period covered by the report than it is entitled to receive by reason of its locally-generated collected tax revenues, the director of licensing shall, during the next ensuing quarter that the municipality is eligible to receive motor vehicle excise tax funds, increase or decrease the amount to be remitted in an amount equal to the difference between the locally-generated budgeted tax revenues and the locally-generated collected tax revenues. In no event may the amount remitted for a calendar year exceed the amount collected on behalf of the municipality under RCW 35.58.273 during that same calendar year. At the time of the next fiscal audit of each municipality, the state auditor shall verify the accuracy of the report submitted and notify the director of licensing of any discrepancies.

(5) The motor vehicle excise taxes imposed under RCW 35.58.273 and required to be remitted under this section shall be remitted without legislative appropriation.

(6) Any municipality levying and collecting a tax under RCW 35.58.273 which does not have an operating, public transit system or a contract for public transportation services in effect within one year from the initial

effective date of the tax shall return to the state treasurer all motor vehicle excise taxes received under subsection (3) of this section.

Sec. 160. RCW 87.19.020 and 1923 c 161 s 6 are each amended to read as follows:

The notice of election provided for in this chapter shall be given and ~~((said))~~ the election held in all respects in accordance with RCW 87.03.200, except in ~~((first class and class A counties))~~ each county with a population of one hundred twenty-five thousand or more, where the ~~((said))~~ notice and election shall be held in the manner provided by law for such counties.

Sec. 161. RCW 88.32.230 and 1970 ex.s. c 42 s 37 are each amended to read as follows:

Whenever the ~~((board of))~~ county ~~((commissioners))~~ legislative authority of any county ~~((of the first class of this state shall))~~ with a population of one hundred twenty-five thousand or more deems it for the interest of the county to engage in or to aid the United States of America, the state of Washington, or any adjoining county or any city of this state, or any of them, in construction, enlargement, improvement, modification, repair or operation of any harbor, canal, waterway, river channel, slip, dock, wharf, or other public improvement, or any of the same, for the purposes of commerce, navigation, sanitation and drainage, or any thereof, or to acquire or operate wharf sites, dock sites, or other properties, rights or interests, or any thereof, necessary or proper to be acquired or operated for public enjoyment of any such public improvement, and to incur indebtedness to meet the cost thereof and expenses connected therewith, and issue bonds of the county for the payment of such indebtedness, or any thereof, such county is hereby authorized and empowered, by and through its county ~~((commissioners))~~ legislative authority, to engage in or aid in any such public work or works, operation or acquisition, as aforesaid, and to incur indebtedness for such purpose or purposes to an amount, which, together with the then existing indebtedness of such county, shall not exceed two and one-half percent of the value of the taxable property in said county, as the term "value of the taxable property" is defined in RCW 39.36.015, and to issue the negotiable bonds of the county for all or any of such indebtedness and for the payment thereof, in the manner and form and as provided in ~~((sections 1846 to 1851, inclusive, of Ballinger's Annotated Codes and Statutes of Washington))~~ chapter 39.46 RCW, and other laws of this state which shall then be in force, and to make part or all of such payment in bonds or in moneys derived from sale or sales thereof, or partly in such bonds and partly in such money: PROVIDED, That ~~((said commissioners))~~ the county legislative authority shall have first submitted the question of incurring such indebtedness to the voters of the county at a general or special election, and three-fifths of the voters voting upon the question shall have voted in favor of incurring the same.

Sec. 162. RCW 53.31.911 and 1990 c 297 s 23 are each reenacted and amended to read as follows:

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 1995:

(1) RCW 53.31.010 and 1986 c 276 s 1;

(2) RCW 53.31.020 and 1991 c ... s 133 (section 133 of this act) & 1986 c 276 s 2;

(3) RCW 53.31.030 and 1986 c 276 s 3;

(4) RCW 53.31.040 and 1989 c 11 s 23 & 1986 c 276 s 4;

(5) RCW 53.31.050 and 1986 c 276 s 5; and

(6) RCW 53.31.060 and 1986 c 276 s 6.

NEW SECTION. Sec. 163. The following acts or parts of acts are each repealed:

(1) RCW 29.13.025 and 1990 c 59 s 101, 1979 ex.s. c 126 s 13, & 1965 c 9 s 29.13.025;

(2) RCW 36.13.010 and 1963 c 4 s 36.13.010;

(3) RCW 36.13.075 and 1963 c 4 s 36.13.075;

(4) RCW 36.13.080 and 1963 c 4 s 36.13.080;

(5) RCW 36.13.090 and 1963 c 4 s 36.13.090;

(6) RCW 36.93.920 and 1969 ex.s. c 111 s 10;

(7) RCW 53.12.040 and 1965 c 51 s 4, 1959 c 175 s 2, & 1959 c 17 s 7;

(8) RCW 53.12.044 and 1963 c 200 s 21, 1959 c 175 s 4, & 1951 c 69 s 3;

(9) RCW 53.12.055 and 1965 c 51 s 5 & 1959 c 175 s 10;

(10) RCW 53.12.160 and 1963 c 200 s 19, 1951 c 68 s 1, 1941 c 17 s 1, & 1935 c 133 s 1; and

(11) RCW 53.12.210 and 1963 c 200 s 20, 1941 c 45 s 1, & 1925 ex.s. c 113 s 1.

NEW SECTION. Sec. 164. The following acts or parts of acts are each repealed:

(1) RCW 36.32.271 and 1989 c 244 s 1;

(2) RCW 36.32.273 and 1989 c 244 s 2;

(3) RCW 36.32.275 and 1989 c 244 s 3;

(4) RCW 36.32.277 and 1989 c 244 s 4;

(5) RCW 36.32.500 and 1984 c 203 s 6;

(6) RCW 36.32.505 and 1984 c 203 s 7;

(7) RCW 36.82.030 and 1963 c 4 s 36.82.030;

(8) RCW 36.82.130 and 1982 c 145 s 1, 1969 ex.s. c 182 s 13, & 1963 c 4 s 36.82.130; and

(9) RCW 36.82.150 and 1984 c 7 s 35 & 1963 c 4 s 36.82.150.

NEW SECTION. Sec. 165. (1) Sections 28, 29, 33, and 131 of this act shall take effect July 1, 1992.

(2) Section 47 of this act shall take effect July 1, 1993.

NEW SECTION. Sec. 166. (1) Section 130 of this act shall expire July 1, 1992.

(2) Section 46 of this act shall expire July 1, 1993.

NEW SECTION. Sec. 167. Sections 99 through 108 of this act shall constitute a new chapter in Title 36 RCW.

NEW SECTION. Sec. 168. Section headings as used in this act do not constitute any part of the law.

Passed the House April 28, 1991.

Passed the Senate April 28, 1991.

Approved by the Governor May 21, 1991, with the exception of certain items which were vetoed.

Filed in Office of Secretary of State May 21, 1991.

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

"I am returning herewith, without my approval as to sections 42, 60, and 156, Substitute House Bill No. 1201 entitled:

"AN ACT Relating to local government."

Section 60 of Substitute House Bill No. 1201 requires all counties that plan and zone to authorize the siting of schools in all areas within their planning jurisdictions by either outright permitted uses or conditional use permits.

The inclusion of this section in the bill is motivated by good intentions — to remove what some school districts consider as unreasonable county zoning restrictions that apply to school location decisions. School districts are legally obligated to meet the education needs of a growing student population. To meet those needs requires districts to make every effort to acquire land and locate new schools as economically as possible. That is becoming increasingly difficult. Districts are faced with zoning restrictions that are designed to prevent urban sprawl and preserve land for other critical uses. Often these restrictions conflict with the public facility and financial needs and constraints of school districts with growing student populations.

While I agree with and recognize these very legitimate needs and concerns, I am not convinced that the best solution is to exempt the siting of schools from county planning and zoning ordinances within a county's planning jurisdiction, as proposed in section 60.

First, section 60 conflicts with the spirit and intent of the 1990 Growth Management Act. That law gives certain urban counties the primary responsibility of establishing comprehensive plans, which must include regulation of land uses, the siting of public facilities, the location of public utilities, and the designation of rural areas where urban growth should not occur.

Under the Act, counties must also establish urban growth areas within which urban growth will occur and outside of which growth can occur only if it is not urban in nature. Such decisions and plans are to be made with the participation of other affected jurisdictions, including school districts.

To exempt decisions relating to the location of schools, particularly high schools, from such considerations would be to ignore the very real impacts that these large scale public facilities have on overall growth patterns. It would also create a precedent for future exemptions that could further undermine the primary purpose of the Growth Management Act, which I not only strongly support but believe should be strengthened.

Second, section 60 contains ambiguities that could arguably expend its impact beyond what the Legislature may have intended. By simply requiring that "schools"

would be a permitted use, the language leaves open the possibility that educational facilities, other than public schools, could also be afforded the same status. I do not think section 60 was designed to apply to proprietary schools, although that is a possible interpretation of the language.

Section 42 amends RCW 35.82.285 by making technical changes relating to county classes. That amendment would conflict with a substantive amendment to the same RCW section contained in section 3 of Engrossed House Bill No. 1740. It is therefore advisable to veto section 42 so that the substantive amendment can take effect without confusion.

Section 156 amends RCW 81.104.040 by making technical changes relating to county classes. An amendment to the same RCW section containing identical technical changes also appears in Substitute House Bill No. 2151 (section 4). However, Substitute House Bill No. 2151 contains additional substantive amendatory language that cannot be merged with other language in section 156. It is therefore advisable to veto section 156 to avoid a double amendment and ensure that conflicting language does not appear in the code.

For these reasons, I have vetoed sections 42, 60, and 156 of Substitute House Bill No. 1201.

With the exception of sections 42, 60, and 156, Substitute House Bill No. 1201 is approved."

CHAPTER 364

[Engrossed Second Substitute Senate Bill 5025]

YOUTH AND FAMILY SERVICES

Effective Date: 7/28/91

AN ACT Relating to youth and family services; amending RCW 74.13.034, 70.96A.020, 70.96A.095, 70.96A.140, 71.05.210, 71.34.060, and 13.32A.196; adding a new section to chapter 43.20A RCW; and creating new sections.

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

NEW SECTION. Sec. 1. Evaluation of programs is essential in determining their effectiveness and cost benefit and in obtaining data for improving services. The department of social and health services shall conduct an evaluation of the family reconciliation services program. The study shall include the following information:

- (1) A description of services offered in phase I and phase II;
- (2) The number and characteristics of youth and families served in family reconciliation services phase I and phase II and the outcome of services provided to youth and families;
- (3) A description of outreach services including program information provided to referring agencies and the general public;
- (4) The number and type of referrals to family reconciliation services from law enforcement, juvenile courts, schools, and community agencies and their perception of its effectiveness;
- (5) Follow-up contact with a random sample of youth and families receiving family reconciliation services assistance and their perception of the effectiveness of these services;

(6) The number of youth referred again after services were terminated and outcome of services provided;

(7) The number of youth and families who requested specific services but who did not receive services because they were not available, including a list of the services requested but not available; and

(8) Recommendations for improving services to at-risk youth and families.

****NEW SECTION. Sec. 2. The demand for family reconciliation services continues to increase. The number of families served by the family reconciliation services program has nearly doubled in the past ten years while the number of staff providing these services has decreased. The department of social and health services shall expand family reconciliation services to serve an additional one thousand families per year.***

*Sec. 2 was vetoed, see message at end of chapter.

****NEW SECTION. Sec. 3. The behavioral sciences institute homebuilders intensive in-home counseling program has been highly successful in serving at-risk youth and families. This program shall expand to serve an additional one hundred twenty-six youth and families while preserving program integrity and quality.***

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

NEW SECTION. Sec. 4. There is a lack of knowledge of existing laws and services on the part of those agencies and organizations serving at-risk youth and on the part of the general public. The office of the administrator for the courts is requested to develop a curriculum on at-risk youth for superior court judges and court personnel to be presented at a regularly scheduled educational session. The department of social and health services is directed to produce a videotape on at-risk youth laws and services for use by law enforcement, family reconciliation services staff, prosecuting and defense attorneys, other agencies and organizations dealing with at-risk youth, and the general public. The department shall consult with other agencies and organizations providing services to at-risk youth in the production of the videotape.

Sec. 5. RCW 74.13.034 and 1981 c 298 s 17 are each amended to read as follows:

(1) A child taken into custody and taken to a crisis residential center established pursuant to RCW 74.13.032(2) may, if the center is unable to provide appropriate treatment, supervision, and structure to the child, be taken at department expense to another crisis residential center or the nearest regional crisis residential center. Placement in both centers shall not exceed seventy-two hours from the point of intake as provided in RCW 13.32A.130.

(2) A child taken into custody and taken to a crisis residential center established by this chapter may be placed physically by the department or

the department's designee and, at departmental expense and approval, in a secure juvenile detention facility operated by the county in which the center is located for a maximum of forty-eight hours, including Saturdays, Sundays, and holidays, if ~~((the person in charge of the crisis residential center finds that the child is seriously assaultive or seriously destructive towards others and the center is unable to provide appropriate supervision and structure. Any child who takes unauthorized leave from the center, if))~~ the child has taken unauthorized leave from the center and the person in charge of the center determines that the center cannot provide supervision and structure adequate to ensure that the child will not again take unauthorized leave~~(, may be taken to a secure juvenile detention facility subject to the provisions of this section: PROVIDED, That))~~. Juveniles placed in such a facility pursuant to this section may not, to the extent possible, come in contact with alleged or convicted juvenile or adult offenders.

(3) Any child placed in secure detention pursuant to this section shall, during the period of confinement, be provided with appropriate treatment by the department or the department's designee, which shall include the services defined in RCW 74.13.033(2). If the child placed in secure detention is not returned home or if an alternative living arrangement agreeable to the parent and the child is not made within twenty-four hours after the child's admission, the child shall be taken at the department's expense to a crisis residential center. Placement in the crisis residential center or centers plus placement in juvenile detention shall not exceed seventy-two hours from the point of intake as provided in RCW 13.32A.130.

(4) Juvenile detention facilities used pursuant to this section shall first be certified by the department to ensure that juveniles placed in the facility pursuant to this section are provided with living conditions suitable to the well-being of the child. Where space is available, juvenile courts, when certified by the department to do so, shall provide secure placement for juveniles pursuant to this section, at department expense.

(5) It is the intent of the legislature that by July 1, 1982, crisis residential centers, supplemented by community mental health programs and mental health professionals, will be able to respond appropriately to children admitted to centers under this chapter and will be able to respond to the needs of such children with appropriate treatment, supervision, and structure.

NEW SECTION. Sec. 6. A new section is added to chapter 43.20A RCW to read as follows:

The department shall ensure that the administration of chapter 13.32A RCW and applicable portions of chapter 74.13 RCW relating to runaway youth, at-risk youth, and families in conflict is consistent in all areas of the state and in accordance with statutory requirements.

NEW SECTION. Sec. 7. The legislature finds that the use of alcohol and illicit drugs continues to be a primarycrippler of our youth. This

translates into incredible costs to individuals, families, and society in terms of traffic fatalities, suicides, criminal activity including homicides, sexual promiscuity, familial incorrigibility, and conduct disorders, and educational fallout. Among children of all socioeconomic groups lower expectations for the future, low motivation and self-esteem, alienation, and depression are associated with alcohol and drug abuse.

Studies reveal that deaths from alcohol and other drug-related injuries rise sharply through adolescence, peaking in the early twenties. But second peak occurs in later life, where it accounts for three times as many deaths from chronic diseases. A young victim's life expectancy is likely to be reduced by an average of twenty-six years.

Yet the cost of treating alcohol and drug addicts can be recouped in the first three years of abstinence in health care savings alone. Public money spent on treatment saves not only the life of the chemical abuser, it makes us safer as individuals, and in the long-run costs less.

The legislature further finds that many children who abuse alcohol and other drugs may not require involuntary treatment, but still are not adequately served. These children remain at risk for future chemical dependency, and may become mentally ill or a juvenile offender or need out-of-home placement. Children placed at risk because of chemical abuse may be better served by the creation of a comprehensive integrated system for children in crisis.

The legislature declares that an emphasis on the treatment of youth will pay the largest dividend in terms of preventable costs to individuals themselves, their families, and to society. The provision of augmented involuntary alcohol treatment services to youths, as well as involuntary treatment for youths addicted by other drugs, is in the interest of the public health and safety.

Sec. 8. RCW 70.96A.020 and 1990 c 151 s 2 are each amended to read as follows:

For the purposes of this chapter the following words and phrases shall have the following meanings unless the context clearly requires otherwise:

(1) "Alcoholic" means a person who suffers from the disease of alcoholism.

(2) "Alcoholism" means a disease, characterized by a dependency on alcoholic beverages, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning.

(3) "Approved treatment program" means a discrete program of chemical dependency treatment provided by a treatment program certified by the department of social and health services as meeting standards adopted under this chapter.

(4) "Chemical dependency" means alcoholism or drug addiction, or dependence on alcohol and one or more other psychoactive chemicals, as the context requires.

(5) "Chemical dependency program" means expenditures and activities of the department designed and conducted to prevent or treat alcoholism and other drug addiction, including reasonable administration and overhead.

(6) "Department" means the department of social and health services.

(7) "Designated chemical dependency specialist" means a person designated by the county alcoholism and other drug addiction program coordinator designated under RCW 70.96A.310 to perform the commitment duties described in RCW 70.96A.140 and qualified to do so by meeting standards adopted by the department.

(8) "Director" means the person administering the chemical dependency program within the department.

(9) "Drug addict" means a person who suffers from the disease of drug addiction.

(10) "Drug addiction" means a disease characterized by a dependency on psychoactive chemicals, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning.

(11) "Emergency service patrol" means a patrol established under RCW 70.96A.170.

(12) "Gravely disabled by alcohol or other drugs" means that a person, as a result of the use of alcohol or other drugs: (a) Is in danger of serious physical harm resulting from a failure to provide for his or her essential human needs of health or safety; or (b) manifests severe deterioration in routine functioning evidenced by a repeated and escalating loss of cognition or volitional control over his or her actions and is not receiving care as essential for his or her health or safety.

(13) "Incapacitated by alcohol or other psychoactive chemicals" means that a person, as a result of the use of alcohol or other psychoactive chemicals, has his or her judgment so impaired that he or she is incapable of realizing and making a rational decision with respect to his or her need for treatment and constitutes a danger to himself or herself, to any other person, or to property.

(14) "Incompetent person" means a person who has been adjudged incompetent by the superior court.

(15) "Intoxicated person" means a person whose mental or physical functioning is substantially impaired as a result of the use of alcohol or other psychoactive chemicals.

(16) "Licensed physician" means a person licensed to practice medicine or osteopathy in the state of Washington.

(17) "Minor" means a person less than eighteen years of age.

(18) "Peace officer" means a law enforcement official of a public agency or governmental unit, and includes persons specifically given peace officer powers by any state law, local ordinance, or judicial order of appointment.

~~((18))~~ (19) "Person" means an individual, including a minor.

(20) "Secretary" means the secretary of the department of social and health services.

~~((19))~~ (21) "Treatment" means the broad range of emergency, detoxification, residential, and outpatient services and care, including diagnostic evaluation, chemical dependency education and counseling, medical, psychiatric, psychological, and social service care, vocational rehabilitation and career counseling, which may be extended to alcoholics and other drug addicts and their families, persons incapacitated by alcohol or other psychoactive chemicals, and intoxicated persons.

~~((20))~~ (22) "Treatment program" means an organization, institution, or corporation, public or private, engaged in the care, treatment, or rehabilitation of alcoholics or other drug addicts.

Sec. 9. RCW 70.96A.095 and 1989 c 270 s 24 are each amended to read as follows:

Any person fourteen years of age or older may give consent for himself or herself to the furnishing of counseling, care, treatment, or rehabilitation by a treatment program or by any person. Consent of the parent, parents, or legal guardian of a person less than eighteen years of age is not necessary to authorize the care, except that the person shall not become a resident of the treatment program without such permission except as provided in RCW 70.96A.120 or 70.96A.140. The parent, parents, or legal guardian of a person less than eighteen years of age are not liable for payment of care for such persons pursuant to this chapter, unless they have joined in the consent to the counseling, care, treatment, or rehabilitation.

Sec. 10. RCW 70.96A.140 and 1990 c 151 s 3 are each amended to read as follows:

(1) When a designated chemical dependency specialist~~((;))~~ receives information alleging that a person is incapacitated as a result of alcoholism, or in the case of a minor incapacitated by alcoholism and/or other drug addiction, the designated chemical dependency specialist, after investigation and evaluation of the specific facts alleged and of the reliability and credibility of the information, may file a petition for commitment of such person with the superior court or district court. If the designated chemical dependency specialist~~((;))~~ finds that the initial needs of such person would be better served by placement within the mental health system, the person shall be referred to an evaluation and treatment facility as defined in RCW 71.05.020 or 71.34.020. If placement in an alcohol treatment program is available and deemed appropriate, the petition shall allege that: The person

is an alcoholic who is incapacitated by alcohol, or in the case of a minor incapacitated by alcoholism and/or other drug addiction, or that the person has twice before in the preceding twelve months been admitted for detoxification or treatment for alcoholism pursuant to RCW 70.96A.110, or in the case of a minor, detoxification or treatment for alcohol or drug addiction, and is in need of a more sustained treatment program, or that the person is an alcoholic, or in the case of a minor, an alcoholic or other drug addict, who has threatened, attempted, or inflicted physical harm on another and is likely to inflict physical harm on another unless committed. A refusal to undergo treatment, by itself, does not constitute evidence of lack of judgment as to the need for treatment. The petition shall be accompanied by a certificate of a licensed physician who has examined the person within five days before submission of the petition, unless the person whose commitment is sought has refused to submit to a medical examination, in which case the fact of refusal shall be alleged in the petition. The certificate shall set forth the licensed physician's findings in support of the allegations of the petition. A physician employed by the petitioning program or the department is eligible to be the certifying physician.

(2) Upon filing the petition, the court shall fix a date for a hearing no less than two and no more than seven days after the date the petition was filed unless the person petitioned against is presently being detained in a program, pursuant to RCW 70.96A.120 ((or)), 71.05.210, or 71.34.050, as now or hereafter amended, in which case the hearing shall be held within seventy-two hours of the filing of the petition: PROVIDED, HOWEVER, That the above specified seventy-two hours shall be computed by excluding Saturdays, Sundays, and holidays: PROVIDED FURTHER, That, the court may, upon motion of the person whose commitment is sought, or upon motion of petitioner with written permission of the person whose commitment is sought, or his or her counsel and, upon good cause shown, extend the date for the hearing. A copy of the petition and of the notice of the hearing, including the date fixed by the court, shall be served by the designated chemical dependency specialist on the person whose commitment is sought, his or her next of kin, a parent or his or her legal guardian if he or she is a minor, and any other person the court believes advisable. A copy of the petition and certificate shall be delivered to each person notified.

(3) At the hearing the court shall hear all relevant testimony, including, if possible, the testimony, which may be telephonic, of at least one licensed physician who has examined the person whose commitment is sought. Communications otherwise deemed privileged under the laws of this state are deemed to be waived in proceedings under this chapter when a court of competent jurisdiction in its discretion determines that the waiver is necessary to protect either the detained person or the public. The waiver of a privilege under this section is limited to records or testimony relevant to evaluation of the detained person for purposes of a proceeding under this

chapter. Upon motion by the detained person, or on its own motion, the court shall examine a record or testimony sought by a petitioner to determine whether it is within the scope of the waiver.

The record maker shall not be required to testify in order to introduce medical, nursing, or psychological records of detained persons so long as the requirements of RCW 5.45.020 are met, except that portions of the record that contain opinions as to whether the detained person is an alcoholic, or in the case of a minor incapacitated by alcoholism and/or other drug addiction, must be deleted from the records unless the person offering the opinions is available for cross-examination. The person shall be present unless the court believes that his or her presence is likely to be injurious to him or her; in this event the court may deem it appropriate to appoint a guardian ad litem to represent him or her throughout the proceeding. If deemed advisable, the court may examine the person out of courtroom. If the person has refused to be examined by a licensed physician, he or she shall be given an opportunity to be examined by a court appointed licensed physician. If he or she refuses and there is sufficient evidence to believe that the allegations of the petition are true, or if the court believes that more medical evidence is necessary, the court may make a temporary order committing him or her to the department for a period of not more than five days for purposes of a diagnostic examination.

(4) If after hearing all relevant evidence, including the results of any diagnostic examination, the court finds that grounds for involuntary commitment have been established by clear, cogent, and convincing proof, it shall make an order of commitment to an approved treatment program. It shall not order commitment of a person unless it determines that an approved treatment program is available and able to provide adequate and appropriate treatment for him or her.

(5) A person committed under this section shall remain in the program for treatment for a period of sixty days unless sooner discharged. At the end of the sixty-day period, he or she shall be discharged automatically unless the program, before expiration of the period, files a petition for his or her recommitment upon the grounds set forth in subsection (1) of this section for a further period of ninety days unless sooner discharged. If a person has been committed because he or she is an alcoholic, or, in the case of a minor, an alcoholic or other drug addict, likely to inflict physical harm on another, the program shall apply for recommitment if after examination it is determined that the likelihood still exists.

(6) Upon the filing of a petition for recommitment under subsection (5) of this section, the court shall fix a date for hearing no less than two and no more than seven days after the date the petition was filed: PROVIDED, That, the court may, upon motion of the person whose commitment is sought and upon good cause shown, extend the date for the hearing. A copy of the petition and of the notice of hearing, including the date fixed by the

court, shall be served by the treatment program on the person whose commitment is sought, his or her next of kin, the original petitioner under subsection (1) of this section if different from the petitioner for recommitment, one of his or her parents or his or her legal guardian if he or she is a minor, and his or her attorney and any other person the court believes advisable. At the hearing the court shall proceed as provided in subsection (3) of this section.

(7) The approved treatment program shall provide for adequate and appropriate treatment of a person committed to its custody. A person committed under this section may be transferred from one approved public treatment program to another if transfer is medically advisable.

(8) A person committed to the custody of a program for treatment shall be discharged at any time before the end of the period for which he or she has been committed and he or she shall be discharged by order of the court if either of the following conditions are met:

(a) In case of an alcoholic committed on the grounds of likelihood of infliction of physical harm upon himself, herself, or another, or, in the case of a minor, an alcoholic or other drug addict, the likelihood no longer exists; or further treatment will not be likely to bring about significant improvement in the person's condition, or treatment is no longer adequate or appropriate.

(b) In case of an alcoholic committed on the grounds of the need of treatment and incapacity or, in the case of a minor, incapacitated by alcoholism and/or other drug addiction, that the incapacity no longer exists.

(9) The court shall inform the person whose commitment or recommitment is sought of his or her right to contest the application, be represented by counsel at every stage of any proceedings relating to his or her commitment and recommitment, and have counsel appointed by the court or provided by the court, if he or she wants the assistance of counsel and is unable to obtain counsel. If the court believes that the person needs the assistance of counsel, the court shall require, by appointment if necessary, counsel for him or her regardless of his or her wishes. The person shall, if he or she is financially able, bear the costs of such legal service; otherwise such legal service shall be at public expense. The person whose commitment or recommitment is sought shall be informed of his or her right to be examined by a licensed physician of his or her choice. If the person is unable to obtain a licensed physician and requests examination by a physician, the court shall employ a licensed physician.

(10) A person committed under this chapter may at any time seek to be discharged from commitment by writ of habeas corpus in a court of competent jurisdiction.

(11) The venue for proceedings under this section is the county in which person to be committed resides or is present.

(12) When in the opinion of the professional person in charge of the program providing involuntary treatment under this chapter, the committed patient can be appropriately served by less restrictive treatment before expiration of the period of commitment, then the less restrictive care may be required as a condition for early release for a period which, when added to the initial treatment period, does not exceed the period of commitment. If the program designated to provide the less restrictive treatment is other than the program providing the initial involuntary treatment, the program so designated must agree in writing to assume such responsibility. A copy of the conditions for early release shall be given to the patient, the designated chemical dependency specialist of original commitment, and the court of original commitment. The program designated to provide less restrictive care may modify the conditions for continued release when the modifications are in the best interests of the patient. If the program providing less restrictive care and the designated chemical dependency specialist determine that a conditionally released patient is failing to adhere to the terms and conditions of his or her release, or that substantial deterioration in the patient's functioning has occurred, then the designated chemical dependency specialist shall notify the court of original commitment and request a hearing to be held no less than two and no more than seven days after the date of the request to determine whether or not the person should be returned to more restrictive care. The designated chemical dependency specialist shall file a petition with the court stating the facts substantiating the need for the hearing along with the treatment recommendations. The patient shall have the same rights with respect to notice, hearing, and counsel as for the original involuntary treatment proceedings. The issues to be determined at the hearing are whether the conditionally released patient did or did not adhere to the terms and conditions of his or her release to less restrictive care or that substantial deterioration of the patient's functioning has occurred and whether the conditions of release should be modified or the person should be returned to a more restrictive program. The hearing may be waived by the patient and his or her counsel and his or her guardian or conservator, if any, but may not be waived unless all such persons agree to the waiver. Upon waiver, the person may be returned for involuntary treatment or continued on conditional release on the same or modified conditions.

Sec. 11. RCW 71.05.210 and 1989 c 120 s 6 are each amended to read as follows:

Each person involuntarily admitted to an evaluation and treatment facility shall, within twenty-four hours of his or her admission, be examined and evaluated by a licensed physician who may be assisted by a physician((s)) assistant according to chapter 18.71A RCW or a nurse practitioner according to chapter 18.88 RCW and a mental health professional as defined in this chapter, and shall receive such treatment and care as his or her condition requires including treatment on an outpatient basis

for the period that he or she is detained, except that, beginning twenty-four hours prior to a court proceeding, the individual may refuse all but emergency life-saving treatment, and the individual shall be informed at an appropriate time of his or her right to such refusal of treatment. Such person shall be detained up to seventy-two hours, if, in the opinion of the professional person in charge of the facility, or his or her professional designee, the person presents a likelihood of serious harm to himself or herself or others, or is gravely disabled. A person who has been detained for seventy-two hours shall no later than the end of such period be released, unless referred for further care on a voluntary basis, or detained pursuant to court order for further treatment as provided in this chapter.

If, after examination and evaluation, the licensed physician and mental health professional determine that the initial needs of the person would be better served by placement in ~~((an alcohol))~~ a chemical dependency treatment facility, then the person shall be referred to an approved treatment ~~((facility))~~ program defined under RCW 70.96A.020.

An evaluation and treatment center admitting any person pursuant to this chapter whose physical condition reveals the need for hospitalization shall assure that such person is transferred to an appropriate hospital for treatment. Notice of such fact shall be given to the court, the designated attorney, and the designated county mental health professional and the court shall order such continuance in proceedings under this chapter as may be necessary, but in no event may this continuance be more than fourteen days.

Sec. 12. RCW 71.34.060 and 1985 c 354 s 6 are each amended to read as follows:

(1) Each minor approved by the facility for inpatient admission shall be examined and evaluated by a children's mental health specialist as to the child's mental condition and by a physician as to the child's physical condition within twenty-four hours of admission. Reasonable measures shall be taken to ensure medical treatment is provided for any condition requiring immediate medical attention.

(2) If, after examination and evaluation, the children's mental health specialist and the physician determine that the initial needs of the minor would be better served by placement in a chemical dependency treatment facility, then the minor shall be referred to an approved treatment program defined under RCW 70.96A.020.

(3) The admitting facility shall take reasonable steps to notify immediately the minor's parent of the admission.

~~((3))~~ (4) During the initial seventy-two hour treatment period, the minor has a right to associate or receive communications from parents or others unless the professional person in charge determines that such communication would be seriously detrimental to the minor's condition or treatment and so indicates in the minor's clinical record, and notifies the

minor's parents of this determination. In no event may the minor be denied the opportunity to consult an attorney.

~~((4))~~ (5) If the evaluation and treatment facility admits the minor, it may detain the minor for evaluation and treatment for a period not to exceed seventy-two hours from the time of provisional acceptance. The computation of such seventy-two hour period shall exclude Saturdays, Sundays, and holidays. This initial treatment period shall not exceed seventy-two hours except when an application for voluntary inpatient treatment is received or a petition for fourteen-day commitment is filed.

~~((5))~~ (6) Within twelve hours of the admission, the facility shall advise the minor of his or her rights as set forth in this chapter.

NEW SECTION. Sec. 13. The purpose of sections 7 through 12 of this act is solely to provide authority for the involuntary commitment of minors addicted by drugs within available funds and current programs and facilities. Nothing in sections 7 through 12 of this act shall be construed to require the addition of new facilities nor affect the department's authority for the uses of existing programs and facilities authorized by law. Nothing in sections 7 through 12 of this act shall prevent a parent or guardian from requesting the involuntary commitment of a minor through a county designated chemical dependency specialist on an ability to pay basis.

Sec. 14. RCW 13.32A.196 and 1990 c 276 s 14 are each amended to read as follows:

(1) At the dispositional hearing regarding an adjudicated at-risk youth, the court shall consider the recommendations of the parties and the recommendations of any dispositional plan submitted by the department. The court may enter a dispositional order that will assist the parent in maintaining the care, custody, and control of the child and assist the family to resolve family conflicts or problems.

(2) The court may set conditions of supervision for the child that include:

- (a) Regular school attendance;
- (b) Counseling;
- (c) Participation in a substance abuse treatment program;
- (d) Reporting on a regular basis to the department or any other designated person or agency; and
- (e) Any other condition the court deems an appropriate condition of supervision.

(3) No dispositional order or condition of supervision ordered by a court pursuant to this section shall include involuntary commitment of a child for substance abuse or mental health treatment.

(4) The court may order the parent to participate in counseling services or any other services for the child requiring parental participation. The parent shall cooperate with the court-ordered case plan and shall take necessary steps to help implement the case plan. The parent shall be financially

responsible for costs related to the court-ordered plan; however, this requirement shall not affect the eligibility of the parent or child for public assistance or other benefits to which the parent or child may otherwise be entitled. The parent may request dismissal of an at-risk youth proceeding at any time and upon such a request, the court shall dismiss the matter and cease court supervision of the child unless a contempt action is pending in the case. The court may retain jurisdiction over the matter for the purpose of concluding any pending contempt proceedings, including the full satisfaction of any penalties imposed as a result of a contempt finding.

~~((4))~~ (5) The court may order the department to monitor compliance with the dispositional order, assist in coordinating the provision of court-ordered services, and submit reports at subsequent review hearings regarding the status of the case.

NEW SECTION. Sec. 15. If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this act in its application to the agencies concerned. The rules under this act shall meet federal requirements that are a necessary condition to the receipt of federal funds by the state.

NEW SECTION. Sec. 16. If specific funding for section 1 of this act, referencing section 1 of this act by bill and section number, is not provided by June 30, 1991, in the omnibus appropriations act, section 1 this act shall be null and void.

****NEW SECTION. Sec. 17. If specific funding for section 2 of this act, referencing section 2 of this act by bill and section number, is not provided by June 30, 1991, in the omnibus appropriations act, section 2 this act shall be null and void.***

*Sec. 17 was vetoed, see message at end of chapter.

****NEW SECTION. Sec. 18. If specific funding for section 3 of this act, referencing section 3 of this act by bill and section number, is not provided by June 30, 1991, in the omnibus appropriations act, section 3 of this act shall be null and void.***

*Sec. 18 was vetoed, see message at end of chapter.

NEW SECTION. Sec. 19. If specific funding for section 4 of this act, referencing section 4 of this act by bill and section number, is not provided by June 30, 1991, in the omnibus appropriations act, section 4 of this act shall be null and void.

****NEW SECTION. Sec. 20. The expansion of services referenced in sections 2, 3, and 4 of this act shall apply exclusively to the fiscal period commencing on July 1, 1991, and ending on June 30, 1993.***

***Sec. 20 was vetoed, see message at end of chapter.**

Passed the Senate April 28, 1991.

Passed the House April 27, 1991.

Approved by the Governor May 21, 1991, with the exception of certain items which were vetoed.

Filed in Office of Secretary of State May 21, 1991.

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

"I am returning herewith, without my approval as to sections 2, 3, 17, 18, and 20, Engrossed Second Substitute Senate Bill No. 5025 entitled:

"AN ACT Relating to youth and family services."

This bill attempts to enhance early intervention services for at-risk youth and their families. Sections 2 and 3 specifically require expansion of family reconciliation services to an additional 1,000 families per year, and the homebuilders program to 126 additional youth and families per year. These sections are contingent upon funding in the budget.

Because negotiations are still underway regarding the budget, the level of funding for these programs is uncertain. There are no assurances that the legislature will provide funds adequate to meet the specific service level increases required by this bill. Further, service levels can be itemized in a budget proviso and should not be set out in statute. These reasons require that I veto sections 2 and 3.

Sections 17, 18, and 20 make reference to the items specified above. To avoid confusion, I am also vetoing these sections.

With the exception of sections 2, 3, 17, 18, and 20, Engrossed Second Substitute Senate Bill No. 5025 is approved."

CHAPTER 365

[Engrossed Substitute House Bill 1211]

ASSIGNMENT OF RETIREMENT BENEFITS

Effective Date: 7/28/91

AN ACT Relating to the assignment of retirement benefits; amending RCW 41.50.500, 41.50.510, 41.50.530, 41.50.540, 41.50.550, 41.50.560, 41.50.580, 41.50.590, 41.50.600, 41.50.620, 41.50.630, 41.50.650, 2.10.180, 2.12.090, 41.26.180, 41.32.590, 41.40.380, 43.43.310, 26.09.138, 6.27.150, 41.40.270, 41.40.700, 41.32.520, 41.32.805, 41.26.510, 43.43.280, 41.32.550, and 41.26.030; adding new sections to chapter 41.50 RCW; and adding a new section to chapter 41.32 RCW.

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

Sec. 1. RCW 41.50.500 and 1987 c 326 s 1 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout RCW 41.50.500 through 41.50.650, sections 13 through 17, and 25 of this act, and 26.09.138.

(1) "Benefits" means periodic retirement payments or a withdrawal of accumulated contributions.

(2) "Disposable benefits" means that part of the benefits of an individual remaining after the deduction from those benefits of any amount required by law to be withheld. The term "required by law to be withheld" does not include any deduction elective to the member.

(3) "Dissolution order" means any judgment, decree, or order of spousal maintenance, property division, or court-approved property settlement incident to a decree of divorce, dissolution, invalidity, or legal separation issued by the superior court of the state of Washington or a judgment, decree, or other order of spousal support issued by a court of competent jurisdiction in another state or country, that has been registered or otherwise made enforceable in this state.

(4) "Mandatory benefits assignment order" means an order issued to the department of retirement systems pursuant to RCW 41.50.570 to withhold and deliver benefits payable to an obligor under chapter 2.10, 2.12, 41.26, 41.32, 41.40, or 43.43 RCW.

(5) "Obligee" means an ex spouse or spouse to whom a duty of spousal maintenance or property division obligation is owed.

(6) "Obligor" means the spouse or ex spouse owing a duty of spousal maintenance or a property division obligation.

(7) "Periodic retirement payments" means periodic payments of retirement allowances, including but not limited to service retirement allowances, disability retirement allowances, and survivors' allowances. The term does not include a withdrawal of accumulated contributions.

(8) "Property division obligation" means any outstanding court-ordered property division or court-approved property settlement obligation incident to a decree of divorce, dissolution, or legal separation.

(9) "Standard allowance" means a benefit payment option selected under RCW 2.10.146(1)(a), 41.26.460(1)(a), 41.32.785(1)(a), 41.40.188(1)(a), or 41.40.660(1), that ceases upon the death of the retiree. Standard allowance also means the benefit allowance provided under RCW 2.10.110, 2.10.130, 43.43.260, 41.26.100, 41.26.130(1)(a), or chapter 2.12 RCW. Standard allowance also means the maximum retirement allowance available under RCW 41.32.530(1) following member withdrawal of accumulated contributions, if any.

(10) "Withdrawal of accumulated contributions" means a lump sum payment to a retirement system member of all or a part of the member's accumulated contributions, including accrued interest, at the request of the member(~~(-The term does not include)~~) including any lump sum amount paid upon the death of the member.

Sec. 2. RCW 41.50.510 and 1987 c 326 s 2 are each amended to read as follows:

(1) The remedies provided in RCW 41.50.530 through 41.50.650 and 26.09.138 are in addition to, and not in substitution for, any other remedies provided by law to enforce a dissolution order against an obligor.

(2) ~~((Except for the remedies provided in chapters 26.18 and 74.20A RCW;))~~ The remedies provided in RCW 41.50.530 through 41.50.630 shall be the exclusive remedies enforceable against the department of retirement systems or the retirement systems listed in RCW 41.50.030 ((in connection with any action or as a result of a judgment, decree, or order of)) to recover spousal maintenance pursuant to a dissolution, divorce, or legal separation order.

(3) RCW 41.50.530 through 41.50.650 and 26.09.138 apply to all dissolution orders incident to a decree of divorce, dissolution, or legal separation whether entered before or after July 1, 1987.

Sec. 3. RCW 41.50.530 and 1987 c 326 s 4 are each amended to read as follows:

(1) A proceeding to enforce a duty of spousal maintenance ~~((or a property division obligation by means of))~~ through a mandatory benefits assignment order may be commenced by an obligee:

(a) By filing a petition for an original action; or

(b) By motion in an existing action or under an existing cause number.

(2) Venue for the action is in the superior court of the county of the state of Washington where the obligee resides or is present, where the obligor resides, or where the prior dissolution order was entered.

(3) The court retains continuing jurisdiction under RCW 41.50.500 through 41.50.650 and 26.09.138 until the obligor has satisfied all duties of spousal maintenance ~~((and all property settlement obligations of the obligor)), including arrearages, ((with respect)) to the obligee ((have been satisfied)).~~

Sec. 4. RCW 41.50.540 and 1987 c 326 s 5 are each amended to read as follows:

(1) Every court order or decree establishing a spousal maintenance obligation ~~((or property division obligation))~~ may state that if any such payment is more than fifteen days past due and the total of such past due payments is equal to or greater than one hundred dollars or if the obligor requests a withdrawal of accumulated contributions from the department of retirement systems, the obligee may seek a mandatory benefits assignment order without prior notice to the obligor. Failure to include this provision does not affect the validity of the dissolution order.

(2) If the dissolution order under which the obligor owes the duty of spousal maintenance ~~((or a property division obligation))~~ is not in compliance with subsection (1) of this section or if the obligee cannot show that the obligor has approved or received a copy of the court order or decree that complies with subsection (1) of this section, then notice shall be provided to the obligor at least fifteen days before the obligee seeks a mandatory benefits assignment order. The notice shall state that, if a spousal maintenance ~~((or property division))~~ payment is more than fifteen days past due and the total of such past due payments is equal to or greater than one hundred

dollars or if the obligor requests a withdrawal of accumulated contributions from the department of retirement systems, the obligee may seek a mandatory benefits assignment order without further notice to the obligor. Service of the notice shall be by personal service, or by any form of mail requiring a return receipt. The notice requirement under this subsection is not jurisdictional.

Sec. 5. RCW 41.50.550 and 1987 c 326 s 6 are each amended to read as follows:

(1) An obligee who wishes to be notified by the department of retirement systems if the obligor seeks a withdrawal of accumulated contributions shall submit such a request to the department in writing on a form supplied by the department. The request shall be filed by certified or registered mail and shall include the obligee's address and a copy of the dissolution order requiring the spousal maintenance (~~(or property division obligation)~~) owed.

(2) The department shall thereafter promptly send notice to the obligee at the address provided in subsection (1) of this section when the obligor applies for a withdrawal of accumulated contributions. The department shall not process the obligor's request for a withdrawal of accumulated contributions sooner than seventy-five days after sending the notice to the obligee.

(3) The department (~~(may)~~) shall pay directly to an obligee who has not obtained a mandatory benefits assignment order all or part of the accumulated contributions (~~((withdrawn by an obligor if, and only))~~) if the dissolution order filed with the department pursuant to subsection (1) of this section includes a provision that states (~~((in substantially the following form))~~):

"At such time as (the obligor) requests a withdrawal of accumulated contributions as defined in RCW 41.50.500, the department of retirement systems shall pay to (the obligee) dollars from such accumulated contributions or . . . percentage of such accumulated contributions (whichever is provided by the court)."

Sec. 6. RCW 41.50.560 and 1987 c 326 s 7 are each amended to read as follows:

(1) A petition or motion seeking a mandatory benefits assignment order in an action under RCW 41.50.530 may be filed by an obligee if the obligor is more than fifteen days past due in spousal maintenance (~~(or property division obligation)~~) payments and the total of such past due payments is equal to or greater than one hundred dollars or if the obligor requests a withdrawal of accumulated contributions from the department of retirement systems. The petition or motion shall include a sworn statement by the obligee, stating the facts authorizing the issuance of the mandatory benefits assignment order, including:

(a) That the obligor, stating his or her name, residence, and social security number, (i) is more than fifteen days past due in spousal maintenance

payments (~~(or property division obligation payments)~~) and that the total of such past due payments is equal to or greater than one hundred dollars, or (ii) has requested a withdrawal of accumulated contributions from the department of retirement systems;

(b) A description of the terms of the dissolution order requiring payment of spousal maintenance (~~(or a property division obligation)~~) and the amount, if any, past due;

(c) The name of the public retirement system or systems from which the obligor is currently receiving periodic retirement benefits or from which the obligor has requested a withdrawal of accumulated contributions; and

(d) That notice has been provided to the obligor as required by RCW 41.50.540.

(2) If the court in which a mandatory benefits assignment order is sought does not already have a copy of the dissolution order in the court file, then the obligee shall attach a copy of the dissolution order to the petition or motion seeking the mandatory benefits assignment order.

Sec. 7. RCW 41.50.580 and 1987 c 326 s 9 are each amended to read as follows:

(1)(a) The mandatory benefits assignment order (~~(in)~~) issued pursuant to RCW 41.50.570 and directed at periodic retirement benefits shall include:

(i) The maximum amount of current spousal maintenance (~~(or property division obligation, if any,)~~) to be withheld from the obligor's periodic retirement benefits each month;

(ii) The total amount of the arrearage judgments previously entered by the court, if any, together with interest, if any; and

(iii) The maximum amount to be withheld from the obligor's periodic retirement payments each month to satisfy the arrearage judgments specified in (a)(ii) of this subsection.

(b) (~~With respect to such a mandatory benefits assignment order,)~~ The total amount to be withheld from the obligor's periodic retirement payments each month pursuant to a mandatory benefits assignment order shall not exceed fifty percent of the disposable benefits of the obligor (~~(or the maximum amount allowed by 15 U.S.C. Sec. 1673, whichever is less)~~). If the amounts to be paid toward the arrearage are specified in the assignment order, then the maximum amount to be withheld is the sum of the current maintenance ordered and the amount ordered to be paid toward the arrearage, or fifty percent of the disposable benefits of the obligor, whichever is less.

(c) (~~Except as otherwise required by federal law,)~~ Fifty percent of the disposable benefits of the obligor are exempt from collection under the assignment order, and may be disbursed by the department to the obligor. The provisions of RCW 6.27.150 do not apply to mandatory benefits assignment orders under this chapter.

(2)(a) A mandatory benefits assignment order ~~((in))~~ issued pursuant to RCW 41.50.570 and directed at a withdrawal of accumulated contributions shall include:

~~(i) ((The property division interest, if any, of the obligee in the obligor's accumulated contributions, established by the dissolution order, which interest shall be stated as either a dollar amount or a percentage amount in the mandatory benefits assignment order))~~ The maximum amount of current spousal maintenance to be withheld from the obligor's accumulated contributions;

(ii) The total amount of the arrearage judgments for spousal maintenance payments ((or property division payments)) entered by the court, if any, together with interest, if any; and

(iii) The amount to be withheld from the obligor's withdrawal of accumulated contributions to satisfy the ((property division interest)) current maintenance obligation and the arrearage judgments specified in (a) (i) and (ii) of this subsection;

~~(b) ((With respect to such a mandatory benefits assignment order,))~~ The total amount to be withheld from the obligor's withdrawal of accumulated contributions may be up to one hundred percent of the disposable benefits of the obligor.

(3) If an obligor is subject to two or more mandatory benefits assignment orders on account of different obligees and if the nonexempt portion of the obligor's benefits is not sufficient to respond fully to all the mandatory benefits assignment orders, the department shall apportion the obligor's nonexempt disposable benefits among the various obligees in ((equal)) proportionate shares to the extent permitted by federal law. Any obligee may seek a court order directing the department to reapportion the obligor's nonexempt disposable earnings upon notice to all interested obligees. The order must specifically supersede the terms of previous mandatory benefits assignment orders the terms of which it alters. Notice shall be by personal service, or in a manner provided by the civil rules of superior court or applicable statute.

Sec. 8. RCW 41.50.590 and 1987 c 326 s 10 are each amended to read as follows:

The mandatory benefits assignment order shall be ~~((substantially))~~ in the following form:

IN THE SUPERIOR COURT OF THE STATE OF
WASHINGTON IN AND FOR THE COUNTY OF

.....

.....,

Obligee

No.

vs.

.....,

Obligor

MANDATORY
BENEFITS ASSIGNMENT
ORDER

.....,

The Department of Retirement Systems
of the State of Washington

THE STATE OF WASHINGTON TO: The Department of Retirement
Systems

AND TO:
Obligor

The above-named obligee claims that the above-named obligor is more than fifteen days past due in spousal maintenance ((or property division obligation)) payments and that the total amount of such past due payments is equal to or greater than one hundred dollars or that the obligor has requested a withdrawal of accumulated contributions from the department of retirement systems. The amount of the accrued past due spousal maintenance ((or property division obligation)) debt as of this date is dollars. If the obligor is receiving periodic retirement payments from the department, the amount to be withheld from the obligor's benefits to satisfy such accrued spousal maintenance ((or property division obligation)) is dollars per month and the amount to be withheld from the obligor's benefits to satisfy current and continuing spousal maintenance ((or property division obligation)) is per month. Upon satisfaction of the accrued past due spousal maintenance debt, the department shall withhold only dollars, the amount necessary to satisfy current and continuing spousal maintenance from the obligor's benefits. If the obligor has requested a withdrawal of accumulated contributions from the department, the amount to be withheld from the obligor's benefits to satisfy such accrued spousal maintenance ((or property division obligation)) is dollars ((and the amount to be withheld from the obligor's benefits to satisfy the obligee's property division interest in the obligor's accumulated contributions is percent of the disposable benefits or is dollars)).

You are hereby commanded to answer this order by filling in the attached form according to the instructions, and you must mail or deliver the original of the answer to the court, one copy to the obligee or obligee's attorney, and one copy to the obligor within twenty days after service of this benefits assignment order upon you.

(1) If you are currently paying periodic retirement payments to the obligor, then you shall do as follows:

(a) Withhold from the obligor's retirement payments each month the lesser of:

(i) The sum of the specified arrearage payment amount plus the specified current spousal maintenance (~~((or property division obligation))~~) amount; or

(ii) Fifty percent of the disposable benefits of the obligor (~~((or the maximum amount allowed by federal law, whichever is less))~~).

(b) The total amount withheld above is subject to the mandatory benefits assignment order, and all other sums may be disbursed to the obligor.

You shall continue to withhold the ordered amounts from nonexempt benefits of the obligor until notified by a court order that the mandatory benefits assignment order has been modified or terminated. You shall promptly notify the court if and when the obligor is no longer receiving periodic retirement payments from the department of retirement systems.

You shall deliver the withheld benefits to the clerk of the court that issued this mandatory benefits assignment order each month, but the first delivery shall occur no sooner than twenty days after your receipt of this mandatory benefits assignment order.

(2) If you are not currently paying periodic retirement payments to the obligor but the obligor has requested a withdrawal of accumulated contributions, then you shall do as follows:

(a) Withhold from the obligor's benefits the sum of the specified arrearage payment amount plus the specified (~~((property division))~~) interest amount, up to one hundred percent of the disposable benefits of the obligor.

(b) The total amount withheld above is subject to the mandatory benefits assignment order, and all other sums may be disbursed to the obligor.

You shall mail a copy of this order and a copy of your answer to the obligor at the mailing address in the department's files as soon as is reasonably possible. This mandatory benefits assignment order has priority over any assignment or order of execution, garnishment, attachment, levy, or similar legal process authorized by Washington law, except for a wage assignment order for child support under chapter 26.18 RCW or order to withhold or deliver under chapter 74.20A RCW.

NOTICE TO OBLIGOR: YOU HAVE A RIGHT TO REQUEST A HEARING IN THE SUPERIOR COURT THAT ISSUED THIS MANDATORY BENEFITS ASSIGNMENT ORDER, TO REQUEST THAT THE COURT QUASH, MODIFY, OR TERMINATE THE MANDATORY BENEFITS ASSIGNMENT ORDER.

DATED THIS day of, 19..

Obligee,
or obligee's attorney

Judge/Court Commissioner

Sec. 9. RCW 41.50.600 and 1987 c 326 s 11 are each amended to read as follows:

(1) The director or the director's designee shall answer an order by sworn affidavit within twenty days after the date of service. The answer shall state whether the obligor receives periodic payments from the department of retirement systems, whether the obligor has requested a withdrawal of accumulated contributions from the department, whether the department will honor the mandatory benefits assignment order and if not, the reasons why, and whether there are other current court or administrative orders on file with the department directing the department to withhold all or a portion of the obligor's benefits.

(2)(a) If any periodic retirement payments are currently payable to the obligor, the funds subject to the mandatory benefits assignment order shall be withheld from the next periodic retirement payment due twenty days or more after receipt of the mandatory benefits assignment order. The withheld amount shall be delivered to the clerk of the court that issued the mandatory benefits assignment order each month, but the first delivery shall occur no sooner than twenty days after receipt of the mandatory benefits assignment order.

(b) The department shall continue to withhold the ordered amount from nonexempt benefits of the obligor until notified by the court that the mandatory benefits assignment order has been modified or terminated. If the department is initially unable to comply, or able to comply only partially, with the withholding obligation, the court's order shall be interpreted to require the department to comply to the greatest extent possible at the earliest possible date. The department shall notify the court of changes in withholding amounts and the reason for the change. When the obligor is no longer eligible to receive funds from one or more public retirement systems the department shall promptly notify the court.

(3)(a) If no periodic retirement payments are currently payable to the obligor but the obligor has requested a withdrawal of accumulated contributions, the funds subject to the mandatory benefits assignment order shall be withheld from the withdrawal payment. The withheld amount shall be delivered to the clerk of the court that issued the mandatory benefits assignment order.

(b) If the department is unable to comply fully with the withholding obligation, the court's order shall be interpreted to require the department to comply to the greatest extent possible.

(4) The department may deduct a processing fee from the remainder of the obligor's funds after withholding under the mandatory benefits assignment order, unless the remainder is exempt under RCW 41.50.580. The

processing fee may not exceed (a) twenty-five dollars for the first disbursement made by the department to the superior court clerk; and (b) six dollars for each subsequent disbursement to the clerk. Funds collected pursuant to this subsection shall be deposited in the department of retirement systems expense fund.

(5) A court order for spousal maintenance (~~(or a property division obligation)~~) governed by RCW 41.50.500 through 41.50.650 or 26.09.138 shall have priority over any other assignment or order of execution, garnishment, attachment, levy, or similar legal process authorized under Washington law, except for a mandatory wage assignment for child support under chapter 26.18 RCW, or an order to withhold and deliver under chapter 74.20A RCW.

(6) If the department, without good cause, fails to withhold funds as required by a mandatory benefits assignment order issued under RCW 41.50.570, the department may be held liable to the obligee for any amounts wrongfully disbursed to the obligor in violation of the mandatory benefits assignment order. However, the department shall under no circumstances be held liable for failing to withhold funds from a withdrawal of accumulated contributions unless the mandatory benefits assignment order was properly served on the department at least thirty days before the department made the withdrawal payment to the obligor. If the department is held liable to an obligee for failing to withhold funds as required by a mandatory benefits assignment order, the department may recover such amounts paid to an obligee by thereafter either withholding such amounts from the available non-exempt benefits of the obligor or filing a legal action against the obligor.

(7) If the department complies with a court order pursuant to RCW 41.50.500 through 41.50.650, neither the department, its officers, its employees, nor any of the retirement systems listed in RCW 41.50.030 may be liable to the obligor or an obligee for wrongful withholding.

(8) The department may combine amounts withheld from various obligors into a single payment to the superior court clerk, if the payment includes a listing of the amounts attributable to each obligor and other information as required by the clerk.

(9) The department shall mail to the obligor at the obligor's last known mailing address appearing in the department's files copies of the mandatory benefits assignment order and the department's answer within twenty days after receiving the mandatory benefits assignment order.

(10) The department shall not consider any withholding allowance that is elective to the employee to be a mandatory deduction for purposes of calculating the member's disposable benefits subject to a mandatory benefits assignment order. The department shall withhold elective withholdings as elected by the employee after deducting from the benefit the amount owing to an obligee pursuant to a mandatory benefits assignment order.

Sec. 10. RCW 41.50.620 and 1987 c 326 s 13 are each amended to read as follows:

(1) Service of the mandatory benefits assignment order on the department is invalid unless it is served with four answer forms in ~~((substantial))~~ conformance with RCW 41.50.610, together with stamped envelopes addressed to, respectively, the clerk of the court where the order was issued, the obligee's attorney or the obligee, and the obligor at the last mailing address known to the obligee. The obligee shall also include an extra copy of the mandatory benefits assignment order for the department to mail to the obligor. Service on the department shall be in person or by any form of mail requiring a return receipt.

(2) On or before the date of service of the mandatory benefits assignment order on the department, the obligee shall mail or cause to be mailed by certified or registered mail a copy of the mandatory benefits assignment order to the obligor at the obligor's last mailing address known to the obligee; or, in the alternative, a copy of the mandatory benefits assignment order shall be served on the obligor in the same manner as a summons in a civil action on, before, or within two days after the date of service of the order on the department. This requirement is not jurisdictional, but if the copy is not mailed or served as this subsection requires, or if any irregularity appears with respect to the mailing or service, the superior court, in its discretion, may quash the mandatory benefits assignment order, upon motion of the obligor promptly made and supported by an affidavit showing that the obligor has been prejudiced due to the failure to mail or serve the copy.

Sec. 11. RCW 41.50.630 and 1987 c 326 s 14 are each amended to read as follows:

In a hearing to quash, modify, or terminate the mandatory benefits assignment order, the court may grant relief only upon a showing that the mandatory benefits assignment order causes extreme hardship or substantial injustice. Satisfaction by the obligor of all past due payments subsequent to the issuance of the mandatory benefits assignment order is not grounds to quash, modify, or terminate the mandatory benefits assignment order. If a mandatory benefits assignment order has been in operation for twelve consecutive months and the obligor's spousal maintenance ~~((or property division obligation))~~ is current, the court may terminate the order upon motion of the obligor unless the obligee can show good cause as to why the mandatory benefits assignment order should remain in effect.

Sec. 12. RCW 41.50.650 and 1987 c 326 s 16 are each amended to read as follows:

(1) Notwithstanding RCW 2.10.180(1), 2.12.090(1), 41.26.180(1), 41.32.590(1), 41.40.380(1), and 43.43.310(1) as those sections existed between July 1, 1987, and the effective date of this act, the department of retirement systems ~~((may))~~ shall make direct payments of benefits to a spouse

or ex spouse pursuant to court orders or decrees entered before July 1, 1987, that complied with all the requirements in RCW 2.10.180(1), 2.12.090(2), 41.26.180(3), 41.32.590(3), 41.40.380(3), 43.43.310(2), and 41.04.310 through 41.04.330, as such requirements existed before July 1, 1987. The department shall be responsible for making direct payments only if the decree or court order expressly orders the department to make direct payments to the spouse or ex spouse and specifies a sum certain or percentage amount of the benefit payments to be made to the spouse or ex spouse.

(2) The department of retirement systems shall notify a spouse or ex spouse who, pursuant to a mandatory benefits assignment order entered between July 1, 1987, and the effective date of this act, is receiving benefits in satisfaction of a court-ordered property division, that he or she is entitled to receive direct payments of a court-ordered property division pursuant to section 13 of this act if the dissolution order fully complies or is modified to fully comply with the requirements of sections 13 through 17 and 25 of this act and, as applicable, RCW 2.10.180, 2.12.090, 41.26.180, 41.32.590, 41.40.380, 43.43.310, and 26.09.138. The department shall send notice in writing as soon as reasonably feasible but no later than ninety days after the effective date of this act. The department shall also send notice to the obligor member spouse.

NEW SECTION. Sec. 13. (1) Nothing in this chapter regarding mandatory assignment of benefits to enforce a spousal maintenance obligation shall abridge the right of an obligee to direct payments of retirement benefits to satisfy a property division obligation ordered pursuant to a court decree of dissolution or legal separation or any court order or court-approved property settlement agreement incident to any court decree of dissolution or legal separation as provided in RCW 2.10.180, 2.12.090, 41.04.310, 41.04.320, 41.04.330, 41.26.180, 41.32.590, 41.40.380, 43.43.310, or 26.09.138, as those statutes existed before July 1, 1987, and as those statutes exist on and after the effective date of this act. The department shall pay benefits under this chapter in a lump sum or as a portion of periodic retirement payments as expressly provided by the dissolution order. A dissolution order may not order the department to pay a periodic retirement payment or lump sum unless that payment is specifically authorized under the provisions of chapter 2.10, 2.12, 41.26, 41.32, 41.40, or 43.43 RCW, as applicable.

(2) The department shall pay directly to an obligee the amount of periodic retirement payments or lump sum payment, as appropriate, specified in the dissolution order if the dissolution order filed with the department pursuant to subsection (1) of this section includes a provision that states in the following form:

If (the obligor) receives periodic retirement payments as defined in RCW 41.50.500, the department of retirement systems shall pay to (the obligee) dollars from such payments or

... percent of such payments. If the obligor's debt is expressed as a percentage of his or her periodic retirement payment and the obligee does not have a survivorship interest in the obligor's benefit, the amount received by the obligee shall be the percentage of the periodic retirement payment that the obligor would have received had he or she selected a standard allowance.

If (the obligor) requests or has requested a withdrawal of accumulated contributions as defined in RCW 41.50.500, or becomes eligible for a lump sum death benefit, the department of retirement systems shall pay to (the obligee) dollars plus interest at the rate paid by the department of retirement systems on member contributions. Such interest to accrue from the date of this order's entry with the court of record.

(3) This section does not require a member to select a standard allowance upon retirement nor does it require the department to recalculate the amount of a retiree's periodic retirement payment based on a change in survivor option.

(4) A court order under this section may not order the department to pay more than seventy-five percent of an obligor's periodic retirement payment to an obligee.

(5) Persons whose court decrees were entered between July 1, 1987, and the effective date of this act shall also be entitled to receive direct payments of retirement benefits to satisfy court-ordered property divisions if the dissolution orders comply or are modified to comply with this section and sections 14 through 17 and 25 of this act and, as applicable, RCW 2.10.180, 2.12.090, 41.26.180, 41.32.590, 41.40.380, 43.43.310, and 26.09.138.

(6) The obligee must file a copy of the dissolution order with the department within ninety days of that order's entry with the court of record.

(7) A division of benefits pursuant to a dissolution order under this section shall be based upon the obligor's gross benefit prior to any deductions. If the department is required to withhold a portion of the member's benefit pursuant to 26 U.S.C. Sec. 3402 and the sum of that amount plus the amount owed to the obligee exceeds the total benefit, the department shall satisfy the withholding requirements under 26 U.S.C. Sec. 3402 and then pay the remainder to the obligee. The provisions of this subsection do not apply to amounts withheld pursuant to 26 U.S.C. Sec. 3402(i).

NEW SECTION. Sec. 14. The department may deduct a processing fee for administering direct payments under section 13 of this act according to the dissolution order. The fee may not exceed (1) seventy-five dollars or the actual average administrative costs, whichever is less, for the first disbursement made by the department; and (2) six dollars or the actual average administrative costs, whichever is less for subsequent disbursements. The department shall deduct the fee in equal dollar amounts from the

obligee's and obligor's payments. The funds collected pursuant to this section shall be deposited in the department of retirement systems expense account.

NEW SECTION. Sec. 15. Unless otherwise prohibited by federal law, following both the initial and final postretirement audit of an obligor's retirement benefit, the department shall provide an obligee entitled to direct payment of retirement benefits pursuant to a dissolution order under section 13 of this act with a statement of monthly retirement benefit allowance to be paid to the obligor, and other retirement benefit information available to the obligor including the average final compensation, total years of service, retirement date, the amount of the employee contributions made prior to implementation of employer pickup under RCW 41.04.445 and 41.04.450, and savings and interest.

NEW SECTION. Sec. 16. (1) The department's obligation to provide direct payment of a property division obligation to an obligee under section 13 of this act shall cease upon the death of the obligee or upon the death of the obligor, whichever comes first. However, if an obligor dies and is eligible for a lump sum death benefit, the department shall be obligated to provide direct payment to the obligee of all or a portion of the withdrawal of accumulated contributions pursuant to a court order that complies with section 13 of this act.

(2) The direct payment of a property division obligation to an obligee under section 13 of this act shall be paid as a deduction from the member's periodic retirement payment. An obligee may not direct the department to withhold any funds from such payment.

NEW SECTION. Sec. 17. (1) The remedies provided in sections 13 through 17 and 25 of this act are the exclusive remedies enforceable against the department or the retirement systems listed in RCW 41.50.030 for the direct payment of retirement benefits to satisfy a property division obligation pursuant to a dissolution order. The department shall not be required to make payments to an obligee of benefits accruing prior to (a) thirty calendar days following service of the dissolution order on the department; or (b) benefit payments restrained under section 25 of this act.

(2) Whenever the department of retirement systems makes direct payments of property division to a spouse or ex spouse under section 13 of this act to the extent expressly provided for in any court decree of dissolution or legal separation or in any court order or court-approved property settlement agreement incident to any court decree of dissolution or legal separation, it shall be a sufficient answer to any claim of a beneficiary against the department for the department to show that the payments were made pursuant to court decree.

Sec. 18. RCW 2.10.180 and 1989 c 360 s 22 are each amended to read as follows:

(1) Except as provided in subsections (2), (3), and (4) of this section, the right of a person to a retirement allowance, disability allowance, or death benefit, the retirement, disability or death allowance itself, any optional benefit, any other right accrued or accruing to any person under the provisions of this chapter, and the moneys in the fund created under this chapter, are hereby exempt from any state, county, municipal, or other local tax and shall not be subject to execution, garnishment, or any other process of law whatsoever.

(2) Subsection (1) of this section shall not be deemed to prohibit a beneficiary of a retirement allowance from authorizing deductions therefrom for payment of premiums due on any group insurance policy or plan issued for the benefit of a group comprised of public employees of the state of Washington.

(3) Deductions made in the past from retirement benefits are hereby expressly recognized, ratified, and affirmed. Future deductions may only be made in accordance with this section.

(4) Subsection (1) of this section shall not prohibit the department of retirement systems from complying with (a) a wage assignment order for child support issued pursuant to chapter 26.18 RCW, (b) a notice of payroll deduction issued under chapter 26.23 RCW, (c) an order to withhold and deliver issued pursuant to chapter 74.20A RCW, (d) a mandatory benefits assignment order issued pursuant to chapter 41.50 RCW, ((or)) (e) a court order directing the department of retirement systems to pay benefits directly to an obligee under a dissolution order as defined in RCW 41.50.500(3) which fully complies with sections 13 and 16 of this act, or (f) any administrative or court order expressly authorized by federal law.

Sec. 19. RCW 2.12.090 and 1989 c 360 s 23 are each amended to read as follows:

(1) Except as provided in subsections (2), (3), and (4) of this section, the right of any person to a retirement allowance or optional retirement allowance under the provisions of this chapter and all moneys and investments and income thereof are exempt from any state, county, municipal, or other local tax and shall not be subject to execution, garnishment, attachment, the operation of bankruptcy or the insolvency laws, or other processes of law whatsoever and shall be unassignable except as herein specifically provided.

(2) Subsection (1) of this section shall not prohibit the department of retirement systems from complying with (a) a wage assignment order for child support issued pursuant to chapter 26.18 RCW, (b) a notice of payroll deduction issued under chapter 26.23 RCW, (c) an order to withhold and deliver issued pursuant to chapter 74.20A RCW, (d) a mandatory benefits assignment order issued pursuant to chapter 41.50 RCW, ((or)) (e) a court order directing the department of retirement systems to pay benefits directly to an obligee under a dissolution order as defined in RCW 41.50.500(3)

which fully complies with sections 13 and 16 of this act, or (f) any administrative or court order expressly authorized by federal law.

(3) Subsection (1) of this section shall not be deemed to prohibit a beneficiary of a retirement allowance from authorizing deductions therefrom for payment of premiums due on any group insurance policy or plan issued for the benefit of a group comprised of public employees of the state of Washington.

(4) Deductions made in the past from retirement benefits are hereby expressly recognized, ratified, and affirmed. Future deductions may only be made in accordance with this section.

Sec. 20. RCW 41.26.180 and 1989 c 360 s 24 are each amended to read as follows:

(1) Subject to subsections (2) and (3) of this section, the right of a person to a retirement allowance, disability allowance, or death benefit, to the return of accumulated contributions, the retirement, disability or death allowance itself, any optional benefit, any other right accrued or accruing to any person under the provisions of this chapter, and the moneys in the fund created under this chapter, are hereby exempt from any state, county, municipal, or other local tax and shall not be subject to execution, garnishment, attachment, the operation of bankruptcy or insolvency laws, or any other process of law whatsoever, and shall be unassignable.

(2) On the written request of any person eligible to receive benefits under this section, the department of retirement systems may deduct from such payments the premiums for life, health, or other insurance. The request on behalf of any child or children shall be made by the legal guardian of such child or children. The department of retirement systems may provide for such persons one or more plans of group insurance, through contracts with regularly constituted insurance carriers or health care service contractors.

(3) Subsection (1) of this section shall not prohibit the department of retirement systems from complying with (a) a wage assignment order for child support issued pursuant to chapter 26.18 RCW, (b) an order to withhold and deliver issued pursuant to chapter 74.20A RCW, (c) a notice of payroll deduction issued pursuant to RCW 26.23.060, (d) a mandatory benefits assignment order issued pursuant to chapter 41.50 RCW, ((or)) (e) a court order directing the department of retirement systems to pay benefits directly to an obligee under a dissolution order as defined in RCW 41.50.500(3) which fully complies with sections 13 and 16 of this act, or (f) any administrative or court order expressly authorized by federal law.

Sec. 21. RCW 41.32.590 and 1989 c 360 s 25 are each amended to read as follows:

(1) Subject to subsections (2) and (3) of this section, the right of a person to a pension, an annuity, a retirement allowance, or disability allowance, to the return of contributions, any optional benefit or death benefit,

any other right accrued or accruing to any person under the provisions of this chapter and the moneys in the various funds created by this chapter shall be unassignable, and are hereby exempt from any state, county, municipal or other local tax, and shall not be subject to execution, garnishment, attachment, the operation of bankruptcy or insolvency laws, or other process of law whatsoever.

(2) This section shall not be deemed to prohibit a beneficiary of a retirement allowance who is eligible:

(a) Under RCW 41.05.080 from authorizing monthly deductions therefrom for payment of premiums due on any group insurance policy or plan issued for the benefit of a group comprised of public employees of the state of Washington or its political subdivisions;

(b) Under a group health care benefit plan approved pursuant to RCW 28A.58.420 or 41.05.065 from authorizing monthly deductions therefrom, of the amount or amounts of subscription payments, premiums, or contributions to any person, firm, or corporation furnishing or providing medical, surgical, and hospital care or other health care insurance; or

(c) Under the Washington state teachers' retirement system from authorizing monthly deductions therefrom for payment of dues and other membership fees to any retirement association composed of retired teachers and/or public employees pursuant to a written agreement between the director and the retirement association.

Deductions under (a) and (b) of this subsection shall be made in accordance with rules and regulations that may be promulgated by the director of retirement systems.

(3) Subsection (1) of this section shall not prohibit the department of retirement systems from complying with (a) a wage assignment order for child support issued pursuant to chapter 26.18 RCW, (b) an order to withhold and deliver issued pursuant to chapter 74.20A RCW, (c) a notice of payroll deduction issued pursuant to RCW 26.23.060, (d) a mandatory benefits assignment order issued pursuant to chapter 41.50 RCW, ~~((or))~~ (e) a court order directing the department of retirement systems to pay benefits directly to an obligee under a dissolution order as defined in RCW 41.50.500(3) which fully complies with sections 13 and 16 of this act, or (f) any administrative or court order expressly authorized by federal law.

Sec. 22. RCW 41.40.380 and 1989 c 360 s 27 are each amended to read as follows:

(1) Subject to subsections (2) and (3) of this section, the right of a person to a pension, an annuity, or retirement allowance, any optional benefit, any other right accrued or accruing to any person under the provisions of this chapter, the various funds created by this chapter, and all moneys and investments and income thereof, are hereby exempt from any state, county, municipal, or other local tax, and shall not be subject to execution,

garnishment, attachment, the operation of bankruptcy or insolvency laws, or other process of law whatsoever, and shall be unassignable.

(2) This section shall not be deemed to prohibit a beneficiary of a retirement allowance from authorizing deductions therefrom for payment of premiums due on any group insurance policy or plan issued for the benefit of a group comprised of public employees of the state of Washington or its political subdivisions and which has been approved for deduction in accordance with rules and regulations that may be promulgated by the state health care authority and/or the department of retirement systems, and this section shall not be deemed to prohibit a beneficiary of a retirement allowance from authorizing deductions therefrom for payment of dues and other membership fees to any retirement association or organization the membership of which is composed of retired public employees, if a total of three hundred or more of such retired employees have authorized such deduction for payment to the same retirement association or organization.

(3) Subsection (1) of this section shall not prohibit the department of retirement systems from complying with (a) a wage assignment order for child support issued pursuant to chapter 26.18 RCW, (b) an order to withhold and deliver issued pursuant to chapter 74.20A RCW, (c) a notice of payroll deduction issued pursuant to RCW 26.23.060, (d) a mandatory benefits assignment order issued pursuant to chapter 41.50 RCW, ((or)) (e) a court order directing the department of retirement systems to pay benefits directly to an obligee under a dissolution order as defined in RCW 41.50.500(3) which fully complies with sections 13 and 16 of this act, or (f) any administrative or court order expressly authorized by federal law.

Sec. 23. RCW 43.43.310 and 1989 c 360 s 29 are each amended to read as follows:

(1) Except as provided in subsections (2) and (3) of this section, the right of any person to a retirement allowance or optional retirement allowance under the provisions hereof and all moneys and investments and income thereof are exempt from any state, county, municipal, or other local tax and shall not be subject to execution, garnishment, attachment, the operation of bankruptcy or the insolvency laws, or other processes of law whatsoever and shall be unassignable except as herein specifically provided.

(2) Subsection (1) of this section shall not prohibit the department of retirement systems from complying with (a) a wage assignment order for child support issued pursuant to chapter 26.18 RCW, (b) an order to withhold and deliver issued pursuant to chapter 74.20A RCW, (c) a notice of payroll deduction issued pursuant to RCW 26.23.060, (d) a mandatory benefits assignment order issued pursuant to chapter 41.50 RCW, ((or)) (e) a court order directing the department of retirement systems to pay benefits directly to an obligee under a dissolution order as defined in RCW 41.50.500(3) which fully complies with sections 13 and 16 of this act, or (f) any administrative or court order expressly authorized by federal law.

(3) Subsection (1) of this section shall not be deemed to prohibit a beneficiary of a retirement allowance from authorizing deductions therefrom for payment of premiums due on any group insurance policy or plan issued for the benefit of a group comprised of members of the Washington state patrol or other public employees of the state of Washington, or for contributions to the Washington state patrol memorial foundation.

Sec. 24. RCW 26.09.138 and 1987 c 326 s 26 are each amended to read as follows:

(1) Any obligee of a court order or decree establishing a spousal maintenance obligation (~~((or a property division obligation))~~) may seek a mandatory benefits assignment order under chapter 41.50 RCW if any spousal maintenance payment (~~((or a property division obligation payment))~~) is more than fifteen days past due and the total of such past due payments is equal to or greater than one hundred dollars, or if the obligor requests a withdrawal of accumulated contributions from the department of retirement systems.

(2) Any court order or decree establishing a spousal maintenance obligation (~~((or a property division obligation))~~) may state that, if any spousal maintenance payment (~~((or property division obligation payment))~~) is more than fifteen days past due and the total of such past due payments is equal to or greater than one hundred dollars, or if the obligor requests a withdrawal of accumulated contributions from the department of retirement systems, the obligee may seek a mandatory benefits assignment order under chapter 41.50 RCW without prior notice to the obligor. Any such court order or decree may also, or in the alternative, contain a provision that would allow the department to make a direct payment of all or part of a withdrawal of accumulated contributions pursuant to RCW 41.50.550(3). Failure to include this provision does not affect the validity of the court order or decree establishing the spousal maintenance (~~((or property division obligations))~~), nor does such failure affect the general applicability of RCW 41.50.500 through 41.50.650 to such obligations.

(3) The remedies in RCW 41.50.530 through 41.50.630 are the exclusive provisions of law enforceable against the department of retirement systems in connection with any action for enforcement of a spousal maintenance obligation ordered pursuant to a divorce, dissolution, or legal separation, and no other remedy ordered by a court under this chapter shall be enforceable against the department of retirement systems for collection of spousal maintenance.

(4)(a) Nothing in this section regarding mandatory assignment of benefits to enforce a spousal maintenance obligation shall abridge the right of an ex spouse to receive direct payment of retirement benefits payable pursuant to: (i) A court decree of dissolution or legal separation; or (ii) any

court order or court-approved property settlement agreement; or (iii) incident to any court decree of dissolution or legal separation, if such dissolution orders fully comply with sections 13 and 16 of this act, or as applicable, RCW 2.10.180, 2.12.090, 41.04.310, 41.04.320, 41.04.330, 41.26.180, 41.32.590, 41.40.380, or 43.43.310 as those statutes existed before July 1, 1987, and as those statutes exist on and after the effective date of this act.

(b) Persons whose dissolution orders as defined in RCW 41.50.500(3) were entered between July 1, 1987, and the effective date of this act shall be entitled to receive direct payments of retirement benefits to satisfy court-ordered property divisions if the dissolution orders filed with the department comply or are amended to comply with sections 13 through 17 and 25 of this act and, as applicable, RCW 2.10.180, 2.12.090, 41.26.180, 41.32.590, 41.40.380, or 43.43.310.

NEW SECTION. Sec. 25. A party to a dissolution proceeding may file a motion with the court requesting the court to enter an order restraining the department from paying any benefits to a member until further order of the court. The department shall not initiate payment of benefits to a member from the time a restraining order is served on the department until the court enters a further order disposing of the benefits.

Sec. 26. RCW 6.27.150 and 1987 c 442 s 1015 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, if the garnishee is an employer owing the defendant earnings, then for each week of such earnings, an amount shall be exempt from garnishment which is the greatest of the following:

(a) Thirty times the federal minimum hourly wage prescribed by section 206(a)(1) of Title 29 of the United States Code in effect at the time the earnings are payable; or

(b) Seventy-five percent of the disposable earnings of the defendant.

(2) In the case of a garnishment based on a judgment or other court order for child support or court order for spousal maintenance, other than a mandatory wage assignment order pursuant to chapter 26.18 RCW, or a mandatory assignment of retirement benefits pursuant to chapter 41.50 RCW, the exemption shall be fifty percent of the disposable earnings of the defendant if the individual is supporting a spouse or dependent child (other than a spouse or child on whose behalf the garnishment is brought), or forty percent of the disposable earnings of the defendant if the individual is not supporting such a spouse or dependent child.

(3) The exemptions stated in this section shall apply whether such earnings are paid, or are to be paid, weekly, monthly, or at other intervals, and whether earnings are due the defendant for one week, a portion thereof, or for a longer period.

(4) Unless directed otherwise by the court, the garnishee shall determine and deduct exempt amounts under this section as directed in the writ of garnishment and answer, and shall pay these amounts to the defendant.

(5) No money due or earned as earnings as defined in RCW 6.27.010 shall be exempt from garnishment under the provisions of RCW 6.15.010, as now or hereafter amended.

Sec. 27. RCW 41.40.270 and 1990 c 249 s 11 are each amended to read as follows:

(1) Should a member die before the date of retirement the amount of the accumulated contributions standing to the member's credit in the employees' savings fund, less any amount identified as owing to an obligee upon withdrawal of accumulated contributions pursuant to a court order filed under section 13 of this act, at the time of death:

(a) Shall be paid to such person or persons, having an insurable interest in the member's life, as the member shall have nominated by written designation duly executed and filed with the department; or

(b) If there be no such designated person or persons still living at the time of the member's death, or if a member fails to file a new beneficiary designation subsequent to marriage, remarriage, dissolution of marriage, divorce, or reestablishment of membership following termination by withdrawal or retirement, such accumulated contributions, less any amount identified as owing to an obligee upon withdrawal of accumulated contributions pursuant to a court order filed under section 13 of this act, shall be paid to the surviving spouse as if in fact such spouse had been nominated by written designation as aforesaid, or if there be no such surviving spouse, then to the member's legal representatives.

(2) Upon the death in service, or while on authorized leave of absence for a period not to exceed one hundred and twenty days from the date of payroll separation, of any member who is qualified but has not applied for a service retirement allowance or has completed ten years of service at the time of death, the designated beneficiary, or the surviving spouse as provided in subsection (1) of this section, may elect to waive the payment provided by subsection (1) of this section. Upon such an election, a joint and one hundred percent survivor option under RCW 41.40.188, calculated under the retirement allowance described in RCW 41.40.185 or 41.40.190, whichever is greater, actuarially reduced by the amount of any lump sum benefit identified as owing to an obligee upon withdrawal of accumulated contributions pursuant to a court order filed under section 13 of this act shall automatically be given effect as if selected for the benefit of the surviving spouse or dependent who is the designated beneficiary. If the member is not then qualified for a service retirement allowance, such benefit shall be based upon the actuarial equivalent of the sum necessary to pay the accrued regular retirement allowance commencing when the deceased member would have first qualified for a service retirement allowance.

(3) Subsection (1) of this section, unless elected, shall not apply to any member who has applied for service retirement in RCW 41.40.180, as now or hereafter amended, and thereafter dies between the date of separation from service and the member's effective retirement date, where the member has selected a survivorship option under RCW 41.40.188. In those cases the beneficiary named in the member's final application for service retirement may elect to receive either a cash refund, less any amount identified as owing to an obligee upon withdrawal of accumulated contributions pursuant to a court order filed under section 13 of this act, or monthly payments according to the option selected by the member.

Sec. 28. RCW 41.40.700 and 1990 c 249 s 18 are each amended to read as follows:

(1) If a member or a vested member who has not completed at least ten years of service dies, the amount of the accumulated contributions standing to such member's credit in the retirement system at the time of such member's death, less any amount identified as owing to an obligee upon withdrawal of accumulated contributions pursuant to a court order filed under section 13 of this act, shall be paid to such person or persons having an insurable interest in such member's life as the member shall have nominated by written designation duly executed and filed with the department. If there be no such designated person or persons still living at the time of the member's death, such member's accumulated contributions standing to such member's credit in the retirement system, less any amount identified as owing to an obligee upon withdrawal of accumulated contributions pursuant to a court order filed under section 13 of this act, shall be paid to the member's surviving spouse as if in fact such spouse had been nominated by written designation, or if there be no such surviving spouse, then to such member's legal representatives.

(2) If a member who is eligible for retirement or a member who has completed at least ten years of service dies, the surviving spouse or eligible child or children shall elect to receive either:

(a) A retirement allowance computed as provided for in RCW 41.40.630(1), actuarially reduced by the amount of any lump sum benefit identified as owing to an obligee upon withdrawal of accumulated contributions pursuant to a court order filed under section 13 of this act and actuarially adjusted to reflect a joint and one hundred percent survivor option under RCW 41.40.660 and if the member was not eligible for normal retirement at the date of death a further reduction as described in RCW 41.40.630(2); if a surviving spouse who is receiving a retirement allowance dies leaving a child or children of the member under the age of majority, then such child or children shall continue to receive an allowance in an amount equal to that which was being received by the surviving spouse, share and share alike, until such child or children reach the age of majority; if there is no surviving spouse eligible to receive an allowance at the time of

the member's death, such member's child or children under the age of majority shall receive an allowance share and share alike calculated as herein provided making the assumption that the ages of the spouse and member were equal at the time of the member's death; or

(b) The member's accumulated contributions, less any amount identified as owing to an obligee upon withdrawal of accumulated contributions pursuant to a court order filed under section 13 of this act.

(3) If a member who is eligible for retirement or a member who has completed at least ten years of service dies after October 1, 1977, and is not survived by a spouse or an eligible child, then the accumulated contributions standing to the member's credit, less any amount identified as owing to an obligee upon withdrawal of accumulated contributions pursuant to a court order filed under section 13 of this act, shall be paid:

(a) To a person or persons, having an insurable interest in the member's life, as the member shall have nominated by written designation duly executed and filed with the department; or

(b) If there is no such designated person or persons still living at the time of the member's death, then to the member's legal representatives.

Sec. 29. RCW 41.32.520 and 1990 c 249 s 15 are each amended to read as follows:

(1) Upon receipt of proper proofs of death of any member before retirement or before the first installment of his or her retirement allowance shall become due his or her accumulated contributions, less any amount identified as owing to an obligee upon withdrawal of accumulated contributions pursuant to a court order filed under section 13 of this act, and/or other benefits payable upon his or her death shall be paid to his or her estate or to such persons as he or she shall have nominated by written designation duly executed and filed with the board of trustees. If a member fails to file a new beneficiary designation subsequent to marriage, divorce, or re-establishment of membership following termination by withdrawal, lapsation, or retirement, payment of his or her accumulated contributions, less any amount identified as owing to an obligee upon withdrawal of accumulated contributions pursuant to a court order filed under section 13 of this act, and/or other benefits upon death before retirement shall be made to the surviving spouse, if any; otherwise, to his or her estate. If a member had established ten or more years of Washington membership service credit or was eligible for retirement, the beneficiary or the surviving spouse if otherwise eligible may elect, in lieu of a cash refund of the member's accumulated contributions, the following survivor benefit plan actuarially reduced by the amount of any lump sum benefit identified as owing to an obligee upon withdrawal of accumulated contributions pursuant to a court order filed under section 13 of this act:

(a) A widow or widower, without a child or children under eighteen years of age, may elect a monthly payment of fifty dollars to become effective at age fifty, provided the member had fifteen or more years of Washington membership service credit.

(b) The beneficiary, if a surviving spouse or a dependent (as that term is used in computing the dependent exemption for federal internal revenue purposes) may elect to receive a joint and one hundred percent retirement allowance under RCW 41.32.530.

(i) In the case of a dependent child the allowance shall continue until attainment of majority or so long as the board judges that the circumstances which created his or her dependent status continue to exist. In any case, if at the time dependent status ceases, an amount equal to the amount of accumulated contributions of the deceased member has not been paid to the beneficiary, the remainder shall then be paid in a lump sum to the beneficiary.

(ii) If at the time of death, the member was not then qualified for a service retirement allowance, the benefit shall be based upon the actuarial equivalent of the sum necessary to pay the accrued regular retirement allowance commencing when the deceased member would have first qualified for a service retirement allowance.

(2) If no qualified beneficiary survives a member, at his or her death his or her accumulated contributions, less any amount identified as owing to an obligee upon withdrawal of accumulated contributions pursuant to a court order filed under section 13 of this act, shall be paid to his or her estate, or his or her dependents may qualify for survivor benefits under benefit plan (1)(b) in lieu of a cash refund of the members accumulated contributions in the following order: Widow or widower, guardian of a dependent child or children under age eighteen, or dependent parent or parents.

(3) Under survivors' benefit plan (1)(a) the board of trustees shall transfer to the survivors' benefit fund the accumulated contributions of the deceased member together with an amount from the pension fund determined by actuarial tables to be sufficient to fully fund the liability. Benefits shall be paid from the survivors' benefit fund monthly and terminated at the marriage of the beneficiary.

Sec. 30. RCW 41.32.805 and 1990 c 249 s 16 are each amended to read as follows:

(1) If a member or a vested member who has not completed at least ten years of service dies, the amount of the accumulated contributions standing to such member's credit in the retirement system, less any amount identified as owing to an obligee upon withdrawal of accumulated contributions pursuant to a court order filed under section 13 of this act, at the time of such member's death shall be paid to such person or persons having an insurable interest in such member's life as the member shall have nominated by written designation duly executed and filed with the department. If there

be no such designated person or persons still living at the time of the member's death, such member's accumulated contributions standing to such member's credit in the retirement system, less any amount identified as owing to an obligee upon withdrawal of accumulated contributions pursuant to a court order filed under section 13 of this act, shall be paid to the member's surviving spouse as if in fact such spouse had been nominated by written designation, or if there be no such surviving spouse, then to such member's legal representatives.

(2) If a member who is eligible for retirement or a member who has completed at least ten years of service dies, the surviving spouse or eligible children shall elect to receive either:

(a) A retirement allowance computed as provided for in RCW 41.32.765(1), actuarially reduced by the amount of any lump sum benefit identified as owing to an obligee upon withdrawal of accumulated contributions pursuant to a court order filed under section 13 of this act and actuarially adjusted to reflect a joint and one hundred percent survivor option under RCW 41.32.785 and if the member was not eligible for normal retirement at the date of death a further reduction as described in RCW 41.32.765(2); if a surviving spouse who is receiving a retirement allowance dies leaving a child or children of the member under the age of majority, then such child or children shall continue to receive an allowance in an amount equal to that which was being received by the surviving spouse, share and share alike, until such child or children reach the age of majority; if there is no surviving spouse eligible to receive an allowance at the time of the member's death, such member's child or children under the age of majority shall receive an allowance share and share alike calculated as herein provided making the assumption that the ages of the spouse and member were equal at the time of the member's death; or

(b) The member's accumulated contributions, less any amount identified as owing to an obligee upon withdrawal of accumulated contributions pursuant to a court order filed under section 13 of this act.

(3) If a member who is eligible for retirement or a member who has completed at least ten years of service dies after October 1, 1977, and is not survived by a spouse or an eligible child, then the accumulated contributions standing to the member's credit, less any amount identified as owing to an obligee upon withdrawal of accumulated contributions pursuant to a court order filed under section 13 of this act, shall be paid:

(a) To a person or persons, having an insurable interest in the member's life, as the member shall have nominated by written designation duly executed and filed with the department; or

(b) If there is no such designated person or persons still living at the time of the member's death, then to the member's legal representatives.

Sec. 31. RCW 41.26.510 and 1990 c 249 s 14 are each amended to read as follows:

(1) If a member or a vested member who has not completed at least ten years of service dies, the amount of the accumulated contributions standing to such member's credit in the retirement system at the time of such member's death, less any amount identified as owing to an obligee upon withdrawal of accumulated contributions pursuant to a court order filed under section 13 of this act, shall be paid to such person or persons having an insurable interest in such member's life as the member shall have nominated by written designation duly executed and filed with the department. If there be no such designated person or persons still living at the time of the member's death, such member's accumulated contributions standing to such member's credit in the retirement system, less any amount identified as owing to an obligee upon withdrawal of accumulated contributions pursuant to a court order filed under section 13 of this act, shall be paid to the member's surviving spouse as if in fact such spouse had been nominated by written designation, or if there be no such surviving spouse, then to such member's legal representatives.

(2) If a member who is eligible for retirement or a member who has completed at least ten years of service dies, the surviving spouse or eligible child or children shall elect to receive either:

(a) A retirement allowance computed as provided for in RCW 41.26.430(1), actuarially reduced by the amount of any lump sum benefit identified as owing to an obligee upon withdrawal of accumulated contributions pursuant to a court order filed under section 13 of this act and actuarially adjusted to reflect a joint and one hundred percent survivor option under RCW 41.26.460 and if the member was not eligible for normal retirement at the date of death a further reduction as described in RCW 41.26.430(2); if a surviving spouse who is receiving a retirement allowance dies leaving a child or children of the member under the age of majority, then such child or children shall continue to receive an allowance in an amount equal to that which was being received by the surviving spouse, share and share alike, until such child or children reach the age of majority; if there is no surviving spouse eligible to receive an allowance at the time of the member's death, such member's child or children under the age of majority shall receive an allowance share and share alike calculated as herein provided making the assumption that the ages of the spouse and member were equal at the time of the member's death; or

(b) The member's accumulated contributions, less any amount identified as owing to an obligee upon withdrawal of accumulated contributions pursuant to a court order filed under section 13 of this act.

(3) If a member who is eligible for retirement or a member who has completed at least ten years of service dies after October 1, 1977, and is not survived by a spouse or an eligible child, then the accumulated contributions standing to the member's credit, less any amount identified as owing to an

obligee upon withdrawal of accumulated contributions pursuant to a court order filed under section 13 of this act, shall be paid:

(a) To a person or persons, having an insurable interest in the member's life, as the member shall have nominated by written designation duly executed and filed with the department; or

(b) If there is no such designated person or persons still living at the time of the member's death, then to the member's legal representatives.

Sec. 32. RCW 43.43.280 and 1987 c 215 s 2 are each amended to read as follows:

(1) If a member dies before retirement, and has no surviving spouse or children under the age of eighteen years, all contributions made by the member with interest as determined by the director, less any amount identified as owing to an obligee upon withdrawal of accumulated contributions pursuant to a court order filed under section 13 of this act, shall be paid to such person or persons as the member shall have nominated by written designation duly executed and filed with the department, or if there be no such designated person or persons, then to the member's legal representative.

(2) If a member should cease to be an employee before attaining age sixty for reasons other than the member's death, or retirement, the individual shall thereupon cease to be a member except as provided under RCW 43.43.130 (2) and (3) and, the individual may withdraw the member's contributions to the retirement fund, with interest as determined by the director, by making application therefor to the department, except that: A member who ceases to be an employee after having completed at least five years of service shall remain a member during the period of the member's absence from employment for the exclusive purpose only of receiving a retirement allowance to begin at attainment of age sixty, however such a member may upon written notice to the department elect to receive a reduced retirement allowance on or after age fifty-five which allowance shall be the actuarial equivalent of the sum necessary to pay regular retirement benefits as of age sixty: PROVIDED, That if such member should withdraw all or part of the member's accumulated contributions, the individual shall thereupon cease to be a member and this subsection shall not apply.

Sec. 33. RCW 41.32.550 and 1970 ex.s. c 35 s 4 are each amended to read as follows:

Should the ~~((board))~~ director determine from the report of the medical director that a member ~~((in full-time service))~~ employed under an annual contract with an employer has become permanently disabled for the performance of his or her duties or at any time while a member is receiving temporary disability benefits that a member's disability will be permanent, a member shall have the option of then receiving (1) all of his or her accumulated contributions in a lump sum payment and canceling his or her membership, or (2) of accepting a retirement allowance based on service or age, if eligible under RCW 41.32.480, or (3) if he or she had five or more

years of Washington membership service credit established with the retirement system, a retirement allowance because of disability: PROVIDED, That any member applying for a retirement allowance who is eligible for benefits on the basis of service or age shall receive a retirement allowance based on the provision of law governing retirement for service or age. If the member qualifies to receive a retirement allowance because of disability he or she shall be paid the maximum annuity which shall be the actuarial equivalent of his or her accumulated contributions at his or her age of retirement and a pension equal to the service pension to which he or she would be entitled under RCW 41.32.497 as now or hereafter amended. If the member dies before he or she has received in annuity payments the present value of his or her accumulated contributions at the time of his or her retirement, the unpaid balance shall be paid to his or her estate or to such persons as he or she shall have nominated by written designation executed and filed with the ~~((board of trustees))~~ department.

A member retired for disability may be required at any time to submit to reexamination. If medical findings reveal that the individual is no longer disabled for the performance of public school service, the retirement allowance granted because of disability may be terminated by action of the ~~((board of trustees))~~ director or upon written request of the member. In case of such termination, the individual shall be restored to full membership in the retirement system.

NEW SECTION. Sec. 34. A new section is added to chapter 41.32 RCW to read as follows:

Persons who were under an annual half-time contract with an employer anytime during the period of September 1, 1986, through August 31, 1987, shall be eligible for benefits provided by RCW 41.32.550, as amended by chapter . . . , Laws of 1991 (this act), if during that period they were medically determined to be permanently disabled for the performance of their duty.

Sec. 35. RCW 41.26.030 and 1987 c 418 s 1 are each amended to read as follows:

As used in this chapter, unless a different meaning is plainly required by the context:

(1) "Retirement system" means the "Washington law enforcement officers' and fire fighters' retirement system" provided herein.

(2) (a) "Employer" for persons who establish membership in the retirement system on or before September 30, 1977, means the legislative authority of any city, town, county or district or the elected officials of any municipal corporation that employs any law enforcement officer and/or fire fighter, any authorized association of such municipalities, and, except for the purposes of RCW 41.26.150, any labor guild, association, or organization, which represents the fire fighters or law enforcement officers of at least seven cities of over 20,000 population and the membership of each local

lodge or division of which is composed of at least sixty percent law enforcement officers or fire fighters as defined in this chapter.

(b) "Employer" for persons who establish membership in the retirement system on or after October 1, 1977, means the legislative authority of any city, town, county, or district or the elected officials of any municipal corporation that employs any law enforcement officer and/or fire fighter.

(3) "Law enforcement officer" means any person who is serving on a full time, fully compensated basis as a county sheriff or deputy sheriff, including sheriffs or deputy sheriffs serving under a different title pursuant to a county charter, city police officer, or town marshal or deputy marshal, with the following qualifications:

(a) No person who is serving in a position that is basically clerical or secretarial in nature, and who is not commissioned shall be considered a law enforcement officer;

(b) Only those deputy sheriffs, including those serving under a different title pursuant to county charter, who have successfully completed a civil service examination for deputy sheriff or the equivalent position, where a different title is used, and those persons serving in unclassified positions authorized by RCW 41.14.070 except a private secretary will be considered law enforcement officers;

(c) Only such full time commissioned law enforcement personnel as have been appointed to offices, positions, or ranks in the police department which have been specifically created or otherwise expressly provided for and designated by city charter provision or by ordinance enacted by the legislative body of the city shall be considered city police officers;

(d) The term "law enforcement officer" also includes the executive secretary of a labor guild, association or organization (which is an employer under RCW 41.26.030(2) as now or hereafter amended) if such individual has five years previous membership in the retirement system established in chapter 41.20 RCW: PROVIDED, That for persons who establish membership in the retirement system on or after October 1, 1977, the provisions of this subparagraph shall not apply; and

(e) The term "law enforcement officer" also includes any person employed on or after November 1, 1975, and prior to December 1, 1975, as a director of public safety so long as the duties of the director substantially involve only police and/or fire duties and no other duties.

(4) "Fire fighter" means:

(a) any person who is serving on a full time, fully compensated basis as a member of a fire department of an employer and who is serving in a position which requires passing a civil service examination for fire fighter, or fireman if this title is used by the department, and who is actively employed as such;

(b) anyone who is actively employed as a full time fire fighter where the fire department does not have a civil service examination;

(c) supervisory fire fighter personnel;

(d) any full time executive secretary of an association of fire protection districts authorized under RCW 52.12.031: PROVIDED, That for persons who establish membership in the retirement system on or after October 1, 1977, the provisions of this subparagraph shall not apply;

(e) the executive secretary of a labor guild, association or organization (which is an employer under RCW 41.26.030(2) as now or hereafter amended), if such individual has five years previous membership in a retirement system established in chapter 41.16 or 41.18 RCW: PROVIDED, That for persons who establish membership in the retirement system on or after October 1, 1977, the provisions of this subparagraph shall not apply;

(f) any person who is serving on a full time, fully compensated basis for an employer, as a fire dispatcher, in a department in which, on March 1, 1970, a dispatcher was required to have passed a civil service examination for fireman or fire fighter;

(g) any person who on March 1, 1970, was employed on a full time, fully compensated basis by an employer, and who on May 21, 1971 was making retirement contributions under the provisions of chapter 41.16 or 41.18 RCW; and

(h) the term "fire fighter" also includes any person employed on or after November [1,] 1975, and prior to December 1, 1975, as a director of public safety so long as the duties of the director substantially involve only police and/or fire duties and no other duties.

(5) "Retirement board" means the Washington public employees' retirement system board established in chapter 41.40 RCW, including two members of the retirement system and two employer representatives as provided for in RCW 41.26.050. The retirement board shall be called the Washington law enforcement officers' and fire fighters' retirement board and may enter in legal relationships in that name. Any legal relationships entered into in that name prior to the adoption of this 1972 amendatory act are hereby ratified.

(6) "Surviving spouse" for persons who establish membership in the retirement system on or before September 30, 1977, means the surviving widow or widower of a member (~~(-The word shall not include the divorced spouse of a member)~~) or an ex spouse who has been provided benefits under any court decree of dissolution or legal separation or in any court order or court-approved property settlement agreement incident to any court decree of dissolution or legal separation. In order to qualify as a surviving spouse under this subsection: (a) A person shall have been married to the member for at least thirty years, including at least twenty years prior to the member's retirement or separation from service if a vested member; (b) the decree or court order must be currently effective; and (c) the decree or court order must have been entered after the member's retirement and prior to December 31, 1979. If two or more persons are eligible as surviving spouses

under this subsection, benefits shall be divided between the surviving spouses based on the percentage of total service credit the member accrued during each marriage. This definition shall apply retroactively.

(7) "Child" or "children" whenever used in this chapter means every natural born child and stepchild where that relationship was in existence prior to the date benefits are payable under this chapter, posthumous child, child legally adopted or made a legal ward of a member prior to the date benefits are payable under this chapter, and illegitimate child legitimized prior to the date any benefits are payable under this chapter, all while unmarried, and either under the age of eighteen years or mentally or physically handicapped as determined by the retirement board except a handicapped person in the full time care of a state institution. A person shall also be deemed to be a child up to and including the age of twenty years and eleven months while attending any high school, college, or vocational or other educational institution accredited, licensed, or approved by the state, in which it is located, including the summer vacation months and all other normal and regular vacation periods at the particular educational institution after which the child returns to school.

(8) "Member" means any fire fighter, law enforcement officer, or other person as would apply under subsections (3) or (4) of this section whose membership is transferred to the Washington law enforcement officers' and fire fighters' retirement system on or after March 1, 1970, and every law enforcement officer and fire fighter who is employed in that capacity on or after such date.

(9) "Retirement fund" means the "Washington law enforcement officers' and fire fighters' retirement system fund" as provided for herein.

(10) "Employee" means any law enforcement officer or fire fighter as defined in subsections (3) and (4) above.

(11)(a) "Beneficiary" for persons who establish membership in the retirement system on or before September 30, 1977, means any person in receipt of a retirement allowance, disability allowance, death benefit, or any other benefit described herein.

(b) "Beneficiary" for persons who establish membership in the retirement system on or after October 1, 1977, means any person in receipt of a retirement allowance or other benefit provided by this chapter resulting from service rendered to an employer by another person.

(12)(a) "Final average salary" for persons who establish membership in the retirement system on or before September 30, 1977, means (i) for a member holding the same position or rank for a minimum of twelve months preceding the date of retirement, the basic salary attached to such same position or rank at time of retirement; (ii) for any other member, including a civil service member who has not served a minimum of twelve months in the same position or rank preceding the date of retirement, the average of the greatest basic salaries payable to such member during any consecutive

twenty-four month period within such member's last ten years of service for which service credit is allowed, computed by dividing the total basic salaries payable to such member during the selected twenty-four month period by twenty-four; (iii) in the case of disability of any member, the basic salary payable to such member at the time of disability retirement; (iv) in the case of a member who hereafter vests pursuant to RCW 41.26.090, the basic salary payable to such member at the time of vesting.

(b) "Final average salary" for persons who establish membership in the retirement system on or after October 1, 1977, means the monthly average of the member's basic salary for the highest consecutive sixty months of service prior to such member's retirement, termination, or death. Periods constituting authorized unpaid leaves of absence may not be used in the calculation of final average salary.

(13) (a) "Basic salary" for persons who establish membership in the retirement system on or before September 30, 1977, means the basic monthly rate of salary or wages, including longevity pay but not including overtime earnings or special salary or wages, upon which pension or retirement benefits will be computed and upon which employer contributions and salary deductions will be based.

(b) "Basic salary" for persons who establish membership in the retirement system on or after October 1, 1977, means salaries or wages earned by a member during a payroll period for personal services, including overtime payments, and shall include wages and salaries deferred under provisions established pursuant to sections 403(b), 414(h), and 457 of the United States Internal Revenue Code, but shall exclude lump sum payments for deferred annual sick leave, unused accumulated vacation, unused accumulated annual leave, or any form of severance pay: PROVIDED, That in any year in which a member serves in the legislature the member shall have the option of having such member's basic salary be the greater of:

(i) the basic salary the member would have received had such member not served in the legislature; or

(ii) such member's actual basic salary received for nonlegislative public employment and legislative service combined. Any additional contributions to the retirement system required because basic salary under subparagraph (i) of this subsection is greater than basic salary under subparagraph (ii) of this subsection shall be paid by the member for both member and employer contributions.

(14)(a) "Service" for persons who establish membership in the retirement system on or before September 30, 1977, means all periods of employment for an employer as a fire fighter or law enforcement officer, for which compensation is paid, together with periods of suspension not exceeding thirty days in duration. For the purposes of this chapter service shall also include service in the armed forces of the United States as provided in RCW 41.26.190. Credit shall be allowed for all months of service

rendered by a member from and after the member's initial commencement of employment as a fire fighter or law enforcement officer, during which the member worked for seventy or more hours, or was on disability leave or disability retirement. Only months of service shall be counted in the computation of any retirement allowance or other benefit provided for in this chapter. In addition to the foregoing, for members retiring after May 21, 1971 who were employed under the coverage of a prior pension act before March 1, 1970, "service" shall include (i) such military service not exceeding five years as was creditable to the member as of March 1, 1970, under the member's particular prior pension act, and (ii) such other periods of service as were then creditable to a particular member under the provisions of RCW 41.18.165, 41.20.160 or 41.20.170. However, in no event shall credit be allowed for any service rendered prior to March 1, 1970, where the member at the time of rendition of such service was employed in a position covered by a prior pension act, unless such service, at the time credit is claimed therefor, is also creditable under the provisions of such prior act: PROVIDED, That if such member's prior service is not creditable due to the withdrawal of his contributions plus accrued interest thereon from a prior pension system, such member shall be credited with such prior service, as a law enforcement officer or fire fighter, by paying to the Washington law enforcement officers' and fire fighters' retirement system, on or before March 1, 1975, an amount which is equal to that which was withdrawn from the prior system by such member, as a law enforcement officer or fire fighter: PROVIDED FURTHER, That if such member's prior service is not creditable because, although employed in a position covered by a prior pension act, such member had not yet become a member of the pension system governed by such act, such member shall be credited with such prior service as a law enforcement officer or fire fighter, by paying to the Washington law enforcement officers' and fire fighters' retirement system, on or before March 1, 1975, an amount which is equal to the employer's contributions which would have been required under the prior act when such service was rendered if the member had been a member of such system during such period: AND PROVIDED FURTHER, That where a member is employed by two employers at the same time, he shall only be credited with service to one such employer for any month during which he rendered such dual service.

(b) "Service" for persons who establish membership in the retirement system on or after October 1, 1977, means periods of employment by a member for one or more employers for which basic salary is earned for ninety or more hours per calendar month.

Members of the retirement system who are elected or appointed to a state elective position may elect to continue to be members of this retirement system.

Years of service shall be determined by dividing the total number of months of service by twelve. Any fraction of a year of service as so determined shall be taken into account in the computation of such retirement allowance or benefits.

If a member receives basic salary from two or more employers during any calendar month, the individual shall receive one month's service credit during any calendar month in which multiple service for ninety or more hours is rendered.

(15) "Accumulated contributions" means the employee's contributions made by a member plus accrued interest credited thereon.

(16) "Actuarial reserve" means a method of financing a pension or retirement plan wherein reserves are accumulated as the liabilities for benefit payments are incurred in order that sufficient funds will be available on the date of retirement of each member to pay the member's future benefits during the period of retirement.

(17) "Actuarial valuation" means a mathematical determination of the financial condition of a retirement plan. It includes the computation of the present monetary value of benefits payable to present members, and the present monetary value of future employer and employee contributions, giving effect to mortality among active and retired members and also to the rates of disability, retirement, withdrawal from service, salary and interest earned on investments.

(18) "Disability board" means either the county disability board or the city disability board established in RCW 41.26.110 for persons who establish membership in the retirement system on or before September 30, 1977.

(19) "Disability leave" means the period of six months or any portion thereof during which a member is on leave at an allowance equal to the member's full salary prior to the commencement of disability retirement. The definition contained in this subsection shall apply only to persons who establish membership in the retirement system on or before September 30, 1977.

(20) "Disability retirement" for persons who establish membership in the retirement system on or before September 30, 1977, means the period following termination of a member's disability leave, during which the member is in receipt of a disability retirement allowance.

(21) "Position" means the employment held at any particular time, which may or may not be the same as civil service rank.

(22) "Medical services" for persons who establish membership in the retirement system on or before September 30, 1977, shall include the following as minimum services to be provided. Reasonable charges for these services shall be paid in accordance with RCW 41.26.150.

(a) Hospital expenses: These are the charges made by a hospital, in its own behalf, for

(i) Board and room not to exceed semiprivate room rate unless private room is required by the attending physician due to the condition of the patient.

(ii) Necessary hospital services, other than board and room, furnished by the hospital.

(b) Other medical expenses: The following charges are considered "other medical expenses", provided that they have not been considered as "hospital expenses".

(i) The fees of the following:

(A) A physician or surgeon licensed under the provisions of chapter 18.71 RCW;

(B) An osteopath licensed under the provisions of chapter 18.57 RCW;

(C) A chiropractor licensed under the provisions of chapter 18.25 RCW.

(ii) The charges of a registered graduate nurse other than a nurse who ordinarily resides in the member's home, or is a member of the family of either the member or the member's spouse.

(iii) The charges for the following medical services and supplies:

(A) Drugs and medicines upon a physician's prescription;

(B) Diagnostic x-ray and laboratory examinations;

(C) X-ray, radium, and radioactive isotopes therapy;

(D) Anesthesia and oxygen;

(E) Rental of iron lung and other durable medical and surgical equipment;

(F) Artificial limbs and eyes, and casts, splints, and trusses;

(G) Professional ambulance service when used to transport the member to or from a hospital when he is injured by an accident or stricken by a disease;

(H) Dental charges incurred by a member who sustains an accidental injury to his teeth and who commences treatment by a legally licensed dentist within ninety days after the accident;

(I) Nursing home confinement or hospital extended care facility;

(J) Physical therapy by a registered physical therapist;

(K) Blood transfusions, including the cost of blood and blood plasma not replaced by voluntary donors;

(L) An optometrist licensed under the provisions of chapter 18.53 RCW.

(23) "Regular interest" means such rate as the director may determine.

(24) "Retiree" for persons who establish membership in the retirement system on or after October 1, 1977, means any member in receipt of a retirement allowance or other benefit provided by this chapter resulting from service rendered to an employer by such member.

(25) "Department" means the department of retirement systems created in chapter 41.50 RCW.

(26) "Director" means the director of the department.

(27) "State actuary" or "actuary" means the person appointed pursuant to RCW 44.44.010(2).

(28) "State elective position" means any position held by any person elected or appointed to state-wide office or elected or appointed as a member of the legislature.

NEW SECTION. Sec. 36. Sections 13 through 17 and 25 of this act are each added to chapter 41.50 RCW.

NEW SECTION. Sec. 37. If any provision of this act or its application to any person or circumstances is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

Passed the House March 18, 1991.

Passed the Senate April 19, 1991.

Approved by the Governor May 21, 1991.

Filed in Office of Secretary of State May 21, 1991.

CHAPTER 366

[Second Substitute Senate Bill 5568]

HUNGER AND NUTRITION PROGRAMS

Effective Date: 7/1/91

AN ACT Relating to hunger and nutrition; creating new sections; providing an effective date; and declaring an emergency.

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

NEW SECTION. Sec. 1. Hunger and malnutrition threaten the future of a whole generation of children in Washington. Children who are hungry or malnourished are unable to function optimally in the classroom and are thus at risk of lower achievement in school. The resultant diminished future capacity of and opportunities for these children will affect this state's economic and social future. Thus, the legislature finds that the state has an interest in helping families provide nutritious meals to children.

The legislature also finds that the state has an interest in helping hungry and malnourished adults obtain necessary nourishment. Adequate nourishment is necessary for physical health, and physical health is the foundation of self-sufficiency. Adequate nourishment is especially critical in the case of pregnant and lactating women, both to ensure that all mothers and babies are as healthy as possible and to minimize the costs associated with the care of low-birthweight babies.

PART I
WIC

NEW SECTION. Sec. 101. The legislature finds that the special supplemental food program for women, infants, and children has proven effective in preventing infant mortality, reducing the number of undernourished children with retarded growth, reducing the incidence of delayed cognitive development and decreasing the number of low-birthweight babies. However, not all of the eligible mothers and children in this state are currently served by the program. Therefore, the legislature intends to increase the number of eligible women and children served by the program.

PART II
EMERGENCY FOOD ASSISTANCE PROGRAM

NEW SECTION. Sec. 201. The legislature finds that the emergency food assistance program has been successful in defraying the costs of operating food banks and food distribution programs in the state. However, current resources are inadequate to meet the needs of the hungry and malnourished people in this state. Additional funding for the emergency food assistance program is needed to provide for the purchase, transportation, and storage of food and to support the operation of food banks, food distribution programs, and tribal voucher programs.

Additionally, many of the people who receive food from food banks have special nutritional needs that are not currently being met. These include infants and children with disabilities, pregnant and lactating women, adults with chronic diseases, people with acquired immune deficiency syndrome, people with lactose intolerance, people who have difficulty chewing, alcoholics, intravenous drug users, and people with cultural food preferences. The legislature finds that additional funds to provide special nutritional foods are necessary and that training regarding these special nutritional needs is needed for food bank staff and volunteers.

PART III
FOOD STAMPS

***NEW SECTION.** Sec. 301. *The legislature finds that delays in receiving food stamps often drive hungry families to food banks. Expediting the issuance of food stamps to eligible applicants will ease some of the pressure on the food bank system. The legislature also finds that some of those who currently apply for the expedited issuance of food stamps are not receiving them within the five-day waiting period. Therefore, the department is directed to issue food stamps to eligible applicants within twenty-four hours of application.*

*Sec. 301 was vetoed, see message at end of chapter.

NEW SECTION. Sec. 302. The department shall issue expedited food stamps to eligible recipients within twenty-four hours of application. The

department shall establish an eligibility process for the expedited issuance of food stamps that conforms to federal requirements and results in the least additional workload increase to department staff.

PART IV NUTRITIONAL PROGRAMS

NEW SECTION. Sec. 401. The legislature finds that the school breakfast and lunch programs, the summer feeding program, and the child and adult day care feeding programs authorized by the United States department of agriculture are effective in addressing unmet nutritional needs. However, some communities in the state do not participate in these programs. The result is hunger, malnutrition, and inadequate nutrition education for otherwise eligible persons living in nonparticipating communities.

NEW SECTION. Sec. 402. The superintendent of public instruction shall aggressively solicit eligible schools, child and adult day care centers, and other organizations to participate in the nutrition programs authorized by the United States department of agriculture.

PART V MISCELLANEOUS

NEW SECTION. Sec. 501. Following the 1991 legislative session, the senate children and family services committee and the house of representatives human services committee shall conduct a joint interim study on:

- (1) The need for nutrition programs for at-risk youth;
- (2) The nutritional needs of persons served in out-of-home care settings;
- (3) The nutritional needs of senior citizens; and
- (4) The nutritional needs of persons under the age of sixty who receive services through the long-term care system.

NEW SECTION. Sec. 502. Parts and headings as used in this act constitute no part of the law.

NEW SECTION. Sec. 503. 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. 504. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1991.

NEW SECTION. Sec. 505. If specific funding for the purposes of section 101 of this act, referencing section 101 of this act by bill number and section, is not provided by June 30, 1991, in the omnibus appropriations act, section 101 of this act shall be null and void.

NEW SECTION. Sec. 506. If specific funding for the purposes of section 201 of this act, referencing section 201 of this act by bill number and section, is not provided by June 30, 1991, in the omnibus appropriations act, section 201 of this act shall be null and void.

NEW SECTION. Sec. 507. If specific funding for the purposes of sections 301 and 302 of this act, referencing sections 301 and 302 of this act by bill number and sections, is not provided by June 30, 1991, in the omnibus appropriations act, sections 301 and 302 of this act shall be null and void.

***NEW SECTION.** Sec. 508. *If specific funding for the purposes of section 402 of this act, referencing section 402 of this act by bill number and section, is not provided by June 30, 1991, in the omnibus appropriations act, section 402 of this act shall be null and void.*

*Sec. 508 was vetoed, see message at end of chapter.

Passed the Senate April 22, 1991.

Passed the House April 12, 1991.

Approved by the Governor May 21, 1991 with the exception of certain items which were vetoed.

Filed in Office of Secretary of State May 21, 1991.

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

"I am returning herewith, without my approval as to sections 301 and 508, Second Substitute Senate Bill No. 5568, entitled:

"AN ACT Relating to hunger and nutrition."

I commend the Legislature for its focus on nutritional needs of our families, and especially for its intent to improve the health and functioning of children so they can succeed in the classroom.

Sections 301 and 302 appropriately support issuing food stamps to eligible families as soon as possible after they apply. The Department of Social and Health Services is committed to that policy and will issue food stamps within 24 hours if sufficient staff is provided. Section 301, however, contains a legal conclusion about noncompliance that may make the state vulnerable to lawsuit. For this reason, I have vetoed section 301.

Section 508 would void the section 402 requirement that the Office of Superintendent of Public Instruction aggressively solicit schools and organizations to participate in the nutrition programs. Even if reference and funds were not provided in the budget, aggressive solicitation should occur, especially since these programs are federally funded. This should be current policy, and I have therefore vetoed section 508.

With the exception of sections 301 and 508, Second Substitute Senate Bill No. 5568 is approved."

CHAPTER 367

[Engrossed Second Substitute Senate Bill 5120]

CHILD SUPPORT—UNIFORM ECONOMIC TABLE AND REVISED PROVISIONS

Effective Date: 9/1/91

AN ACT Relating to child support; amending RCW 26.09.010, 26.09.015, 26.09.100, 26.09.160, 26.09.170, 26.09.175, 26.09.184, 26.09.225, 26.09.280, 26.12.010, 26.12.060, 26.12.170, 26.12.190, 26.12.220, 26.18.100, 26.18.110, 26.18.140, 26.19.001, 26.19.020, 26.19.090,

26.21.230, 26.23.035, 26.23.050, 26.23.060, 26.23.070, 26.23.100, 74.20.220, 74.20.310, and 74.20A.055; reenacting and amending RCW 26.09.260; adding new sections to chapter 26.12 RCW; adding new sections to chapter 26.19 RCW; adding new sections to chapter 26.23 RCW; adding new sections to chapter 74.20A RCW; creating new sections; repealing RCW 26.12.090, 26.12.100, 26.12.110, 26.12.120, 26.12.130, 26.12.140, 26.12.150, 26.12.180, 26.12.200, 26.12.210, 26.19.010, 26.19.040, 26.19.060, 26.19.070, 26.19.080, and 26.19.110; prescribing penalties; and providing an effective date.

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

***Sec. 1. RCW 26.09.010 and 1989 c 375 s 1 are each amended to read as follows:**

(1) Except as otherwise specifically provided herein, the practice in civil action shall govern all proceedings under this chapter, except that trial by jury is dispensed with.

(2) A proceeding for dissolution of marriage, legal separation or a declaration concerning the validity of a marriage shall be entitled "In re the marriage of and". Such proceeding ((may)) shall be filed in the superior court of the county where the petitioner or respondent resides. Upon motion and hearing before the superior court of the county where the proceeding is filed, the court may waive venue in that county for good cause shown.

(3) In cases where there has been no prior proceeding in this state involving the marital status of the parties or support obligations for a minor child, a separate parenting and support proceeding between the parents shall be entitled "In re the parenting and support of". Such proceeding shall be filed in the superior court of the county where the petitioner or respondent resides. Upon motion and hearing before the superior court of the county where the proceeding is filed, the court may waive venue in that county for good cause shown.

(4) The initial pleading in all proceedings under this chapter shall be denominated a petition. A responsive pleading shall be denominated a response. Other pleadings, and all pleadings in other matters under this chapter shall be denominated as provided in the civil rules for superior court.

(5) In this chapter, "decree" includes "judgment".

(6) A decree of dissolution, of legal separation, or a declaration concerning the validity of a marriage shall not be awarded to one of the parties, but shall provide that it affects the status previously existing between the parties in the manner decreed.

***Sec. 1 was vetoed, see message at end of chapter.**

Sec. 2. RCW 26.09.015 and 1989 c 375 s 2 are each amended to read as follows:

(1) In any proceeding under this chapter, the matter may be set for mediation of the contested issues before or concurrent with the setting of the matter for hearing. The purpose of the mediation proceeding shall be to reduce acrimony which may exist between the parties and to develop an

agreement assuring the child's close and continuing contact with both parents after the marriage is dissolved. The mediator shall use his or her best efforts to effect a settlement of the dispute.

(2) Each superior court may make available a mediator. The mediator may be a member of the professional staff of a family court or mental health services agency, or may be any other person or agency designated by the court. In order to provide mediation services, the court is not required to institute a family court.

(3) Mediation proceedings shall be held in private and shall be confidential. The mediator shall not testify as to any aspect of the mediation proceedings. This subsection shall not apply to postdecree mediation required pursuant to a parenting plan.

(4) The mediator shall assess the needs and interests of the child or children involved in the controversy and may interview the child or children if the mediator deems such interview appropriate or necessary.

(5) Any agreement reached by the parties as a result of mediation shall be reported to the court and to counsel for the parties by the mediator on the day set for mediation or any time thereafter designated by the court.

~~((6) This section shall not apply to postdecree mediation required pursuant to a parenting plan.))~~

***Sec. 3. RCW 26.09.100 and 1990 1st ex.s. c 2 s 1 are each amended to read as follows:**

(1) In a proceeding for dissolution of marriage, legal separation, declaration of invalidity, maintenance, or child support, after considering all relevant factors but without regard to marital misconduct, the court shall order either or both parents owing a duty of support to any child of the marriage dependent upon either or both spouses to pay an amount determined under chapter 26.19 RCW.

(2) The court may require periodic ((adjustments)) modifications of child support. That portion of any decree that requires periodic modifications of child support shall use the provisions in chapter 26.19 RCW as the basis for the modification. That portion of any decree that requires periodic modification of child support that uses a basis for modification other than chapter 26.19 RCW shall be void. Provisions in the decree for periodic modification shall not conflict with RCW 26.09.170 except that the decree may require periodic modifications of support more frequently than the time periods established pursuant to RCW 26.09.170. The ((adjustment)) automatic modification provision may be modified by the court due to economic hardship consistent with the provisions of RCW 26.09.170(4)(a).

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

Sec. 4. RCW 26.09.160 and 1989 c 318 s 1 are each amended to read as follows:

(1) The performance of parental functions and the duty to provide child support are distinct responsibilities in the care of a child. If a party

fails to comply with a provision of a decree or temporary order of injunction, the obligation of the other party to make payments for support or maintenance or to permit contact with children is not suspended. An attempt by a parent, in either the negotiation or the performance of a parenting plan, to condition one aspect of the parenting plan upon another, to condition payment of child support upon an aspect of the parenting plan, to refuse to pay ordered child support, to refuse to perform the duties provided in the parenting plan, or to hinder the performance by the other parent of duties provided in the parenting plan, ((may)) shall be deemed bad faith and shall be punished by the court by holding the party in contempt of court and by awarding to the aggrieved party reasonable attorneys' fees and costs incidental in bringing a motion for contempt of court.

(2)(a) A motion may be filed to initiate a contempt action to coerce a parent to comply with an order establishing residential provisions for a child. If the court finds there is reasonable cause to believe the parent has not complied with the order, the court may issue an order to show cause why the relief requested should not be granted.

(b) If, based on all the facts and circumstances, the court finds after hearing that the parent, in bad faith, has not complied with the order establishing residential provisions for the child, the court ((may)) shall find the parent in contempt of court. Upon a finding of contempt, the court shall order:

(i) The noncomplying parent to provide the moving party additional time with the child. The additional time shall be equal to the time missed with the child, due to the parent's noncompliance;

(ii) The parent to pay, to the moving party, all court costs and reasonable attorneys' fees incurred as a result of the noncompliance, and any reasonable expenses incurred in locating or returning a child; and

(iii) The parent to pay, to the moving party, a civil penalty, not less than the sum of one hundred dollars.

The court may also order the parent to be imprisoned in the county jail, if the parent is presently able to comply with the provisions of the court-ordered parenting plan and is presently unwilling to comply. The parent may be imprisoned until he or she agrees to comply with the order, but in no event for more than one hundred eighty days.

(3) On a second failure within three years to comply with a residential provision of a court-ordered parenting plan, a motion may be filed to initiate contempt of court proceedings according to the procedure set forth in subsection (2) (a) and (b) of this section. On a finding of contempt under this subsection, the court shall order:

(a) The noncomplying parent to provide the other parent or party additional time with the child. The additional time shall be twice the amount of the time missed with the child, due to the parent's noncompliance;

(b) The noncomplying parent to pay, to the other parent or party, all court costs and reasonable attorneys' fees incurred as a result of the non-compliance, and any reasonable expenses incurred in locating or returning a child; and

(c) The noncomplying parent to pay, to the moving party, a civil penalty of not less than two hundred fifty dollars.

The court may also order the parent to be imprisoned in the county jail, if the parent is presently able to comply with the provisions of the court-ordered parenting plan and is presently unwilling to comply. The parent may be imprisoned until he or she agrees to comply with the order but in no event for more than one hundred eighty days.

(4) For purposes of subsections (1), (2), and (3) of this section, the parent shall be deemed to have the present ability to comply with the order establishing residential provisions unless he or she establishes otherwise by a preponderance of the evidence. The parent shall establish a reasonable excuse for failure to comply with the residential provision of a court-ordered parenting plan by a preponderance of the evidence.

(5) Any monetary award ordered under subsections (1), (2), and (3) of this section may be enforced, by the party to whom it is awarded, in the same manner as a civil judgment.

(6) Subsections (1), (2), and (3) of this section authorize the exercise of the court's power to impose remedial sanctions for contempt of court and is in addition to any other contempt power the court may possess.

(7) Upon motion for contempt of court under subsections (1) through (3) of this section, if the court finds the motion was brought without reasonable basis, the court shall order the moving party to pay to the nonmoving party, all costs, reasonable attorneys' fees, and a civil penalty of not less than one hundred dollars.

***Sec. 5. RCW 26.09.170 and 1990 1st ex.s. c 2 s 2 are each amended to read as follows:**

(1) Except as otherwise provided in subsection (7) of RCW 26.09.070 and subsection (10) of this section, the provisions of any decree respecting maintenance or support may be modified only as to installments accruing subsequent to the filing of the motion for modification and, except as otherwise provided in subsections (4), (5), ~~((and))~~ (8), (9), and (10) of this section, only upon a showing of a substantial change of circumstances. Any modification granted shall be effective as of the date of the filing of the motion. The provisions as to property disposition may not be revoked or modified, unless the court finds the existence of conditions that justify the reopening of a judgment under the laws of this state. An increase in the wage or salary of a parent who is receiving support transfer payments as defined in section 24 of this act is not a substantial change in circumstances.

(2) *Unless otherwise agreed in writing or expressly provided in the decree the obligation to pay future maintenance is terminated upon the death of either party or the remarriage of the party receiving maintenance.*

(3) *Unless otherwise agreed in writing or expressly provided in the decree, provisions for the support of a child are terminated by emancipation of the child or by the death of the parent obligated to support the child.*

(4) Unless a decree provides for more frequent modifications of child support as provided in RCW 26.09.100, an order of child support may be modified one year or more after it has been entered without showing a substantial change of circumstances:

(a) *If the order in practice works a severe economic hardship on either party or the child;*

(b) *If a party requests ~~((an adjustment))~~ a modification in an order for child support which was based on guidelines which determined the amount of support according to the child's age, and the child is no longer in the age category on which the current support amount was based;*

(c) *If a child is still in high school, upon a finding that there is a need to extend support beyond the eighteenth birthday to complete high school; or*

(d) *To add ~~((an))~~ automatic ~~((adjustment))~~ modification of support provisions ~~((consistent with))~~ as provided in RCW 26.09.100.*

(5) *An order or decree entered prior to June 7, 1984, may be modified without showing a substantial change of circumstances if the requested modification is to:*

(a) *Require health insurance coverage for a child named therein; or*

(b) *Modify an existing order for health insurance coverage.*

(6) *An obligor's voluntary unemployment or voluntary underemployment, by itself, is not a substantial change of circumstances.*

(7) *The department of social and health services may file an action to modify an order of child support if public assistance money is being paid to or for the benefit of the child and the child support order is twenty-five percent or more below the ~~((appropriate))~~ presumptive child support amount set forth in the standard calculation as defined in section ~~((4(2)))~~ 24 of this act and reasons for the deviation are not set forth in the findings of fact or order. The determination of twenty-five percent or more shall be based on the current income of the parties and the department shall not be required to show a substantial change of circumstances if the reasons for the deviations were not set forth in the findings of fact or order.*

(8)(a) ~~((Except as provided in (b) and (c) of this subsection;))~~ Unless a decree provides for more frequent modification of child support as provided in RCW 26.09.100, all decrees entered on, before, or after September 1, 1991, that contain orders regarding child support ~~((decrees))~~ may be ~~((adjusted))~~ modified once every twenty-four months based upon changes in the income of the parents without a showing of substantially changed circumstances. Either

party may initiate the modification pursuant to procedures of RCW 26.09.175.

(b) All decrees entered on, before, or after September 1, 1991, may be modified based upon changes in the child support schedule established in chapter 26.19 RCW without a substantial change in circumstances. Parents whose decrees are entered on, before ((the effective date of this act)), or after the effective date of this section may petition the court for a modification based on the changes in the child support schedule after twelve months has expired from the entry of the decree or the most recent modification setting child support, whichever is later. However, if a party is granted relief under this provision, twenty-four months must pass before another petition for modification may be filed pursuant to (a) of this subsection.

(c) A party may petition for modification in cases of substantially changed circumstances, under subsection (1) of this section, at any time. However, if relief is granted under subsection (1) of this section, twenty-four months must pass before a petition for modification under (a) of this subsection may be filed.

(d) If, pursuant to (a) and (b) of this subsection, the court modifies a child support obligation by more than thirty percent and the change would cause significant hardship, the court may implement the change in two equal increments, one at the time of the entry of the order and the second six months from the entry of the order. Twenty-four months must pass following the second change before a petition for modification under (a) of this subsection may be filed.

~~(((e) A parent who is receiving transfer payments who receives a wage or salary increase may not bring a modification action pursuant to (a) of this subsection alleging that increase constitutes a substantial change of circumstances under subsection (1) of this section.))~~

(9) Any decree, separation agreement, contract, or other agreement that conflicts with RCW 26.09.170(8) shall, upon motion of a party, be modified to conform to the requirements of RCW 26.09.170(8).

(10) A parent obligated to pay support, who was on active duty for the United States military for the "Desert Shield" or "Desert Storm" operations of the United States war with Iraq, may bring a motion for modification of child support without a substantial change of circumstances for purposes of a retroactive adjustment of child support commencing from the beginning of the active duty until the date the parent was no longer on active duty. The parent must bring the motion for modification within ninety days of the end of the parent's active duty. The motion for modification may only be granted if the parent's income or resources were reduced while on active duty. Any modification granted that reduces child support during the parent's term of

active duty shall be a prospective credit against future child support payments in an amount and over a period of time as determined in the court's discretion.

*Sec. 5 was vetoed, see message at end of chapter.

Sec. 6. RCW 26.09.175 and 1990 1st ex.s. c 2 s 3 are each amended to read as follows:

(1) A proceeding for the modification of an order of child support shall commence with the filing of a petition (~~(and a supporting financial affidavit,)~~) and worksheets. The petition (~~(and affidavit)~~) shall be in substantially the form prescribed by the administrator for the courts. There shall be a fee of twenty dollars for the filing of a petition for modification of dissolution.

(2) The petitioner shall serve upon the other party the summons, a copy of the petition (~~(and affidavit, and a blank copy of a financial affidavit)~~), and the worksheets in the form prescribed by the administrator for the courts. If the modification proceeding is the first action filed in this state, service shall be made by personal service. If the decree to be modified was entered in this state, service shall be by personal service or by any form of mail requiring a return receipt. If the support obligation has been assigned to the state pursuant to RCW 74.20.330 (~~(and notice has been filed with the court)~~) or the state has a subrogated interest under RCW 74.20A.030, the summons, petition, (~~(affidavit,)~~) and worksheets shall also be served on the attorney general. Proof of service shall be filed with the court.

(3) The responding party's answer (~~(and completed financial affidavit)~~) and worksheets shall be served and the answer filed within twenty days after service of the petition or sixty days if served out of state. The responding party's failure to file an answer within the time required shall result in entry of a default judgment for the petitioner.

(4) At any time after responsive pleadings are filed, either party may schedule the matter for hearing.

(5) Unless both parties stipulate to arbitration or the presiding judge authorizes oral testimony pursuant to subsection (6) of this section, a petition for modification of an order of child support shall be heard by the court on affidavits, the petition, answer, and worksheets only.

(6) A party seeking authority to present oral testimony on the petition to modify a support order shall file an appropriate motion not later than ten days after the time of notice of hearing. Affidavits and exhibits setting forth the reasons oral testimony is necessary to a just adjudication of the issues shall accompany the petition. The affidavits and exhibits must demonstrate the extraordinary features of the case. Factors which may be considered include, but are not limited to: (a) Substantial questions of credibility on a major issue; (b) insufficient or inconsistent discovery materials not correctable by further discovery; or (c) particularly complex circumstances requiring expert testimony.

(7) The administrator for the courts shall develop and prepare, in consultation with interested persons, model forms or notices for the use of the procedure provided by this section, including a notice advising of the right of a party to proceed with or without benefit of counsel.

Sec. 7. RCW 26.09.184 and 1989 c 375 s 9 are each amended to read as follows:

(1) **OBJECTIVES.** The objectives of the permanent parenting plan are to:

- (a) Provide for the child's physical care;
- (b) Maintain the child's emotional stability;
- (c) Provide for the child's changing needs as the child grows and matures, in a way that minimizes the need for future modifications to the permanent parenting plan;
- (d) Set forth the authority and responsibilities of each parent with respect to the child, consistent with the criteria in RCW 26.09.187 and 26.09.191;
- (e) Minimize the child's exposure to harmful parental conflict;
- (f) Encourage the parents, where appropriate under RCW 26.09.187 and 26.09.191, to meet their responsibilities to their minor children through agreements in the permanent parenting plan, rather than by relying on judicial intervention; and
- (g) To otherwise protect the best interests of the child consistent with RCW 26.09.002.

(2) **CONTENTS OF THE PERMANENT PARENTING PLAN.** The permanent parenting plan shall contain provisions for resolution of future disputes between the parents, allocation of decision-making authority, and residential provisions for the child.

(3) **DISPUTE RESOLUTION.** A process for resolving disputes, other than court action, shall be provided unless precluded or limited by RCW 26.09.187 or 26.09.191. A dispute resolution process may include counseling, mediation, or arbitration by a specified individual or agency, or court action. In the dispute resolution process:

- (a) Preference shall be given to carrying out the parenting plan;
- (b) The parents shall use the designated process to resolve disputes relating to implementation of the plan, except those related to financial support, unless an emergency exists;
- (c) A written record shall be prepared of any agreement reached in counseling or mediation and of each arbitration award and shall be provided to each party;
- (d) If the court finds that a parent has used or frustrated the dispute resolution process without good reason, the court shall award attorneys' fees and financial sanctions to the prevailing parent;
- (e) The parties have the right of review from the dispute resolution process to the superior court; and

(f) The provisions of (a) through (e) of this subsection shall be set forth in the decree.

(4) ALLOCATION OF DECISION-MAKING AUTHORITY.

(a) The plan shall allocate decision-making authority to one or both parties regarding the children's education, health care, and religious upbringing. The parties may incorporate an agreement related to the care and growth of the child in these specified areas, or in other areas, into their plan, consistent with the criteria in RCW 26.09.187 and 26.09.191. Regardless of the allocation of decision-making in the parenting plan, either parent may make emergency decisions affecting the health or safety of the child.

(b) Each parent may make decisions regarding the day-to-day care and control of the child while the child is residing with that parent.

(c) When mutual decision making is designated but cannot be achieved, the parties shall make a good-faith effort to resolve the issue through the dispute resolution process.

(5) RESIDENTIAL PROVISIONS FOR THE CHILD. The plan shall include a residential schedule which designates in which parent's home each minor child shall reside on given days of the year, including provision for holidays, birthdays of family members, vacations, and other special occasions, consistent with the criteria in RCW 26.09.187 and 26.09.191.

(6) PARENTS' OBLIGATION UNAFFECTED. If a parent fails to comply with a provision of a parenting plan or a child support order, the other parent's obligations under the parenting plan or the child support order are not affected. Failure to comply with a provision in a parenting plan or a child support order may result in a finding of contempt of court, under RCW 26.09.160.

(7) PROVISIONS TO BE SET FORTH IN PERMANENT PARENTING PLAN. The permanent parenting plan shall set forth the provisions of subsections (3) (a) through (c), (4) (b) and (c), and (6) of this section.

****Sec. 8. RCW 26.09.225 and 1990 1st ex.s. c 2 s 18 are each amended to read as follows:***

(1) Each parent shall have full and equal access to the education ((and health care)) records of the child absent a court order to the contrary. Educational records include records of public and private schools in all grades kindergarten through twelve and any form of alternative school or postsecondary educational institution for all periods for which child support is paid or the child is the dependent in fact of the parent requesting access to the records. Neither parent may veto the access requested by the other parent and neither parent nor child nor any educational institution may assert a privilege on behalf of the child.

(2) Each parent shall have full and equal access to the health care records of the child absent a court order to the contrary. Neither parent may

veto the access requested by the other parent and neither parent nor child nor health care provider may assert a privilege on behalf of the child.

*Sec. 8 was vetoed, see message at end of chapter.

Sec. 9. RCW 26.09.260 and 1989 c 375 s 14 and 1989 c 318 s 3 are each reenacted and amended to read as follows:

(1) Except as otherwise provided in subsection (4) of this section, the court shall not modify a prior custody decree or a parenting plan unless it finds, upon the basis of facts that have arisen since the prior decree or plan or that were unknown to the court at the time of the prior decree or plan, that a substantial change has occurred in the circumstances of the child or the nonmoving party and that the modification is in the best interest of the child and is necessary to serve the best interests of the child.

(2) In applying these standards, the court shall retain the residential schedule established by the decree or parenting plan unless:

(a) The parents agree to the modification;

(b) The child has been integrated into the family of the petitioner with the consent of the other parent in substantial deviation from the parenting plan;

(c) The child's present environment is detrimental to the child's physical, mental, or emotional health and the harm likely to be caused by a change of environment is outweighed by the advantage of a change to the child; or

(d) The court has found the nonmoving parent in contempt of court at least twice within three years because the parent failed to comply with the residential time provisions in the court-ordered parenting plan, or the parent has been convicted of custodial interference in the first or second degree under RCW 9A.40.060 or 9A.40.070.

~~((2))~~ (3) A conviction of custodial interference in the first or second degree under RCW 9A.40.060 or 9A.40.070 shall constitute a substantial change of circumstances for the purposes of this section.

~~((3))~~ (4) The court may order adjustments to a parenting plan upon a showing of a substantial change in circumstances of either parent or of the child, and without consideration of the factors set forth in subsection (2) of this section, if the proposed modification is only a:

(a) Modification in the dispute resolution process; or

(b) Minor modification in the residential schedule that:

(i) Does not change the residence the child is scheduled to reside in the majority of the time; and

(ii) Does not exceed twenty-four full days in a calendar year or five full days in a calendar month; or

(iii) Is based on a change of residence or an involuntary change in work schedule by a parent which makes the residential schedule in the parenting plan impractical to follow.

(5) If the court finds that a motion to modify a prior decree or parenting plan has been brought in bad faith, the court shall assess the attorney's fees and court costs of the nonmoving parent against the moving party.

Sec. 10. RCW 26.09.280 and 1987 c 460 s 20 are each amended to read as follows:

~~((Hereafter))~~ Every action or proceeding to change, modify, or enforce any final order, judgment, or decree ~~((heretofore or hereafter))~~ entered in any dissolution or legal separation or declaration concerning the validity of a marriage, whether under this chapter or prior law, ~~((in relation to))~~ regarding the parenting plan or child support for the minor children of the marriage may be brought in the county where ~~((said))~~ the minor children are then residing, or in the court in which ~~((said))~~ the final order, judgment, or decree was entered, or in the county where the parent or other person who has the care, custody, or control of the ~~((said))~~ children is then residing.

Sec. 11. RCW 26.12.010 and 1983 c 219 s 1 are each amended to read as follows:

Each superior court shall exercise the jurisdiction conferred by this chapter and while sitting in the exercise of such jurisdiction shall be known and referred to as the "family court." A family law proceeding under this chapter is any proceeding under this title or any proceeding in which the family court is requested to adjudicate or enforce the rights of the parties or their children regarding the determination or modification of parenting plans, child custody, visitation, or support, or the distribution of property or obligations.

Sec. 12. RCW 26.12.060 and 1988 c 232 s 4 are each amended to read as follows:

The ~~((family))~~ court commissioners shall: (1) ~~((Receive all applications and complaints filed in the family court for the purpose of disposing of them pursuant to this chapter))~~ Make appropriate referrals to county family court services program if the county has a family court services program; (2) ~~((investigate))~~ order investigation and reporting of the facts upon which to base warrants, subpoenas, orders or directions in actions or proceedings ~~((filed in or transferred to the family court pursuant to))~~ under this chapter; (3) ~~((for the purpose of this chapter,))~~ exercise all the powers and perform all the duties of ~~((regular))~~ court commissioners; (4) ~~((hold conciliation conferences with parties to and hearings in proceedings under this chapter and))~~ make written reports of all proceedings had which shall become a part of the record of the family court; (5) provide ~~((such))~~ supervision ~~((in connection with))~~ over the exercise of its jurisdiction as the judge of the family court may order; (6) cause the orders and findings of the family court to be entered in the same manner as orders and findings are entered in cases in the superior court; (7) cause ~~((such))~~ other reports to be made and

records kept as will indicate the value and extent of ~~((such conciliation service))~~ reconciliation, mediation, investigation, and treatment services; and (8) conduct hearings under chapter 13.34 RCW as provided in RCW 13.04.021.

Sec. 13. RCW 26.12.170 and 1983 c 219 s 5 are each amended to read as follows:

~~((The hearing shall be conducted informally as a conference or series of conferences to effect the reconciliation of the parties or an amicable adjustment or settlement of the issues of the controversy.))~~ To facilitate and promote the purposes of this chapter, ~~((the))~~ family court judges and court commissioners may order or recommend family court services, drug and alcohol abuse evaluations and monitoring of the parties through public or private treatment services, other treatment services, the aid of physicians, psychiatrists, ~~((or))~~ other specialists, or other services or may recommend the aid of the pastor or director of any religious denomination to which the parties may belong. ~~((Such aid, however, shall be at the expense of the parties involved and shall not be at the expense of the court or of the county unless the board of county commissioners shall specifically authorize such aid.))~~

If the court has reasonable cause to believe that a child of the parties has suffered abuse or neglect it may file a report with the proper law enforcement agency or the department of social and health services as provided in RCW 26.44.040. Upon receipt of such a report the law enforcement agency or the department of social and health services will conduct an investigation into the cause and extent of the abuse or neglect. The findings of the investigation may be made available to the court if ordered by the court as provided in RCW 42.17.310(3). The findings shall be restricted to the issue of abuse and neglect and shall not be considered custody investigations.

Sec. 14. RCW 26.12.190 and 1983 c 219 s 7 are each amended to read as follows:

(1) ~~((During the period of thirty days after filing a petition for conciliation no family law proceeding shall be filed by either party and further proceedings in a family law proceeding then pending in the superior court shall be stayed and the case transferred to the family court.))~~ The family court shall have jurisdiction and full power in all pending cases to make, alter, modify, and enforce all temporary and permanent orders~~((orders for))~~ regarding the following: Parenting plans, child support, custody of children, visitation, possession of property, maintenance, contempt, custodial interference, and orders for attorneys' fees, suit money or costs as may appear just and equitable. Court commissioners or judges shall not have authority to require the parties to mediate disputes concerning child support.

(2) ~~((If, after the expiration of such thirty day period or the formal conclusion of the proceedings for conciliation, the controversy between the~~

parties has not been terminated, either party may apply for further relief by filing in the clerk's office additional pleadings or by asking that the pending case be set for trial. The family court has full jurisdiction to hear, try, and determine family law proceedings under the laws relating thereto, and to retain jurisdiction of the case for further hearings on decrees or orders to be made therein.

~~(3) The conciliation provisions of this chapter may be used concerning support, visitation, contempt, or for modification based on changed conditions or for other problems between the parties related to the family law proceeding.~~

~~(4) Except as specifically so provided nothing in this chapter shall be construed to repeal, nullify or change the law and procedure relating to family law proceedings. The family court shall, when application for relief is made under this chapter, apply provisions governing family law proceedings in the same manner as if the action had been brought thereunder in the superior court, save that the conciliation procedures of the family court shall be applied so far as appropriate to arrive at an amicable settlement of all issues in controversy)) Family court investigation, evaluation, mediation, treatment, and reconciliation services, and any other services may be used to assist the court to develop an order as the court deems necessary to preserve the marriage, implement an amicable settlement, and resolve the issues in controversy.~~

Sec. 15. RCW 26.12.220 and 1980 c 124 s 1 are each amended to read as follows:

(1) The legislative authority of any county may authorize family court services as provided in RCW 26.12.230. The legislative authority may impose a fee in excess of that prescribed in RCW 36.18.010 for the issuance of a marriage license~~((: PROVIDED, That such))~~. The fee shall not exceed eight dollars.

(2) In addition to any other funds used therefor, the governing body of any county shall use the proceeds from the fee increase authorized by this section to pay the expenses of the family court and the family court services under chapter 26.12 RCW. If there is no family court in the county, the legislative authority may provide such services through other county agencies or may contract with a public or private agency or person to provide such services. Family court services also may be provided jointly with other counties as provided in RCW 26.12.230.

(3) The family court services program may hire professional employees to provide the investigation, evaluation and reporting, and mediation services, or the county may contract for these services, or both. To facilitate and promote the purposes of this chapter, the court may order or recommend the aid of physicians, psychiatrists, or other specialists.

(4) The family court services program may provide or contract for: (a) Mediation; (b) investigation, evaluation, and reporting to the court; and (c)

reconciliation; and may provide a referral mechanism for drug and alcohol testing, monitoring, and treatment; and any other treatment, parenting, or anger management programs the family court professional considers necessary or appropriate.

(5) Services other than family court investigation, evaluation, reconciliation, and mediation services shall be at the expense of the parties involved absent a court order to the contrary. The parties shall bear all or a portion of the family court investigation, evaluation, reconciliation, and mediation services according to the parties' ability to pay.

(6) The county legislative authority may establish rules of eligibility for ((conciliation)) the family court services funded under this section ((so long as its)). The rules ((do)) shall not conflict with rules of the court adopted under chapter 26.12 RCW or any other statute.

((4)) (7) The legislative authority may establish fees for family court investigation, evaluation, reconciliation, and mediation services under this chapter according to the parties' ability to pay for the services. Fees collected under this section shall be collected and deposited in the same manner as other county funds are collected and deposited, and shall be maintained in a separate account to be used as provided in this section.

NEW SECTION. Sec. 16. The family court shall give proceedings involving children priority over cases without children.

NEW SECTION. Sec. 17. The court may appoint a guardian ad litem to represent the interests of a minor or dependent child when the court believes the appointment of a guardian is in the best interests of the child in any proceeding under this chapter. The family court services professionals shall make a recommendation to the court regarding whether a guardian ad litem should be appointed for the child. The court shall enter an order for costs, fees, and disbursements to cover the costs of the guardian ad litem. The court may order either or both parents to pay for the costs of the guardian ad litem, according to their ability to pay. If both parents are indigent, the county shall bear the cost of the guardian, subject to appropriation for guardians' ad litem services by the county legislative authority.

NEW SECTION. Sec. 18. All acts and proceedings of the court commissioners shall be subject to revision by the superior court as provided in RCW 2.24.050.

NEW SECTION. Sec. 19. (1) Any state funds appropriated in the omnibus operating budget appropriations act for the 1991-93 biennium to the office of the administrator for the courts for the purposes of funding county family courts and county family court services shall be distributed to the eligible counties as provided in this section.

(2) Any appropriation in the omnibus operating budget appropriations act for the purposes of implementing this section is contingent on an equal

amount of money being provided by the county from nonstate sources, whether public or private.

(3) Any county that has implemented or has committed to implement a family court and family court services on or before January 1, 1993, is eligible for available appropriated state funds if the county: (a) Obtains approval of an application under subsection (4) of this section; and (b) commits to spend money from public or private nonstate funding sources over a one-year period beginning on the date the county receives state funding, in an amount that is equal to or greater than the state funds distributed to the county under subsection (4) of this section. Any state funding is contingent on the county maintaining the family court and the family court services over the one-year period after disbursement of state funds to the county.

(4) The office of the administrator for the courts shall accept applications for state funds until March 1, 1992. After the application period expires, the office of the administrator for the courts shall determine each eligible county's percentage of the funds appropriated for family courts and family court services. An eligible county's percentage share of the appropriated funds shall be the same percentage as the number of cases filed in that county under Title 26 RCW, divided by the number of cases filed under Title 26 RCW in all the eligible counties. The initial determination of the number of case filings in each eligible county shall be based upon the office of the administrator for the courts' most recent annual report. The office of the administrator for the courts shall adjust the calculation of the number of filings in each county if any county has a disproportionate number of filings due to changes of venue or cases in which both parties live in another county. The office of the administrator for the courts may begin disbursing the state funds by July 1, 1992, to eligible counties. The office of the administrator for the courts shall disburse the state funds not later than January 1, 1993, to eligible counties. The counties must use the state funds over a one-year period from the date of disbursement. The counties that provide family courts and family court services pursuant to a joint family court services contract under RCW 26.12.230 may apply for state funds jointly and their eligibility for state funding shall be determined in the same manner as the eligibility of individual counties.

(5) The office of the administrator for the courts shall develop an application form for applying for state funds under this subsection. The office of the administrator for the courts shall develop rules to determine whether a county applying for state funds (a) has implemented or has committed to implement a family court and family court services under this chapter; (b) has committed nonstate funds for a one-year period following disbursement of the state funds to continue the family court and the family court services through that one-year period; and (c) has spent the matching funds required to obtain the state funds.

Sec. 20. RCW 26.18.100 and 1989 c 416 s 10 are each amended to read as follows:

The wage assignment order shall be substantially in the following form:

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON IN AND FOR THE COUNTY OF

.....

.....

Obligee

No.

vs.

.....

Obligor

WAGE ASSIGNMENT ORDER

.....

Employer

THE STATE OF WASHINGTON TO:

Employer

AND TO:

Obligor

The above-named obligee claims that the above-named obligor is more than fifteen days past due in child support payments in an amount equal to or greater than the child support payable for one month. The amount of the accrued child support debt as of this date is dollars, the amount of arrearage payments specified in the support order (if applicable) is dollars per, and the amount of the current and continuing support obligation under the support order is dollars per

You are hereby commanded to answer this order by filling in the attached form according to the instructions, and you must mail or deliver the original of the answer to the court, one copy to the Washington state support registry, one copy to the obligee or obligee's attorney, and one copy to the obligor within twenty days after service of this wage assignment order upon you.

If you possess any earnings due and owing to the obligor, then you shall do as follows:

(1) Withhold from the obligor's earnings each month, or from each regular earnings disbursement, the lesser of:

(a) The sum of the accrued support debt and the current support obligation;

(b) The sum of the specified arrearage payment amount and the current support obligation; or

(c) Fifty percent of the disposable earnings of the obligor.

(2) The total amount withheld above is subject to the wage assignment order, and all other sums may be disbursed to the obligor.

(3) Upon receipt of this wage assignment order you shall make immediate deductions from the obligor's earnings and remit to the Washington state support registry the proper amounts at each regular pay interval.

You shall continue to withhold the ordered amounts from nonexempt earnings of the obligor until notified by:

(a) The court that the wage assignment has been modified or terminated; ~~((or))~~

(b) The Washington state support registry, office of support enforcement that the accrued child support debt has been paid; ~~or~~

(c) The court that has entered an order delaying, modifying, or terminating the wage assignment order and has approved an alternate payment plan as provided in RCW 26.23.050(2).

You shall promptly notify the court and the Washington state support registry if and when the employee is no longer employed by you. If you no longer employ the employee, the wage assignment order shall remain in effect for one year after the employee has left your employment or your [you] are no longer in possession of any earnings owed to the employee. You shall continue to hold the wage assignment order during that one-year period. If the employee returns to your employment during the one-year period you shall immediately begin to withhold the employee's earnings according to the terms of the wage assignment order. If the employee has not returned to your employment within one year, the wage assignment will cease to have effect at the expiration of the one-year period.

~~You shall deliver the withheld earnings to the Washington state support registry at each regular pay interval((, but the first delivery shall occur no sooner than twenty days after your receipt of this wage assignment order)).~~

You shall deliver a copy of this order to the obligor as soon as is reasonably possible. This wage assignment order has priority over any other wage assignment or garnishment, except for another wage assignment or garnishment for child support, or order to withhold or deliver under chapter 74.20A RCW.

WHETHER OR NOT YOU OWE ANYTHING TO THE OBLIGOR, YOUR FAILURE TO ANSWER AS REQUIRED MAY MAKE YOU LIABLE FOR OBLIGOR'S CLAIMED SUPPORT DEBT TO THE OBLIGEE OR SUBJECT TO CONTEMPT OF COURT.

NOTICE TO OBLIGOR: YOU HAVE A RIGHT TO REQUEST A HEARING IN THE SUPERIOR COURT THAT ISSUED THIS WAGE ASSIGNMENT ORDER, TO REQUEST THAT THE COURT QUASH, MODIFY, OR TERMINATE THE WAGE ASSIGNMENT ORDER.

DATED THIS day of, 19

.....
Obligee,
or obligee's attorney

.....
Judge/Court Commissioner

Sec. 21. RCW 26.18.110 and 1989 c 416 s 11 are each amended to read as follows:

(1) An employer upon whom service of a wage assignment order has been made shall answer the order by sworn affidavit within twenty days after the date of service. The answer shall state whether the obligor is employed by or receives earnings from the employer, whether the employer will honor the wage assignment order, and whether there are multiple child support attachments against the obligor.

(2) If the employer possesses any earnings due and owing to the obligor, the earnings subject to the wage assignment order shall be withheld immediately upon receipt of the wage assignment order. The withheld earnings shall be delivered to the Washington state support registry at each regular pay interval(~~(, but the first delivery shall occur no sooner than twenty days after receipt of the wage assignment order)~~).

(3) The employer shall continue to withhold the ordered amounts from nonexempt earnings of the obligor until notified by:

(a) The court that the wage assignment has been modified or terminated; ((or))

(b) The Washington state support registry that the accrued child support debt has been paid, provided the wage assignment order contains the language set forth under RCW 26.18.100(2)(b). The employer shall promptly notify the Washington state support registry when the employee is no longer employed. If the employer no longer employs the employee, the wage assignment order shall remain in effect for one year after the employee has left the employment or the employer has been in possession of any earnings owed to the employee. The employer shall continue to hold the wage assignment order during that one-year period. If the employee returns to the employer's employment during the one-year period the employer shall immediately begin to withhold the employee's earnings according to the terms of the wage assignment order. If the employee has not returned within one year, the wage assignment shall cease to have effect at the expiration of the one-year period; or

(c) The court that has entered an order delaying, modifying, or terminating the wage assignment order and has approved an alternate payment plan as provided in RCW 26.23.050(2).

(4) The employer may deduct a processing fee from the remainder of the employee's earnings after withholding under the wage assignment order, even if the remainder is exempt under RCW 26.18.090. The processing fee may not exceed (a) ten dollars for the first disbursement made by the employer to the Washington state support registry; and (b) one dollar for each subsequent disbursement to the clerk.

(5) An order for wage assignment for support entered under this chapter shall have priority over any other wage assignment or garnishment, except for another wage assignment or garnishment for child support, or order to withhold and deliver under chapter 74.20A RCW.

(6) An employer who fails to withhold earnings as required by a wage assignment issued under this chapter may be held liable to the obligee for ~~((the amounts disbursed to the obligor in violation of the wage assignment order, and may be found by the court to be in contempt of court and may be punished as provided by law))~~ one hundred percent of the support debt, or the amount of support moneys that should have been withheld from the employee's earnings whichever is the lesser amount, if the employer:

(a) Fails or refuses, after being served with a wage assignment order, to deduct and promptly remit from the unpaid earnings the amounts of money required in the order;

(b) Fails or refuses to submit an answer to the notice of wage assignment after being served; or

(c) Is unwilling to comply with the other requirements of this section.

Liability may be established in superior court. Awards in superior court shall include costs, interest under RCW 19.52.020 and 4.56.110, and reasonable attorneys' fees.

(7) No employer who complies with a wage assignment issued under this chapter may be liable to the employee for wrongful withholding.

(8) No employer may discharge, discipline, or refuse to hire an employee because of the entry or service of a wage assignment issued and executed under this chapter. ~~((A person who violates this subsection may be found by the court to be in contempt of court and may be punished as provided by law))~~ If an employer discharges, disciplines, or refuses to hire an employee in violation of this section, the employee or person shall have a cause of action against the employer. The employer shall be liable for double the amount of damages suffered as a result of the violation and for costs and reasonable attorneys' fees, and shall be subject to a civil penalty of not more than two thousand five hundred dollars for each violation. The employer may also be ordered to hire, rehire, or reinstate the aggrieved individual.

(9) An employer may combine amounts withheld from various employees into a single payment to the Washington state support registry, if the payment includes a listing of the amounts attributable to each employee and other information as required by the registry.

(10) An employer shall deliver a copy of the wage assignment order to the obligor as soon as is reasonably possible.

Sec. 22. RCW 26.18.140 and 1984 c 260 s 14 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, in a hearing to quash, modify, or terminate the wage assignment order, the court may

grant relief only upon a showing that the wage assignment order causes extreme hardship or substantial injustice. Satisfaction by the obligor of all past due payments subsequent to the issuance of the wage assignment order is not grounds to quash, modify, or terminate the wage assignment order. If a wage assignment order has been in operation for twelve consecutive months and the obligor's support obligation is current, the court may terminate the order upon motion of the obligor unless the obligee can show good cause as to why the wage assignment order should remain in effect.

(2) The court may enter an order delaying, modifying, or terminating the wage assignment order and order the obligor to make payments directly to the obligee if the court approves an alternate payment plan as provided in RCW 26.23.050(2).

***Sec. 23. RCW 26.19.001 and 1988 c 275 s 1 are each amended to read as follows:**

The legislature intends, in establishing a child support schedule, to insure that child support orders are adequate to meet a child's basic needs and to provide additional child support commensurate with the parents' own income(;) and resources(~~, and standard of living~~) while recognizing that all parties to a divorce may by necessity suffer a reduced standard of living as a result of the divorce. The legislature also intends that the child support obligation should be equitably apportioned between the parents.

The legislature finds that these goals will be best achieved by the adoption and use of a state-wide child support schedule. Use of a state-wide schedule will benefit children and their parents by:

- (1) Increasing the adequacy of child support orders through the use of economic data as the basis for establishing the child support schedule;***
- (2) Increasing the equity of child support orders by providing for comparable orders in cases with similar circumstances; and***
- (3) Reducing the adversarial nature of the proceedings by increasing voluntary settlements as a result of the greater predictability achieved by a uniform state-wide child support schedule.***

***Sec. 23 was vetoed, see message at end of chapter.**

***NEW SECTION. Sec. 24. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.**

(1) "Basic child support obligation" means the monthly child support obligation determined from the economic table based on the parties' combined monthly net income and the number of children for whom support is owed.

(2) "Child support schedule" means the standards, economic table, worksheets, and instructions, as defined in this chapter.

(3) "Court" means a superior court judge, court commissioner, and presiding and reviewing officers who administratively determine or enforce child support orders.

(4) **"Deviation"** means a child support amount that differs from the standard calculation.

(5) **"Economic table"** means the child support table for the basic support obligation provided in RCW 26.19.020.

(6) **"Instructions"** means the instructions developed by the office of the administrator for the courts pursuant to RCW 26.19.050 for use in completing the worksheets.

(7) **"Multiple families"** means all the possible combinations of families in which a party has children from more than one relationship to whom the party owes a duty to support. Possible combinations include any natural, adopted, or stepchildren to whom the person owes a duty of support, whether or not the children are illegitimate or were born during a former or existing marriage, and whether or not the children reside with the person obligated to support them.

(8) **"Standards"** means the standards for determination of child support as provided in sections 27 through 33 of this act and RCW 26.19.090.

(9) **"Standard calculation"** means the presumptive amount of child support owed as determined from the child support schedule before the court considers any reasons for deviation.

(10) **"Support transfer payment"** means the amount of money the court orders one parent to pay to another parent or custodian for child support after determination of the standard calculation and deviations. If certain expenses or credits are expected to fluctuate and the order states a formula or percentage to determine the additional amount or credit on an ongoing basis, the term "support transfer payment" does not mean the additional amount or credit.

(11) **"Worksheets"** means the forms developed by the office of the administrator for the courts pursuant to RCW 26.19.050 for use in determining the amount of child support.

*Sec. 24 was vetoed, see message at end of chapter.

Sec. 25. RCW 26.19.020 and 1990 1st ex.s. c 2 s 19 are each amended to read as follows:

~~((If approved by a majority vote of the superior court judges of a county, the superior court may adopt by local court rule an economic table that shall be used by the superior court of that county, instead of the economic table adopted by the commission, to determine the appropriate amount of child support. The economic table adopted by the superior court shall not vary by more than twenty-five percent from the economic table adopted by the commission and shall not vary the economic table for combined monthly net income of two thousand five hundred dollars or less.))~~

ECONOMIC TABLE
MONTHLY BASIC SUPPORT OBLIGATION PER CHILD
KEY: A = AGE 0-11 B = AGE 12-18

<u>COMBINED MONTHLY NET INCOME</u>	<u>ONE CHILD FAMILY</u>		<u>TWO CHILDREN FAMILY</u>	
	<u>A</u>	<u>B</u>	<u>A</u>	<u>B</u>
0				
100				
200				
300				
400	For income less than \$600 the obligation			
500	is based upon the resources and living expenses			
	of each household. Minimum support shall not be			
	less than \$25 per child per month.			
600	133	164	103	127
700	155	191	120	148
800	177	218	137	170
900	199	246	154	191
1000	220	272	171	211
1100	242	299	188	232
1200	264	326	205	253
1300	285	352	221	274
1400	307	379	238	294
1500	327	404	254	313
1600	347	428	269	333
1700	367	453	285	352
1800	387	478	300	371
1900	407	503	316	390
2000	427	527	331	409
2100	447	552	347	429
2200	467	577	362	448
2300	487	601	378	467
2400	506	626	393	486
2500	526	650	408	505
2600	534	661	416	513
2700	542	670	421	520
2800	549	679	427	527
2900	556	686	431	533
3000	561	693	436	538
3100	566	699	439	543
3200	569	704	442	546
3300	573	708	445	549
3400	574	710	446	551
3500	575	711	447	552
3600	577	712	448	553
3700	578	713	449	554
3800	581	719	452	558
3900	596	736	463	572
4000	609	753	473	584
4100	623	770	484	598
4200	638	788	495	611
4300	651	805	506	625
4400	664	821	516	637
4500	677	836	525	649
4600	689	851	535	661

ECONOMIC TABLE
MONTHLY BASIC SUPPORT OBLIGATION PER CHILD

KEY:

A = AGE 0-11 B = AGE 12-18

<u>COMBINED MONTHLY NET INCOME</u>	<u>ONE CHILD FAMILY</u>		<u>TWO CHILDREN FAMILY</u>	
	<u>A</u>	<u>B</u>	<u>A</u>	<u>B</u>
4700	701	866	545	673
4800	713	882	554	685
4900	726	897	564	697
5000	738	912	574	708
5100	751	928	584	720
5200	763	943	593	732
5300	776	959	602	744
5400	788	974	612	756
5500	800	989	622	768
5600	812	1004	632	779
5700	825	1019	641	791
5800	837	1035	650	803
5900	850	1050	660	815
6000	862	1065	670	827
6100	875	1081	680	839
6200	887	1096	689	851
6300	899	1112	699	863
6400	911	1127	709	875
6500	924	1142	718	887
6600	936	1157	728	899
6700	949	1172	737	911
6800	961	1188	747	923
6900	974	1203	757	935
7000	986	1218	767	946

<u>COMBINED MONTHLY NET INCOME</u>	<u>THREE CHILDREN FAMILY</u>		<u>FOUR CHILDREN FAMILY</u>		<u>FIVE CHILDREN FAMILY</u>	
	<u>A</u>	<u>B</u>	<u>A</u>	<u>B</u>	<u>A</u>	<u>B</u>

0						
100						
200						
300						
400	For income less than \$600 the obligation					
500	is based upon the resources and living expenses					
	of each household. Minimum support shall not be					
	less than \$25 per child per month.					
600	86	106	73	90	63	78
700	100	124	85	105	74	91
800	115	142	97	120	84	104
900	129	159	109	135	95	118
1000	143	177	121	149	105	130
1100	157	194	133	164	116	143
1200	171	211	144	179	126	156
1300	185	228	156	193	136	168

COMBINED MONTHLY NET INCOME	THREE CHILDREN FAMILY		FOUR CHILDREN FAMILY		FIVE CHILDREN FAMILY	
	A	B	A	B	A	B
1400	199	246	168	208	147	181
1500	212	262	179	221	156	193
1600	225	278	190	235	166	205
1700	238	294	201	248	175	217
1800	251	310	212	262	185	228
1900	264	326	223	275	194	240
2000	277	342	234	289	204	252
2100	289	358	245	303	213	264
2200	302	374	256	316	223	276
2300	315	390	267	330	233	288
2400	328	406	278	343	242	299
2500	341	421	288	356	251	311
2600	346	428	293	362	256	316
2700	351	435	298	368	259	321
2800	356	440	301	372	262	324
2900	360	445	305	376	266	328
3000	364	449	308	380	268	331
3100	367	453	310	383	270	334
3200	369	457	312	386	272	336
3300	371	459	314	388	273	339
3400	372	460	315	389	274	340
3500	373	461	316	390	275	341
3600	374	462	317	391	276	342
3700	375	463	318	392	277	343
3800	377	466	319	394	278	344
3900	386	477	326	404	284	352
4000	395	488	334	413	291	360
4100	404	500	341	422	298	368
4200	413	511	350	431	305	377
4300	422	522	357	441	311	385
4400	431	532	364	449	317	392
4500	438	542	371	458	323	400
4600	446	552	377	467	329	407
4700	455	562	384	475	335	414
4800	463	572	391	483	341	422
4900	470	581	398	491	347	429
5000	479	592	404	500	353	437
5100	487	602	411	509	359	443
5200	494	611	418	517	365	451
5300	503	621	425	525	371	458
5400	511	632	432	533	377	466
5500	518	641	439	542	383	473
5600	527	651	446	551	389	480
5700	535	661	452	559	395	488
5800	543	671	459	567	401	495
5900	551	681	466	575	407	502
6000	559	691	473	584	413	509
6100	567	701	479	593	418	517
6200	575	710	486	601	424	524
6300	583	721	493	609	430	532
6400	591	731	500	617	436	539
6500	599	740	506	626	442	546
6600	607	750	513	635	448	554

<u>COMBINED MONTHLY NET INCOME</u>	<u>THREE CHILDREN FAMILY</u>		<u>FOUR CHILDREN FAMILY</u>		<u>FIVE CHILDREN FAMILY</u>	
	A	B	A	B	A	B
6700	615	761	520	643	454	561
6800	623	770	527	651	460	568
6900	631	780	533	659	466	575
7000	639	790	540	668	472	583

The economic table is presumptive for combined monthly net incomes up to and including five thousand dollars. When combined monthly net income exceeds five thousand dollars, support shall not be set at an amount lower than the presumptive amount of support set for combined monthly net incomes of five thousand dollars unless the court finds a reason to deviate below that amount. The economic table is advisory but not presumptive for combined monthly net incomes that exceed five thousand dollars. When combined monthly net income exceeds seven thousand dollars, the court may set support at an advisory amount of support set for combined monthly net incomes between five thousand and seven thousand dollars or the court may exceed the advisory amount of support set for combined monthly net incomes of seven thousand dollars upon written findings of fact.

NEW SECTION, Sec. 26. The legislature shall review the support schedule every four years to determine if the application of the support schedule results in appropriate support orders.

NEW SECTION, Sec. 27. STANDARDS FOR CHILD SUPPORT SCHEDULE APPLICATION. (1) **Application of the child support schedule.** The child support schedule shall be applied:

- (a) In each county of the state;
- (b) In judicial and administrative proceedings under this title or Title 13 or 74 RCW;
- (c) In all proceedings in which child support is determined or modified;
- (d) In setting temporary and permanent support;
- (e) In automatic modification provisions or decrees entered pursuant to RCW 26.09.100; and
- (f) In addition to proceedings in which child support is determined for minors, to adult children who are dependent on their parents and for whom support is ordered pursuant to RCW 26.09.100.

The provisions of this chapter for determining child support and reasons for deviation from the standard calculation shall be applied in the same manner by the court, presiding officers, and reviewing officers.

(2) **Written findings of fact supported by the evidence.** An order for child support shall be supported by written findings of fact upon which the support determination is based and shall include reasons for any deviation

from the standard calculation and reasons for denial of a party's request for deviation from the standard calculation.

(3) **Completion of worksheets.** Worksheets in the form developed by the office of the administrator for the courts shall be completed under penalty of perjury and filed in every proceeding in which child support is determined. The court shall not accept incomplete worksheets or worksheets that vary from the worksheets developed by the office of the administrator for the courts.

(4) **Court review of the worksheets and order.** The court shall review the worksheets and the order setting support for the adequacy of the reasons set forth for any deviation or denial of any request for deviation and for the adequacy of the amount of support ordered. Each order shall state the amount of child support calculated using the standard calculation and the amount of child support actually ordered. Worksheets shall be attached to the decree or order or if filed separately shall be initialed or signed by the judge and filed with the order.

***NEW SECTION. Sec. 28. STANDARDS FOR ALLOCATION OF CHILD SUPPORT OBLIGATION BETWEEN PARENTS.** (1) *The parents' total obligation for support shall be based on their combined monthly net income, resources, and special child rearing costs.*

(2) *The basic child support obligation derived from the economic table shall be allocated between the parents based on each parent's share of the combined monthly net income.*

(3) *Ordinary health care expenses are included in the economic table. Monthly health care expenses that exceed five percent of the basic support obligation shall be considered extraordinary health care expenses. Extraordinary health care expenses, day care expenses, and special child rearing expenses such as tuition and long distance transportation costs to and from the parents for visitation purposes, are not included in the economic table. These expenses shall be shared by the parents in the same proportion as the basic support obligation. These expenses may be listed as a specific dollar amount or as a percentage amount. Day care expenses include, but are not limited to, day care expenses incurred while the parent in custody of the child is working, pursuing accredited educational training, or obtaining medical care.*

(4) *The court shall exercise discretion to determine the necessity for and the reasonableness of all amounts ordered in excess of the basic support obligation.*

*Sec. 28 was vetoed, see message at end of chapter.

***NEW SECTION. Sec. 29. STANDARDS FOR DETERMINATION OF INCOME.** (1) *Consideration of all income. All income and resources of each parent's household shall be disclosed and considered by the court when the court determines the child support obligation of each parent as provided in sections 29 through 33 of this act. Only the income of the parents of the*

children whose support is at issue shall be calculated for purposes of calculating the basic support obligation. Income and resources of any other person shall not be included in calculating the basic support obligation.

(2) Verification of income. Tax returns for the preceding two years and current paystubs shall be provided to verify income and deductions. Other sufficient verification shall be required for income and deductions which do not appear on tax returns or paystubs.

(3) Income sources included in gross monthly income. Except as specifically excluded in subsection (4) of this section, monthly gross income shall include income from any source, including:

- (a) Salaries;**
- (b) Wages;**
- (c) Commissions;**
- (d) Deferred compensation;**
- (e) Recurring bonuses;**
- (f) Dividends;**
- (g) Interest;**
- (h) Trust income;**
- (i) Severance pay;**
- (j) Annuities;**
- (k) Capital gains;**
- (l) Pension retirement benefits;**
- (m) Workers' compensation;**
- (n) Unemployment benefits; and**
- (o) Spousal maintenance actually received.**

(4) Income sources excluded from gross monthly income. The following income and resources shall be disclosed but shall not be included in gross income:

- (a) Income of a new spouse or income of other adults in the household;**
- (b) Child support received from other relationships;**
- (c) Nonrecurring income from bonuses, contract-related cash and non-cash benefits, gifts, and prizes. The burden of proving that these sources of income are nonrecurring is on the parent seeking to exclude them from gross income;**
- (d) Overtime, whether mandatory or voluntary;**
- (e) If the parent has at least one full-time job that requires the parent to work a minimum of forty hours per week, income derived from a second job or additional jobs other than the full-time job;**
- (f) Aid to families with dependent children;**
- (g) Supplemental security income;**
- (h) General assistance; and**
- (i) Food stamps.**

Receipt of income and resources from aid to families with dependent children, supplemental security income, general assistance, and food stamps shall not be a reason to deviate from the standard calculation.

(5) Determination of net income. The following expenses shall be disclosed and deducted from gross monthly income to calculate net monthly income:

- (a) Federal and state income taxes;*
- (b) Federal insurance contributions act deductions;*
- (c) Mandatory pension plan payments;*
- (d) Mandatory union or professional dues;*
- (e) State industrial insurance premiums;*
- (f) Court-ordered spousal maintenance to the extent actually paid;*

(g) Up to two thousand dollars per year in voluntary pension payments actually made if the contributions were made for the two tax years preceding the earlier of the (i) tax year in which the parties separated with intent to live separate and apart or (ii) tax year in which the parties filed for dissolution; and

(h) Normal business expenses and self-employment taxes for self-employed persons. Justification shall be required for any business expense deduction about which there is disagreement.

Items deducted from gross income under this subsection shall not be a reason to deviate from the standard calculation.

(6) Imputation of income. The court shall impute income to a parent when the parent is voluntarily unemployed or voluntarily underemployed. The court shall determine whether the parent is voluntarily underemployed or voluntarily unemployed based upon that parent's work history, education, health, age, and other relevant factors. A parent will not be deemed underemployed if that parent is gainfully employed on a full-time basis. Income shall not be imputed for an unemployable parent.

**Sec. 29 was vetoed, see message at end of chapter.*

NEW SECTION. Sec. 30. Veterans' disability pensions or regular compensation for disability incurred in or aggravated by service in the United States armed forces paid by the veterans' administration shall be disclosed to the court. The court may consider either type of compensation as disposable income for purposes of calculating the child support obligation. Aid and attendant care payments to prevent hospitalization paid by the veterans' administration solely to provide physical home care for a disabled veteran, and special medical compensation paid under 38 U.S.C. Sec. 314 (k) through (r) to provide either special care or special aids, or both, to assist with routine daily functions shall also be disclosed. The court may not include either aid and attendant care or special medical compensation payments in gross income for purposes of calculating the child support obligation or for purposes of deviating from the standard calculation.

NEW SECTION. Sec. 31. Payments from any source, other than veterans' aid and attendance allowances or special medical compensation paid under 38 U.S.C. Sec. 314 (k) through (r), for services provided by an attendant in case of a disability when the disability necessitates the hiring of the services of an attendant shall be disclosed but shall not be included in gross income and shall not be a reason to deviate from the standard calculation.

***NEW SECTION.** Sec. 32. **STANDARDS FOR DEVIATION FROM THE STANDARD CALCULATION.** (1) *Reasons for deviation from the standard calculation include but are not limited to the following:*

(a) *Sources of income and tax planning. The court may deviate from the standard calculation after consideration of the following resources and income:*

(i) *Income of a new spouse if the parent who is married to the new spouse is asking for a deviation based on any other reason. Income of a new spouse is not, by itself, a sufficient reason for deviation;*

(ii) *Income of other adults in the household if the parent who is living with the other adult is asking for a deviation based on any other reason. Income of the other adults in the household is not, by itself, a sufficient reason for deviation;*

(iii) *Child support actually received from other relationships;*

(iv) *Overtime, whether mandatory or voluntary;*

(v) *Nonrecurring bonuses;*

(vi) *Contract-related cash benefits and contract-related noncash benefits that reduce living expenses;*

(vii) *Gifts;*

(viii) *Prizes;*

(ix) *Income derived from a second job or additional jobs that was excluded from gross income under section 29 of this act;*

(x) *Possession of wealth, including but not limited to savings, investments, real estate holdings and business interests, vehicles, boats, pensions, bank accounts, insurance plans, or other assets;*

(xi) *Extraordinary income of a child; or*

(xii) *Tax planning considerations. A deviation for tax planning may be granted only if the child would not receive a lesser economic benefit due to the tax planning.*

(b) *Debt and high expenses. The court may deviate from the standard calculation after consideration of the following expenses:*

(i) *Extraordinary debt not voluntarily incurred;*

(ii) *A significant disparity in the living costs of the parents due to conditions beyond their control;*

(iii) *Special needs of disabled children; or*

(iv) *Special medical, educational, or psychological needs of the children.*

(c) Residential schedule. *The court may deviate from the standard calculation if the child spends a significant amount of time with the parent who is obligated to make a support transfer payment. The court may not deviate on that basis if the deviation will result in insufficient funds in the house receiving the support to meet the basic needs of the child or if the child is receiving aid to families with dependent children. When determining the amount of the deviation, the court shall consider evidence concerning the increased expenses to a parent making support transfer payments resulting from the significant amount of time spent with that parent and shall consider the decreased expenses, if any, to the party receiving the support resulting from the significant amount of time the child spends with the parent making the support transfer payment.*

(d) Multiple families. *The court may deviate from the standard calculation when either or both of the parents before the court have children in multiple families to whom the parent owes a duty of support.*

(i) *The child support schedule shall be applied to the mother, father, and children of the family before the court to determine the presumptive amount of support.*

(ii) *Children from families other than the children of the parties before the court shall not be counted in the number of children for purposes of determining the basic support obligation and the standard calculation.*

(iii) *When considering a deviation from the standard calculation for children in the family before the court, the court may consider only other children to whom the parent owes a duty of support. The court may consider court-ordered payments of child support for children from other families only to the extent that the support is actually paid.*

(iv) *When the court has determined that either or both parents have multiple families, deviations under this section shall be based on consideration of the total circumstances of both households. All child support obligations paid, received, and owed for all children in the multiple families shall be disclosed and considered.*

(2) *All income and resources of the parties before the court, new spouses, and other adults in the households shall be disclosed and considered as provided in this section. The presumptive amount of support shall be determined according to the child support schedule. Unless specific reasons for deviation are set forth in the written findings of fact and are supported by the evidence, the court shall order each parent to pay the amount of support determined by using the standard calculation.*

(3) *The court shall enter findings that specify reasons for any deviation or any denial of a party's request for any deviation from the standard calculation made by the court. The court shall not consider reasons for deviation until the court determines the standard calculation for each parent.*

(4) When reasons exist for deviation, the court shall exercise discretion in considering the extent to which the factors would affect the support obligation.

(5) Agreement of the parties is not by itself adequate reason for any deviations from the standard calculation.

*Sec. 32 was vetoed, see message at end of chapter.

NEW SECTION. Sec. 33. STANDARDS FOR ESTABLISHING LOWER AND UPPER LIMITS ON CHILD SUPPORT AMOUNTS.

(1) Limit at forty-five percent of a parent's net income. Neither parent's total child support obligation may exceed forty-five percent of net income except for good cause shown. Good cause includes but is not limited to possession of substantial wealth, children with day care expenses, special medical need, educational need, psychological need, and larger families.

(2) Income below six hundred dollars. When combined monthly net income is less than six hundred dollars, a support order of not less than twenty-five dollars per child per month shall be entered for each parent. A parent's support obligation shall not reduce his or her net income below the need standard for one person established pursuant to RCW 74.04.770, except for the mandatory minimum payment of twenty-five dollars per child per month as required in this section or in cases where the court finds reasons for deviation under section 32 of this act. This section shall not be construed to require monthly substantiation of income.

(3) Income above five thousand and seven thousand dollars. The economic table is presumptive for combined monthly net incomes up to and including five thousand dollars. When combined monthly net income exceeds five thousand dollars, support shall not be set at an amount lower than the presumptive amount of support set for combined monthly net incomes of five thousand dollars unless the court finds a reason to deviate below that amount. The economic table is advisory but not presumptive for combined monthly net incomes that exceed five thousand dollars. When combined monthly net income exceeds seven thousand dollars, the court may set support at an advisory amount of support set for combined monthly net incomes between five thousand and seven thousand dollars or the court may exceed the advisory amount of support set for combined monthly net incomes of seven thousand dollars upon written findings of fact.

*Sec. 34. RCW 26.19.090 and 1990 1st ex.s. c 2 s 9 are each amended to read as follows:

STANDARDS FOR POSTSECONDARY EDUCATIONAL SUPPORT AWARDS. (1) The child support schedule shall be advisory and not mandatory for postsecondary educational support. The maximum amount of child support the court may award to pay for the cost of tuition is the amount of tuition set for students who are residents of the state of Washington who attend a state-funded four-year university.

(2) When considering whether to order support for postsecondary educational expenses, the court shall determine whether the child is in fact dependent and is relying upon the parents for the reasonable necessities of life. The court shall exercise its discretion when determining whether and for how long to award postsecondary educational support based upon consideration of factors that include but are not limited to the following: Age of the child; the child's needs; the expectations of the parties for their children when the parents were together; the child's prospects, desires, aptitudes, abilities or disabilities; the nature of the postsecondary education sought; and the parents' level of education, standard of living, and current and future resources. Also to be considered are the amount and type of support that the child would have been afforded if the parents had stayed together.

(3) The child must be enrolled in an accredited academic or vocational school, actively pursuing a course of study commensurate with the child's vocational goals, and must be in good academic standing as defined by the institution ((or)). The child shall also make available all academic records and grades to both parents as a condition of receiving postsecondary educational support. Each parent shall have full and equal access to the postsecondary education records as provided in RCW 26.09.225. The court-ordered postsecondary educational support ((may)) shall be automatically suspended during the period or periods the child fails to comply with these conditions. ((The court in its discretion may order that the payment be made directly to the parent who has been receiving the transfer payments, to the educational institution if feasible, or to the child.)) The court shall not order the payment of postsecondary educational expenses beyond the child's twenty-third birthday, except for exceptional circumstances, such as mental, physical, or emotional disabilities.

(4) The court shall direct that either or both parents' payments for postsecondary educational expenses be made directly to the educational institution if feasible. If direct payments are not feasible, then the court in its discretion may order that either or both parents' payments be made directly to the child if the child does not reside with either parent. If the child resides with one of the parents the court may direct that the parent making the support transfer payments make the payments to the child or to the parent who has been receiving the support transfer payments.

*Sec. 34 was vetoed, see message at end of chapter.

***NEW SECTION. Sec. 35. REIMBURSEMENT AND VERIFICATION OF EXTRAORDINARY EXPENSES. (1)(a) If sum certain amounts are established for day care, transportation costs, extraordinary health care, or other extraordinary expenses, and are set forth in the decree, those sums shall be payable as part of the regularly paid support transfer payment ordered by the court. The parent making the support transfer payment is entitled to proof of the amount paid for those expenses.**

(b) If an amount for those expenses is not specified in the decree or those amounts fluctuate and are not part of the support transfer payment, the parent paying these expenses shall be entitled to prompt reimbursement of the other parent's share of those expenses. Reimbursement must be made promptly but not later than thirty days after receipt of proof of payment of these expenditures. The parent paying those expenses is entitled to proof of the amount paid for those expenses.

(2)(a) If reimbursement is not made within the thirty-day period or is incomplete due to a nonsufficient fund check or other failure to pay, the parent seeking reimbursement may by motion obtain an order compelling payment with statutory interest. If a parent requests proof of payment and it is not provided within thirty days, the party may move to compel production of the documents. The court shall award actual court costs and reasonable attorneys' fees to the prevailing party in every motion filed under this section except upon a showing of good cause for nonpayment.

(b) Wage assignment orders may be obtained pursuant to chapter 26.18 RCW to collect court-ordered basic child support, day care, health care, long-distance transportation costs, or other extraordinary expenses, attorneys' fees, court costs, or any other item ordered by the court. A parent to whom basic child support, day care, health care, long-distance transportation costs, or other extraordinary expenses are to be paid based on a percentage share of the costs, may by motion obtain a court order reducing the amounts owed to a sum certain and then enforce collection of that amount by a wage assignment order. The office of support enforcement shall not request a wage assignment in any case of purported nonsupport without obtaining documentation from both parents, except that the office of support enforcement may request a wage assignment after receipt of documentation from the party seeking payment of the extraordinary expenses, if the parent obligated to make the payment fails to comply with the request for documentation within thirty days of the date requested.

**Sec. 35 was vetoed, see message at end of chapter.*

***NEW SECTION.** Sec. 36. A new section is added to chapter 26.23 RCW to read as follows:

If a support order does not state the current and future support obligation for extraordinary expenses such as day care, extraordinary health care, long-distance transportation costs, other extraordinary expenses or other variable costs in a fixed dollar amount but states them as a percentage share of the costs or as variable expenses subject to collection as those expenses are incurred as provided in section 35 of this act, then the office of support enforcement must obtain documentation as required in this section prior to issuing a notice of support owed pursuant to RCW 26.23.110. The office of support enforcement must obtain documentation from the payee which verifies the actual expenditure of any variable expense or extraordinary expense that the office of support enforcement seeks to collect as part of the support

debt. In addition, prior to issuing a notice of support owed under RCW 26.23.100, the office of support enforcement must request documentation from the payor to determine whether the payor has paid all or a portion of the variable or extraordinary expenses or has any documentation regarding the amount of any variable or extraordinary expense the office of support enforcement seeks to collect. If the payor fails to respond to the request for documentation within thirty days from the date of the request, and the office of support enforcement has obtained documentation from the payee, the office of support enforcement may issue the notice of support owed pursuant to RCW 26.23.110.

*Sec. 36 was vetoed, see message at end of chapter.

Sec. 37. RCW 26.21.230 and 1963 c 45 s 30 are each amended to read as follows:

The obligee, the prosecuting attorney, or the attorney general may register the foreign support order in a court of this state in the manner(; with the effect and for the purposes herein)) provided for in this chapter for the purpose of modification and enforcement of the support provisions. The court shall only have jurisdiction to consider the child support provisions of the order. The modification shall be pursuant to RCW 26.09.170 and 26.09.175.

Sec. 38. RCW 26.23.035 and 1989 c 360 s 34 are each amended to read as follows:

(1) ((The child support registry shall distribute all moneys received in compliance with 42 U.S.C. Sec. 657. Support received by the office of support enforcement shall be distributed promptly but not later than eight days from the date of receipt unless circumstances exist which make such distribution impossible. Such circumstances include when: (a) The location of the custodial parent is unknown; (b) the child support debt is in litigation; or (c) the responsible parent or custodial parent cannot be identified. When, following termination of public assistance, the office of support enforcement collects support, all moneys collected up to the maximum of the support due for the period following termination from public assistance shall, to the extent permitted by federal law, be paid to the custodial parent before any distribution to the office of support enforcement under federal law. This section shall not apply to support collected through intercepting federal tax refunds under 42 U.S.C. Sec. 664. When a responsible parent has more than one support obligation, or a support debt is owed to more than one party, moneys received will be distributed between the parties proportionately, based upon the amount of the support obligation and/or support debt owed:)) The department of social and health services shall adopt rules for the distribution of support money collected by the office of support enforcement. These rules shall:

(a) Comply with 42 U.S.C. Sec. 657;

(b) Direct the office of support enforcement to distribute support money within eight days of receipt, unless one of the following circumstances, or similar circumstances specified in the rules, prevents prompt distribution:

(i) The location of the custodial parent is unknown;

(ii) The support debt is in litigation;

(iii) The office of support enforcement cannot identify the responsible parent or the custodian;

(c) Provide for proportionate distribution of support payments if the responsible parent owes a support obligation or a support debt for two or more Title IV-D cases; and

(d) Authorize the distribution of support money, except money collected under 42 U.S.C. Sec. 664, to satisfy a support debt owed to the IV-D custodian before the debt owed to the state when the custodian stops receiving a public assistance grant.

(2) The office of support enforcement may distribute support payments to the payee under the support order or to another person who has lawful physical custody of the child or custody with the payee's consent. The payee may file an application for an adjudicative proceeding to challenge distribution to such other person. Prior to distributing support payments to any person other than the payee, the registry shall:

(a) Obtain a written statement from the child's physical custodian, under penalty of perjury, that the custodian has lawful custody of the child or custody with the payee's consent;

(b) Mail to the responsible parent and to the payee at the payee's last known address a copy of the physical custodian's statement and a notice which states that support payments will be sent to the physical custodian; and

(c) File a copy of the notice with the clerk of the court that entered the original support order.

(3) If the Washington state support registry distributes a support payment to a person in error, the registry may obtain restitution by means of a set-off against future payments received on behalf of the person receiving the erroneous payment, or may act according to RCW 74.20A.270 as deemed appropriate. Any set-off against future support payments shall be limited to amounts collected on the support debt and ten percent of amounts collected as current support.

Sec. 39. RCW 26.23.050 and 1989 c 360 s 15 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, the superior court shall include in all superior court orders which establish or modify a support obligation:

(a) A provision which orders and directs that the responsible parent make all support payments to the Washington state support registry;

(b) A statement that a notice of payroll deduction may be issued or other income withholding action under chapter 26.18 RCW or chapter 74.20A RCW may be taken, without further notice to the responsible parent(:

~~(i) If a support payment is not paid when due, and an amount equal to or greater than the support payable for one month is owed under an order entered prior to July 1, 1990, or~~

~~(ii)) at any time after entry of the court order ((for orders entered by the court on or after July 1, 1990)), unless:~~

~~(i) One of the parties demonstrates, and the court finds, that there is good cause not to require immediate income withholding; or~~

~~(ii) The parties reach a written agreement that is approved by the court that provides for an alternate arrangement; and~~

(c) A statement that the receiving parent may be required to submit an accounting of how the support is being spent to benefit the child.

(2) The court may order the responsible parent to make payments directly to the person entitled to receive the payments or, for orders entered on or after July 1, 1990, direct that the issuance of a notice of payroll deduction or other income withholding actions be delayed until a support payment is past due if the court approves an alternate payment plan. The parties to the order must agree to such a plan and the plan must contain reasonable assurances that payments will be made in a regular and timely manner. The court may approve such a plan and modify or terminate the payroll deduction or other income withholding action at the time of entry of the order or at a later date upon motion and agreement of the parties. If the order directs payment to the person entitled to receive the payments instead of to the Washington state support registry, the order shall include a statement that the order may be submitted to the registry if a support payment is past due. If the order directs delayed issuance of the notice of payroll deduction or other income withholding action, the order shall include a statement that such action may be taken, without further notice, at any time after a support payment is past due. The provisions of this subsection do not apply if the department is providing public assistance under Title 74 RCW.

(3) The office of administrative hearings and the department of social and health services shall require that all support obligations established as administrative orders include a provision which orders and directs that the responsible parent shall make all support payments to the Washington state support registry. All administrative orders shall also state that a notice of payroll deduction may be issued, or other income withholding action taken without further notice to the responsible parent(:

~~(a) If a support payment is not paid when due and an amount equal to or greater than the support payable for one month is owed under an order entered prior to July 1, 1990, or~~

~~(b))~~ at any time after entry of the order ((for administrative orders entered on or after July 1, 1990)), unless:

(a) One of the parties demonstrates, and the presiding officer finds, that there is good cause not to require immediate income withholding; or

(b) The parties reach a written agreement that is approved by the presiding officer that provides for an alternate agreement.

(4) If the support order does not include the provision ordering and directing that all payments be made to the Washington state support registry and a statement that a notice of payroll deduction may be issued if a support payment is past due or at any time after the entry of the order, the office of support enforcement may serve a notice on the responsible parent stating such requirements and authorizations. Service may be by personal service or any form of mail requiring a return receipt.

(5) Every support order shall state:

(a) That payment shall be made to the Washington state support registry or in accordance with the alternate payment plan approved by the court;

(b) That a notice of payroll deduction may be issued or other income withholding action under chapter 26.18 RCW or chapter 74.20A RCW may be taken, without further notice to the responsible parent(:

~~(i) If a support payment is not paid when due and an amount equal to or greater than the support payable for one month is owed under an order entered prior to July 1, 1990; or~~

~~(ii))~~ at any time after entry of an order by the court ((on or after July 1, 1990)), unless:

(i) The court approves an alternate payment plan under subsection (2) of this section;

(ii) One of the parties demonstrates, and the court finds, that there is good cause not to require immediate income withholding; or

(iii) The parties reach an alternate agreement that is approved by the court that provides for an alternate arrangement;

(c) The income of the parties, if known, or that their income is unknown and the income upon which the support award is based;

(d) The support award as a sum certain amount;

(e) The specific day or date on which the support payment is due;

(f) The social security number, residence address, and name of employer of the responsible parent;

(g) The social security number and residence address of the physical custodian except as provided in subsection (6) of this section;

(h) The names, dates of birth, and social security numbers, if any, of the dependent children;

(i) That the parties are to notify the Washington state support registry of any change in residence address;

(j) That any parent owing a duty of child support shall be obligated to provide health insurance coverage for his or her child if coverage that can be extended to cover the child is or becomes available to that parent through employment or is union-related as provided under RCW 26.09.105;

(k) That if proof of health insurance coverage is not provided within twenty days, the obligee or the department may seek direct enforcement of the coverage through the obligor's employer or union without further notice to the obligor as provided under chapter 26.18 RCW; and

(l) The reasons for not ordering health insurance coverage if the order fails to require such coverage.

(6) The physical custodian's address shall be omitted from an order entered under the administrative procedure act. A responsible parent whose support obligation has been determined by such administrative order may request the physical custodian's residence address by submission of a request for disclosure under RCW 26.23.120.

(7) The superior court clerk, the office of administrative hearings, and the department of social and health services shall, within five days of entry, forward to the Washington state support registry, a true and correct copy of all superior court orders or administrative orders establishing or modifying a support obligation which provide that support payments shall be made to the support registry. If a superior court order entered prior to January 1, 1988, directs the responsible parent to make support payments to the clerk, the clerk shall send a true and correct copy of the support order and the payment record to the registry for enforcement action when the clerk identifies that a payment is more than fifteen days past due. The office of support enforcement shall reimburse the clerk for the reasonable costs of copying and sending copies of court orders to the registry at the reimbursement rate provided in Title IV-D of the social security act.

(8) Receipt of a support order by the registry or other action under this section on behalf of a person or persons who are not recipients of public assistance is deemed to be a request for support enforcement services under RCW 74.20.040 to the fullest extent permitted under federal law.

(9) After the responsible parent has been ordered or notified to make payments to the Washington state support registry in accordance with subsection (1), ~~((2), or)~~ (3), or (4) of this section, the responsible parent shall be fully responsible for making all payments to the Washington state support registry and shall be subject to payroll deduction or other income withholding action. The responsible parent shall not be entitled to credit against a support obligation for any payments made to a person or agency other than to the Washington state support registry. A civil action may be brought by the payor to recover payments made to persons or agencies who have received and retained support moneys paid contrary to the provisions of this section.

Sec. 40. RCW 26.23.060 and 1989 c 360 s 32 are each amended to read as follows:

(1) The office of support enforcement may issue a notice of payroll deduction:

(a) As authorized by a support order that contains the income withholding notice provisions in RCW 26.23.050 or a substantially similar notice; or

(b) After service of a notice containing an income withholding provision under this chapter or chapter 74.20A RCW.

(2) The ((department may)) office of support enforcement shall serve a notice of payroll deduction upon a responsible parent's employer ((for child support obligations if the responsible parent fails to pay child support as due in an amount equal to or greater than the support payable for one month. Service shall be)) or upon the employment security department for the state in possession of or owing any benefits from the unemployment compensation fund to the responsible parent pursuant to Title 50 RCW by personal service or by any form of mail requiring a return receipt.

((2)) (3) Service of a notice of payroll deduction upon an employer or employment security department requires ((an)) the employer or employment security department to immediately make a mandatory payroll deduction from the responsible ((parent/employee's)) parent's unpaid disposable earnings or unemployment compensation benefits. The employer or employment security department shall thereafter deduct each pay period the amount stated in the notice divided by the number of pay periods per month. The payroll deduction each pay period shall not exceed fifty percent of the responsible ((parent/employee's)) parent's disposable earnings.

((3)) (4) A notice of payroll deduction for support shall have priority over any wage assignment ((or)), garnishment, attachment, or other legal process.

((4)) (5) The notice of payroll deduction shall be in writing and include:

(a) The name and social security number of the ((employee)) responsible parent;

(b) The amount to be deducted from the responsible parent's disposable earnings each month, or alternate amounts and frequencies as may be necessary to facilitate processing of the payroll deduction ((by the employer));

(c) A statement that the total amount withheld shall not exceed fifty percent of the responsible parent's disposable earnings; and

(d) The address to which the payments are to be mailed or delivered.

((5)) (6) An informational copy of the notice of payroll deduction shall be mailed to the last known address of the responsible parent by regular mail.

~~((6))~~ (7) An employer ~~((who))~~ or employment security department that receives a notice of payroll deduction shall make immediate deductions from the ~~((employee's))~~ responsible parent's unpaid disposable earnings and remit proper amounts to the Washington state support registry on each date the ~~((employee))~~ responsible parent is due to be paid.

~~((7))~~ (8) An employer, or the employment security department, upon whom a notice of payroll deduction is served, shall make an answer to the ~~((Washington state))~~ office of support ~~((registry))~~ enforcement within twenty days after the date of service. The answer shall confirm compliance and institution of the payroll deduction or explain the circumstances if no payroll deduction is in effect. The answer shall also state whether the responsible parent is employed by or receives earnings from the employer or receives unemployment compensation benefits from the employment security department, whether the employer or employment security department anticipates paying earnings or employment compensation benefits and the amount of earnings. If the responsible parent is no longer employed, or receiving earnings from the employer, the answer shall state the present employer's name and address, if known. If the responsible parent is no longer receiving unemployment compensation benefits from the employment security department, the answer shall state the present employer's name and address, if known.

~~((8))~~ (9) The employer or employment security department may deduct a processing fee from the remainder of the ~~((employee's))~~ responsible parent's earnings after withholding under the notice of payroll deduction, even if the remainder is exempt under RCW 26.18.090. The processing fee may not exceed: (a) Ten dollars for the first disbursement made ~~((by the employer))~~ to the Washington state support registry; and (b) one dollar for each subsequent disbursement to the registry.

~~((9))~~ (10) The notice of payroll deduction shall remain in effect until released by the office of support enforcement ~~((or))~~, the court enters an order terminating the notice and approving an alternate payment plan under RCW 26.23.050(2), or one year has expired since the employer has employed the responsible parent or has been in possession of or owing any earnings to the responsible parent or the employment security department has been in possession of or owing any unemployment compensation benefits to the responsible parent.

Sec. 41. RCW 26.23.070 and 1987 c 435 s 7 are each amended to read as follows:

(1) The employer or the employment security department may combine amounts withheld from the earnings of more than one ~~((employee))~~ responsible parent in a single payment to the Washington state support registry, listing separately the amount of the payment which is attributable to each individual ~~((employee))~~.

(2) No employer (~~(who)~~) nor employment security department that complies with a notice of payroll deduction under this chapter shall be civilly liable to the (~~(employee)~~) responsible parent for complying with a notice of payroll deduction under this chapter.

Sec. 42. RCW 26.23.100 and 1989 c 360 s 31 are each amended to read as follows:

(1) The responsible parent subject to a payroll deduction pursuant to this chapter, may file a motion in superior court to quash, modify, or terminate the payroll deduction.

(2) Except as provided in subsections (4) and (5) of this section, the court may grant relief only upon a showing: (a) That the payroll deduction causes extreme hardship or substantial injustice; or (b) that the support payment was not past due (~~(in an amount equal to or greater than the support payable for one month)~~) under the terms of the order when the notice of payroll deduction was served on the employer.

(3) Satisfaction by the obligor of all past due payments subsequent to the issuance of the notice of payroll deduction is not grounds to quash, modify, or terminate the notice of payroll deduction.

(4) If a notice of payroll deduction has been in operation for twelve consecutive months and the (~~(obligor's)~~) obligor's support obligation is current, upon motion of the obligor, the court may order the (~~(Washington state)~~) office of support (~~(registry)~~) enforcement to terminate the payroll deduction, unless the obligee can show good cause as to why the payroll deduction should remain in effect.

(5) Subsection (2) of this section shall not prevent the court from ordering an alternative payment plan as provided under RCW 26.23.050(2).

NEW SECTION. Sec. 43. A new section is added to chapter 26.23 RCW to read as follows:

The department shall be given twenty calendar days prior notice of the entry of any final order and five days prior notice of the entry of any temporary order in any proceeding involving child support or maintenance if the department has a financial interest based on an assignment of support rights under RCW 74.20.330 or the state has a subrogated interest under RCW 74.20A.030. Service of this notice upon the department shall be by personal service on, or mailing by any form of mail requiring a return receipt to, the office of the attorney general. The department shall not be entitled to terms for a party's failure to serve the department within the time requirements for this section, unless the department proves that the party knew that the department had an assignment of support rights or a subrogated interest and that the failure to serve the department was intentional.

Sec. 44. RCW 74.20.220 and 1979 c 141 s 367 are each amended to read as follows:

In order to carry out its responsibilities imposed under this chapter and as required by federal law, the state department of social and health services, through the attorney general or prosecuting attorney, is hereby authorized to:

(1) ~~((Represent))~~ Initiate an action in superior court to obtain a support order or obtain other relief related to support for a dependent child ((or dependent children)) on whose behalf the department is providing public assistance ((is being provided in obtaining any support order necessary to provide for his or their needs)) or support enforcement services under RCW 74.20.040, or to enforce ((any such order previously entered)) a superior court order.

(2) ~~((Appear as a friend of the court in divorce and separate maintenance suits, or proceedings supplemental thereto, when either or both of the parties thereto are receiving public assistance, for the purpose of advising the court as to the financial interest of the state of Washington therein.~~

~~((3) Appear on behalf of the custodial parent of a dependent child or children on whose behalf public assistance is being provided, when so requested by such parent, for the purpose of assisting such parent in securing a modification of a divorce or separate maintenance decree wherein no support, or inadequate support, was given for such child or children. PROVIDED, That the attorney general shall be authorized to so appear only where it appears to the satisfaction of the court that the parent is without funds to employ private counsel. If the parent does not request such assistance, or refuses it when offered, the attorney general may nevertheless appear as a friend of the court at any supplemental proceeding, and may advise the court of such facts as will show the financial interest of the state of Washington therein; but the attorney general shall not otherwise participate in the proceeding))~~ Appear as a party in dissolution, child support, parentage, maintenance suits, or other proceedings, for the purpose of representing the financial interest and actions of the state of Washington therein.

(3) Petition the court for modification of a superior court order when the office of support enforcement is providing support enforcement services under RCW 74.20.040.

(4) When the attorney general or prosecuting attorney appears in, defends, or initiates actions to establish, modify, or enforce child support obligations he or she represents the state, the best interests of the child relating to parentage, and the best interests of the children of the state, but does not represent the interests of any other individual.

(5) If public assistance has been applied for or granted on behalf of a child of parents who are divorced or legally separated, the attorney general or prosecuting attorney may apply to the superior court in such action for an order directing either parent or both to show cause:

(a) Why an order of support for the child should not be entered, or

(b) Why the amount of support previously ordered should not be increased, or

(c) Why the parent should not be held in contempt for his or her failure to comply with any order of support previously entered.

~~((5))~~ (6) Initiate any civil proceedings deemed necessary by the department to secure reimbursement from the parent or parents of minor dependent children for all moneys expended by the state in providing assistance or services to said children.

(7) Nothing in this section limits the authority of the attorney general or prosecuting attorney to use any and all civil and criminal remedies to enforce, establish, or modify child support obligations whether or not the custodial parent receives public assistance.

Sec. 45. RCW 74.20.310 and 1979 ex.s. c 171 s 15 are each amended to read as follows:

(1) The provisions of RCW 26.26.090 requiring appointment of a general guardian or guardian ad litem to represent the child in an action brought to determine the parent and child relationship do not apply to actions brought under chapter 26.26 RCW if:

~~((1))~~ (a) The action is brought by the attorney general on behalf of the department of social and health services~~((;))~~ and the child~~((, or the natural mother))~~; or

~~((2))~~ (b) The action is brought by any prosecuting attorney on behalf of the state~~((;))~~ and the child~~((, or the natural mother))~~ when referral has been made to the prosecuting attorney by the department of social and health services requesting such action.

(2) On the issue of parentage, the attorney general or prosecuting attorney functions as the child's guardian ad litem provided the interests of the state and the child are not in conflict.

(3) The court, on its own motion or on motion of a party, may appoint a guardian ad litem when necessary.

(4) The summons shall contain a notice to the parents that the parents have a right to move the court for a guardian ad litem for the child other than the prosecuting attorney or the attorney general subject to subsection (2) of this section.

Sec. 46. RCW 74.20A.055 and 1990 1st ex.s. c 2 s 21 are each amended to read as follows:

(1) The secretary may, in the absence of a superior court order, serve on the responsible parent or parents a notice and finding of financial responsibility requiring a responsible parent or parents to appear and show cause in an adjudicative proceeding why the finding of responsibility and/or the amount thereof is incorrect, should not be finally ordered, but should be rescinded or modified. This notice and finding shall relate to the support debt accrued and/or accruing under this chapter and/or RCW 26.16.205, including periodic payments to be made in the future ~~((for such period of~~

~~time as the child or children of said responsible parent or parents are in need~~). The hearing shall be held pursuant to ~~((RCW 74.20A.055))~~ this section, chapter 34.05 RCW, the Administrative Procedure Act, and the rules of the department.

(2) The notice and finding of financial responsibility shall be served in the same manner prescribed for the service of a summons in a civil action or may be served on the responsible parent by certified mail, return receipt requested. The receipt shall be prima facie evidence of service. The notice shall be served upon the debtor within sixty days from the date the state assumes responsibility for the support of the dependent child or children on whose behalf support is sought. If the notice is not served within sixty days from such date, the department shall lose the right to reimbursement of payments made after the sixty-day period and before the date of notification: **PROVIDED**, That if the department exercises reasonable efforts to locate the debtor and is unable to do so the entire sixty-day period is tolled until such time as the debtor can be located. ~~((Any responsible parent who objects to all or any part of the notice and finding shall have the right for not more than twenty days from the date of service to file an application for an adjudicative proceeding. The application shall be served upon the department by registered or certified mail or personally. If no such application is made, the notice and finding of responsibility shall become final, and the debt created therein shall be subject to collection action as authorized under this chapter. If a timely application is made, the execution of notice and finding of responsibility shall be stayed pending the entry of the final administrative order. If no timely written application has previously been made, the responsible parent may petition the secretary or the secretary's designee at any time for an adjudicative proceeding as provided for in this section upon a showing of good cause for the failure to make a timely application. The filing of the petition for an adjudicative proceeding after the twenty-day period shall not affect any collection action previously taken under this chapter. The granting of an application after the twenty-day period operates as a stay on any future collection action, pending entry of the final administrative order. Moneys withheld as a result of collection action in effect at the time of the granting of the application after the twenty-day period shall be delivered to the department and shall be held in trust by the department pending entry of the final administrative order. The department may petition the presiding or reviewing officer to set temporary current and future support to be paid beginning with the month in which the application after the twenty-day period is granted. The presiding or reviewing officer shall order payment of temporary current and future support if appropriate in an amount determined pursuant to the child support schedule adopted under RCW 26.19.040. In the event the responsible parent does not make payment of the temporary current and future support as ordered by the presiding or reviewing officer, the department may take collection action~~

~~pursuant to chapter 74.20A RCW during the pendency of the adjudicative proceeding or thereafter to collect any amounts owing under the order. Temporary current and future support paid, or collected, during the pendency of the adjudicative proceeding shall be disbursed to the custodial parent or as otherwise appropriate when received by the department. If the final administrative order is that the department has collected from the responsible parent other than temporary current or future support, an amount greater than such parent's past support debt, the department shall promptly refund any such excess amount to such parent.~~

~~(3) Hearings may be held in the county of residence or other place convenient to the responsible parent.)~~ (3) The notice and finding of financial responsibility shall set forth the amount the department has determined the responsible parent owes, the support debt accrued and/or accruing, and periodic payments to be made in the future ~~((for such period of time as the child or children of the responsible parent are in need, all computable on the basis of the need alleged))~~. The notice and finding shall also include:

(a) A statement of the name of the recipient or custodian and the name of the child or children for whom ~~((need))~~ support is ~~((alleged))~~ sought; ~~((and/or))~~

(b) A statement of the amount of periodic future support payments as to which financial responsibility is alleged~~((:))~~;

~~((4) The notice and finding shall include))~~ (c) A statement that the responsible parent may object to all or any part of the notice and finding, and file an application for an adjudicative proceeding to show cause why said responsible parent should not be determined to be liable for any or all of the debt, past and future~~((:))~~;

~~((The notice and finding shall include))~~

(d) A statement that, if the responsible parent fails in timely fashion to file an application for an adjudicative proceeding, the support debt and payments stated in the notice and finding, including periodic support payments in the future, shall be assessed and determined and ordered by the department and that this debt and amounts due under the notice shall be subject to collection action;

(e) A statement that the property of the debtor, without further advance notice or hearing, will be subject to lien and foreclosure, distraint, seizure and sale, ~~((or))~~ order to withhold and deliver, notice of payroll deduction or other collection action to satisfy the debt and enforce the support obligation established under the notice.

(4) A responsible parent who objects to the notice and finding of financial responsibility may file an application for an adjudicative proceeding within twenty days of the date of service of the notice or thereafter as provided under this subsection. An adjudicative proceeding shall be held in the county of residence or other place convenient to the responsible parent.

(a) If the responsible parent files the application within twenty days, the department shall schedule an adjudicative proceeding to hear the parent's objection and determine the parents' support obligation for the entire period covered by the notice and finding of financial responsibility. The filing of the application stays collection action pending the entry of a final administrative order;

(b) If the responsible parent fails to file an application within twenty days, the notice and finding shall become a final administrative order. The amounts for current and future support and the support debt stated in the notice are final and subject to collection, except as provided under (c) and (d) of this subsection;

(c) If the responsible parent files the application more than twenty days after, but within one year of the date of service, the department shall schedule an adjudicative proceeding to hear the parents' objection and determine the parent's support obligation for the entire period covered by the notice and finding of financial responsibility. The filing of the application does not stay further collection action, pending the entry of a final administrative order, and does not affect any prior collection action;

(d) If the responsible parent files the application more than one year after the date of service, the department shall schedule an adjudicative proceeding at which the responsible parent must show good cause for failure to file a timely application. The filing of the application does not stay future collection action and does not affect prior collection action;

(i) If the presiding officer finds that good cause exists, the presiding officer shall proceed to hear the parent's objection to the notice and determine the parent's support obligation;

(ii) If the presiding officer finds that good cause does not exist, the presiding officer shall treat the application as a petition for prospective modification of the amount for current and future support established under the notice and finding. In the modification proceeding, the presiding officer shall set current and future support under chapter 26.19 RCW. The responsible parent need show neither good cause nor a substantial change of circumstances to justify modification of current and future support;

(e) The department shall retain and/or shall not refund support money collected more than twenty days after the date of service of the notice. Money withheld as the result of collection action shall be delivered to the department. The department shall distribute such money, as provided in published rules.

(5) If an application for an adjudicative proceeding is filed, the presiding or reviewing officer shall determine the past liability and responsibility, if any, of the alleged responsible parent and shall also determine the amount of periodic payments to be made in the future, which amount is not limited by the amount of any public assistance payment made to or for the benefit of the child. If deviating from the child support schedule ((adopted under

~~RCW 26.19.040~~) in making these determinations, the presiding or reviewing officer shall ~~((comply with the provisions set forth in chapter 26.19 RCW))~~ apply the standards contained in the child support schedule and enter written findings of fact supporting the deviation.

(6) If the responsible parent fails to attend or participate in the hearing or other stage of an adjudicative proceeding, upon a showing of valid service, the presiding officer shall enter an ~~((initial decision and))~~ administrative order declaring the support debt and payment provisions stated in the notice and finding of financial responsibility to be assessed and determined and subject to collection action.

~~((6))~~ (7) The final administrative order establishing liability and/or future periodic support payments shall be superseded upon entry of a superior court order for support to the extent the superior court order is inconsistent with the administrative order ~~((: PROVIDED, That in the absence of a superior court order, either the responsible parent or the department may petition the secretary or his designee for issuance of an order to appear and show cause based on a showing of good cause and material change of circumstances, to require the other party to appear and show cause why the order previously entered should not be prospectively modified. Said order to appear and show cause together with a copy of the petition and affidavit upon which the order is based shall be served in the manner of a summons in a civil action or by certified mail, return receipt requested, on the other party by the petitioning party. Prospective modification may be ordered, but only upon a showing of good cause and material change of circumstances.~~

~~(7) The presiding or reviewing officer shall order support payments under the child support schedule adopted under RCW 26.19.040).~~

(8) Debts determined pursuant to this section, accrued and not paid, are subject to collection action under this chapter without further necessity of action by a presiding or reviewing officer.

~~((9) "Need" as used in this section shall mean the necessary costs of food, clothing, shelter, and medical attendance for the support of a dependent child or children. The amount determined by reference to the child support schedule adopted under RCW 26.19.040, shall be a rebuttable presumption of the alleged responsible parent's ability to pay and the need of the family. PROVIDED, That such responsible parent shall be presumed to have no ability to pay child support under this chapter from any income received from aid to families with dependent children, supplemental security income, or continuing general assistance.))~~

NEW SECTION. Sec. 47. A new section is added to chapter 74.20A RCW to read as follows:

(1) The department, the physical custodian, or the responsible parent may petition for a prospective modification of a final administrative order if:

(a) The administrative order has not been superseded by a superior court order; and

(b) There has been a substantial change of circumstances, except as provided under RCW 74.20A.055(4)(d).

(2) An order of child support may be modified one year or more after it has been entered without showing a substantial change of circumstances:

(a) If the order in practice works a severe economic hardship on either party or the child; or

(b) If a party requests an adjustment in an order for child support that was based on guidelines which determined the amount of support according to the child's age, and the child is no longer in the age category on which the current support amount was based; or

(c) If a child is a full-time student and reasonably expected to complete secondary school or the equivalent level of vocational or technical training before the child becomes nineteen years of age upon a finding that there is a need to extend support beyond the eighteenth birthday.

(3) An order may be modified without showing a substantial change of circumstances if the requested modification is to:

(a) Require health insurance coverage for a child covered by the order; or

(b) Modify an existing order for health insurance coverage.

(4) Support orders may be adjusted once every twenty-four months based upon changes in the income of the parents without a showing of substantially changed circumstances.

(5)(a) All administrative orders entered on, before, or after September 1, 1991, may be modified based upon changes in the child support schedule established in chapter 26.19 RCW without a substantial change of circumstances. The petition may be filed based on changes in the child support schedule after twelve months has expired from the entry of the administrative order or the most recent modification order setting child support, whichever is later. However, if a party is granted relief under this provision, twenty-four months must pass before another petition for modification may be filed pursuant to subsection (4) of this section.

(b) If, pursuant to subsection (4) of this section or (a) of this subsection, the order modifies a child support obligation by more than thirty percent and the change would cause significant hardship, the change may be implemented in two equal increments, one at the time of the entry of the order and the second six months from the entry of the order. Twenty-four months must pass following the second change before a petition for modification under subsection (4) of this section may be filed.

(6) An increase in the wage or salary of the parent or custodian who is receiving the support transfer payments as defined in section 24 of this act is not a substantial change in circumstances for purposes of modification under subsection (1)(b) of this section. An obligor's voluntary unemployment or voluntary underemployment, by itself, is not a substantial change of circumstances.

(7) The department shall file the petition and a supporting affidavit with the secretary or the secretary's designee when the department petitions for modification.

(8) The responsible parent or the physical custodian shall follow the procedures in this chapter for filing an application for an adjudicative proceeding to petition for modification.

(9) Upon the filing of a proper petition or application, the secretary or the secretary's designee shall issue an order directing each party to appear and show cause why the order should not be modified.

(10) If the presiding or reviewing officer finds a modification is appropriate, the officer shall modify the order and set current and future support under chapter 26.19 RCW.

NEW SECTION. Sec. 48. A new section is added to chapter 74.20A RCW to read as follows:

When providing support enforcement services, the office of support enforcement may take action, under this chapter and chapter 26.23 RCW, against a responsible parent's earnings, located in, or subject to the jurisdiction of, the state of Washington regardless of the presence or residence of the responsible parent. If the responsible parent resides in another state or country, the office of support enforcement shall serve a notice under RCW 74.20A.040 more than sixty days before taking collection action.

NEW SECTION. Sec. 49. The following acts or parts of acts are each repealed:

- (1) RCW 26.12.090 and 1983 c 219 s 2 & 1949 c 50 s 9;
- (2) RCW 26.12.100 and 1983 c 219 s 3 & 1949 c 50 s 10;
- (3) RCW 26.12.110 and 1949 c 50 s 11;
- (4) RCW 26.12.120 and 1983 c 219 s 4 & 1949 c 50 s 12;
- (5) RCW 26.12.130 and 1949 c 50 s 13;
- (6) RCW 26.12.140 and 1980 c 124 s 2, 1971 ex.s. c 151 s 1, & 1949 c 50 s 14;
- (7) RCW 26.12.150 and 1949 c 50 s 15;
- (8) RCW 26.12.180 and 1983 c 219 s 6 & 1949 c 50 s 18;
- (9) RCW 26.12.200 and 1983 c 219 s 8 & 1949 c 50 s 20; and
- (10) RCW 26.12.210 and 1983 c 219 s 9 & 1949 c 50 s 21.

***NEW SECTION.** Sec. 50. The following acts or parts of acts are each repealed:

- (1) RCW 26.19.010 and 1988 c 275 s 2;
- (2) RCW 26.19.040 and 1990 1st ex.s. c 2 s 20, 1988 c 275 s 5, & 1987 c 440 s 2;
- (3) RCW 26.19.060 and 1988 c 275 s 7;
- (4) RCW 26.19.070 and 1990 1st ex.s. c 2 s 6;
- (5) RCW 26.19.080 and 1990 1st ex.s. c 2 s 7; and

(6) RCW 26.19.110 and 1990 1st ex.s. c 2 s 12.

*Sec. 50 was vetoed, see message at end of chapter.

NEW SECTION. Sec. 51. Sections 16 through 18 of this act are each added to chapter 26.12 RCW.

NEW SECTION. Sec. 52. If by June 30, 1991, the omnibus operating budget appropriations act for the 1991-93 biennium does not provide specific funding for section 19 of this act, referencing this act by bill number, section 19 of this act is null and void.

***NEW SECTION. Sec. 53. If specific funding for the purposes of section 35 of this act, referencing section 35 of this act by bill and section number, is not provided by June 30, 1991, in the omnibus appropriations act, section 35 of this act shall be null and void.**

*Sec. 53 was vetoed, see message at end of chapter.

NEW SECTION. Sec. 54. 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. 55. This act shall take effect September 1, 1991.

NEW SECTION. Sec. 56. Sections 24, 26 through 33, and 35 of this act are each added to chapter 26.19 RCW.

NEW SECTION. Sec. 57. Captions as used in this act do not constitute any part of the law.

Passed the Senate April 23, 1991.

Passed the House April 18, 1991.

Approved by the Governor May 21, 1991, with the exception of certain items which were vetoed.

Filed in Office of Secretary of State May 21, 1991.

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

"I am returning herewith, without my approval as to sections 1, 3, 5, 8, 23, 24, 28, 29, 32, 34, 35, 36, 50, and 53, Engrossed Second Substitute Senate Bill No. 5120 entitled:

"AN ACT Relating to child support."

Any changes in the law affecting child support must focus on one issue — the well-being of the children. This was my overriding concern in the actions I have taken today; I used every means possible to maintain financial support for children.

Before 1988, our child support system was haphazard and many children received little or no financial support from the noncustodial parent. These families often ended up on public assistance, experiencing all of the pitfalls of poverty.

In 1988, we succeeded in enacting a new child support system. In 1989 Washington's noncustodial parents paid an average award of \$352 per month. That amount includes all payments ordered by the court for all children, including day-care, medical and education expenses. Noncustodial parents are paying an average of 26% of their incomes in child support. These are not unreasonable support awards.

I had these facts in mind when I reviewed this legislation, and I heard from numerous individuals and groups. I also had in mind the jeopardy our state faces with the potential loss of \$70 million in federal funds if we do not adopt a uniform economic table. These funds are essential to the well-being of children, since they fund our child support collection system.

I have said before that the child support system needed minor improvements and that it would be helpful if the legislature gave more clarity to the courts on how children in second families should be protected. Engrossed Second Substitute Senate Bill No. 5120 does not contain language on this issue. Some people have stated their belief that this legislation would put to rest issues related to child support. This is not the case. The issue of second families remains to be resolved.

The portions of this bill that are signed into law will improve the system of family court services and clarify procedures for the Office of Support Enforcement. Minor modifications will be easier to obtain and protections are added for disabled veterans.

I have vetoed certain sections for three reasons. Either they lower support to children unjustifiably, they egregiously impact families with children or they violate federal law.

Section 25, the new economic table, is signed into law. This uniform schedule will rectify the legal problems we have with the federal government. While it is imperative that the state have a uniform schedule, I am pleased that in section 26, the Legislature obligates itself to periodically review this economic table.

Section 23 is vetoed because it states an intent that children must suffer from dissolution. Although that is unfortunately true in some situations, it is poor public policy to intend that it happen.

Sections 24, 28, 29, 32 and 50 are vetoed because they unjustifiably lower support to children. The new definition of "income" eliminates consideration of all overtime, second job income, contract-related benefits, gifts, prizes and bonuses, unless the judge makes an exception. The majority of support awards in the state could be lowered because of this change. I see no reason to use a definition that arbitrarily excludes as a benefit for children these very real types of resources that are available to parents.

Section 3 is vetoed because it is likely to have a negative impact on families with children. This section requires all periodic modifications to conform to the child support statutes. It then provides that any part of an existing dissolution decree that conflicts with the statute is "void". Custodial parents will be ordered to pay back support they received under legal court orders. This is an illegal retroactive modification and it would cause hardship to children.

Section 8 is vetoed because it overrules a child's right to private medical treatment in some situations. Children over age fourteen may receive medical treatment for sexually transmitted diseases and they may also use family planning services - all without parental consent. This amendment gives parents a right to those private medical records. Furthermore, there is great concern that the language would jeopardize child abuse investigations and domestic violence protections. I strongly support the right of both parents to have full and equal access to the education and available medical records of their children, but current law already gives them that right.

Section 34 limits a court's ability to order support for postsecondary education. Current law gives the court discretion to order support and tuition payments after considering the circumstances. This amendment prohibits a court from ordering non-custodial parents to pay tuition above that charged by the Washington university system to resident students. A child could very well live in another state where tuition is higher than our state charges. This type of cap unnecessarily limits the court's discretion and arbitrarily limits the options for children.

Sections 35, 36 and 53 change the way parents pay for extraordinary expenses and day care. The custodial parent would be required to pay these costs and bill the noncustodial parent. A custodial parent who lives in Washington, for instance, could

have to pay for a roundtrip airline ticket to the state where the noncustodial parent lives, so the child could have visitation. All extra health expenses would be paid up front by the custodial parent. If the bill isn't paid after 30 days, the custodial parent must use a time-consuming court process to collect. This is unreasonably harsh. Section 35 is the companion section that modifies the Office of Support Enforcement process regarding extraordinary expenses and section 53 is the accompanying null and void section.

Section 5 contains language to allow Desert Shield and Desert Storm participants a retroactive modification for the time they were on active duty. We all laud the efforts of these fine service persons, but retroactive modifications violate federal law and work an unreasonable hardship on custodial parents. Furthermore, the bill is written with timelines that preclude nearly two-thirds of these people from taking advantage of the adjustment.

Section 1 is vetoed because of the hardship this venue change would have on rural Washingtonians and on Lincoln County. Current law allows expedited dissolutions in situations where the parties agree. I see no reason to take away this convenience.

For the reasons stated above, I have vetoed sections 1, 3, 5, 8, 23, 24, 28, 29, 32, 34, 35, 36, 50 and 53 of Engrossed Second Substitute Senate Bill No. 5120.

With the exception of sections 1, 3, 5, 8, 23, 24, 28, 29, 32, 34, 35, 36, 50, and 53, Engrossed Second Substitute Senate Bill No. 5120 is approved."

WASHINGTON LAWS

1991 FIRST SPECIAL SESSION

CHAPTER 1

[Filed by Washington Citizens' Commission for Salaries for Elected Officials]

STATE ELECTED OFFICIALS—SALARIES

Effective Date: 9/3/91

AN ACT Relating to salaries of elected officials; and amending RCW 43.03.011, 43.03.012, and 43.03.013.

Be it enacted by the Washington Citizens' Commission on Salaries for Elected Officials:

Sec. 1. RCW 43.03.011 and 1989 2nd ex.s. c 4 s 1 are each amended to read as follows:

Pursuant to Article XXVIII, section 1 of the state Constitution and RCW 43.03.010 and 43.03.310, the annual salaries of the state elected officials of the executive branch shall be as follows:

(1) ((Effective July 1, 1988:

(a) Governor	\$ 93,900
(b) Lieutenant governor	\$ 48,800
(c) Secretary of state	\$ 50,200
(d) State treasurer	\$ 62,050
(e) State auditor	\$ 64,050
(f) Attorney general	\$ 72,200
(g) Superintendent of public instruction	\$ 66,600
(h) Commissioner of public lands	\$ 66,600
(i) Insurance commissioner	\$ 61,000

(2) Effective September 4, 1989:

(a) Governor	\$ 96,700
(b) Lieutenant governor	\$ 51,100
(c) Secretary of state	\$ 52,600
(d) Treasurer	\$ 65,000
(e) Auditor	\$ 67,100
(f) Attorney general	\$ 75,700
(g) Superintendent of public instruction	\$ 69,800
(h) Commissioner of public lands	\$ 69,800
(i) Insurance commissioner	\$ 63,900

(3))) Effective September 3, 1990:

(a) Governor	\$ 99,600
(b) Lieutenant governor	\$ 52,600
(c) Secretary of state	\$ 54,200
(d) Treasurer	\$ 67,000
(e) Auditor	\$ 69,100
(f) Attorney general	\$ 78,000
(g) Superintendent of public instruction	\$ 71,900
(h) Commissioner of public lands	\$ 71,900
(i) Insurance commissioner	\$ 65,800

(2) Effective September 3, 1991:

(a) Governor	\$ 112,000
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<u>(b) Lieutenant governor</u>	\$ 58,600
<u>(c) Secretary of state</u>	\$ 60,100
<u>(d) Treasurer</u>	\$ 74,400
<u>(e) Auditor</u>	\$ 77,800
<u>(f) Attorney general</u>	\$ 86,400
<u>(g) Superintendent of public instruction</u>	\$ 80,500
<u>(h) Commissioner of public lands</u>	\$ 80,500
<u>(i) Insurance commissioner</u>	\$ 72,700

(3) Effective September 3, 1992:

<u>(a) Governor</u>	\$ 121,000
<u>(b) Lieutenant governor</u>	\$ 62,700
<u>(c) Secretary of state</u>	\$ 64,300
<u>(d) Treasurer</u>	\$ 79,500
<u>(e) Auditor</u>	\$ 84,100
<u>(f) Attorney general</u>	\$ 92,000
<u>(g) Superintendent of public instruction</u>	\$ 86,600
<u>(h) Commissioner of public lands</u>	\$ 86,600
<u>(i) Insurance commissioner</u>	\$ 77,200

(4) The lieutenant governor shall receive the fixed amount of his salary plus 1/260th of the difference between his salary and that of the governor for each day that the lieutenant governor is called upon to perform the duties of the governor by reason of the absence from the state, removal, resignation, death, or disability of the governor.

Sec. 2. RCW 43.03.012 and 1989 2nd ex.s. c 4 s 2 are each amended to read as follows:

Pursuant to Article XXVIII, section 1 of the state Constitution and RCW 2.04.092, 2.06.062, 2.08.092, 3.58.010, and 43.03.310, the annual salaries of the judges of the state shall be as follows:

(1) ((Effective July 1, 1988:

<u>(a) Justices of the supreme court</u>	\$ 82,700
<u>(b) Judges of the court of appeals</u>	\$ 78,600
<u>(c) Judges of the superior court</u>	\$ 74,600
<u>(d) Full-time judges of the district court</u>	\$ 71,000

(2) Effective September 4, 1989:

<u>(a) Justices of the supreme court</u>	\$ 86,700
<u>(b) Judges of the court of appeals</u>	\$ 82,400
<u>(c) Judges of the superior court</u>	\$ 78,200
<u>(d) Full-time judges of the district court</u>	\$ 74,400

(3))) Effective September 3, 1990:

<u>(a) Justices of the supreme court</u>	\$ 89,300
<u>(b) Judges of the court of appeals</u>	\$ 84,900
<u>(c) Judges of the superior court</u>	\$ 80,500
<u>(d) Full-time judges of the district court</u>	\$ 76,600

(2) Effective September 3, 1991:

<u>(a) Justices of the supreme court</u>	\$ 99,900
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<u>(b) Judges of the court of appeals</u>	<u>\$ 95,000</u>
<u>(c) Judges of the superior court</u>	<u>\$ 90,100</u>
<u>(d) Full-time judges of the district court</u>	<u>\$ 85,700</u>
<u>(3) Effective September 3, 1992:</u>	
<u>(a) Justices of the supreme court</u>	<u>\$ 107,200</u>
<u>(b) Judges of the court of appeals</u>	<u>\$ 101,900</u>
<u>(c) Judges of the superior court</u>	<u>\$ 96,600</u>
<u>(d) Full-time judges of the district court</u>	<u>\$ 91,900</u>
<u>(4) The salary for a part-time district court judge shall be the proportion of full-time work for which the position is authorized, multiplied by the salary for a full-time district court judge.</u>	

Sec. 3. RCW 43.03.013 and 1989 2nd ex.s. c 4 s 3 are each amended to read as follows:

Pursuant to Article XXVIII, section 1 of the state Constitution and RCW 43.03.010 and 43.03.310, the annual salary of members of the legislature shall be:

(1) ((\$16,500 effective July 1, 1988.	
(2) Effective September 4, 1989:	
(a) Legislator	\$ 17,900
(b) Speaker of the house	\$ 19,700
(c) Senate majority leader	\$ 18,800
(d) Senate minority leader	\$ 18,800
(e) House minority leader	\$ 18,800
(3)) Effective September 3, 1990:	
(a) Legislator	\$ 19,900
(b) Speaker of the house	\$ 21,900
(c) Senate majority leader	\$ 20,900
(d) Senate minority leader	\$ 20,900
(e) House minority leader	\$ 20,900
(2) Effective September 3, 1991:	
(a) Legislator	\$ 23,200
(b) Speaker of the house	\$ 29,000
(c) Senate majority leader	\$ 25,100
(d) Senate minority leader	\$ 25,100
(e) House minority leader	\$ 25,100
(3) Effective September 3, 1992:	
(a) Legislator	\$ 25,900
(b) Speaker of the house	\$ 33,900
(c) Senate majority leader	\$ 29,900
(d) Senate minority leader	\$ 29,900
(e) House minority leader	\$ 29,900

Leonard Nord, Chairman
 Washington Citizens' Commission for Salaries for Elected Officials

Filed in Office of Secretary of State June 3, 1991.

CHAPTER 2

[Reengrossed Substitute Senate Bill 5395]

SUPPLEMENTAL OPERATING BUDGET, FISCAL BIENNIUM 1989-91

Effective Date: 6/14/91

AN ACT Relating to fiscal matters; making appropriations and authorizing expenditures for the operations of state agencies for the fiscal biennium beginning July 1, 1989, and ending June 30, 1991; amending 1990 1st ex.s. c 16 ss 105, 106, 108, 109, 111, 112, 114, 118, 119, 121, 122, 124, 128, 202, 205, 206, 207, 208, 209, 211, 212, 213, 216, 217, 218, 220, 221, 225, 227, 228, 229, 230, 231, 232, 302, 303, 309, 311, 502, 504, 505, 506, 507, 509, 510, 511, 512, 515, 516, 701, 711 (uncodified); amending 1989 1st ex.s. c 19 ss 113, 133, 201, 506, 511, 616, 704, 708 (uncodified); amending 1990 c 299 s 202 (uncodified); adding a new section to 1990 1st ex.s. c 16 (uncodified); repealing 1990 1st ex.s. c 16 s 210 and 1989 1st ex.s. c 19 s 209 (uncodified); repealing 1990 1st ex.s. c 16 s 203 (uncodified); making appropriations; providing an effective date; and declaring an emergency.

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

PART I

GENERAL GOVERNMENT

Sec. 101. 1990 1st ex.s. c 16 s 105 (uncodified) is amended to read as follows:

FOR THE REDISTRICTING COMMISSION

General Fund Appropriation \$ ((221,000))
246,000

Sec. 102. 1990 1st ex.s. c 16 s 106 (uncodified) is amended to read as follows:

FOR THE SUPREME COURT

General Fund Appropriation \$ ((13,497,000))
14,097,000

The appropriation in this section is subject to the following conditions and limitations: \$((5,013,000)) 5,613,000 is provided solely for the indigent appeals program.

Sec. 103. 1990 1st ex.s. c 16 s 108 (uncodified) is amended to read as follows:

FOR THE COMMISSION ON JUDICIAL CONDUCT

General Fund Appropriation \$ ((684,000))
754,000

Sec. 104. 1990 1st ex.s. c 16 s 109 (uncodified) is amended to read as follows:

FOR THE ADMINISTRATOR FOR THE COURTS

General Fund Appropriation \$ ((27,607,000))
28,298,000
Public Safety and Education Account Appropriation \$ 23,200,000
TOTAL APPROPRIATION \$ ((50,807,000))
51,498,000

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

(1) Within the appropriations provided in this section, the administrator for the courts, in conjunction with the indigent defense task force, shall review the feasibility of implementing an indigent defense cost recovery program in order to recover state expenses for the indigent appeals program. The administrator for the courts also shall prepare recommendations regarding standards for indigency to be applied uniformly among courts throughout the state. Recommendations regarding a cost recovery program and indigency standards shall be submitted to the house of representatives appropriations and the senate ways and means committees by December 1, 1989.

(2) \$4,712,000 of the general fund appropriation is provided solely for the continuation of treatment-alternatives-to-street-crimes (TASC) programs in Pierce, Snohomish, Clark, King, Spokane, and Yakima counties. In administering TASC program contracts, the administrator for the courts shall monitor program expenditures, conduct program audits, and develop corrective action plans as necessary for contract compliance.

(3) \$16,681,000 of the general fund appropriation is provided solely for the superior court judges program.

(4) \$50,000 of the public safety and education account appropriation is provided solely for the continuation of the indigent defense task force as provided in Substitute Senate Bill No. 5960 (indigent defense services). If the bill is not enacted by June 30, 1989, the amount provided in this subsection shall lapse.

(5) \$200,000 of the public safety and education account appropriation is provided solely for implementing Substitute Senate Bill No. 5474 or Substitute House Bill No. 1119 (court interpreters). If neither bill is enacted by June 30, 1989, the amount provided in this subsection shall lapse.

(6) \$500,000 of the general fund appropriation is provided solely for a foster care review pilot project. In designing the project, the administrator for the courts shall: (a) Establish control groups, one with foster care review and one without, and (b) document the comparative impacts on court costs and foster care length-of-stay.

(7) \$5,758,000 of the public safety and education account appropriation is provided solely to implement the conversion of the district court information system (DISCIS) to a subsystem compatible with the other subsystems within the judicial information system. The amount provided in this subsection is intended to convert twenty-eight existing DISCIS sites and establish eight new sites. When providing equipment upgrades to an existing site, an equal amount of local matching funds shall be provided by the local jurisdiction. The administrator for the courts shall report to the legislature by January 15, 1990, on the reasonableness and feasibility of installing more DISCIS sites during the 1989-91 biennium.

(8) \$3,000,000 of the public safety and education account appropriation shall be held in reserve by the administrator for the courts until July 1, 1990.

(9) The administrator for the courts shall prepare a five-year plan for the judicial information system in conformance with the guidelines of the department of information services. The administrator for the courts shall submit the plan to the house of representatives committee on appropriations and the senate committee on ways and means by January 15, 1990. The five-year plan shall include but not be limited to the following items: Long range goals, objectives, and priorities; estimated equipment and software acquisition costs; an equipment acquisition schedule; estimated operating costs by fiscal year; a cost/benefit analysis of planned system modifications; an analysis of the revenue impact of implementing accounts receivable modules; current and projected debt service costs; descriptions of the services provided to each court jurisdiction; and a plan for requiring local matching funds.

(10) \$175,000 of the public safety and education account appropriation is provided solely for development of trial court demonstration projects. This amount shall be matched by at least an equal amount from federal funds. By January 1, 1991, the office shall report to the house of representatives appropriations committee and the senate ways and means committee on development of these projects.

(11) \$100,000 of the public safety and education account appropriation is provided solely to implement recommendations from the gender and justice task force. Of this amount: (a) \$45,000 is provided solely for creation of a task force on domestic violence issues. The task force shall undertake a study of domestic violence issues in the criminal justice system and make recommendations for domestic violence reform; (b) \$25,000 is provided solely for the office of the administrator for the courts to initiate measures to educate and train judges, attorneys, and court personnel on domestic violence issues; and (c) \$30,000 is provided solely for a joint study of spousal maintenance and property division issues by the legislature and the superior court judges' association. By January 1, 1991, the study shall recommend changes to achieve greater economic equity among family members following dissolution of a marriage.

(12) \$75,000 of the public safety and education account appropriation is provided solely for the minority and justice task force program to implement recommendations from the minority and justice task force.

Sec. 105. 1989 1st ex.s. c 19 s 113 (uncodified) is amended to read as follows:

FOR THE OFFICE OF THE GOVERNOR

General Fund Appropriation—State	\$	((11,894,000))
		<u>11,959,000</u>
General Fund Appropriation—Federal	\$	27,779,000
TOTAL APPROPRIATION	\$	((39,673,000))
		<u>39,738,000</u>

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

(1) \$182,000 of the general fund—state appropriation is provided solely for mansion maintenance.

(2) \$~~((421,000))~~ 486,000 of the general fund—state appropriation is provided solely for extradition expenses to carry out RCW 10.34.030, providing for the return of fugitives by the governor, including prior claims, and for extradition-related legal services as determined by the attorney general.

(3) \$225,000 of the general fund—state appropriation is provided solely for the administration and activities of a governor's commission on African-American affairs.

Sec. 106. 1990 1st ex.s. c 16 s 111 (uncodified) is amended to read as follows:

FOR THE PUBLIC DISCLOSURE COMMISSION

General Fund Appropriation	\$	((1,296,000))
		<u>1,326,000</u>

Sec. 107. 1990 1st ex.s. c 16 s 112 (uncodified) is amended to read as follows:

FOR THE SECRETARY OF STATE

General Fund Appropriation	\$	((8,242,000))
		<u>8,364,000</u>

Archives and Records Management Account

Appropriation	\$	2,659,000
Department of Personnel Service Fund Appropriation	\$	447,000
TOTAL APPROPRIATION	\$	((11,348,000))
		<u>11,470,000</u>

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

(1) \$200,000 of the general fund appropriation is provided solely for acquisition and implementation of necessary redistricting data processing systems in conjunction with the house of representatives and the senate.

(2) \$~~((1,074,000))~~ 839,000 of the general fund appropriation is provided solely to reimburse counties for the state's share of primary and general election costs and the costs of conducting mandatory recounts on state measures.

(3) \$~~((2,542,000))~~ 2,939,000 of the general fund appropriation is provided solely for the verification of initiative and referendum petitions and the maintenance of related voter registration records, legal advertising of state measures, and the publication and distribution of the voters and candidates pamphlet.

(4) \$123,000 of the general fund appropriation is provided solely for expansion of the oral history program recently instituted by the archives and records management division.

(5) \$~~((200,000))~~ 68,000 of the general fund appropriation is provided solely to reimburse counties for costs associated with reporting absentee ballots by precinct, pursuant to chapter 262, Laws of 1990.

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Sec. 108. 1990 1st ex.s. c 16 s 114 (uncodified) is amended to read as follows:

FOR THE STATE AUDITOR

General Fund Appropriation	\$	((902,000)) <u>937,000</u>
Motor Vehicle Fund Appropriation	\$	225,000
Municipal Revolving Fund Appropriation	\$	16,567,000
Auditing Services Revolving Fund Appropriation	\$	((10,409,000)) <u>10,249,000</u>
TOTAL APPROPRIATION	\$	((28,103,000)) <u>27,978,000</u>

Sec. 109. 1990 1st ex.s. c 16 s 118 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF RETIREMENT SYSTEMS—OPERATIONS

Department of Retirement Systems Expense Fund

Appropriation	\$	23,209,000
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The appropriation in this section is subject to the following conditions and limitations:

(1) ~~\$((908,000))~~ \$58,000 is provided solely for information systems projects named in this section for which work will commence or continue in this biennium. Authority to expend these funds is conditioned upon compliance with section 802 of this act. For the purposes of this subsection, "information systems projects" means the projects known by the following names or successor names: Transmittals, member account ledgers, account receivables, billing, and disbursements.

(2) \$871,000 is provided solely for reduction of the agency's backlogs.

(3) \$184,000 is provided solely for development of data security and program library management.

(4) \$50,000 is provided solely for the preparation of information on disability benefit for members of the retirement systems. In preparing this information, the department shall coordinate with the joint committee on pension policy regarding the committee's employee communications project.

(5) The department shall be divided into three program areas of administration, data processing, and retirement operations.

(6) \$678,000 is provided solely to implement chapter 8, Laws of 1990 (Substitute Senate Bill No. 6594, notification of service credit), Substitute House Bill No. 2643 (survivor's options), and Substitute House Bill No. 2644 (service credit calculations).

(7) \$150,000 is provided solely for preparation and distribution of educational and informational material on retirement for the members of the state's retirement systems. The material shall include, but not be limited to, an update of the plan statements of the state's retirement systems in a readily understandable form, development of easily understood explanations of specific

retirement benefits and procedures for obtaining such benefits, and orientation information on retirement.

Sec. 110. 1990 1st ex.s. c 16 s 119 (uncodified) is amended to read as follows:

FOR THE STATE INVESTMENT BOARD

State Investment Board Expense Account

Appropriation	\$	((2,111,000))
		<u>2,236,000</u>

The appropriation in this section is subject to the following conditions and limitations: \$142,000 is provided solely for the information systems project known as the state-wide investment management system.

Sec. 111. 1989 1st ex.s. c 19 s 133 (uncodified) is amended to read as follows:

FOR THE BOARD OF TAX APPEALS

General Fund Appropriation	\$	((1,329,000))
		<u>1,336,000</u>

Sec. 112. 1990 1st ex.s. c 16 s 121 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

General Fund Appropriation—State	\$	9,296,000
General Fund Appropriation—Federal	\$	1,715,000
General Fund Appropriation—Private/Local	\$	99,000
Motor Vehicle Fund Appropriation	\$	368,000
Resource Management Cost Account Appropriation	\$	2,000
State Wildlife Account Appropriation	\$	4,000
Accident Fund Appropriation	\$	1,000
State Patrol Highway Account Appropriation	\$	228,000
Motor Transport Account Appropriation	\$	10,712,000
General Administration Facilities and Services		
Revolving Fund Appropriation	\$	((22,901,000))
		<u>23,455,000</u>
TOTAL APPROPRIATION	\$	((45,326,000))
		<u>45,880,000</u>

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

(1) The motor vehicle fund appropriation, state patrol highway account appropriation, resource management cost account appropriation, state wildlife account appropriation, and accident account appropriation are provided solely for risk management activities related to those specific funds and accounts.

(2) \$471,000 of the motor transport account appropriation is provided solely to establish the office of motor vehicle services as provided in chapter 57, Laws of 1989.

(3) \$117,000 of the general fund—state appropriation is provided solely for the processing of asbestos claims on behalf of state agencies. All revenue from the claims shall be deposited in the general fund.

Sec. 113. 1990 1st ex.s. c 16 s 122 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF INFORMATION SERVICES—VIDEO TELECOMMUNICATIONS SYSTEM((:))

~~\$(1,209,000)~~ 781,000 is appropriated from the general fund to the department of information services for state-wide video telecommunications, of which: (1) \$179,000 is provided solely to develop a plan for cost-effective, incremental implementation of a coordinated state-wide video telecommunications system, pursuant to chapter 208, Laws of 1990; (2) ~~\$(1,000,000)~~ 572,000 is provided solely for the ~~((purchase of video telecommunications equipment deemed by the information services board to be essential and critical components of a coordinated state-wide video telecommunications system))~~ cooperative video telecommunication demonstration project sponsored jointly by the superintendent of public instruction, the state board for community college education, the higher education coordinating board, and the department of information services; and (3) \$30,000 is provided solely for transfer to the superintendent of public instruction to conduct a study on the implications and impact of commercial promotional and commercial sponsorship activities on educational programming and the educational system in general. The superintendent shall prepare and submit a report to the legislature no later than January 15, 1991. The report shall include findings and recommendations, including policy options related to allowing, prohibiting, or limiting the use of commercial promotional activities, or commercial sponsorship activities, in the public school system.

Sec. 114. 1990 1st ex.s. c 16 s 124 (uncodified) is amended to read as follows:

FOR THE BOARD OF ACCOUNTANCY

General Fund Appropriation	\$	((461,000))
		<u>488,000</u>
Certified Public Accountant Examination Account		
Appropriation	\$	655,000
TOTAL APPROPRIATION	\$	((1,116,000))
		<u>1,143,000</u>

Sec. 115. 1990 1st ex.s. c 16 s 128 (uncodified) is amended to read as follows:

FOR THE MILITARY DEPARTMENT

General Fund Appropriation—State	\$	((8,097,000))
		<u>8,464,000</u>
General Fund Appropriation—Federal	\$	6,425,000
TOTAL APPROPRIATION	\$	((14,522,000))
		<u>14,889,000</u>

The appropriations in this section are subject to the following conditions and limitations: \$10,000 of the general fund—state appropriation is provided solely for a recruiting brochure for the 81st infantry brigade.

PART II HUMAN SERVICES

Sec. 201. 1989 1st ex.s. c 19 s 201 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(1) The appropriations in sections 203 through 219 of chapter 19, Laws of 1989 1st ex. sess., as amended, sections 10 through 16 of chapter 10, Laws of 1989 1st ex. sess., and sections 401 through 423 of chapter 271, Laws of 1989 shall be expended for the programs and in the amounts listed in those sections. However, after May 1, 1991, unless specifically prohibited by this act, the department may transfer moneys among programs and among amounts provided under conditions and limitations listed after approval by the director of financial management. The director of financial management shall notify the appropriate fiscal committees of the senate and house of representatives in writing prior to approving any deviation from the appropriation levels and any deviation from conditions and limitations.

~~(2) ((Appropriations made in this act to the department of social and health services shall initially be allotted as required by this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act except as expressly provided in this act, nor shall allotment modifications permit moneys that are provided solely for a specified purpose to be used for other than that purpose.~~

(2)) The department of social and health services shall not initiate any services that will require expenditure of state general fund moneys unless expressly authorized in this act or other law, or unless the services were provided on March 1, 1989. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, except maternal and child health block grant moneys, those moneys shall be spent for services authorized in this act, and an equal amount of appropriated state general fund moneys shall lapse. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on explicitly defined projects or matched on a formula basis by state funds.

~~((3))~~ (4) The department of social and health services is authorized to expend federal funds made available by the federal immigration reform and control act, P.L. 99-603, for the purposes contained in that act.

Sec. 202. 1990 1st ex.s. c 16 s 202 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—
CHILDREN AND FAMILY SERVICES PROGRAM**

General Fund Appropriation—State	\$	((276,824,000))
		<u>282,660,000</u>
General Fund Appropriation—Federal	\$	((171,515,000))
		<u>169,598,000</u>
Drug Enforcement and Education Account		
Appropriation	\$	2,000,000
Public Safety and Education Account Appropriation	\$	400,000
TOTAL APPROPRIATION	\$	((450,739,000))
		<u>454,658,000</u>

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

(1) \$4,152,000 of the general fund—state appropriation and \$293,000 of the general fund—federal appropriation are provided solely for reduction of the average caseloads for child protective and child welfare casework staff to a standard of thirty-two cases per staff.

(2) \$5,812,000 of the general fund—state appropriation is provided solely to expand services to families to reduce the need for family or group foster care. Of the amount provided in this subsection, \$2,560,000 is provided solely for additional homemakers; \$982,000 is provided solely for family reconciliation services (level II); \$1,000,000 is provided solely for home-based services or treatment for families receiving child protective services; and \$1,270,000 is provided solely for increased child care services.

(3) \$400,000 of the public safety and education account appropriation is provided solely to continue training programs under chapter 70.125 RCW for medical personnel regarding victims of sexual abuse. Training provided under this subsection shall be designed to develop regional expertise on identification, verification, and retention of evidence in cases of child sexual abuse.

(4) \$5,090,000 of the general fund—state appropriation and \$591,000 of the general fund—federal appropriation are provided solely to increase rates and services as follows: \$3,210,000 of the general fund—state appropriation and \$591,000 of the general fund—federal appropriation are provided solely for increased treatment and rates for family foster care and child placement agencies; \$500,000 of the general fund—state appropriation is provided solely for increased grants to domestic violence shelter programs; \$200,000 of the general fund—state appropriation is provided solely for increased grants to victims of sexual assault programs; and \$1,180,000 of the general fund—state appropriation is provided solely for increased rates for therapeutic child care.

(5) \$4,926,000 of the general fund—state appropriation is provided solely to increase the number of children served in the employment child care subsidy program.

(6) \$929,000 of the general fund—state appropriation is provided solely for expansion of the homebuilders program in Thurston, King, Skagit, Clark, and Jefferson counties.

(7) \$300,000 of the general fund—state appropriation is provided solely for grants for the operation of community-based family support centers. Grants shall be administered and evaluated by the council for prevention of child abuse and neglect. Grantees shall be part of a community interagency team that provides support to families, which support may include, but is not limited to, parenting education and support groups, child development assessments, and information and referral services. As a condition of receiving a grant, grantees shall provide twenty-five percent of the funding for family support centers.

(8) Any federal funds not anticipated in this act received for the purpose of maternal and child health services may be spent to increase county health department services to families with young children, including home visits, preventive health care, nutrition, and other services.

(9) \$5,133,000 of the general fund—state appropriation and \$2,559,000 of the general fund—federal appropriation are provided solely for vendor rate increases for vendors providing services to the children and family services program, as specified in section 202 of this act.

(10) \$2,020,000 of the general fund—state appropriation is provided solely for foster care diversion projects established under section 203(15), chapter 289, Laws of 1988. The department shall continue or expand those projects showing positive outcomes in both benefits to families and cost neutrality. The department shall report to the appropriate committees of the legislature by January 8, 1990, on these projects. The reports shall include a description of each project, the cost of each project, and an assessment of its effectiveness.

(11) \$250,000 of the general fund—state appropriation is provided solely for employer-related child care activities, including outreach and technical assistance to employers, by the department of social and health services or community-based child care resource and referral agencies as outlined in Engrossed Substitute House Bill No. 1133 and Second Substitute Senate Bill No. 6051. No moneys provided in this subsection may be spent for grants or loans to employers.

(12) \$2,150,000 of the general fund—state appropriation is provided solely for continuation of the "continuum of care" projects through June 30, 1991. \$1,400,000 of this amount is provided solely for continuation of direct services provided at the three existing sites. In addition, \$250,000 is provided solely for a fourth site. The legislature intends that associated research be limited to the collection of risk assessment data on children served by these sites.

(13) \$1,525,000 of the general fund—state appropriation is provided solely for treatment of sexually abused children pursuant to sections 1402 and 1403, chapter 3, Laws of 1990.

(14) \$1,196,000 of the general fund—state appropriation is provided solely for the treatment of sexually aggressive youth pursuant to chapter 3, Laws of 1990.

(15) \$175,000 of the general fund—state appropriation is provided solely to conduct separate pilot projects in King and Spokane counties for the joint investigation of child abuse and sexual assault cases by local law enforcement personnel and state child protective service caseworkers pursuant to chapter 3, Laws of 1990.

(16) \$55,000 of the general fund—state appropriation is provided solely for Volunteers of America of Spokane's crosswalk project.

(17) \$245,000 of the general fund—state appropriation is provided solely for state-wide parent education and support, including such groups as Parents Anonymous. Of this amount, \$45,000 is provided for the Washington council for the prevention of child abuse and neglect to monitor programs and further develop the database clearinghouse project.

(18) \$1,038,000 of the general fund—state appropriation and \$312,000 of the general fund—federal appropriation are provided for adoption support. Of this amount, \$137,000 of the general fund—state appropriation and \$135,000 of the general fund—federal appropriation are provided solely for reconsideration of adoption support pursuant to Engrossed House Bill No. 2602.

(19) \$204,000 of the general fund—state appropriation and \$28,000 of the general fund—federal appropriation are provided solely for foster care preservice training pursuant to section 2 of Second Substitute Senate Bill No. 6537. If the bill is not enacted by June 30, 1990, the amount provided in this subsection shall lapse.

(20) \$93,000 of the general fund—state appropriation and \$13,000 of the general fund—federal appropriation are provided solely for on-site monitoring of family foster homes and reporting requirements pursuant to section 4 of Second Substitute Senate Bill No. 6537. If the bill is not enacted by June 30, 1990, the amount provided in this subsection shall lapse.

(21) \$430,000 of the general fund—state appropriation is provided solely for respite care pursuant to section 8 of Second Substitute Senate Bill No. 6537. If the bill is not enacted by June 30, 1990, the amount provided in this subsection shall lapse.

(22) \$37,000 of the general fund—state appropriation and \$5,000 of the general fund—federal appropriation are provided solely for additional training to foster parents pursuant to section 13 of Second Substitute Senate Bill No. 6537. If the bill is not enacted by June 30, 1990, the amount provided in this subsection shall lapse.

(23) No more than \$210,000 of the general fund—state appropriation may be spent to increase the administrative rate paid to child placement agencies, effective July 1, 1990.

(24) \$355,000 of the general fund—state appropriation and \$49,000 of the general fund—federal appropriation are provided solely for the recruitment of foster parents pursuant to section 15 of Second Substitute Senate Bill No. 6537. If the bill is not enacted by June 30, 1990, the amount provided in this subsection shall lapse.

(25) \$125,000 of the general fund—state appropriation and \$17,000 of the general fund—federal appropriation are provided solely to develop and implement a foster parent survey tool pursuant to section 17 of Second Substitute Senate Bill No. 6537. If the bill is not enacted by June 30, 1990, the amount provided in this subsection shall lapse.

(26) \$344,000 of the general fund—state appropriation and \$47,000 of the general fund—federal appropriation are provided solely for parental rights termination casework consistent with policy established in sections 31 through 33 of Second Substitute Senate Bill No. 6537. If the bill is not enacted by June 30, 1990, the amount provided in this subsection shall lapse.

(27) \$9,800,000 of the general fund—state appropriation and \$1,292,000 of the general fund—federal appropriation are provided solely to increase, by a uniform percentage, vendor rates for out-of-home placements, including juvenile group homes, effective July 1, 1990.

(28) \$1,850,000 of the general fund—state appropriation is provided solely to implement the family independence program child care rate structure and child slot system in other child care programs offered by the department, effective January 1, 1991.

(29) \$300,000 of the general fund—state appropriation is provided solely for domestic violence programs.

(30) \$600,000 of the general fund—state appropriation is provided solely for child care for clients of the maternity care access ("first steps") program.

(31) \$2,000,000 of the general fund—state appropriation is provided solely for the expansion of women{(s)}, infants, and children (WIC) program to eligible children from birth to age six.

(32) \$1,502,000 of the general fund—state appropriation and \$91,000 of the general fund—federal appropriation are provided solely for child care licensing. The legislature intends that .3 of an attorney general FTE be added at the effective date of this act, and that an additional 2.0 attorneys general FTEs be added effective January 1, 1991.

(33) \$2,000,000 of the drug enforcement and education account appropriation is provided solely for the care of children affected by substance abuse by their mothers. Of this amount:

(a) \$600,000 is provided solely for the treatment of infants who are medically fragile as a result of substance abuse by their mothers. Treatment shall be provided at pediatric interim care centers that give temporary medical care to

detoxify foster care infants born under the influence of cocaine or other drugs, including alcohol; and

(b) \$1,400,000 is provided solely to increase the number of special needs infants and children receiving therapeutic child care services.

(34) Authority to expend funds for the women((s)), infant, and children (WIC) data systems project is conditioned on compliance with section 802, chapter 19, Laws of 1989 1st ex. sess.

(35) Authority to expend funds for the children services case and management information system (CAMIS) project is conditioned on compliance with section 802, chapter 19, Laws of 1989 1st ex. sess.

(36) \$370,000 of the general fund—state appropriation is provided solely to implement Engrossed House Bill No. 2602 subject to the following conditions and limitations:

(a) \$100,000 is provided solely for comprehensive adoption training for public agencies and private nonprofit organizations that provide pregnancy information and counseling to women;

(b) \$240,000 is provided solely for grants to nonprofit child placement agencies licensed under chapter 74.15 RCW for additional staff to recruit potential adoptive parents for, and place for adoption, children with physical, mental, or emotional disabilities, children who are part of a sibling group, children over age 10, and minority or limited English-speaking children;

(c) \$30,000 is provided solely for extended general assistance benefits to pregnant women as provided in section 2 of Engrossed Substitute House Bill No. 2602. If the bill is not enacted by June 30, 1990, this amount shall lapse.

(37) \$30,000 of the general fund—state appropriation is provided solely for a study on adoption to be conducted by the senate, house of representatives, administrator for the courts, and the department of social and health services. Of the amount provided in this subsection, \$5,000 shall be provided to the senate, \$5,000 shall be provided to the house of representatives, \$10,000 shall be provided to the administrator for the courts, and \$10,000 shall be provided to the department of social and health services. A report shall be submitted to the appropriate committees of the legislature and shall include: (a) Recommended guidelines for minimum standards for adoption; and (b) recommended statutory and administrative changes to better provide for the needs of persons involved in adoption. The department shall request that the state adoption council, the state bar association, and the state medical association participate in the study.

Sec. 203. 1990 1st ex.s. c 16 s 205 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—
JUVENILE REHABILITATION PROGRAM**

(1) COMMUNITY SERVICES

General Fund Appropriation—State	\$	((35,439,000))
		<u>34,411,000</u>
General Fund Appropriation—Federal	\$	134,000
TOTAL APPROPRIATION	\$	((35,573,000))
		<u>34,545,000</u>

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

(a) \$418,000 of the general fund—state appropriation is provided solely for vendor rate increases for vendors providing service to the juvenile rehabilitation program, as specified in section 202 of this act.

(b) \$554,000 of the general fund—state appropriation is provided solely to accommodate offender population increases resulting from the policies of the juvenile disposition standards board.

(c) \$1,046,000 of the general fund—state appropriation is provided solely for the cost of court-ordered evaluations of juvenile sex offenders to determine their amenability to treatment and for costs associated with providing outpatient sex offender treatment and community supervision as part of the special sexual offender disposition alternative pursuant to chapter 3, Laws of 1990.

(d) \$710,000 of the general fund—state appropriation is provided solely for outpatient treatment services for juvenile sex offender parolees, and for additional juvenile parole staff required as a result of an increase in the length of parole for juvenile sex offenders pursuant to chapter 3, Laws of 1990.

(e) \$171,000 of the general fund—state appropriation is provided solely for the costs of juvenile sex offender treatment coordinators, providing training for regional staff, and establishing resource libraries as recommended by the governor's task force on community protection.

(2) INSTITUTIONAL SERVICES

General Fund Appropriation—State	\$	((47,729,000))
		<u>49,529,000</u>
General Fund Appropriation—Federal	\$	871,000
TOTAL APPROPRIATION	\$	((48,600,000))
		<u>50,400,000</u>

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

(a) The department shall develop a long-range plan for the future status of institutional programs and facilities. The plan shall be presented to the appropriate policy and fiscal committees of the senate and house of representatives by January 8, 1990, and shall address in detail:

- (i) Offenders who can be diverted to community programs;
 - (ii) Community programs necessary to successfully divert offenders from state facilities;
 - (iii) Programs and facilities most appropriate for offenders requiring incarceration in state facilities;
 - (iv) The costs to state and local organizations to accomplish the plan; and
 - (v) Policy changes necessary to accomplish the plan.
- (b) \$284,000 of the general fund—state appropriation is provided solely for juvenile sex offender treatment coordinators, specialized treatment services for juvenile sex offenders, training for institutional staff, and resource libraries, as recommended by the governor's task force on community protection.

(3) PROGRAM SUPPORT

General Fund Appropriation	\$ 2,905,000
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Sec. 204. 1990 1st ex.s. c 16 s 206 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—
MENTAL HEALTH PROGRAM**

(1) COMMUNITY SERVICES

General Fund Appropriation—State	\$ ((177,613,000))
	<u>176,113,000</u>
General Fund Appropriation—Federal	\$ ((94,432,000))
	<u>94,342,000</u>
General Fund Appropriation—Local	\$ 3,753,000
TOTAL APPROPRIATION	\$ ((275,798,000))
	<u>2,420,000</u>

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

(a) A maximum of \$35,212,000 of the general fund—state appropriation and \$17,127,000 of the general fund—federal appropriation are provided for approved regional network plans through contracts negotiated with the secretary of social and health services.

(i) It is the intent of the legislature to implement mental health reform on a multi-year schedule. Dramatic escalation of costs for new programs would impair the state's ability to proceed with subsequent expansion. The contracts shall contain a fiscal plan that will ensure that the increased cost of maintaining fiscal year 1991 programs in fiscal year 1992 will not unduly exceed the rate of inflation. Of the amounts provided in this subsection, a maximum of \$500,000 from the general fund—state appropriation may be used for planning and technical assistance grants to counties or regions wishing to form networks. The amounts in this subsection include moneys needed to implement the federal omnibus budget and reconciliation act of 1987 ("OBRA"). First priority for necessary mental health services shall be given to individuals transferred from nursing homes because of OBRA. Such services shall be consistent with an

individual's discharge plan and shall include residential services, if needed. Assumptions regarding the number of transfers from the nursing homes shall be incorporated into each contract and shall be consistent with the state-wide plan. The department shall coordinate OBRA transfers consistent with the provisions of each contract. The secretary shall negotiate contracts only with regional support networks that received recognition under chapter 205, Laws of 1989 as of January 1, 1990. Funding for the north sound and north central networks shall commence no sooner than January 1, 1991. Networks funded after January 1990 shall be subject to the same contracting process as networks funded in January 1990.

(ii) The department shall continue contracting directly for the Kitsap mental health services residential care alternative project until such time as Kitsap county becomes or joins a regional support network. The reimbursement rate per available bed-day shall not exceed \$206 in fiscal year 1990 and \$210 in fiscal year 1991. During the contract period, all eligible involuntary treatment referrals for Kitsap county residents shall be made to the project. No involuntary referrals shall be made to western state hospital unless the Kitsap residential treatment facility is filled to capacity and the mental health division and the Kitsap county mental health coordinator concur with the referral. Priority for referral to western state hospital shall be given to individuals under ninety-day or one hundred eighty-day commitments and individuals who have exhausted all community placement options.

(iii) The department may continue to contract directly with Chartley house until King county joins or becomes a regional support network.

(b) \$2,000,000 of the general fund—state appropriation is provided solely for a mental health housing reserve. The secretary of social and health services shall transfer funds from the reserve to the state hospitals in any quarter in which hospital census exceeds the December 1988 forecast adjusted to eliminate the bed contract assumption. Any amount remaining after March 1991 may be used for one-time grants. In making grants, the secretary shall give priority to proposals that facilitate network development, demonstrate integration with other mental health services, and are designed to reduce involuntary treatment.

(c) \$5,500,000 of the general fund—state appropriation is provided solely for increases for involuntary treatment act administration, including costs associated with involuntary medication hearings.

(d) \$2,200,000 of the general fund—state appropriation is provided solely for information system requirements associated with chapter 205, Laws of 1989. Authority to expend funds for the client information system is conditioned on compliance with section 802, chapter 19, Laws of 1989 1st ex. sess.

(e) \$600,000 of the general fund—state appropriation and \$400,000 of the general fund—federal appropriation are provided solely for increasing local hospital outlier payments.

(f) \$1,400,000 of the general fund—state appropriation and \$500,000 of the general fund—federal appropriation are for community mental health services for

children. Priority for the remaining moneys shall be given to maintaining Title XIX eligibility for children's outpatient services at risk of losing federal financial participation because of lack of state match.

(g) \$3,509,000 of the general fund—state appropriation and \$1,322,000 of the general fund—federal appropriation are for vendor rate increases for vendors providing services to the mental health program, as specified in section 202 of this act.

(h) \$165,000 of the general fund—state appropriation is provided solely for a pilot project on the delivery of children's mental health services. The amount provided in this subsection is contingent on receipt by the department of \$393,000 from private sources.

(i) \$1,500,000 of the general fund—state appropriation and \$720,000 of the general fund—federal appropriation are provided solely for the enhancement of children's mental health services. The department shall contract with networks and counties through separate performance-based contracts. Contracts shall include a provision expanding services for underserved or difficult-to-service children, including minorities. Applications from counties and networks shall include endorsements from affected school districts, child welfare agencies, juvenile court systems, and tribes. Of these amounts, \$200,000 is provided solely for the development of a state-wide action plan for children's mental health. The plan shall include strategies to reduce duplicate case management. It shall recommend changes, if necessary, to mental health statutes and other statutes to accommodate children's special needs and circumstances. It shall include proposals to increase access and availability of culturally relevant mental health services for minority children. It shall propose a protocol for client referrals from educational and social service agencies and a cross-system collaborative process for ranking those referrals. In developing the plan, the department shall involve representatives of the education, juvenile justice, child welfare, and mental health systems. The department shall present the plan by December 1, 1990, to the appropriate program and fiscal committees of the house of representatives and the senate.

(j) \$500,000 of the general fund—state appropriation is provided solely for a comprehensive community-based pilot program for the prevention of community violence:

(i) The pilot program shall be established through a competitive selection process and shall provide for coordination between local law enforcement agencies and courts, local government, domestic violence and victims' support programs, regional support networks, public health agencies, health care providers, schools, and relevant programs within state agencies. The program shall designate a lead agency and develop written interagency agreements to provide a coordinated continuum of services. The pilot program shall make every effort to preserve existing violence intervention programs and coordinate available funding for services related to community violence prevention and services to victims of violence.

(ii) The pilot program shall provide at least the following services: Services to family members who are victims of violence; services to victims of violent crime; case management services; specialized intervention programs for treatment of perpetrators of violence; parenting and caregiver training to families experiencing or at-risk of experiencing violence; and public education regarding community violence.

(iii) Twenty-five percent of the funding for the pilot program shall be provided in-kind or in cash by public or private entities in the community administering the pilot program.

(2) INSTITUTIONAL SERVICES

General Fund Appropriation—State	\$ ((208,720,000))
	<u>208,320,000</u>
General Fund Appropriation—Federal	\$ 10,877,000
TOTAL APPROPRIATION	\$ ((219,597,000))
	<u>219,197,000</u>

The appropriations in this subsection are subject to the following conditions and limitations: \$9,026,000 of the general fund—state appropriation and \$560,000 of the general fund—federal appropriation are provided for improvements at state mental hospitals. Of these amounts, it is intended that:

(a) \$56,000 is for start-up of an employee day care facility to enhance staff recruitment and retention.

(b) \$500,000 is for staff recruitment, retention, and development activities which includes but is not limited to continuing education, inservice training, and scholarships for staff training to become registered nurses.

(c) \$2,920,000 is for improving housekeeping and maintenance.

(d) \$2,750,000 is for improved staffing at the state hospitals.

(e) \$2,550,000 is for research and teaching activities in cooperation with universities, colleges, community colleges, and vocational technical institutes. In developing these relationships, the secretary shall give highest priority to activities which improve staff recruitment, retention, and development and contribute to improving quality of care.

(f) \$100,000 is for the nurses conditional scholarship program established in chapter 242, Laws of 1988. The department shall transfer \$100,000 to the higher education coordinating board for the purposes of this section. The moneys transferred to the board shall be used only for nurses who agree to serve at the state hospitals or who agree to serve community mental health providers in underserved areas.

(g) \$960,000 of the general fund—state appropriation is provided solely for the costs incurred by the attorney general and county governments in the civil commitment of sexually violent predators pursuant to chapter 3, Laws of 1990.

(h) \$654,000 is provided solely for providing treatment to civilly committed sexual predators pursuant to chapter 3, Laws of 1990.

(3) PROGRAM SUPPORT

General Fund Appropriation—State	\$	3,347,000
General Fund Appropriation—Federal	\$	1,379,000
TOTAL APPROPRIATION	\$	4,726,000

(4) SPECIAL PROJECTS

General Fund Appropriation—State	\$	1,558,000
General Fund Appropriation—Federal	\$	2,966,000
TOTAL APPROPRIATION	\$	4,524,000

The appropriation in this subsection is subject to the following conditions and limitations: \$900,000 of the general fund—state appropriation is provided solely to expand the primary intervention program to fifteen additional school districts beginning in 1989-90.

Sec. 205. 1990 1st ex.s. c 16 s 207 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—
DEVELOPMENTAL DISABILITIES PROGRAM**

(1) COMMUNITY SERVICES

General Fund Appropriation—State	\$	117,868,000
General Fund Appropriation—Federal	\$	99,210,000
TOTAL APPROPRIATION	\$	217,078,000

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

(a) \$992,000 of the general fund—state appropriation and \$669,000 of the general fund—federal appropriation are provided solely to provide additional funding for the Sunrise group homes congregate care facilities and the St. Margaret's Hall congregate care facility, and to establish a pilot group home project for the Special Homes and MORE organizations. The department may transfer up to \$238,000 of the general fund—state appropriation provided in the long-term care services program to this subsection to provide additional funding for Sunrise group homes.

(b) \$417,000 of the general fund—state appropriation and \$477,000 of the general fund—federal appropriation are provided solely to transfer twenty-eight residents of the united cerebral palsy program to community-based residential programs.

(c) \$2,785,000 of the general fund—state appropriation and \$1,413,000 of the general fund—federal appropriation are provided solely for vendor rate increases for vendors providing services to the developmental disabilities program, as specified in section 202 of this act.

(d) To the extent feasible, the department shall enable at least twenty-two developmentally disabled persons, initially from Clark county, who have been transferred from residential habilitation centers due to downsizing to receive residential and day programming services in Clark county.

(e) \$1,391,000 of the general fund—state appropriation is provided solely for supervision and treatment of developmentally disabled individuals who have a history of sexually predatory or violent and assaultive behavior, are not incarcerated and cannot be civilly committed, and whose family or other caregivers cannot provide sufficient supervision or care to prevent the individual from engaging in further sexually predatory or violent and assaultive behaviors, as recommended by the governor's task force on community protection.

(f) \$300,000 of the general fund—state appropriation is provided solely for contracting with a not-for-profit organization for the purpose of promoting supported employment services for the developmentally disabled. Any agreement for the use of a portion of this appropriation shall require that an amount equal to at least one-half of that portion be contributed from nonstate sources for the same purpose. The department shall audit the not-for-profit organization at the end of the biennium to ensure that the organization has secured the required matching funds.

~~((#))~~ (g) In making residential placement of clients with developmental disabilities previously residing in residential habilitation centers, the state may provide such services directly after: Efforts have been made to provide private support and services to the client; private residential providers from the region chosen by the client or parent or guardian have been contacted about providing services to the client; and the parent or guardian requests placement in a state-operated facility.

(i) The department shall immediately request that the county with the largest population within each of the department's six administrative regions prepare and annually update, through a cooperative effort with the local developmental disability boards and the regional department administration, a directory of all services available within the region for the developmentally disabled. \$151,000 of the general fund—state appropriation is provided solely for allocation to the counties for preparation of the directory.

(ii) Prior to placing a client in a community residential program, the department shall interview the client and the client's parent or guardian about the placement, including, if necessary, mailing a certified letter to the last known address of the parent or guardian.

(iii) A client who has been moved from a state residential habilitation center to a private community residential program or a private facility for the mentally retarded shall not thereafter be placed in a state-operated community residential program, unless no private facility in the region is able and willing to serve the client, as determined by the department.

(iv) After December 31, 1990, the number of clients served in state-operated community residential programs, other than regional habilitation centers, shall not exceed the number of clients who are subject to the federal and state plans in effect on March 30, 1990, for residential habilitation center reduction and who by December 31, 1990, choose to be so served.

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(2) INSTITUTIONAL SERVICES

General Fund Appropriation—State	\$ ((105,025,000))
	<u>108,225,000</u>
General Fund Appropriation—Federal	\$ ((127,731,000))
	<u>150,527,000</u>
TOTAL APPROPRIATION	\$ ((232,756,000))
	<u>258,752,000</u>

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

(a) \$1,000,000 of the general fund—state appropriation and \$675,000 of the general fund—federal appropriation are provided solely to fund the provisions of Engrossed Substitute House Bill No. 1051. If Engrossed Substitute House Bill No. 1051 is not enacted by June 30, 1989, the amounts provided in this subsection shall lapse.

(b) \$150,000 of the general fund—state appropriation may be used to provide day programming services to residents of the Frances Haddon Morgan Center.

(3) PROGRAM SUPPORT

General Fund Appropriation—State	\$ 3,879,000
General Fund Appropriation—Federal	\$ 626,000
TOTAL APPROPRIATION	\$ 4,505,000

Sec. 206. 1990 1st ex.s. c 16 s 208 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—
LONG-TERM CARE SERVICES**

General Fund Appropriation—State	\$ ((460,847,000))
	<u>447,369,000</u>
General Fund Appropriation—Federal	\$ ((519,795,000))
	<u>502,950,000</u>
General Fund Appropriation—Local	\$ 296,000
TOTAL APPROPRIATION	\$ ((980,938,000))
	<u>950,615,000</u>

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

(1) Nursing home rates shall be adjusted for inflation under RCW 74.46.495 by 4.7 percent on July 1, 1989, and 4.7 percent on July 1, 1990.

(2) \$3,200,000 of the general fund—state appropriation is provided solely to enhance respite care services.

(3) The department shall provide personal care services for Title XIX categorically eligible persons, effective July 1, 1989. Personal care services shall be provided to eligible persons with one or more personal care needs who meet program eligibility standards established by rule pursuant to chapter 34.05 RCW.

(4) \$2,100,000 of the general fund—state appropriation and \$700,000 of the general fund—federal appropriation are provided solely to increase medical benefits for contracted chore service workers, contracted personal care workers, and contracted COPES workers.

(5) The department shall request an amendment to its community options program entry system waiver under section 1905(c) of the federal social security act to include respite services as a service available under the waiver.

(6) At least \$16,050,420 of the general fund—state appropriation shall initially be allotted for implementation of the senior citizens services act. However, at least \$1,265,000 of this amount shall be used solely for programs that use volunteer workers for the provision of chore services to persons whose need for chore services is not being met by the chore services program.

(7) \$2,179,000 of the general fund—state appropriation and \$2,464,000 of the general fund—federal appropriation are provided solely for expansion of the community options entry program.

(8) \$700,000 of the general fund—state appropriation is provided for new and expanded volunteer chore services.

(9) \$4,270,000 of the general fund—state appropriation and \$813,000 of the general fund—federal appropriation are provided solely for vendor rate increases for vendors providing services to long-term care services, as specified in section 202 of this act.

(10) \$500,000 of the general fund—state appropriation is provided solely to enhance quality assurance for adult family homes through enhanced survey, licensing, and contracted consultation activities. If House Bill No. 1968 is not enacted by June 30, 1989, the amount provided in this subsection shall lapse.

(11) In addition to the adjustments for inflation set forth in subsection (1) of this section, \$1,410,000 of the general fund—state appropriation and \$1,590,000 of the general fund—federal appropriation are provided solely for a special prospective inflation adjustment for the nursing services cost center. The special adjustment shall go into effect July 1, 1989, and shall be set at a level to ensure that the amount provided in this subsection is sufficient to fund the special adjustment through June 30, 1991. The special adjustment shall be used only to fund wages and benefits and shall not be used to fund nursing pool expenses. The legislature finds that medicaid reimbursement rates, in every cost center and rate period, are and have been adequate, without enhancements, to meet costs that must be incurred by economically operated nursing care in compliance with all state or federal health and safety standards.

(12) \$5,957,000, of which \$2,638,000 is from the general fund—state appropriation, is provided solely for the maximum needs allowance for at-home spouses of nursing home residents as provided in chapter 87, Laws of 1989. The maximum needs allowance is set at \$1,258 per month per at-home spouse.

(13) \$50,000 of the general fund—state appropriation is provided solely for a prospective rate enhancement for nursing homes meeting all of the following conditions: (a) The nursing home entered into an arms-length agreement for a

facility lease prior to January 1, 1980; (b) the lessee purchased the leased facility after January 1, 1980; (c) the lessor defaulted on its loan or mortgage for the assets of the facility; (d) the facility is located in a county with a 1989 population of less than 45,000 and an area more than 5,000 square miles. The rate increase shall be effective July 1, 1990. To the extent possible, the increase shall recognize the 1982 fair market value of the nursing home's assets as determined by an appraisal contracted by the department of general administration. If necessary, the increase shall be granted from state funds only. In no case shall the annual value of the rate increase exceed \$50,000. The rate adjustment in this subsection shall not be implemented if it jeopardizes federal matching funds for qualifying facilities or the long-term care program in general.

Sec. 207. 1990 1st ex.s. c 16 s 209 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—
INCOME ASSISTANCE PROGRAM**

General Fund Appropriation—State	\$ ((422,021,000))
	<u>492,380,000</u>
General Fund Appropriation—Federal	\$ ((561,882,000))
	<u>548,711,000</u>
TOTAL APPROPRIATION	\$ ((983,903,000))
	<u>1,041,091,000</u>

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

(1) \$8,661,000 of the general fund—state appropriation and \$10,026,000 of the general fund—federal appropriation are provided solely for a two percent standard increase beginning January 1, 1990, for the aid to families with dependent children, noncontinuing general assistance, and refugee assistance programs.

(2) \$7,938,000 of the general fund—state appropriation and \$9,210,000 of the general fund—federal appropriation are provided solely for a six percent increase, beginning January 1, 1991, in the grant standard for the aid to families with dependent children, noncontinuing general assistance, and refugee assistance programs.

(3) Payment levels in the programs for aid to families with dependent children, general assistance, and refugee assistance shall contain an energy allowance to offset the costs of energy. The allowance shall be excluded from consideration as income for the purpose of determining eligibility and benefit levels of the food stamp program to the maximum extent such exclusion is authorized under federal law and RCW 74.08.046. To this end, up to \$230,000,000 of the income assistance payments is so designated for exemptions of the following amounts:

Family size:	1	2	3	4	5	6	7	8 or more
Exemption:	\$55	71	86	102	117	133	154	170

(4) \$946,000 of the general fund—state appropriation and \$241,000 of the general fund—federal appropriation are provided solely for the shelter component of grants for homeless families or persons who lack a fixed, regular, and adequate nighttime residence, or who reside in a public or privately operated shelter that is designed to provide temporary living accommodations, or who are provided temporary lodging through a public or privately funded emergency shelter program. This amount is intended to be applied to members of these groups whose grants could otherwise be established using a separate standard for shelter provided at no cost pursuant to RCW 74.04.770.

(5) \$250,000 of the general fund—state appropriation and \$117,000 of the general fund—federal appropriation are provided solely for vendor rate increases for vendors providing services for the income assistance program, as specified in section 202 of this act.

(6) The department shall expand the family independence program by four sites to a total of fifteen sites.

(7) ~~(Moneys from these appropriations may be spent for general assistance programs not included in section 209 of this act.)~~ For accounting purposes, general fund—state expenditures during the 1989-91 biennium for the general assistance program shall not be offset by general assistance payments recovered as a result of the federal supplemental security income program unless the recovery is actually received by June 30, 1991.

Sec. 208. 1990 1st ex.s. c 16 s 211 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—
COMMUNITY SOCIAL SERVICES PROGRAM**

General Fund Appropriation—State	\$	((28,872,000))
		<u>27,672,000</u>
General Fund Appropriation—Federal	\$	38,941,000
Drug Enforcement and Education Account		
Appropriation—State	\$	((800,000))
		<u>600,000</u>
TOTAL APPROPRIATION	\$	((68,613,000))
		<u>67,213,000</u>

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

(1) \$1,204,000 of the general fund—state appropriation and \$32,000 of the general fund—federal appropriation are provided solely for vendor rate increases for vendors providing services for the community social service program, as specified in section 202 of this act.

(2) \$700,000 of the general fund—state appropriation is provided solely to expand refugee assistance services.

(3) In order to achieve a more equitable rate structure, the department, in consultation with affected parties, shall revise its rates for vendors providing

services for the alcohol and drug addiction treatment and support program by reducing outpatient treatment rates and increasing inpatient treatment rates.

(4) \$300,000 of the drug enforcement and education account—state appropriation is provided solely for youth employment programs for drug-involved youth who are or have been under the jurisdiction of the department of social and health services, division of juvenile rehabilitation. Services shall be provided by the corrections clearinghouse and Washington service corps operated by the department of employment security.

(5) (~~(\$500,000)~~) \$300,000 of the drug enforcement and education account—state appropriation is provided solely for outreach to chemically dependent pregnant women and for the operation of transitional sobriety housing for recovering chemically dependent pregnant women and their children.

Sec. 209. 1990 1st ex.s. c 16 s 212 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—
ALCOHOL AND DRUG TREATMENT AND SUPPORT PRO-
GRAM—ASSESSMENT AND TREATMENT**

General Fund Appropriation—State	\$	((16,199,000))
		<u>13,899,000</u>
General Fund Appropriation—Federal	\$	9,948,000
Drug Enforcement and Education Account		
Appropriation—State	\$	((1,500,000))
		<u>750,000</u>
TOTAL APPROPRIATION	\$	((27,647,000))
		<u>24,597,000</u>

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

(1) The general fund appropriations are provided solely for assessment and treatment services under the alcohol and drug addiction treatment and support act and is the maximum amount that may be spent for those services. First priority for receipt of inpatient and outpatient treatment services shall be given to pregnant women and parents of young children. The department shall conserve the moneys from this appropriation so that services are available throughout the 1989-91 biennium.

(2) The entire drug enforcement and education account—state appropriation is provided solely for child care for children of parents in outpatient drug and alcohol treatment.

Sec. 210. 1990 1st ex.s. c 16 s 213 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—
ALCOHOL AND DRUG TREATMENT AND SUPPORT PRO-
GRAM—SHELTER**

General Fund Appropriation \$ ~~((3,423,000))~~
1,923,000

The appropriation in this section is subject to the following conditions and limitations:

(1) This appropriation is provided solely for shelter services under the alcohol and drug addiction treatment and support act and is the maximum amount that may be spent for those services. The department shall conserve the moneys from this appropriation so that services are available throughout the 1989-91 biennium.

(2) A person is eligible for shelter services provided by this appropriation only if he or she:

(a) Meets the financial eligibility requirements contained in RCW 74.04.005;

(b) Is incapacitated from gainful employment due to a condition contained in (c) of this subsection, which incapacity will likely continue for a minimum of sixty days; and

(c)(i) Suffers from active addiction to alcohol or drugs manifested by physiological or organic damage resulting in functional limitation, based on documented evidence from a physician, psychologist, or alcohol or drug treatment professional who is determined by the department to be qualified to make this finding; or

(ii) Suffers from active addiction to alcohol or drugs to the extent that impairment of the applicant's cognitive ability will not dissipate with sobriety or detoxification, based on documented evidence from a physician, psychologist, or alcohol or drug treatment professional who is determined by the department to be qualified to make this finding.

(3) Any rule by the department pursuant to section 2, chapter 3, Laws of 1989, as amended, shall be consistent with these conditions and limitations.

(4) Consistent with RCW 74.50.010(7), the department shall aggressively develop and contract for shelter services, including dormitory-style shelters.

Sec. 211. 1990 1st ex.s. c 16 s 216 (uncodified) is amended to read as follows:

The sums of (~~eleven~~) ten million two hundred thousand dollars from the drug enforcement and education account—state and one million dollars from the general fund—federal, or as much thereof as may be necessary, are appropriated for the biennium ending June 30, 1991, to the department of social and health services to provide inpatient youth assessment and treatment programs to serve youth and their families. At least forty percent of new inpatient treatment slots provided under this section shall be located east of the Cascade mountains. Up

to fifteen of the treatment slots created under this section shall be staff-secure. Inpatient treatment programs shall incorporate appropriate outpatient and aftercare programs. In addition, within appropriated funds, the department shall develop intensive outpatient treatment services for children and youth for whom inpatient treatment is inappropriate or unavailable.

Sec. 212. 1990 1st ex.s. c 16 s 217 (uncodified) is amended to read as follows:

The sum((s)) of (~~one hundred eighty-three thousand dollars from the drug enforcement and education account—state and~~) two hundred seventeen thousand dollars from the general fund—federal, or as much thereof as may be necessary, ((are)) is appropriated for the biennium ending June 30, 1991, to the department of social and health services for distribution to counties for methadone treatment pursuant to chapter 69.54 RCW, subject to the following conditions and limitations: This sum is provided solely for the purpose of increasing the number of persons for whom methadone treatment is available, and the department shall distribute funds under this section to a county only for the establishment of new treatment centers and only if a county attempts to recover the cost of methadone treatment by charging user fees based on ability to pay.

Sec. 213. 1990 1st ex.s. c 16 s 218 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—
MEDICAL ASSISTANCE PROGRAM**

General Fund Appropriation—State	\$ ((697,558,000))
	<u>723,447,000</u>
General Fund Appropriation—Federal	\$ ((689,430,000))
	<u>700,993,000</u>
TOTAL APPROPRIATION	\$((1,386,988,000))
	<u>1,424,440,000</u>

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

(1) The department is authorized under 42 U.S.C. Sec. 1396b(a)(1) to pay third-party health insurance premiums for categorically needy medical assistance recipients upon a determination that payment of the health insurance premium is cost effective. In determining cost effectiveness, the department shall compare the amount, duration, and scope of coverage offered under the medical assistance program.

(2) The senate committee on ways and means and the house of representatives committee on appropriations shall jointly contract for a management and financial study of Harborview medical center, for the purpose of determining whether the cause of the actual and projected operating losses experienced by Harborview medical center are attributable to management practices within the hospital itself, or whether they are fundamentally attributable to the context in which the hospital operates.

(3) The department shall continue variable ratable reductions for the medically indigent and general assistance—unemployable programs in effect November 1, 1988.

(4) \$7,014,000 of the general fund—state appropriation and \$6,928,000 of the general fund—federal appropriation are provided solely for vendor rate increases for vendors providing services to the medical assistance program, as specified in section 202 of this act.

(5) In order to increase coordination and visibility of the state's overall mental health effort, a maximum of \$37,158,000 of the general fund—state appropriation, and a maximum of \$39,921,000 of the general fund—federal appropriation may be transferred to the mental health program. The department shall report to the house of representatives committee on appropriations and senate ways and means committee on any adjustments needed to this act to implement this subsection. It is the intent of the legislature that providers providing services funded by the amounts provided in this subsection shall receive the vendor increases provided in this section.

(6) \$14,473,000 of the general fund—state appropriation and \$17,566,000 of the general fund—federal appropriation are provided solely for the adult dental program for Title XIX categorically eligible and medically needy persons.

~~((8))~~ (7) \$1,620,000 of the general fund—state appropriation and \$1,914,000 of the general fund—federal appropriation are provided solely for medical assistance for categorically needy children up to age six whose household income does not exceed one hundred thirty-three percent of the federal poverty level and whose coverage qualifies for federal financial participation under Title XIX of the federal social security act.

~~((9))~~ (8) \$4,470,000 of the general fund—state appropriation and \$2,155,000 of the general fund—federal appropriation are provided solely for the expansion of health care services for children up to age eighteen from families with incomes below the federal poverty level. If Engrossed Substitute House Bill No. 2603 is enacted by June 30, 1990, the expansion shall become effective January 1, 1991. If Engrossed Substitute House Bill No. 2603 is not enacted by June 30, 1990, the amounts provided in this subsection shall lapse.

~~((10))~~ (9) \$6,293,000 of the general fund—state appropriation and \$6,545,000 of the general fund—federal appropriation are provided solely to increase children's access to basic health care through increases in payment rates for medical assistance and children's health services. \$1,371,000 of the general fund—state amount and \$459,000 of the general fund—federal amount in this subsection are provided solely to increase rates for managed care providers. The department shall adjust rates to ensure that no managed care provider is paid less than the state-wide average fee-for-service equivalent. The rate increases provided in this subsection shall become effective September 1, 1990.

~~((11))~~ (10) The department may, by intra-agency agreement, transfer funding from the appropriations for the medical assistance program to other department programs to provide nonhospital care for infants born with alcohol

or drug addiction. Up to \$500,000 of the general fund—state appropriation may be transferred to the division of children and family services to provide specialized support and services to foster parents of these specialized needs babies. The support and services may include case management services, personal care services, specialized medical equipment, training, respite services, and counseling services. The department may prospectively reimburse foster care providers of infants and children affected by maternal use of or exposure to alcohol, drugs, or AIDS. Where possible, the department shall claim federal match for this less expensive alternative to hospital care. When it is deemed medically necessary for an infant to remain in a hospital setting, the infant shall not be transferred to a nonhospital setting. Transfer of the amounts under this subsection shall continue only if the department is able to demonstrate savings. The department shall report to the appropriate fiscal and program committees of the house of representatives and the senate on the implementation of this section by November 15, 1990.

Sec. 214. 1990 1st ex.s. c 16 s 220 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—
ADMINISTRATION AND SUPPORTING SERVICES PROGRAM**

General Fund Appropriation—State	\$	((55,898,000))
		<u>55,198,000</u>
General Fund Appropriation—Federal	\$	((36,980,000))
		<u>37,680,000</u>
Institutional Impact Account Appropriation	\$	230,000
TOTAL APPROPRIATION	\$	93,108,000

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

- (1) \$666,000 of the general fund—state appropriation is provided solely to enhance the department’s accounting system.
- (2) \$83,000 of the general fund—state appropriation is provided solely for victims and witness notification pursuant to chapter 3, Laws of 1990.
- (3) \$159,000 of the general fund—federal appropriation is provided solely to fund the 1989-91 salary increase in those programs that receive lidded federal block grant allocations. The department may transfer funds provided in this subsection between programs as necessary to accomplish the purpose of this subsection.
- (4) \$150,000 of the general fund—state appropriation is provided solely for transfer to the institutional impact account.
- (5) \$148,000 of the general fund—state appropriation and \$20,000 of the general fund—federal appropriation are provided solely for parental rights termination case administrative support pursuant to Second Substitute Senate Bill No. 6537. If the bill is not enacted by June 30, 1990, the amount provided in this subsection shall lapse.

Sec. 215. 1990 1st ex.s. c 16 s 221 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—
COMMUNITY SERVICES ADMINISTRATION PROGRAM**

General Fund Appropriation—State	\$ ((164,539,000))	<u>163,617,000</u>
General Fund Appropriation—Federal	\$ ((200,973,000))	<u>201,895,000</u>
TOTAL APPROPRIATION	\$	365,512,000

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

(1) \$3,178,000 of the general fund—state appropriation is provided solely to expand the supplemental security income pilot project state-wide.

(2) \$454,000 of the general fund—state appropriation and \$840,000 of the general fund—federal appropriation are provided solely to expand the patient-requiring-regulation program and provider review program of the division of medical assistance.

(3) \$1,000,000 of the general fund—state appropriation and \$1,000,000 of the general fund—federal appropriation are provided solely for transfer by interagency agreement to the Washington state institute for public policy to continue to conduct a longitudinal study of public assistance recipients, pursuant to section 14, chapter 434, Laws of 1987.

(4) \$645,000 of the general fund—state appropriation and \$1,284,000 of the general fund—federal appropriation are provided solely for transfer by interagency agreement to the legislative budget committee for the purpose of an independent evaluation of the family independence program as required by section 14, chapter 434, Laws of 1987.

(5) \$102,000 of the general fund—state appropriation and \$306,000 of the general fund—federal appropriation are provided solely for the department of social and health services and the employment security department for costs associated with the evaluation of the family independence program.

(6) \$137,000 of the general fund—state appropriation is provided solely for vendor rate increases for vendors providing services to the community services program, as specified in section 202 of this act.

(7)(a) \$668,000 of the general fund—state appropriation and \$518,000 of the general fund—federal appropriation are provided solely to continue the complaint backlog project to investigate and process backlogged public assistance and food stamp fraud complaints. The department shall assign additional staff under this subsection with the goals of (i) eliminating the complaint backlog existing as of June 30, 1989, by March 1990, and (ii) maximizing overpayment recoveries during the biennium ending June 30, 1991.

(b) Expenditures for the purposes of this subsection shall be charged to a unique identifier in the department’s accounting system. The department shall

collect necessary data on the backlogged complaints and report to the legislative budget committee on December 1, 1989, and December 1, 1990, regarding the utilization, performance, and cost-effectiveness of the additional funding provided for complaint backlog work by this section.

Sec. 216. 1990 1st ex.s. c 16 s 225 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

General Fund Appropriation—State	\$	((84,912,000))
		<u>87,878,000</u>
General Fund Appropriation—Federal	\$	((132,144,000))
		<u>149,026,000</u>
General Fund Appropriation—Private/Local	\$	269,000
Building Code Council Account Appropriation	\$	809,000
Public Works Assistance Account Appropriation	\$	933,000
Fire Service Training Account Appropriation	\$	750,000
State Toxics Control Account Appropriation	\$	519,000
Low Income Weatherization Account Appropriation	\$	13,000,000
Washington Housing Trust Fund Appropriation	\$	13,500,000
TOTAL APPROPRIATION	\$	((246,836,000))
		<u>266,684,000</u>

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

(1) \$400,000 of the general fund—state appropriation is provided solely for a state-wide stabilization program for arts organizations that have annual budgets exceeding \$200,000. No portion of this amount may be expended for a grant without a match of an equal portion from nonstate sources. No organization shall be eligible for such a grant unless it has operated without a deficit for at least the previous two years. A maximum of \$200,000 of this appropriation may be expended for grants in any single county.

(2) \$200,000 of the general fund—state appropriation is provided solely for development of a state-wide food stamp assistance outreach program. No portion of this amount may be expended without a match of an equal amount from federal funds.

(3) \$8,500,000 of the general fund—state appropriation is provided solely for security costs associated with the goodwill games, subject to the following conditions and limitations:

(a) Of this amount, an initial allocation not greater than \$1,500,000 may be expended by the department to develop, in consultation with the Washington state patrol, local governments, the Seattle goodwill games organizing committee, and appropriate federal authorities, a coordinated security plan for the 1990 goodwill games. The security plan shall contain an assessment of the security requirements for the goodwill games; a definition of the policy goals; and a description of the roles and responsibilities of federal, state, and local agencies

in preparing and implementing the plan. The plan shall contain a detailed security plan element for the athletes village and for each of the local event venues. The plan shall provide a detailed budget that outlines how federal, state, local government resources, and Seattle goodwill games organizing committee resources will be used to meet the financial requirements of the plan. The plan shall consider the experiences of other states in providing security for such events. The initial plan shall be completed no later than November 1, 1989, and shall be submitted to the appropriate committees of the legislature no later than January 8, 1990. Refinements to the security plan for the goodwill games may continue through July 15, 1990.

(b) Other than expenditures for developing the plan, no portion of the amount provided in this subsection may be expended unless the plan has been completed and the expenditure complies with the plan and with the following conditions and limitations:

(i) The department shall provide in full for the entire budget requirement from the amount provided in this subsection contained in the plan for the Washington state patrol.

(ii) No more than \$150,000 of the amount provided in this subsection may be expended for administration of the plan.

(iii) No amount shall be expended for local governments prior to an agreement by the Seattle goodwill games organizing committee to contribute at least \$2,000,000 to local governments to help defray the costs of preparing and implementing the security plan. The agreement by the Seattle goodwill games organizing committee shall also indemnify the state from any liability resulting from the games.

(c) The remainder of the funds provided shall be allocated to local governments and other state entities on the basis of a recommendation from the Seattle goodwill games organizing committee. No portion of these funds may be provided for reimbursement until the Seattle organizing committee has provided the department with a written recommendation for distribution of the state appropriation. Local revenues lost and expenses for reducing normal workloads as a result of the goodwill games shall not be eligible for reimbursement from the general fund—state appropriation.

(d) Within, and not in addition to, the amount that otherwise would be allocated to the city of Tacoma for security purposes, \$25,000 shall be provided solely to the Washington state historical society for security costs incurred as a result of the goodwill games and related activities.

(e) The department shall present a final report to the house of representatives appropriations committee and the senate ways and means committee by June 1, 1990, detailing the amounts each jurisdiction will receive for security costs.

(f) No amount shall be expended for local governments prior to an agreement by the Seattle goodwill games organizing committee to contribute at least \$2,000,000 to local governments to help defray the costs of preparing and implementing the security plan. The agreement by the Seattle goodwill games

organizing committee shall also indemnify the state from any liability resulting from the games.

(4) \$3,000,000 of the general fund—state appropriation is provided solely for grants to emergency shelters.

(5) \$526,000 of the general fund—state appropriation is provided solely for the department's emergency food assistance program.

(6) \$250,000 of the general fund—state appropriation is provided solely for providing representation to indigent persons in dependency proceedings under chapter 13.34 RCW.

(7) \$16,900,000 of the general fund—state appropriation is provided solely to increase the number of children enrolled in the early childhood education program.

(8) \$120,000 is provided solely for the department to provide grants to nonprofit organizations for the purpose of locating at least one additional reemployment center in areas of the state adversely impacted by reductions in timber harvested from federal lands. Each center shall provide direct and referral services to the unemployed. These services may include but are not limited to reemployment assistance, medical services, social services including marital counseling, mortgage foreclosure and utility problem counseling, drug and alcohol abuse counseling, credit counseling, and other services deemed appropriate. These services shall not supplant the on-going efforts of any reemployment centers existing on the effective date of this act. Not more than five percent of this amount may be used for administrative costs of the department.

(9) \$307,000 of the general fund—state appropriation is provided solely for the department to continue homeport activities.

(10) \$200,000 of the general fund—state appropriation is provided solely to assist Okanogan county with planning activities to address impacts associated with major tourism developments.

(11) \$75,000 of the general fund—state appropriation is provided solely for increased grants to public radio and television stations, consistent with RCW 43.63A.410 through 43.63A.420. In determining the allocation of grants to stations, the department shall strive to provide rural stations equitable access to these funds.

(12) \$200,000 of the general fund—state appropriation is provided solely for a pilot rural revitalization program.

(13) \$200,000 of the general fund—state appropriation is provided solely for the department to contract with the University of Washington for development and continuation of the children's telecommunication project. \$50,000 of this amount is a one-time contribution to the project.

(14) \$375,000 of the general fund—state appropriation is provided solely to enhance the long-term care ombudsman program. Of this amount: (a) \$75,000 is provided solely to ensure adequate legal assistance to both residents of long-

term care facilities and staff of the program; and (b) \$100,000 is provided solely to establish at least two additional service sites.

(15) \$100,000 of the general fund—state appropriation is provided solely as state support for the Washington state games. The amount provided in this subsection is contingent on the receipt of an equal amount from private sources.

(16) \$168,090 of the general fund—state appropriation is provided solely for equipment costs for the department's emergency operations center. The department shall develop and implement a plan to provide twenty-four hour-a-day access to the emergency operations center for local governments and other emergency management entities.

(17) \$10,000 of the general fund—state appropriation is provided solely for a grant to the Seattle children's museum to provide multicultural outreach programs to at-risk children in regional afterschool programs.

(18) \$260,000 of the general fund—state appropriation is provided to establish a system of early identification and referral to treatment of child victims of sexual assault or sexual abuse pursuant to section 1403, chapter 3, Laws of 1990.

(19) \$2,813,000 of the general fund—state appropriation is provided for grants to local programs and providers that aid victims of crime, pursuant to chapter 3, Laws of 1990, and for the crime victims advocacy office as recommended by the governor's task force on community protection. Of this amount: (a) Not more than \$53,000 shall be used for administration of the grant program; (b) \$260,000 is provided solely for the crime victims advocacy office; and (c) not more than \$53,000 may be expended for administration of the grant program.

(20) \$7,339,000 of the general fund—federal appropriation is provided solely for the drug control and system improvement formula grant program, to be distributed as follows:

(a) \$1,800,000 to local units of government to continue existing local drug task forces.

(b) \$2,609,000 to local units of government to expand local drug task forces.

(c) \$730,000 to the department of community development to expand the state-wide drug prosecution assistance program.

(d) \$370,000 to the department of social and health services, division of juvenile rehabilitation, for matching grants to local governments, communities, schools, and the private sector to help prevent young people from joining gangs. Any agreement for the use of a portion of these moneys shall require that an amount equal to at least forty percent of that portion, including in-kind contributions, be contributed from nonstate sources for the same purpose. No single agency may receive more than one grant during the biennium, and no grant may exceed \$100,000 in value, including the value of nonstate matching amounts.

(e) \$165,000 to the department of community development to provide resources for the design, coordination, and implementation of programs that will

reduce drug and gang activities in low-income housing complexes. These programs shall be provided through local contractors, which may include low-income housing organizations and housing authorities.

(f) \$535,000 to the department of community development for allocation to public or private nonprofit groups or organizations with experience and expertise in the field of domestic violence, for the purpose of expanding existing domestic violence advocacy programs, to provide legal and other assistance to victims and witnesses in court proceedings, and to establish new domestic violence advocacy programs.

(g) \$500,000 to the Washington state patrol for support of new drug law enforcement task forces in Yakima and Lewis counties.

(h) \$150,000 to the Washington state patrol for a clandestine drug lab unit. The patrol shall coordinate activities related to the clandestine lab with the department of ecology to ensure maximum effectiveness of the program.

(i) \$150,000 to the Washington state patrol for coordination of local drug task forces.

(j) \$150,000 to the criminal justice training commission for narcotics enforcement training.

(k) \$180,000 to the department of community development for general administration of grants.

The department, in consultation with the governor's drug policy board, shall make recommendations to the governor concerning expenditure of moneys from the federal drug control and system improvement formula grant program for inclusion in the budget. The drug policy board shall consider chapter 271, Laws of 1989 as state policy for purposes of establishing spending priorities for federal antidrug funds.

(21) \$216,000 of the general fund—state appropriation is provided solely for juvenile court and detention costs resulting from Second Substitute Senate Bill No. 6610 (at-risk youth). If the bill is not enacted by June 30, 1990, the amount provided in this subsection shall lapse.

(22) \$200,000, of which \$120,000 is from the general fund—state appropriation and \$80,000 is from the general fund—federal appropriation, is provided solely for the department to develop a seismic safety program to assess and make recommendations regarding the state's earthquake preparedness. The department shall create a seismic safety advisory board to develop a comprehensive plan and make recommendations to the legislature for improving the state's earthquake preparedness. The plan shall include an assessment of and recommendations on the adequacy of communications systems, structural integrity of public buildings, including hospitals and public schools, local government emergency response systems, and prioritization of measures to improve the state's earthquake readiness. The department shall report to the senate and house of representatives committees on energy and utilities by December 1, 1991. An interim report shall be made to the committees by December 1, 1990.

(23) \$75,000 of the general fund—state appropriation is provided solely for planning new permanent displays of natural and cultural history and shall be transferred to the Thomas Burke Memorial Washington State Museum.

(24) \$9,200,000 of the general fund—state appropriation is provided solely to implement Engrossed Substitute House Bill No. 2929. Of this amount: (a) \$7,400,000 is provided solely for grants to counties and cities; (b) \$1,000,000 is provided solely for the department to provide technical assistance and mediation assistance to local governments for the development and implementation of comprehensive plans; (c) \$550,000 is provided for grants to rural communities; and (d) \$250,000 is provided solely for the inventory and collection of data on public and private land use. If Engrossed Substitute House Bill No. 2929 is not enacted by June 30, 1990, the amount provided in this subsection shall lapse.

(25) \$70,000 of the general fund—state appropriation is provided solely for the center for voluntary action to develop a strategic plan to foster citizen service in the state. The plan shall examine ways to utilize senior citizens in citizen service; coordinate the activities between community organizations, schools, higher education institutions, business, and government service programs; and make recommendations on programs to link volunteers to service opportunities among these organizations. This is intended as a one-time appropriation.

~~((28))~~ (26) \$2,000,000 of the housing trust fund appropriation is provided solely for housing assistance projects that benefit families with children, and \$200,000 of the housing trust fund appropriation is provided solely to implement a homelessness prevention pilot program. These amounts shall not be subject to all of the criteria for evaluation under RCW 43.185.070.

~~((29))~~ (27) \$10,000 of the general fund—state appropriation is provided solely for an international symposium to promote physical fitness.

Sec. 217. 1990 1st ex.s. c 16 s 227 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LABOR AND INDUSTRIES

General Fund Appropriation	\$	9,277,000
Public Safety and Education Account Appropriation—State	\$	((19,764,000))
		<u>13,764,000</u>
Public Safety and Education Account Appropriation—		
Federal	\$	2,000,000
Accident Fund Appropriation	\$	101,422,000
Electrical License Fund Appropriation	\$	12,408,000
Farm Labor Revolving Account Appropriation	\$	30,000
Medical Aid Fund Appropriation	\$	120,161,000
Asbestos Account Appropriation	\$	1,314,000
Plumbing Certificate Fund Appropriation	\$	696,000
Pressure Systems Safety Fund Appropriation	\$	1,476,000

Worker and Community Right-to-Know Fund

Appropriation	\$	2,406,000
TOTAL APPROPRIATION	\$	((270,954,000))
		<u>264,954,000</u>

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

(1) \$((6,596,793)) 4,765,000 from the accident fund appropriation and \$((12,953,328)) 4,765,000 from the medical aid fund appropriation are provided solely for information systems projects named in this section. Authority to expend these funds is conditioned on compliance with section 802 of this act. For the purposes of this section, "information systems projects" means the projects known by the following names or successor names: Document image processing, improved service level, electronic data interchange, interactive system, and integrated system.

(2) \$216,000 of the worker and community right-to-know appropriation, \$575,000 of the accident fund appropriation, and \$101,000 of the medical fund appropriation are provided to fund the provisions of House Bill No. 2222 (chapter 380, Laws of 1989). If the bill is not enacted by June 30, 1989, the amounts provided in this subsection shall lapse.

(3) \$1,430,000 of the public safety and education account—state appropriation is provided solely for the crime victims' compensation fund, pursuant to chapter 3, Laws of 1990.

(4) \$78,000 from the accident fund appropriation and \$78,000 from the medical aid fund appropriation are provided solely to reimburse the legal services revolving fund for increased salary costs of existing attorney general staff.

(5) \$650,000 from the accident fund appropriation and \$650,000 from the medical fund appropriation are provided solely for a health evaluation program within the department to monitor new trends in worker illnesses and injuries.

(6) \$132,000 from the accident fund appropriation and \$23,000 from the medical fund appropriation are provided solely for the Worksafe 90 program, to reduce workplace accidents and illnesses.

Sec. 218. 1990 1st ex.s. c 16 s 228 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF VETERANS AFFAIRS

General Fund Appropriation—State	\$	((20,229,000))
		<u>20,297,000</u>
General Fund Appropriation—Federal	\$	5,988,000
General Fund Appropriation—Local	\$	7,802,000
TOTAL APPROPRIATION	\$	((34,019,000))
		<u>34,087,000</u>

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

(1) \$192,000 of the general fund—state appropriation is provided solely for services to treat post-traumatic stress disorder. Of this amount, \$20,000 is provided solely to maximize services to rural and minority veterans.

(2) \$68,000 of the general fund—state appropriation is provided solely to enhance counseling programs for posttraumatic stress disorder.

Sec. 219. 1990 1st ex.s. c 16 s 229 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

(1) The appropriations in this section and in section 232, chapter 299, Laws of 1990, shall be expended for the programs and in the amounts listed in the sections. However, unless specifically prohibited under this act, the department may transfer moneys among programs and among amounts provided under conditions and limitations listed in the sections after approval by the director of financial management. The director of financial management shall notify the appropriate fiscal committees of the senate and house of representatives in writing prior to approving any deviation from appropriation levels and any deviation from the conditions and limitations.

(2) COMMUNITY SERVICES

General Fund Appropriation \$ 75,022,000

The appropriation in this subsection is subject to the following conditions and limitations:

(a) To the extent feasible, the department shall increase the daily board and room charges authorized under RCW 72.65.050 for work release participants to \$15.00.

(b) \$327,000 of the general fund appropriation is provided solely for polygraph and plethysmograph testing of individuals who have been convicted of a sex offense, and which is required as a condition of their release, as recommended by the governor’s task force on community protection.

~~((2))~~ (3) INSTITUTIONAL SERVICES

General Fund Appropriation \$ 313,100,000

The appropriation in this subsection is subject to the following conditions and limitations:

(a) \$556,000 of the general fund appropriation is provided for offender population increases associated with increased penalties for residential burglaries established in Engrossed Senate Bill No. 5233. If the bill is not enacted by June 30, 1989, this amount shall lapse.

(b) \$172,000 of the general fund appropriation is provided solely to accommodate increased prison inmate populations as a result of the increased criminal penalties pursuant to chapter 3, Laws of 1990.

~~((d))~~ (c) \$1,107,000 of the general fund appropriation is provided solely to increase the number of sex offenders receiving treatment in the state

correctional system, as recommended by the governor's task force on community protection. Specifically, during the 1989-91 biennium, the department shall expand the existing residential component of the sex offender treatment program from one hundred to two hundred beds, and the day treatment component from seventy to one hundred seventy beds.

~~((3))~~ (4) ADMINISTRATION AND PROGRAM SUPPORT

General Fund Appropriation	\$	((24,081,000))
		<u>24,481,000</u>
Institutional Impact Account Appropriation	\$	332,000
TOTAL APPROPRIATION	\$	((24,413,000))
		<u>24,813,000</u>

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

~~((a))~~ \$49,000 of the general fund appropriation is provided to develop computer link-ups with the Washington state patrol to permit access to information on offenders, as recommended by the governor's task force on community protection.

~~((4))~~ (5) INSTITUTIONAL INDUSTRIES

General Fund Appropriation	\$	2,622,000
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Sec. 220. 1990 1st ex.s. c 16 s 230 (uncodified) is amended to read as follows:

FOR THE WASHINGTON BASIC HEALTH PLAN

General Fund Appropriation	\$	((17,991,000))
		<u>13,768,000</u>

The appropriation in this section is subject to the following conditions and limitations: The plan may enroll up to ~~((25,000))~~ 20,000 individuals during the 1989-91 biennium.

Sec. 221. 1990 1st ex.s. c 16 s 231 (uncodified) is amended to read as follows:

FOR THE EMPLOYMENT SECURITY DEPARTMENT

General Fund Appropriation—State	\$	129,000
General Fund Appropriation—Federal	\$	159,308,000
General Fund Appropriation—Local	\$	12,489,000
Administrative Contingency Fund Appropriation—Federal	\$	11,965,000
Unemployment Compensation Administration Fund		
Appropriation—Federal	\$	((118,169,000))
		<u>118,404,000</u>
Employment Service Administration Account		
Appropriation—Federal	\$	790,000
Employment Service Administration Account		
Appropriation—State	\$	6,823,000

Federal Interest Payment Fund Appropriation	\$	((2,100,000))
		<u>2,443,000</u>
TOTAL APPROPRIATION	\$	((311,773,000))
		<u>312,351,000</u>

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

(1) \$152,000 of the administrative contingency fund—federal appropriation and \$2,100,000 of the federal interest payment fund appropriation are provided solely for transfer through interagency agreement to the department of social and health services for family independence program employment services.

(2) The department shall provide job placement services for the department of natural resources' forest land management activities. These services shall include widely disseminating information on the availability of work on state forest lands and information on the procedures for bidding on contracts for such work. Priority for these services shall be given to unemployed individuals who have been employed in the timber industry. The department shall record the number of unemployed timber workers who obtain employment through the department of natural resources' forest land management activities and shall report its findings to the governor and to the appropriate legislative committees on January 1, 1990, and January 1, 1991.

(3) \$228,000 of the administrative contingency fund—federal appropriation is provided solely to implement Substitute House Bill No. 2426 (unemployment insurance overpayments). If the bill is not enacted by June 30, 1990, the amount provided in this subsection shall lapse.

(4) \$200,000 of the administrative contingency fund—federal appropriation is provided solely for services to agricultural employers.

(5) \$109,000 of the administrative contingency fund—federal appropriation is provided solely for resource centers for the handicapped.

(6) \$370,000 of the administrative contingency fund—federal appropriation is provided solely for a pilot program integrating drug prevention and job training.

(7) \$160,000 of the administrative contingency fund—federal appropriation is provided solely for a pilot program to retrain rural dislocated timber and wood product workers.

(8) Authority to expend funds for the general unemployment insurance development effort (GUIDE) system is conditioned on compliance with section 802, chapter 19, Laws of 1989 1st ex. sess.

(9) \$235,000 of the unemployment compensation administration fund—federal appropriation is provided solely for payment of expenses in the administration of the state of Washington's unemployment compensation law and public employment offices from funds made available to this state under section 903 of the social security act, as amended, subject to the requirements of RCW 50.16.030. This amount shall not be spent for any other purpose.

Sec. 222. 1990 1st ex.s. c 16 s 232 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF HEALTH

General Fund Appropriation	\$	((9,367,000))
		<u>9,867,000</u>
Health Professions Account Appropriation	\$	1,541,000
State Toxics Control Account Appropriation	\$	1,048,000
Medical Test Site Licensure Account		
Appropriation	\$	244,000
<u>Hospital Commission Account Appropriation</u>	<u>\$</u>	<u>58,000</u>
TOTAL APPROPRIATION	\$	((12,200,000))
		<u>12,758,000</u>

The appropriations in this section shall be expended for the programs and in the amounts listed in this section. However, unless specifically prohibited under this section the department may transfer moneys among programs and among amounts provided under conditions and limitations listed in this section or transferred under chapter 9, Laws of 1989 1st ex. sess. after approval by the director of financial management. The director of financial management shall notify the appropriate fiscal committees of the senate and house of representatives in writing prior to approving any deviation from the appropriation levels and any deviation from the conditions and limitations.

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

(1) \$130,000 of the general fund appropriation is provided solely to implement the health professional temporary substitute resource pool as required by Second Substitute Senate Bill No. 6418 (rural health care). If the bill is not enacted by June 30, 1990, the amount provided in this subsection shall lapse.

(2) \$109,000 of the health professions account appropriation is provided to develop a program to certify sex offender treatment providers pursuant to chapter 3, Laws of 1990.

(3) \$2,576,000 of the general fund appropriation is provided solely to implement Second Substitute Senate Bill No. 6191 (emergency medical services and trauma care system). If the bill is not enacted by June 30, 1990, the amount provided in this subsection shall lapse.

(4) \$120,000 of the general fund appropriation is provided solely to fund the cancer reporting network pursuant to Second Substitute House Bill No. 2077 (state-wide tumor registry). If the bill is not enacted by June 30, 1990, the amount provided in this subsection shall lapse.

(5) \$48,000 of the general fund appropriation is provided solely for food transport regulations pursuant to Substitute Senate Bill No. 6164 (food transport regulations). If the bill is not enacted by June 30, 1990, the amount provided in this subsection shall lapse.

(6) \$205,000 of the general fund appropriation is provided solely for a chief of health statistics, chief of consumer assistance, and a chief of epidemiology.

(7) \$113,000 of the state toxics control account appropriation is provided solely to implement the provisions of Substitute House Bill No. 2906 (contaminated property). If the bill is not enacted by June 30, 1991, the amount provided in this subsection shall lapse.

(8) \$200,000 of the general fund appropriation is provided for the costs of the commission on health care cost control and access pursuant to House Concurrent Resolution No. 4443.

NEW SECTION. Sec. 223. 1990 1st ex.s. c 16 s 210 & 1989 1st ex.s. c 19 s 209 (uncodified) are each repealed.

NEW SECTION. Sec. 224. 1990 1st ex.s. c 16 s 203 (uncodified) is repealed.

**PART III
NATURAL RESOURCES**

Sec. 301. 1990 1st ex.s. c 16 s 302 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

General Fund Appropriation—State	\$	((61,296,000))
		<u>61,534,300</u>
General Fund Appropriation—Federal	\$	27,024,000
General Fund Appropriation—Private/Local	\$	432,000
Flood Control Assistance Account Appropriation	\$	3,852,000
Special Grass Seed Burning Research Account		
Appropriation	\$	81,000
Reclamation Revolving Account Appropriation	\$	474,000
Emergency Water Project Revolving Account		
Appropriation: Appropriated pursuant to		
chapter 1, Laws of 1977 ex. sess.	\$	389,000
Litter Control Account Appropriation	\$	((6,830,000))
		<u>7,040,000</u>
State and Local Improvements Revolving Account—		
Waste Disposal Facilities: Appropriated		
pursuant to chapter 127, Laws of 1972		
ex. sess. (Referendum 26)	\$	2,627,000
State and Local Improvements Revolving Account—		
Waste Disposal Facilities 1980: Appropriated		
pursuant to chapter 159, Laws of 1980		
(Referendum 39)	\$	1,286,000

State and Local Improvements Revolving Account—

Water Supply Facilities: Appropriated pursuant to chapter 234, Laws of 1979 ex. sess.

(Referendum 38)	\$	1,586,000
Stream Gaging Basic Data Fund Appropriation	\$	300,000
Vehicle Tire Recycling Account Appropriation	\$	6,494,000
Water Quality Account Appropriation	\$	3,161,000
Wood Stove Education Account Appropriation	\$	482,000
Worker and Community Right-to-Know Fund		
Appropriation	\$	285,000
State Toxics Control Account	\$	39,202,000
Local Toxics Control Account	\$	41,328,000
Water Quality Permit Account Appropriation	\$	7,135,000
Solid Waste Management Account Appropriation	\$	5,600,000
Underground Storage Tank Account Appropriation	\$	3,658,000
Hazardous Waste Assistance Account Appropriation	\$	2,317,000
TOTAL APPROPRIATION	\$	((215,839,000))
		<u>216,287,000</u>

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

(1) \$344,000 of the general fund—state appropriation is provided solely for costs associated with the development of a single headquarters building.

(2) \$1,010,000 of the general fund—state appropriation is provided solely as an enhancement to the water resources program.

(3) \$250,000 of the general fund—state appropriation is provided solely for the initial development of a cost accounting system. Authority to expend these funds is conditioned on compliance with the requirements set forth in section 802 of this act.

(4) In administering the auto emissions inspection and maintenance program, the department shall annually ensure compliance with the intent of RCW 70.120.170(4)(a). The department may expend not more than an amount equal to the amount collected from auto emissions inspections fees during the biennium ending June 30, 1991.

(5) In implementing chapter 90.76 RCW, the department shall use, to the greatest extent possible, local government and private sector expertise in meeting installation, closure, testing, and monitoring requirements. In consultation with the Washington pollution insurance program administrator, the department shall implement interim enforcement procedures for chapter 90.76 RCW by December 1, 1990. The interim enforcement procedures shall be consistent with the intent of both chapters 90.76 and 70.148 RCW, and shall be designed to encourage participation in the insurance program.

(6) The entire solid waste management account appropriation is contingent on enactment of Engrossed Substitute House Bill No. 1671. If the bill is not

enacted by June 30, 1989, the solid waste management account appropriation and the amounts provided in subsections (7), (8), and (9) are null and void.

(7) \$1,000,000 of the solid waste management account appropriation is provided solely for assisting local governments in establishing the feasibility of food and yard waste composting.

(8) \$150,000 of the solid waste management account appropriation is provided solely for pilot projects to recycle disposable diapers.

(9) \$1,300,000 of the solid waste management account appropriation is provided solely to implement sections 6(2), 9, 13, 54, 96, 99, 102, and 104 of chapter 431, Laws of 1989 (Engrossed Substitute House Bill No. 1671).

(10) \$231,000 of the state toxics control account appropriation is provided solely for the office of waste reduction.

(11) \$200,000 of the general fund—state appropriation is provided solely for the purpose of implementing the Nisqually river management plan activities and projects outlined in the Nisqually river council report to the legislature dated December 1988. No more than half of this amount may be spent until twenty percent of the total project costs have been provided as matching funds from private or other government participants represented on the Nisqually river council.

(12) \$2,654,000 of the state toxics control account appropriation is contingent on enactment of Engrossed House Bill No. 2168. If the bill is not enacted by June 30, 1989, the amount provided in this subsection shall lapse.

(13) \$389,000 of the emergency water project revolving account appropriation is provided solely for drought relief activities. If Substitute Senate Bill No. 5196 is enacted by June 30, 1989, \$321,000 of the amount provided in this subsection may be spent only if a drought order is issued pursuant to section 2, chapter 171, Laws of 1989 (Substitute Senate Bill No. 5196).

(14) \$427,000 of the state and local improvement revolving account—water supply facilities (Referendum 38) appropriation is provided solely for the implementation of Substitute House Bill No. 1397. If the bill is not enacted by June 30, 1989, the amount provided in this subsection shall lapse.

(15) \$250,000 of the general fund—state appropriation is provided solely for oil and chemical spill activities in implementing legislative requirements regarding damage assessments and vessel financial responsibility.

(16) \$70,000 of the general fund—state appropriation is provided solely to implement Substitute Senate Bill No. 5174 (state hydropower plan).

(17) \$200,000 of the general fund—state appropriation is provided solely for the implementation of chapter 47, Laws of 1988.

(18) A maximum of \$750,000 of the state toxics control account appropriation may be spent for the cleanup of illegal drug labs.

(19) A portion of the state toxics control account appropriation is provided to complete the state hazardous waste planning effort as prescribed in chapter 70.105 RCW. This includes, but is not limited to, evaluation of existing

standards, compliance and service, and evaluation of whether facilities are needed.

~~((21))~~ (20) The entire hazardous waste assistance account appropriation is provided solely to implement chapter 114, Laws of 1990 (Engrossed House Bill No. 2390, hazardous substances regulations).

~~((22))~~ (21) \$300,000 of the general fund—state appropriation is provided solely to implement Engrossed Substitute House Bill No. 2932 (water resource management). If the bill is not enacted by June 30, 1990, the hazardous waste assistance account appropriation shall lapse.

~~((23))~~ (22) \$7,000,000 of the state toxics control account appropriation is provided solely for the following three purposes:

(a) To conduct remedial actions for sites for which there are no potentially liable persons or for which potentially liable persons cannot be found;

(b) To provide funding to assist potentially liable persons under RCW 70.105D.070(2)(d)(xi) to pay for the costs of the remedial actions; and

(c) To conduct remedial actions for sites for which potentially liable persons have refused to comply with orders issued by the department under RCW 70.105D.030 requiring the persons to provide the remedial action.

Of the amount provided in this subsection, \$1,500,000 is provided solely for the cleanup of hazardous waste sites resulting from leaking underground storage tanks.

~~((24))~~ (23) \$200,000 of the water quality account appropriation is provided solely for implementation of Substitute Senate Bill No. 6326 (Puget Sound water quality/shellfish production).

~~((26))~~ (24) \$250,000 of the wood stove education account appropriation is provided solely for the purpose of implementing chapter 128, Laws of 1990 (Substitute Senate Bill No. 6698, wood stove fee). Beginning July 1, 1990, and each calendar quarter thereafter for the biennium ending June 30, 1991, a portion of the amount provided in this subsection shall be distributed to the activated air pollution authorities created under RCW 70.94.053. The distribution shall be based on a fraction. The numerator of the fraction shall be the population residing within each authority's jurisdiction. The denominator of the fraction shall be total state population. Population figures used to calculate this fraction shall be as determined by the office of financial management. Sixty-six percent of the fees collected under RCW 70.94.483 shall be multiplied by the fraction to determine the quarterly distribution to each activated air authority. In cases where an activated air authority does not exist, the department shall retain the amount which otherwise would be distributed to an authority. Moneys distributed to authorities and retained by the department may only be used for education and enforcement of the wood stove education program established under RCW 70.94.480.

~~((27))~~ (25) \$996,000 of the state toxics control account appropriation is provided solely for the implementation of chapter 116, Laws of 1990 (Engrossed Second Substitute Senate Bill No. 2494, oil/hazardous substance spills).

~~((28))~~ (26) \$268,000 of the state toxics control account appropriation is provided solely to identify and study water quality and public health concerns of the lower Columbia river, from its mouth to Bonneville Dam. Expenditure of this amount is contingent on the signing of an agreement by the department of ecology and the Oregon department of environmental quality. The agreement shall include, at a minimum, the following:

(a) A steering committee consisting of one representative from each state of at least the following: Local government, public ports, industry, environmental groups, Indian tribes, citizens-at-large, and commercial or recreational fishing interests. The steering committee shall also include one representative from the federal environmental protection agency;

(b) A process to incorporate public participation;

(c) A provision to report to the appropriate legislative standing committees on the status of the study on or before December 15 of each year; and

(d) A provision to make recommendations, by December 15, 1990, regarding the creation of an interstate policy body to develop and implement a plan to address water quality, public health, and habitat concerns of the lower Columbia river.

~~((29))~~ (27) \$29,000 of the general fund—state appropriation is provided solely to implement Engrossed Substitute House Bill No. 2929 (growth management). If the bill is not enacted by June 30, 1990, the amount provided in this subsection shall lapse.

Sec. 302. 1990 1st ex.s. c 16 s 303 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

General Fund Appropriation—State	\$	41,332,000
General Fund Appropriation—Federal	\$	1,208,000
General Fund Appropriation—Private/Local	\$	822,000
Trust Land Purchase Account Appropriation	\$	((11,082,000))
		<u>11,696,000</u>
Winter Recreation Parking Account Appropriation	\$	348,000
ORV (Off-Road Vehicle) Account Appropriation	\$	173,000
Snowmobile Account Appropriation	\$	1,143,000
Public Safety and Education Account Appropriation	\$	10,000
Motor Vehicle Fund Appropriation	\$	1,100,000
TOTAL APPROPRIATION	\$	((57,218,000))
		<u>57,832,000</u>

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

(1) \$60,000 of the general fund—state appropriation is provided solely for a contract with the marine science center at Fort Worden state park.

(2) \$1,100,000 of the general fund—state appropriation is provided solely to implement Second Substitute Senate Bill No. 5372 (recreational boating).

(3) \$200,000 of the general fund—state appropriation is provided solely to meet the state parks and recreation commission responsibilities under the Suquamish Indian tribe and Point-No-Point treaty council shellfish management agreements.

(4) The commission shall prepare an updated plan for Fort Worden management and development. In updating the plan the commission shall: (a) Reevaluate the goals and objectives of the park, (b) examine current functions of the park including camping, day use, recreation activities, vacation housing, the conference center, and cultural arts programs, (c) determine how to provide reasonable opportunities for use of existing park facilities for all members of the public, and (d) propose alternatives to the current management approach. The commission shall submit the results to the appropriate committees of the legislature by October 1, 1990.

(5) \$614,000 of the trust land purchase account appropriation is provided solely to repair storm damage to state parks.

Sec. 303. 1990 1st ex.s. c 16 s 309 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

General Fund Appropriation—State	\$	((46,192,500))
		<u>50,528,500</u>
General Fund Appropriation—Federal	\$	((639,000))
		<u>929,000</u>
General Fund Appropriation—Private/Local	\$	((12,000))
		<u>54,000</u>
ORV (Off-Road Vehicle) Account Appropriation—Federal	\$	3,266,000
Geothermal Account Appropriation—Federal	\$	16,000
Forest Development Account Appropriation	\$	((23,517,000))
		<u>25,517,000</u>
Survey and Maps Account Appropriation	\$	1,090,000
Natural Resources Conservation Area Stewardship		
Account Appropriation	\$	364,000
Aquatic Lands Enhancement Account Appropriation	\$	635,000
Landowner Contingency Forest Fire Suppression		
Account Appropriation	\$	2,119,000
Resource Management Cost Account Appropriation	\$	((69,577,000))
		<u>67,577,000</u>
Aquatic Land Dredged Material Disposal Site		
Account Appropriation	\$	536,000
State Toxics Control Account Appropriation	\$	399,000
TOTAL APPROPRIATION	\$	((148,362,500))
		<u>153,030,500</u>

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

(1) ~~\$(4,654,000)~~ 8,854,000 of the general fund—state appropriation is provided solely for the emergency fire suppression subprogram.

(2) \$2,297,000, of which \$372,000 is from the general fund—state appropriation, \$1,448,000 is from the resource management cost account appropriation, and \$477,000 is from the forest development account appropriation, is provided solely for information systems projects named in this subsection for which work will commence or continue in this biennium. Authority to expend these funds is conditioned upon compliance with the requirements set forth in section 802 of this act. For the purposes of this section, information systems projects shall mean the projects known by the following name or successor names: Department of natural resources revenue system.

(3) \$110,000 from the general fund—state appropriation is provided solely for a fire investigator.

(4) \$1,500,000 of the general fund—state appropriation is provided solely for cooperative monitoring, evaluation, and research projects related to implementation of the timber-fish-wildlife agreement.

(5) \$400,000 of the aquatic lands enhancement account appropriation is provided solely for conducting an inventory of state wetlands.

(6) \$122,000 of the natural resources conservation area stewardship account appropriation is provided solely for operations and maintenance costs associated with natural area preserves.

(7) \$242,000 of the natural resources conservation area stewardship account appropriation is provided solely for operations and maintenance costs associated with natural resources conservation areas.

(8) No portion of these appropriations may be expended for spreading sludge on state trust lands without first completing an environmental impact statement with respect to the sludge spreading operations. \$75,000 of the resource management cost account appropriation is provided solely for the costs of the environmental impact statement performed pursuant to this subsection.

(9) The department shall contract for labor-intensive forest land management activities in areas of the state adversely impacted by reductions in timber sales from federal lands. Contracts provided for under this section shall be in addition to and shall not supplant or displace activities normally administered by the department. The department shall, to the extent feasible, offer the additional contracts in sizes that do not discourage participation by small enterprises. The department shall cooperate with the employment security department in disseminating information on forest land management contracts to unemployed individuals who have been employed in the timber industry, and others adversely affected by reductions in timber sales from federal lands. \$2,800,000 of the resource management cost account appropriation is provided solely for this purpose.

(10) \$125,000 of the general fund—state appropriation is provided solely to implement Engrossed Senate Bill No. 5364 or Engrossed House Bill No. 1249 (marine debris).

(11) Based on schedules submitted by the director of financial management, the state treasurer shall transfer from the general fund—state appropriation or such other funds as the state treasurer deems appropriate to the Clarke McNary fund such amounts as are necessary to meet unbudgeted forest fire fighting expenses. All amounts borrowed under the authority of this section shall be repaid to the appropriate fund, together with interest at a rate determined by the state treasurer to be equivalent to the return on investments of the state treasury during the period the amounts are borrowed.

(12) The department of natural resources, in cooperation with the United States forest service, other federal agencies, private timber landowners, and the University of Washington, shall conduct a timber and timber land inventory to provide the information needed to prepare an assessment of the timber supply in Washington state. The inventory shall be prepared in such a way that it may be updated periodically. The inventory shall include all state, private, county, federal, and commercial forest lands and shall include estimates on the acreage and volumes of timber withdrawn from harvest from lands such as parks, watersheds, and similar lands reserved for nontimber producing activities. \$1,000,000, of which \$750,000 is from the general fund—state appropriation, \$75,000 is from the forest development account appropriation, and \$175,000 is from the resource management cost account appropriation, are provided solely for the purposes of this subsection.

(13) \$163,000 of the general fund—state appropriation is provided solely for the department to contract with the University of Washington college of forest resources for a timber supply study. The study shall identify the quantity of timber present now and quantity of timber that may be available from forest lands in the future, use various assumptions of landowner management, and include changes in the forest land base, amount of capital invested in timber management, and expected harvest age. No portion of this appropriation may be expended for indirect costs associated with the study.

(14) \$1,351,000, of which \$608,000 is from the general fund—state appropriation, \$324,000 is from the forest development account appropriation, and \$419,000 is from the resource management cost account appropriation, is provided solely for costs related to forestry camp No. 1.

(15) \$6,500 of the general fund—state appropriation is provided solely to provide additional resources to subsidize amateur radio repeaters on trust lands.

(16) The department of natural resources shall sell approximately 800 acres of undeveloped land at the Northern State multiservice center to Skagit county. The land shall be sold at fair market value, but not less than \$833,000. Proceeds of the sale shall be deposited in the charitable, educational, penal and reformatory institutions account. The sale of the land shall be conditioned on the

permanent dedication of the land for public recreational uses, which may include fairgrounds.

(17) \$136,000 of the general fund—state appropriation is provided solely to implement forest practices reviews required under the state environmental policy act and the federal threatened and endangered species act.

Sec. 304. 1990 1st ex.s. c 16 s 311 (uncodified) is amended to read as follows:

FOR TIMBER LAND PURCHASES AND COMMON SCHOOL CONSTRUCTION

General Fund Appropriation \$ 100,000,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$20,000,000 of this appropriation is provided to the state parks and recreation commission solely to acquire common school trust lands that have been identified in the commission's 1989 agreement with the department of natural resources as appropriate for state park use.

(2) The remainder of the appropriation shall be deposited in the school construction revolving fund, hereby created in the custody of the state treasurer. Funds shall be expended, without further appropriation, by the department of natural resources to acquire, in fee simple, common school trust lands lying west of the crest of the Cascade mountain range. Timber on these lands shall be commercially unsuitable for harvest due to economic considerations, good forest practices, or other interests of the state.

(3) Lands and timber purchased under this section shall be appraised and ~~((purchased))~~ acquired at fair market value. For purposes of this appropriation, notwithstanding RCW 43.51.270, as to moneys addressed in subsection (1) of this section, the proceeds from the ~~((sale))~~ transfer of the timber shall be deposited by the department in the same manner as timber revenues from other common school trust lands except that no deduction shall be made for the resource management cost account under RCW 79.64.040. The proceeds from the ~~((sale))~~ transfer of the land under subsection (2) of this section shall be used by the department, without further appropriation, to acquire timber land of equal value to be managed as common school trust land and to maintain a sustainable yield.

(4) The department shall attempt to maintain an aggregate ratio of 92:8 timber-to-land value in these transactions.

(5) Intergrant transfers, between common school and noncommon school trust lands of equal value, may occur, if the noncommon school trust land meets the criteria established by the department for selection of sites and if the exchange is in the interest of both trusts.

(6) Lands and timber purchased under subsection (2) of this section shall be managed under chapter 79.70 or 79.71 RCW as determined by the department of natural resources.

**PART V
EDUCATION**

Sec. 501. 1990 1st ex.s. c 16 s 502 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR
GENERAL APPORTIONMENT (BASIC EDUCATION)**

General Fund Appropriation ~~\$(4,340,690,000)~~
4,355,350,000

The appropriation in this section is subject to the following conditions and limitations:

(1) ~~\$(419,407,000)~~ 419,450,000 of the general fund appropriation is provided solely for the remaining months of the 1988-89 school year.

(2) Allocations for certificated staff salaries for the 1989-90 and 1990-91 school years shall be determined using formula-generated staff units calculated pursuant to this subsection. Small school enrollments in kindergarten through grade six shall generate funding under (a) of this subsection, and shall not generate allocations under (e) and (f) of this subsection, if the staffing allocations generated under (a) of this subsection exceed those generated under (e) and (f) of this subsection. The certificated staffing allocations shall be as follows:

(a) On the basis of average annual full time equivalent enrollments, excluding full time equivalent enrollment otherwise recognized for certificated staff unit allocations under (d) through (g) of this subsection:

(i) Four certificated administrative staff units for each one thousand full time equivalent kindergarten through twelfth grade students excluding full time equivalent handicapped enrollment as recognized for funding purposes under section 510 of this act;

(ii) Fifty-one certificated instructional staff units for each one thousand full time equivalent students in kindergarten through third grade, excluding full time equivalent handicapped students ages six through eight; and

(iii) Forty-six certificated instructional staff units for each one thousand full time equivalent students in grades four through twelve, excluding full time equivalent handicapped students ages nine and above;

(b) For the 1990-91 school year, an additional 1.3 certificated instructional staff units for each one thousand full time equivalent students in kindergarten through third grade, excluding full time equivalent handicapped students ages six through eight;

(c) For school districts with a minimum enrollment of 250 full time equivalent students, whose full time equivalent student enrollment count in a given month exceeds the first of the month full time equivalent enrollment count by 5 percent, an additional state allocation of 110 percent of the share that such increased enrollment would have generated had such additional full time equivalent students been included in the normal enrollment count for that particular month.

(d)(i) On the basis of full time equivalent enrollment in vocational education programs approved by the superintendent of public instruction, other than skills center programs, 0.92 certificated instructional staff units and 0.08 certificated administrative staff units for each 17.5 full time equivalent vocational students in the 1989-90 school year and for each 17.075 full time equivalent students in the 1990-91 school year;

(ii) For skills center programs the allocation ratios shall be 0.92 certificated instructional staff units and 0.08 certificated administrative staff units for each 16.67 full time equivalent vocational students;

(e) For districts enrolling not more than twenty-five average annual full time equivalent students in kindergarten through grade eight, and for small school plants within any school district which have been judged to be remote and necessary by the state board of education and enroll not more than twenty-five average annual full time equivalent students in kindergarten through grade eight:

(i) For those enrolling no students in grades seven and eight, 1.76 certificated instructional staff units and 0.24 certificated administrative staff units for enrollment of not more than five students, plus one-twentieth of a certificated instructional staff unit for each additional student enrolled; and

(ii) For those enrolling students in grades seven or eight, 1.68 certificated instructional staff units and 0.32 certificated administrative staff units for enrollment of not more than five students, plus one-tenth of a certificated instructional staff unit for each additional student enrolled.

(f) For specified enrollments in districts enrolling more than twenty-five but not more than one hundred average annual full time equivalent students in kindergarten through grade eight, and for small school plants within any school district which enroll more than twenty-five average annual full time equivalent kindergarten through eighth grade students and have been judged to be remote and necessary by the state board of education:

(i) For enrollment of up to sixty annual average full time equivalent students in kindergarten through grade six, 2.76 certificated instructional staff units and 0.24 certificated administrative staff units; and

(ii) For enrollment of up to twenty annual average full time equivalent students in grades seven and eight, 0.92 certificated instructional staff units and 0.08 certificated administrative staff units.

(g) For districts operating no more than two high schools with enrollments of less than three hundred average annual full time equivalent students, for enrollment in grades nine through twelve in each such school, other than alternative schools:

(i) For remote and necessary schools enrolling students in any grades nine through twelve but no more than twenty-five average annual full time equivalent kindergarten through twelfth grade students, four and one-half certificated instructional staff units and one-quarter of a certificated administrative staff unit;

(ii) For all other small high schools under this subsection, nine certificated instructional staff units and one-half of a certificated administrative staff unit for

the first sixty average annual full time equivalent students, and additional staff units based on a ratio of 0.8732 certificated instructional staff units and 0.1268 certificated administrative staff units per each additional forty-three and one-half average annual full time equivalent students.

Units calculated under (g)(ii) of this subsection shall be reduced by certificated staff units at the rate of forty-six certificated instructional staff units and four certificated administrative staff units per thousand vocational and handicapped full time equivalent students.

(h) For each nonhigh school district having an enrollment of more than seventy annual average full time equivalent students and less than one hundred eighty students, operating a grades K-8 program or a grades 1-8 program, an additional one-half of a certificated instructional staff unit.

(i) For each nonhigh school district having an enrollment of more than fifty annual average full time equivalent students and less than one hundred eighty students, operating a grades K-6 program or a grades 1-6 program, an additional one-half of a certificated instructional staff unit.

(3) Allocations for classified salaries for the 1989-90 and 1990-91 school years shall be calculated using formula-generated classified staff units determined as follows:

(a) For enrollments generating certificated staff unit allocations under subsections (2) (e) through (i) of this section, one classified staff unit for each three certificated staff units allocated under such subsections.

(b) For all other enrollment in grades kindergarten through twelve, including vocational but excluding handicapped full time equivalent enrollments, one classified staff unit for each sixty average annual full time equivalent students.

(c) For each nonhigh school district with an enrollment of more than fifty annual average full time equivalent students and less than one hundred eighty students, an additional one-half of a classified staff unit.

(4) Fringe benefit allocations shall be calculated at a rate of 19.80 percent in the 1989-90 school year and 19.85 percent in the 1990-91 school year of certificated salary allocations provided under subsection (2) of this section, and a rate of 17.32 percent in the 1989-90 school year and 17.37 percent in the 1990-91 school year of classified salary allocations provided under subsection (3) of this section.

(5) Insurance benefit allocations shall be calculated at the rates specified in section 505 of this act, based on:

(a) The number of certificated staff units determined in subsection (2) of this section; and

(b) The number of classified staff units determined in subsection (3) of this section multiplied by 1.152. This factor is intended to adjust allocations so that, for the purposes of distributing insurance benefits, full time equivalent classified employees may be calculated on the basis of 1440 hours of work per year, with no individual employee counted as more than one full time equivalent.

(6)(a) For nonemployee related costs associated with each certificated staff unit allocated under subsection (2) (a), (b), (c), and (e) through (i) of this section, there shall be provided a maximum of \$6,355 per certificated staff unit in the 1989-90 school year and a maximum of \$6,654 per certificated staff unit in the 1990-91 school year.

(b) For nonemployee related costs associated with each certificated staff unit allocated under subsection (2)(d) of this section, there shall be provided a maximum of \$12,110 per certificated staff unit in the 1989-90 school year and a maximum of \$12,679 per certificated staff unit in the 1990-91 school year.

(7) Allocations for substitute costs for classroom teachers shall be distributed at a maximum rate of \$290 per year for allocated classroom teachers. Solely for the purposes of this subsection, allocated classroom teachers shall be equal to the number of certificated instructional staff units allocated under subsection (2) of this section, multiplied by the ratio between the number of actual basic education certificated teachers and the number of actual basic education certificated instructional staff reported state-wide for the 1987-88 school year.

(8) The superintendent may distribute a maximum of ~~\$(9,925,000))~~ 9,829,000 outside the basic education formula during fiscal years 1990 and 1991 as follows:

(a) For fire protection for school districts located in a fire protection district as now or hereafter established pursuant to chapter 52.04 RCW, a maximum of ~~\$(358,000))~~ 350,000 may be expended in fiscal year 1990 and a maximum of \$375,000 in fiscal year 1991.

(b) For summer vocational programs at skills centers, a maximum of \$1,321,000 may be expended in fiscal year 1990 and a maximum of \$1,599,000 may be expended in fiscal year 1991.

(c) A maximum of ~~\$(272,000))~~ 184,000 may be expended for school district emergencies.

(d) A maximum of \$6,000,000 is provided solely for the purchase of new and replacement vocational education equipment for use primarily in approved vocational-secondary and skill center programs. These moneys shall be allocated to school districts during the 1989-90 school year on the basis of full time equivalent enrollment in vocational programs.

(9) For the purposes of RCW 84.52.0531, the increase per full time equivalent student in state basic education appropriations provided under this act, including appropriations for salary and benefits increases, is 6.07 percent from the 1988-89 school year to the 1989-90 school year, and 7.0 percent from the 1989-90 school year to the 1990-91 school year.

(10)(a) The superintendent of public instruction shall revise personnel reporting systems to include information on grade level assignments of basic education certificated instructional staff, by grade level groupings of K-3, 4-6, and 7-12. The superintendent of public instruction shall collect such information from school districts beginning in the 1989-90 school year. School districts may submit supplemental information on changes in staffing levels after the initial

personnel report for each school year. Staffing ratios calculated under this subsection may recognize additional staff reported, prorated by the number of months of employment during the academic year.

(b) For each school year, the funding provided under subsection (2)(a) of this section shall be based on a ratio of fifty-one certificated instructional staff per thousand students in kindergarten through grade three only if the district documents an actual ratio of at least fifty-one full time basic education certificated instructional staff per thousand full time equivalent students at those grade levels. For any school district documenting a lower ratio, the funding provided under this section shall be based on the district's actual K-3 ratio achieved in that school year, or the statutory minimum ratio established under RCW 28A.41.140(2)(c), if greater.

(c) School districts that had a ratio of fifty-one basic education certificated instructional staff per thousand students in kindergarten through grade three in the 1988-89 school year shall expend additional funding generated by the increase in staffing ratios provided in this section solely to improve staffing ratios in kindergarten through grade twelve.

(11) School districts shall use allocations for salaries and benefits generated under subsection (2)(b) of this section only to increase the district's ratio of basic education certificated instructional staff per thousand full time equivalent students in grades K-3 above fifty-one per thousand, or to employ classified instructional assistants assigned to K-3 basic education classrooms. However, a district that has achieved a ratio of fifty-three basic education certificated instructional staff per thousand full time equivalent students in grades K-3 may also use the allocation to employ additional basic education certificated instructional staff or classified instructional assistants in any grades K-12. School districts shall document to the superintendent of public instruction how the allocation was used and shall submit documentation on the number of classified instructional assistants employed in grades K-3 in the 1989-90 and 1990-91 school years. If a district uses moneys provided under subsection (2)(b) of this section for K-3 certificated instructional staff, these staff shall be excluded when determining the district's actual K-3 staffing ratio under subsection (10) of this section. A district shall be ineligible to receive allocations under subsection (2)(b) of this section unless the district documents to the superintendent of public instruction that its actual K-3 ratio under subsection (10) of this section for the 1990-91 school year is at least fifty-one full time basic education certificated instructional staff per thousand full time equivalent students. Districts may not use allocations provided under this subsection to supplant other moneys previously used to employ K-3 certificated instructional staff or K-3 classified instructional assistants. The superintendent of public instruction shall recover funding allocated under subsection (2)(b) of this section if the district does not submit documentation showing that the funding was used for the purposes specified.

(12) Subsection (11) of this section does not apply in the 1990-91 school year to any school district that experienced in the 1989-90 school year an

enrollment decline of greater than 1,000 full time equivalent students as compared to the 1988-89 school year. However, such a school district shall use allocations for salaries and benefits generated under subsections (2)(a)(ii) and (2)(b) of this section only to increase the district's ratio of basic education certificated instructional staff per thousand full time equivalent students in grades K-12 above the district's actual K-12 staffing ratio in the 1988-89 school year. The superintendent of public instruction shall recover funding allocated under subsections (2)(a)(ii) and (2)(b) of this section if the district does not submit documentation showing that the funding was used for the purposes specified in this subsection.

(13) The additional moneys allocated due to the increase in the vocational-secondary staff ratio provided in subsection (2)(d) of this section shall be expended solely for expanded vocational-secondary programs approved by the superintendent of public instruction. Funds provided may be expended for extended day contracts. The percentage rate of indirect charges to vocational-secondary programs, in total, shall not exceed the state-wide average percentage rates of indirect charges in all other state-funded categorical programs.

Sec. 502. 1990 1st ex.s. c 16 s 504 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—BASIC EDUCATION EMPLOYEE COMPENSATION INCREASES

General Fund Appropriation \$ ~~((221,451,000))~~
222,564,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The following calculations determine the salaries used in the general fund allocations for certificated instructional, certificated administrative, and classified staff units under section 502 of this act:

(a) Salary allocations for certificated instructional staff units shall be determined for each district by multiplying the district's certificated instructional derived base salary shown on LEAP Document 12 by the district's average staff mix factor for basic education certificated instructional staff in that school year, computed using LEAP Document 1.

(b) Salary allocations for certificated administrative staff units and classified staff units shall be determined for each district by the district's certificated administrative and classified salary allocation amounts shown on LEAP Document 12.

(2)(a) Districts shall certify to the superintendent of public instruction such information as may be necessary regarding the years of service and educational experience of basic education certificated instructional employees for the purposes of calculating certificated instructional staff salary allocations pursuant to this section. Any change in information previously certified, on the basis of

years of experience or educational credits, shall be reported and certified to the superintendent of public instruction at the time such change takes place.

(b) For the purposes of this section, "basic education certificated instructional staff" is defined as provided in RCW 28A.41.110.

(c) "LEAP Document 1" means the computerized tabulation establishing staff mix factors for basic education certificated instructional staff according to education and years of experience, as developed by the legislative evaluation and accountability program committee on August 18, 1987, at 13:26 hours.

(d) "LEAP Document 1R" means the computerized tabulation establishing staff mix factors for basic education certificated instructional staff according to education and years of experience, as developed on March 29, 1990, at 11:00 hours.

(e) "LEAP Document 12" means the computerized tabulation of 1988-89 salary allocations for basic education certificated administrative staff and basic education classified staff and 1988-89 derived base salaries for basic education certificated instructional staff as developed on April 20, 1989, at 14:15 hours.

(f) The incremental fringe benefits factors applied to salary increases in this section shall be 1.1916 for certificated salaries and 1.1379 for classified salaries in the 1989-90 school year, and 1.1921 for certificated salaries and 1.1384 for classified salaries in the 1990-91 school year.

(3) ~~\$(7,517,000)~~ 7,527,000 is provided solely to increase allocations for certificated administrative staff units provided under section 502 of this act, pursuant to this subsection. For the 1989-90 and 1990-91 school years, the allocation for each certificated administrative staff unit shall be increased by 2.5 percent of the 1988-89 state-wide average certificated administrative salary shown on LEAP Document 12, multiplied by incremental fringe benefits.

(4) ~~\$(30,396,000)~~ 30,426,000 is provided solely to increase allocations for classified staff units provided under section 502 of this act, pursuant to this subsection. For the 1989-90 and 1990-91 school years, the allocation for each classified staff unit shall be increased by 4.0 percent of the 1988-89 state-wide average classified salary shown on LEAP Document 12, multiplied by incremental fringe benefits. For the 1990-91 school year, the allocation for each classified staff unit shall be further increased by an additional 4.16 percent of the 1988-89 state-wide average classified salary shown on LEAP Document 12, multiplied by incremental fringe benefits.

(5) ~~\$(183,538,000)~~ 184,611,000 is provided solely to increase allocations for certificated instructional staff units provided under section 502 of this act, pursuant to this subsection:

(a) For any district with a derived base salary of \$17,600 on LEAP Document 12, the allocation for each certificated instructional staff unit in the 1989-90 school year shall be increased by the difference between:

(i) The district's salary allocation per certificated instructional staff unit computed under subsection (1)(a) of this section, adjusted for incremental fringe benefits; and

(ii) The district's 1989-90 average certificated instructional staff allocation salary as determined by placing the district's actual full time equivalent basic education certificated instructional staff on the state-wide salary allocation schedule established in subsection (6) of this section, adjusted for incremental fringe benefits.

(b) For any district with a derived base salary greater than \$17,600 on LEAP Document 12, the allocation for each certificated instructional staff unit in the 1989-90 school year shall be increased by 4.0 percent of the district's salary allocation per certificated instructional staff unit computed under subsection (1)(a) of this section, adjusted for incremental fringe benefits.

(c) For any district with a derived base salary of \$17,600 on LEAP Document 12, the allocation for each certificated instructional staff unit in the 1990-91 school year shall be increased by the difference between:

(i) The district's salary allocation per certificated instructional staff unit computed under subsection (1)(a) of this section, adjusted for incremental fringe benefits; and

(ii) The district's 1990-91 average certificated instructional staff allocation salary as determined by placing the district's actual full time equivalent basic education certificated instructional staff on the state-wide salary allocation schedule established in subsection (7) of this section, adjusted for incremental fringe benefits.

(d) For any district with a derived base salary greater than \$17,600 on LEAP Document 12, the allocation for each certificated instructional staff unit in the 1990-91 school year shall be increased by the difference between:

(i) The district's salary allocation per certificated instructional staff unit computed under subsection (1)(a) of this section, adjusted for incremental fringe benefits; and

(ii) The district's salary allocation per certificated instructional staff unit computed under subsection (1)(a) of this section multiplied by the compounded increase provided in this subsection, adjusted for incremental fringe benefits. The compounded increase for each district shall be 7.12 percent, compounded by the percentage difference between the district's average staff mix factor for actual 1990-91 full time equivalent basic education certificated instructional employees computed using LEAP Document 1R and such factor for the same 1990-91 employees computed using LEAP Document 1.

(6)(a) Pursuant to RCW 28A.41.112, the following state-wide salary allocation schedule for certificated instructional staff is established for basic education salary allocations for the 1989-90 school year:

**1989-90 STATE-WIDE SALARY ALLOCATION SCHEDULE
FOR INSTRUCTIONAL STAFF**

Years of Service	BA	BA+15	BA+30	BA+45
0	18,304	18,798	19,311	19,823
1	18,981	19,494	20,025	20,574
2	19,677	20,208	20,757	21,361
3	20,409	20,958	21,526	22,166
4	21,159	21,745	22,331	23,008
5	21,946	22,551	23,155	23,887
6	22,770	23,374	24,015	24,802
7	23,612	24,234	24,893	25,735
8	24,472	25,131	25,809	26,724
9		26,065	26,779	27,731
10			27,767	28,792
11				29,890
12				
13				
14 or more				

**1989-90 STATE-WIDE SALARY ALLOCATION SCHEDULE
FOR INSTRUCTIONAL STAFF**

Years of Service	BA+90	BA+135	MA	MA+45	MA+90 or PHD
0	21,471	22,532	21,471	22,770	23,887
1	22,276	23,356	22,276	23,612	24,765
2	23,100	24,216	23,100	24,491	25,681
3	23,942	25,113	23,942	25,388	26,632
4	24,839	26,047	24,839	26,321	27,621
5	25,754	27,017	25,754	27,310	28,627
6	26,706	28,005	26,706	28,316	29,689
7	27,694	29,048	27,694	29,360	30,787
8	28,719	30,128	28,719	30,440	31,940
9	29,781	31,245	29,781	31,574	33,112
10	30,879	32,398	30,879	32,746	34,338
11	32,032	33,588	32,032	33,954	35,601
12	33,222	34,833	33,222	35,217	36,919
13	34,448	36,114	34,448	36,516	38,292
14 or more	37,450	37,450	35,711	37,871	39,701

(b) As used in this subsection, "+(N)" means the number of credits earned since receiving the highest degree.

(7)(a) Pursuant to RCW 28A.41.112, the following state-wide salary allocation schedule for certificated instructional staff is established for basic education salary allocations for the 1990-91 school year:

**1990-91 STATE-WIDE SALARY ALLOCATION SCHEDULE
FOR INSTRUCTIONAL STAFF**

Years of Service	BA	BA+15	BA+30	BA+45
0	20,001	20,541	21,101	21,661
1	20,656	21,214	21,792	22,389
2	21,325	21,900	22,495	23,150
3	22,027	22,620	23,232	23,923
4	22,742	23,372	24,001	24,729
5	23,490	24,136	24,783	25,566
6	24,269	24,913	25,596	26,435
7	25,061	25,721	26,421	27,314
8	25,864	26,561	27,277	28,244
9		27,431	28,182	29,184
10			29,098	30,172
11				31,189
12				32,174
13				
14				
15 or more				

**1990-91 STATE-WIDE SALARY ALLOCATION SCHEDULE
FOR INSTRUCTIONAL STAFF**

Years of Service	BA+90	BA+135	MA	MA+45	MA+90 or PHD
0	23,461	24,621	23,980	25,780	26,940
1	24,242	25,417	24,708	26,561	27,736
2	25,034	26,245	25,469	27,353	28,563
3	25,840	27,104	26,242	28,159	29,423
4	26,696	27,995	27,048	29,015	30,314
5	27,565	28,916	27,885	29,884	31,235
6	28,464	29,849	28,754	30,783	32,168
7	29,393	30,831	29,633	31,712	33,150
8	30,352	31,842	30,563	32,671	34,161
9	31,341	32,882	31,502	33,660	35,201
10	32,358	33,950	32,491	34,677	36,269
11	33,423	35,047	33,508	35,742	37,366
12	34,516	36,189	34,566	36,835	38,508
13	35,636	37,359	35,659	37,955	39,678

14	36,762	38,573	36,786	39,154	40,892
15 or more	37,718	39,576	37,742	40,172	41,955

(b) As used in this subsection, the column headings "BA+(N)" refer to the number of credits earned since receiving the baccalaureate degree.

(c) For credits earned after the baccalaureate degree but before the masters degree, any credits in excess of forty-five credits may be counted after the masters degree. Thus, as used in this subsection, the column headings "MA+(N)" refer to the total of:

- (i) Credits earned since receiving the masters degree; and
- (ii) Any credits in excess of forty-five credits that were earned after the baccalaureate degree but before the masters degree.

(8) For the purposes of this section:

- (a) "BA" means a baccalaureate degree.
- (b) "MA" means a masters degree.
- (c) "PHD" means a doctorate degree.

(d) "Years of service" shall be calculated under the same rules used by the superintendent of public instruction for salary allocations in the 1988-89 school year.

(e) "Credits" means college quarter hour credits and equivalent inservice credits computed in accordance with RCW 28A.71.110.

(9) The salary allocation schedules established in subsections (6) and (7) of this section are for allocation purposes only. However, it is the legislature's intent to respond to salary needs of many senior teachers who have not been receiving salary increments on either state or local salary schedules. The legislature and the public recognize the need to provide salary growth for these senior teachers in order to encourage them to continue teaching. School districts should target moneys generated by the additional seniority steps provided for state salary funding in the 1990-91 school year to senior certificational instructional staff. By December 1, 1990, each school district shall submit to the superintendent of public instruction a statement signed by the district's board of directors explaining how the moneys generated by the additional seniority steps were used and whether these moneys were targeted to senior staff.

Sec. 503. 1990 1st ex.s. c 16 s 505 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—
CATEGORICAL PROGRAM SALARY INCREASES**

General Fund Appropriation \$ ~~((45,361,000))~~
45,791,000

The appropriation in this section is subject to the following conditions and limitations:

- (1) The incremental fringe benefits factors applied to salary increases in subsection (3) of this section shall be 1.1916 for certificated salaries and 1.1379

for classified salaries in the 1989-90 school year, and 1.1921 for certificated salaries and 1.1384 for classified salaries in the 1990-91 school year.

(2) A maximum of \$~~((15,010,000))~~ 15,190,000 is provided to implement salary increases for each school year for state-supported school employees in the following categorical programs: Transitional bilingual instruction, learning assistance, education of highly capable students, vocational technical institutes, and pupil transportation. Moneys provided by this subsection include costs of incremental fringe benefits and shall be distributed by increasing allocation rates for each school year by the amounts specified:

(a) Transitional bilingual instruction: The rates specified in section 520 of this act shall be increased by \$16.04 per pupil for the 1989-90 school year and by \$48.08 per pupil for the 1990-91 school year.

(b) Learning assistance: The rates specified in section 521 of this act shall be increased by \$12.91 per pupil for the 1989-90 school year and by \$26.34 per pupil for the 1990-91 school year.

(c) Education of highly capable students: The rates specified in section 516 of this act shall be increased by \$9.50 per pupil for the 1989-90 school year and by \$28.49 per pupil for the 1990-91 school year.

(d) Vocational technical institutes: The rates for vocational programs specified in section 508 of this act shall be increased by \$86.33 per full time equivalent student for the 1989-90 school year, and by \$240.15 per full time equivalent student for the 1990-91 school year.

(e) Pupil transportation: The rates provided under section 507 of this act shall be increased by \$0.66 per weighted pupil-mile for the 1989-90 school year, and by \$1.35 per weighted pupil-mile for the 1990-91 school year.

(3) A maximum of \$~~((30,351,000))~~ 30,601,000 is provided for salary increases and incremental fringe benefits for state-supported staff unit allocations in the handicapped program, section 510, and for state-supported staff in institutional education programs, section 515, and in educational service districts, section 512. The superintendent of public instruction shall distribute salary increases for these programs not to exceed the percentage salary increases provided for basic education staff under section 503 of this act.

(4) While this section and section 509 of this act do not provide specific allocations for salary increases for school food services employees, nothing in this act is intended to preclude or discourage school districts from granting increases that are equivalent to those provided for other classified staff.

Sec. 504. 1990 1st ex.s. c 16 s 506 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR
SCHOOL EMPLOYEE INSURANCE BENEFIT INCREASES**

General Fund Appropriation \$ ~~((25,695,000))~~
25,723,000

The appropriation in this section is subject to the following conditions and limitations:

(1) Allocations for insurance benefits from general fund appropriations provided under section 502 of this act shall be calculated at a rate of \$224.75 per month for each certificated staff unit, and for each classified staff unit adjusted pursuant to section 502(5)(b).

(2) The appropriation in this section is provided solely to increase insurance benefit allocations for state-funded certificated and classified staff to a rate of \$239.86 per month, effective October 1, 1989, and to a rate of \$246.24 per month, effective September 1, 1990, as distributed pursuant to this section.

(3) A maximum of ~~\$(20,465,000)~~ 20,468,000 may be expended to increase general fund allocations for insurance benefits for basic education staff units under section 502(5) of this act by \$15.11 per month beginning with October 1989, and by an additional \$6.38 per month beginning with September 1990.

(4) A maximum of ~~\$(2,843,000)~~ 2,851,000 may be expended to increase insurance benefit allocations for handicapped program staff units as calculated under section 510 of this act by \$15.11 per month beginning with October 1989, and by an additional \$6.38 per month beginning with September 1990.

(5) A maximum of ~~\$(130,000)~~ 132,000 may be expended to increase insurance benefit allocations for state-funded staff in educational service districts and institutional education programs by \$15.11 per month beginning with October 1989, and by an additional \$6.38 per month beginning with September 1990.

(6) A maximum of ~~\$(2,257,000)~~ 2,272,000 may be expended to fund insurance benefit increases in the following categorical programs by increasing annual state funding rates by the amounts specified in this subsection. For the 1989-90 school year, due to the October implementation, school districts shall receive eleven-twelfths of the annual rate increases specified effective October 1989. On an annual basis, the maximum rate adjustments provided under this section are:

(a) For pupil transportation, an increase of \$0.14 per weighted pupil-mile effective October 1, 1989, and an additional increase of \$0.06 per weighted pupil-mile effective September 1, 1990;

(b) For learning assistance, an increase of \$3.78 per pupil effective October 1, 1989, and an additional increase of \$1.59 per pupil effective September 1, 1990;

(c) For education of highly capable students, an increase of \$1.29 per pupil effective October 1, 1989, and an additional increase of \$0.54 per pupil effective September 1, 1990;

(d) For transitional bilingual education, an increase of \$2.44 per pupil effective October 1, 1989, and an additional increase of \$1.03 per pupil effective September 1, 1990;

(e) For vocational-technical institutes, an increase of \$10.05 per full time equivalent pupil effective October 1, 1989, and an additional increase of \$4.25 per full time equivalent pupil effective September 1, 1990.

(7) If Substitute House Bill No. 2230 (school employee benefit plans) is not enacted by June 30, 1990, increases under this section to be effective September 1, 1990, shall not be implemented and \$4,284,000 of the appropriation in this section shall lapse.

Sec. 505. 1989 1st ex.s. c 19 s 506 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—
RETIREMENT CONTRIBUTIONS**

General Fund Appropriation \$ ~~((33,141,000))~~
34,921,000

The appropriation in this section is subject to the following conditions and limitations:

~~((1) \$13,056,000 for the teachers' retirement system and \$2,147,000 for the public employees' retirement system, or so much thereof as may be necessary, shall be distributed to local districts to increase state retirement system contributions resulting from Engrossed Substitute House Bill No. 1322. If the bill is not enacted by June 30, 1989, the amounts provided in this subsection shall lapse.~~

~~((2) \$14,587,000 for the teachers' retirement system and \$3,351,000 for the public employees' retirement system, or so much thereof as may be necessary, shall be distributed to local districts to increase state retirement system contributions resulting from Substitute Senate Bill No. 5418. If the bill is not enacted by June 30, 1989, the amounts provided in this subsection shall lapse.))~~

The appropriation in this section is for distribution to local districts to increase state retirement system contributions resulting from Engrossed Substitute House Bill No. 1322 (chapter 272, Laws of 1989) and Substitute Senate Bill No. 5418 (chapter 273, Laws of 1989).

Sec. 506. 1990 1st ex.s. c 16 s 507 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR
PUPIL TRANSPORTATION**

General Fund Appropriation \$ ~~((252,938,000))~~
253,500,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$22,695,000 is provided solely for distribution to school districts for the remaining months of the 1988-89 school year.

(2) A maximum of \$~~((112,197,000))~~ 112,113,000 may be distributed for pupil transportation operating costs in the 1989-90 school year.

(3) A maximum of \$857,000 may be expended for regional transportation coordinators.

(4) A maximum of \$64,000 may be expended for bus driver training.

(5) For eligible school districts, the small fleet maintenance factor shall be funded at a rate of \$1.53 per weighted pupil-mile in the 1989-90 school year and \$1.60 per weighted pupil-mile in the 1990-91 school year.

Sec. 507. 1990 1st ex.s. c 16 s 509 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR HANDICAPPED EDUCATION PROGRAMS

General Fund Appropriation—State	\$ ((528,627,000))	<u>530,403,000</u>
General Fund Appropriation—Federal	\$ 59,000,000	
TOTAL APPROPRIATION	\$ ((587,627,000))	<u>589,403,000</u>

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

(1) ~~\$(48,101,000))~~ 48,122,000 of the general fund—state appropriation is provided solely for the remaining months of the 1988-89 school year.

(2) The superintendent of public instruction shall distribute state funds for the 1989-90 and 1990-91 school years in accordance with districts' actual handicapped enrollments and the allocation model established in LEAP Document 13 as developed on March 25, 1989, at 13:45 hours.

(3) A maximum of \$527,000 may be expended from the general fund—state appropriation to fund 5.43 full time equivalent teachers and 2.1 full time equivalent aides at Children's orthopedic hospital and medical center. This amount is in lieu of money provided through the home and hospital allocation and the handicapped program.

(4) \$272,000 of the general fund—state appropriation is provided solely for the early childhood home instruction program for hearing impaired infants and their families. \$80,000 of the amount provided in this subsection is a one-time grant to replace lost federal support and maintain program continuity until other nonstate resources to support existing service levels can be identified.

(5) \$150,000 of the general fund—state appropriation is provided solely for development and implementation of a process for school districts to bill medical assistance for eligible services included in handicapped education programs, pursuant to Substitute House Bill No. 2014. If the bill is not enacted by June 30, 1989, the amount provided in this subsection shall lapse. \$50,000 of the amount provided in this subsection is solely for interagency reimbursement for administrative and planning costs of the department of social and health services. \$100,000 of the amount provided in this subsection is solely for contracts with educational service districts for development and implementation of billing systems.

(6) A maximum of \$1,500,000 of the general fund—state appropriation may be granted to school districts for pilot programs for prevention of learning problems established under section 13 of Engrossed Substitute House Bill No. 1444. A district’s grant for a school year under this subsection shall not exceed:

(a) The total of state allocations for general apportionment and handicapped education programs that the district would have received for that school year with specific learning disabled enrollment at the prior school year’s level; minus

(b) The total of the district’s actual state allocations for general apportionment and handicapped education programs for that school year.

Sec. 508. 1989 1st ex.s. c 19 s 511 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR TRAFFIC SAFETY EDUCATION PROGRAMS

Public Safety and Education Account

Appropriation	\$	((14,067,000))
		<u>14,095,000</u>

The appropriation in this section is subject to the following conditions and limitations: Not more than \$596,000 may be expended for regional traffic safety education coordinators.

Sec. 509. 1990 1st ex.s. c 16 s 510 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR LOCAL EFFORT ASSISTANCE

General Fund Appropriation	\$	((95,844,000))
		<u>97,391,000</u>

The appropriation in this section is subject to the following conditions and limitations: ~~\$((95,844,000))~~ 97,391,000 is provided for state matching funds pursuant to RCW 28A.41.155.

Sec. 510. 1990 1st ex.s. c 16 s 511 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR INSTITUTIONAL EDUCATION PROGRAMS

General Fund Appropriation—State	\$	((21,939,000))
		<u>22,228,000</u>
General Fund Appropriation—Federal	\$	8,006,000
TOTAL APPROPRIATION	\$	((29,945,000))
		<u>30,234,000</u>

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

(1) \$3,817,000 of the general fund—state appropriation is provided solely for the remaining months of the 1988-89 school year.

(2) \$11,374,000 of the general fund—state appropriation is provided solely for the 1989-90 school year, distributed as follows:

(a) \$3,377,000 is provided solely for programs in state institutions for the handicapped or emotionally disturbed. These moneys may be distributed for that school year at a maximum rate averaged over all of these programs of \$11,144 per full time equivalent student.

(b) \$3,883,000 is provided solely for programs in state institutions for delinquent youth. These moneys may be distributed for that school year at a maximum rate averaged over all of these programs of \$6,750 per full time equivalent student.

(c) \$444,000 is provided solely for programs in state group homes for delinquent youth. These moneys may be distributed for that school year at a maximum rate averaged over all of these programs of \$5,344 per full time equivalent student.

(d) \$821,000 is provided solely for juvenile parole learning center programs. These moneys may be distributed for that school year at a maximum rate averaged over all of these programs of \$2,032 per full time equivalent student, and are in addition to moneys allocated for these students through the basic education formula established in section 502 of this act.

(e) \$2,849,000 is provided solely for programs in county detention centers. These moneys may be distributed for that school year at a maximum rate averaged over all of these programs of \$4,976 per full time equivalent student.

~~((3)) Distribution of state funding for the 1990-91 school year shall be based upon the following overall limitations for that school year including expenditures anticipated for July and August of 1991:~~

~~(a) State funding for programs in state institutions for the handicapped or emotionally disturbed may be distributed at a maximum rate averaged over all of these programs of \$11,128 per full time equivalent student and a total allocation of no more than \$2,960,000 for that school year.~~

~~(b) State funding for programs in state institutions for delinquent youth may be distributed at a maximum rate averaged over all of these programs of \$6,761 per full time equivalent student and a total allocation of no more than \$3,712,000 for that school year.~~

~~(c) State funding for programs in state group homes for delinquent youth may be distributed in that school year at a maximum rate averaged over all of these programs of \$5,489 per full time equivalent student and a total allocation of no more than \$445,000 for that school year.~~

~~(d)) (3) State funding for juvenile parole learning center programs for the 1990-91 school year may be distributed at a maximum rate averaged over all of these programs of \$2,021 per full time equivalent student and a total allocation of no more than \$((816,000 for that school year)) 841,000, excluding funds provided through the basic education formula established in section 502 of this act.~~

~~((e) State funding for programs in county detention centers may be distributed at a maximum rate averaged over all of these programs of \$4,987 per full-time equivalent student and a total allocation of no more than \$2,125,000 for that school year.)~~

(4) \$167,000 of the general fund—state appropriation is provided solely to maintain the increased teacher/student ratio for programs at mentally ill offender units within the state institutions for delinquent youth.

(5) Notwithstanding any other provision of this section, the superintendent of public instruction may transfer funds between the categories of institutions identified in subsection~~((s))~~ (2) ~~((and (3)))~~ of this section if the maximum expenditures per full time equivalent student for each category of institution are not thereby exceeded.

(6) State funding provided under this section is based on salaries and other expenditures for a 220-day school year. The superintendent of public instruction shall monitor school district expenditure plans for institutional education programs to ensure that districts plan for a full-time summer program.

(7) The superintendent of public instruction shall conduct a study of institutional education programs, addressing the division of administrative and budgetary responsibilities between the school districts, the department of social and health services, and, in the case of county detention centers, the juvenile court administrators. The superintendent shall consult with the department of social and health services and the institutions in designing and conducting the study, and in developing recommendations. The study shall include recommendations on methods to improve communication, decision making, and cooperation among school district and institutional staff, as well as coordination of programs and responsiveness to student needs. The superintendent shall submit a report of the study to the legislature prior to December 1, 1990, including recommendations for legislative action and changes in administrative practices.

Sec. 511. 1990 1st ex.s. c 16 s 512 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR PROGRAMS FOR HIGHLY CAPABLE STUDENTS

General Fund Appropriation \$ ~~((7,115,000))~~
7,059,000

The appropriation in this section is subject to the following conditions and limitations:

(1) ~~\$(532,000)~~ 479,000 is provided solely for distribution to school districts for the remaining months of the 1988-89 school year.

(2) Allocations for school district programs for highly capable students during the 1989-90 school year shall be distributed at a maximum rate of \$364 per student for up to one percent of each district's full time equivalent enrollment.

(3) Allocations for school district programs for highly capable students during the 1990-91 school year shall be distributed at a maximum rate of \$364

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per student for up to one and one-half percent of each district's full time equivalent enrollment.

(4) A maximum of \$356,000 is provided to contract for gifted programs to be conducted at Fort Worden state park.

Sec. 512. 1990 1st ex.s. c 16 s 515 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR TRANSITIONAL BILINGUAL PROGRAMS

General Fund Appropriation \$ ~~((17,035,000))~~
18,753,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$~~((4,521,000))~~ 1,518,000 is provided solely for the remaining months of the 1988-89 school year.

(2) The superintendent shall distribute funds for the 1989-90 and 1990-91 school years at a rate for each year of \$452 per eligible student.

Sec. 513. 1990 1st ex.s. c 16 s 516 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR THE LEARNING ASSISTANCE PROGRAM

General Fund Appropriation \$ ~~((71,839,000))~~
71,472,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$~~((5,847,000))~~ 5,533,000 is provided solely for the remaining months of the 1988-89 school year.

(2) Funding for school district learning assistance programs serving kindergarten through grade nine shall be distributed during the 1989-90 and 1990-91 school years at a maximum rate of \$389 per unit as calculated pursuant to this subsection. The number of units for each school district in each school year shall be the sum of: (a) The number of full time equivalent students enrolled in kindergarten through grade six in the district multiplied by the percentage of the district's students taking the fourth grade basic skills test who scored in the lowest quartile as compared to national norms, and then reduced by the number of students ages eleven and below in the district who are identified as specific learning disabled and are served through programs established pursuant to chapter 28A.13 RCW; and (b) the number of full time equivalent students enrolled in grades seven through nine in the district multiplied by the percentage of the district's students taking the eighth grade basic skills test who scored in the lowest quartile as compared to national norms, and then reduced by the number of students ages twelve through fourteen in the district who are identified as specific learning disabled and are served through

programs established pursuant to chapter 28A.13 RCW. In determining these allocations, the superintendent shall use the most recent prior five-year average scores on the fourth grade and eighth grade state-wide basic skills tests.

**PART VI
HIGHER EDUCATION**

Sec. 601. 1989 1st ex.s. c 19 s 616 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE HISTORICAL SOCIETY

General Fund Appropriation	\$	((1,095,000))
		<u>1,136,500</u>

The appropriation in this section is subject to the following conditions and limitations: \$241,000 of the general fund appropriation is provided solely for planning and implementation of the maritime voyages exhibition.

**PART VII
SPECIAL APPROPRIATIONS**

Sec. 701. 1990 1st ex.s. c 16 s 701 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER—STATE REVENUES FOR DISTRIBUTION

General Fund Appropriation for fire insurance premiums tax distribution	\$	((4,300,000))
		<u>4,327,200</u>
General Fund Appropriation for public utility district excise tax distribution	\$	23,700,000
General Fund Appropriation for prosecuting attorneys' salaries	\$	2,277,000
General Fund Appropriation for motor vehicle excise tax distribution	\$	70,000,000
General Fund Appropriation for local mass transit assistance	\$	((215,000,000))
		<u>229,017,450</u>
General Fund Appropriation for camper and travel trailer excise tax distribution	\$	2,200,000
General Fund Appropriation for Boating Safety/ Education and Law Enforcement Distribution	\$	((1,100,000))
		<u>350,000</u>
Aquatic Lands Enhancement Account Appropriation for harbor improvement revenue distribution	\$	((90,000))
		<u>80,000</u>

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Liquor Excise Tax Fund Appropriation for liquor excise tax distribution	\$ ((19,900,000))	<u>19,852,520</u>
Motor Vehicle Fund Appropriation for motor vehicle fuel tax and overload penalties distribution	\$ ((316,000,000))	<u>320,973,531</u>
Liquor Revolving Fund Appropriation for liquor profits distribution	\$ 48,750,000	
Timber Tax Distribution Account Appropriation for distribution to "Timber" counties	\$ ((96,200,000))	<u>96,101,700</u>
Municipal Sales and Use Tax Equalization Account Appropriation	\$ ((37,200,000))	<u>36,900,989</u>
County Sales and Use Tax Equalization Account Appropriation	\$ ((12,800,000))	<u>12,924,165</u>
Death Investigations Account Appropriation for distribution to counties for publicly funded autopsies	\$ ((736,000))	<u>836,000</u>
TOTAL APPROPRIATION	\$ ((850,253,000))	<u>868,290,555</u>

Sec. 702. 1989 1st ex.s. c 19 s 704 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, INCLUDING ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL OBLIGATION DEBT TO BE REIMBURSED BY ENTERPRISE ACTIVITIES

State Convention and Trade Center Account Appropriation	\$ 29,443,500
University of Washington Hospital Bond Retirement Fund 1975 Appropriation	\$ 1,171,600
Office-Laboratory Facilities Bond Redemption Fund Appropriation	\$ 273,700
Higher Education Bond Retirement Fund 1979 Appropriation	\$ 2,556,600
State General Obligation Bond Retirement Fund 1979 Appropriation	\$ ((9,249,000))
	<u>4,423,000</u>

Spokane River Toll Bridge Revolving Account

Appropriation	\$	882,100
TOTAL APPROPRIATION	\$	((43,576,500))
		<u>38,750,000</u>

Sec. 703. 1989 1st ex.s. c 19 s 708 (uncodified) is amended to read as follows:

FOR THE GOVERNOR—EMERGENCY FUND

General Fund Appropriation	\$	((2,000,000))
		<u>2,200,000</u>

The appropriation in this section is for the governor's emergency fund to be allocated for the carrying out of the critically necessary work of any agency.

NEW SECTION. Sec. 704. A new section is added to chapter 16, Laws of 1990 1st ex.s. (uncodified) to read as follows:

FOR SUNDRY CLAIMS

The following sums, or so much thereof as are necessary, are appropriated from the general fund, unless otherwise indicated, for the payment of court judgments and for relief of various individuals, entities, and corporations for sundry claims. These appropriations are to be disbursed on vouchers approved by the director of general administration, except as otherwise provided, as follows:

- (1) Compensation to the following for all pending claims of damage to crops by game: PROVIDED, That payment shall be made from the Wildlife Fund:

(a) John Clees, claim number SCG-90-03	\$	7,500.00
(b) Joseph Lenton, Jr., claim number SCG-90-05	\$	630.00
(c) Ralph Greenwood, claim number SCG-90-07	\$	9,900.00

- (2) Reimbursement and settlement of all claims under RCW 9A.16.110 for loss of time, legal fees, or other expenses, including interest, in the defense of a criminal prosecution:

(a) John B. Olson, claim number SCJ-90-07	\$	77,223.00
(b) Roy Simons, claim number SCJ-90-08	\$	3,371.00
(c) Ted Hosey, claim number SCJ-90-06	\$	4,861.00
(d) Lawrence Jones, claim number SCJ-90-13	\$	3,327.00
(e) Jeffrey Strom, claim number SCJ-90-05	\$	5,818.00
(f) Antony Katoe, claim number SCJ-90-08	\$	20,581.00
(g) Connie Roseman, claim number SCJ-90-11	\$	4,356.00
(h) Wesley Grow, claim number SCJ-90-16	\$	3,446.00
(i) Greg Heil, claim number SCJ-90-18	\$	3,375.00
(j) Larry E. Miller, claim number SCJ-91-4	\$	8,236.00
(k) Jim Jones, claim number SCJ-91-5	\$	1,550.00
(l) Charles Terrill, claim number SCJ-91-6	\$	3,514.50
(m) Brian Davis, claim number SCJ-91-1	\$	2,421.91

(n) Robert Henry, Kevin Ryan, and Ronnie Ryan, claim number SCJ-91-3	\$	19,515.75
(o) Thea Veath, claim number SCJ-91-7	\$	5,582.26
(p) Valerie Valdez, claim number SCJ-90-21	\$	4,194.94
(q) Francis W. Rock, claim number SCJ-91-9	\$	2,394.74
(r) Curtiss B. Fiechtner, claim number SCJ-91-8 ...	\$	4,951.35
(s) Michael A. Bognucci, claim number SCJ-91-2 ..	\$	1,797.58
(t) Gary & Beryle Murray, claim number SCJ-91-11	\$	7,092.50
(3) Department of Corrections, for reimbursement of political subdivisions of criminal justice expenses incurred in the 1987-89 fiscal biennium, pursuant to RCW 72.72.030	\$	36,210.37
(4) City of Seattle, in settlement of all claims relating to claim number SCO-89-12, including interest	\$	20,876.05
(5) City of Yakima, in settlement of all claims relating to claim number SCO-89-12, including interest	\$	8,100.00
(6) Employment Security Department, for payment in lieu of contributions with respect to benefits attributable to the Economic Development Board	\$	15,000.00
(7) Office of the Attorney General, for payment of attorneys' fees and costs as ordered by the United States District Court for the Western District of Washington, case number C89-1587WD	\$	51,804.33

Sec. 705. 1990 1st ex.s. c 16 s 711 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER—TRANSFERS

General Fund Appropriation: For transfer to the Institutional Impact Account	\$	((332,536)) <u>465,806</u>
General Fund Appropriation: For transfer to the Miscellaneous Fund—Tort Claims Revolving Fund.	\$	((796,539)) <u>6,843,651</u>
Liquor Revolving Account Appropriation: For transfer to the Miscellaneous Fund—Tort Claims Revolving Fund	\$	160,000
<u>Resource Management Cost Account Appropriation: For transfer to the Miscellaneous Fund—Tort Claims Revolving Fund</u>	<u>\$</u>	<u>45,911</u>
<u>Forest Development Account Appropriation: For transfer to the Miscellaneous Fund—Tort Claims Revolving Fund</u>	<u>\$</u>	<u>36,220</u>

General Government Special Revenue Fund—State Treasurer’s Service Account Appropriation: For transfer to the general fund on or before July 20, 1991, an amount up to \$10,000,000 in excess of the cash requirements in the State Treasurer’s Service Account for fiscal year 1992, for credit to the fiscal year in which earned	\$ 10,000,000
General Fund Appropriation: For transfer to the Natural Resources Fund—Water Quality Account . . .	\$ ((15,378,000))
	<u>16,519,200</u>
Data Processing Revolving Account: For transfer to the General Fund	\$ 2,400,000
Public Facilities Construction Loan and Grant Revolving Fund: For transfer to the General Fund . .	\$ 2,400,000
Public Facility Construction Loan Revolving Account: For transfer to the Public Facilities Construction Loan and Grant Revolving Account . . .	\$ 430,000
Public Facilities Construction Loan and Grant Revolving Account: For transfer to the Economic Development Finance Authority Account contingent on an equal amount being transferred from the Public Facility Construction Loan Revolving Account to the Public Facilities Construction Loan and Grant Revolving Account. If the transfer to the Public Facilities Construction Loan and Grant Revolving Account does not occur, the transfer to the Economic Development Finance Authority Account shall not occur	\$ 430,000
Puget Sound Ferry Operations Account: For transfer to the Tort Claims Revolving Fund for claims paid on behalf of the department of transportation, Washington state ferry system during the period July 1, 1989, through June 30, 1991	\$ 1,353,000
Motor Vehicle Fund: For transfer to the Tort Claims Revolving Fund for claims paid on behalf of the department of transportation and the state patrol during the period July 1, 1989, through June 30, 1991	\$ 14,000,000
Resource Cost Management Cost Account: For transfer to the University of Washington Bond Retirement Account .	\$ 15,000,000
Resource Management Cost Account: For transfer to the Agricultural College Permanent Account, the Normal School Permanent Account, and the University of Washington Bond Retirement Account a maximum of \$20,000,000. The distribution of the transfer to these beneficiary accounts will be determined by the department of natural resources	\$ 20,000,000

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Water Quality Account Appropriation: For transfer to the water pollution revolving fund. Transfers shall be made at intervals coinciding with deposits of federal capitalization grant money into the revolving fund. The amounts transferred shall not exceed the match required for each federal deposit \$ ~~((15,800,000))~~
9,836,827

Building Code Council Account Appropriation:
 For transfer to the General Fund \$ 210,000

General Fund Appropriation, FY 1991: For transfer to the law enforcement officers' and fire fighters' retirement system as provided in Substitute Senate Bill No. 5418. If the bill is not enacted by June 30, 1989, this appropriation shall lapse \$ 60,267,000

Conservation Areas Account: For transfer to the Natural Resources Conservation Area Stewardship Account \$ 2,832,000

**PART VIII
MISCELLANEOUS**

NEW SECTION. Sec. 801. This act is subject to the provisions, definitions, conditions, and limitations of chapter 19, Laws of 1989 1st ex. sess., as amended by chapter 16, Laws of 1990 1st ex. sess. and this act.

NEW SECTION. Sec. 802. 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. 803. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

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Passed the Senate June 14, 1991.
 Passed the House June 14, 1991.
 Approved by the Governor June 14, 1991.
 Filed in Office of Secretary of State June 14, 1991.

CHAPTER 3

[Engrossed Senate Bill 5960]

**CAPITAL BUDGET, APPROPRIATIONS AND REAPPROPRIATIONS
FOR PROJECTS APPROVED IN 1989-91 BUDGET**

Effective Date: 6/18/91

AN ACT Relating to the capital budget; amending 1989 1st ex.s. c 12 s 397 (uncodified); amending 1989 1st ex.s. c 12 s 398 (uncodified); amending 1989 1st ex.s. c 12 s 605 (uncodified); amending 1989 1st ex.s. c 12 s 729 (uncodified); amending 1989 1st ex.s. c 12 s 733 (uncodified); and amending 1989 1st ex.s. c 12 s 739 (uncodified); adding new sections to chapter 12, Laws of 1989 1st ex.s.; adding a new section to chapter 16, Laws of 1990 1st ex.s.; and declaring an emergency.

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

Sec. 1. 1989 1st ex.s. c 12 s 397 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRADE AND ECONOMIC DEVELOPMENT

Washington State Agricultural Trade Center—Yakima (88-3-004)

The appropriation in this section is subject to the following conditions and limitations: Expenditures made under this appropriation shall equal seventy-five percent of the total project design and construction costs and shall not exceed \$6,500,000. The twenty-five percent of actual expenditures for design and construction costs shall be cash from nonstate sources.

St Bldg Constr Acct	Reappropriation ((2,300,000)) <u>3,531,930</u>	Appropriation
<u>Prior Biennia</u> ((4,200,000)) <u>2,968,070</u>	<u>Future Biennia</u>	<u>Total</u> 6,500,000

Sec. 2. 1989 1st ex.s. c 12 s 398 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRADE AND ECONOMIC DEVELOPMENT

Agricultural Complex—Yakima (89-2-005)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$1,000,000 is provided solely for parking lot paving, lighting and landscaping.

(2) \$1,000,000 of this appropriation is contingent on a contribution of an equal amount of funds from nonstate sources.

St Bldg Constr Acct	Reappropriation ((750,000)) <u>1,448,418</u>	Appropriation 2,000,000
<u>Prior Biennia</u> ((1,250,000)) <u>551,582</u>	<u>Future Biennia</u>	<u>Total</u> 4,000,000

Sec. 3. 1989 1st ex.s. c 12 s 605 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION

Acquisition of dredge spoils sites (83-1-001)

St Bldg Constr Acct	Reappropriation ((2,369,430)) <u>789,830</u>	Appropriation
<u>Prior Biennia</u> 2,420,000	<u>Future Biennia</u>	<u>Total</u> ((4,789,430)) <u>3,209,830</u>

Sec. 4. 1989 1st ex.s. c 12 s 729 (uncodified) is amended to read as follows:

FOR THE UNIVERSITY OF WASHINGTON

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Energy conservation (86-4-023)

	Reappropriation	Appropriation
St Bldg Constr Acct	((900,000))	
	<u>181,492</u>	
H Ed Constr Acct	300,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
663,566		((1,863,566))
		<u>1,145,058</u>

Sec. 5. 1989 1st ex.s. c 12 s 733 (uncodified) is amended to read as follows:

FOR THE UNIVERSITY OF WASHINGTON

Power plant stack replacement (88-1-023)

	Reappropriation	Appropriation
UW Bldg Acct	((1,050,000))	
	<u>2,491,170</u>	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
450,000		((1,500,000))
		<u>2,941,170</u>

Sec. 6. 1989 1st ex.s. c 12 s 739 (uncodified) is amended to read as follows:

FOR THE UNIVERSITY OF WASHINGTON

Power plant boiler retrofit (88-4-024)

	Reappropriation	Appropriation
UW Bldg Acct	((2,050,000))	
	<u>91,834</u>	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
250,000		((2,300,000))
		<u>341,834</u>

NEW SECTION. Sec. 7. A new section is added to chapter 12, Laws of 1989 1st ex.s. (uncodified) to read as follows:

FOR THE UNIVERSITY OF WASHINGTON

Denny Hall exterior repair (91-2-025)

	Reappropriation	Appropriation
St Bldg Constr Acct		718,508
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	718,508	718,508

NEW SECTION. Sec. 8. A new section is added to chapter 12, Laws of 1989 1st ex.s. (uncodified) to read as follows:

FOR THE UNIVERSITY OF WASHINGTON

Power plant boiler (91-2-026)

UW Bldg Acct	Reappropriation	Appropriation 516,996
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	516,996	516,996

NEW SECTION. Sec. 9. A new section is added to chapter 16, Laws of 1990 1st ex.s. (uncodified) to read as follows:

The appropriation in section 518, chapter 16, Laws of 1990 1st ex. sess. (uncodified), for the construction of common school facilities, is subject to the conditions and limitations of section 904, chapter 12, Laws of 1989 1st ex. sess. (uncodified), as amended, and to RCW 28A.335.210.

NEW SECTION. Sec. 10. 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. 11. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate June 14, 1991.

Passed the House June 14, 1991.

Approved by the Governor June 18, 1991.

Filed in Office of Secretary of State June 18, 1991.

CHAPTER 4

[House Bill 1891]

BASIC HEALTH PLAN—COORDINATION WITH MEDICAL ASSISTANCE

Effective Date: 7/1/91

AN ACT Relating to coordination of the basic health plan with medical assistance; amending RCW 70.47.030, 70.47.060, and 70.47.110; providing an effective date; and declaring an emergency.

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

Sec. 1. RCW 70.47.030 and 1987 1st ex.s. c 5 s 5 are each amended to read as follows:

The basic health plan trust account is hereby established in the state treasury. All nongeneral fund-state funds (~~appropriated~~) collected for this (~~chapter~~) program shall be deposited in the basic health plan trust account and may be expended without further appropriation. (~~Disbursements from other moneys in the account shall be made pursuant to appropriation and upon warrants drawn by the Washington basic health plan administrator.~~) Moneys in the account shall be used exclusively for the purposes of this chapter, including payments to participating managed health care systems on behalf of enrollees in the plan and payment of costs of administering the plan. (~~The earnings on any surplus balances in the basic health plan trust account shall be credited to the account, notwithstanding RCW 43.84.090.~~) After (~~January 1, 1988~~) July 1, 1991, the

administrator shall not expend or encumber for an ensuing fiscal period amounts exceeding ~~((ninety))~~ ninety-five percent of the amount~~((s))~~ anticipated to ~~((accrete in the account))~~ be spent for purchased services during the fiscal ~~((period))~~ year.

Sec. 2. RCW 70.47.060 and 1987 1st ex.s. c 5 s 8 are each amended to read as follows:

The administrator has the following powers and duties:

(1) To design and from time to time revise a schedule of covered basic health care services, including physician services, inpatient and outpatient hospital services, and other services that may be necessary for basic health care, which enrollees in any participating managed health care system under the Washington basic health plan shall be entitled to receive in return for premium payments to the plan. The schedule of services shall emphasize proven preventive and primary health care, shall include all services necessary for prenatal, postnatal, and well-child care, and shall include a separate schedule of basic health care services for children, eighteen years of age and younger, for those enrollees who choose to secure basic coverage through the plan only for their dependent children. In designing and revising the schedule of services, the administrator shall consider the guidelines for assessing health services under the mandated benefits act of 1984, RCW 48.42.080, and such other factors as the administrator deems appropriate.

(2) To design and implement a structure of periodic premiums due the administrator from enrollees that is based upon gross family income, giving appropriate consideration to family size as well as the ages of all family members. The enrollment of children shall not require the enrollment of their parent or parents who are eligible for the plan.

(3) To design and implement a structure of nominal copayments due a managed health care system from enrollees. The structure shall discourage inappropriate enrollee utilization of health care services, but shall not be so costly to enrollees as to constitute a barrier to appropriate utilization of necessary health care services.

(4) To design and implement, in concert with a sufficient number of potential providers in a discrete area, an enrollee financial participation structure, separate from that otherwise established under this chapter, that has the following characteristics:

(a) Nominal premiums that are based upon ability to pay, but not set at a level that would discourage enrollment;

(b) A modified fee-for-services payment schedule for providers;

(c) Coinsurance rates that are established based on specific service and procedure costs and the enrollee's ability to pay for the care. However, coinsurance rates for families with incomes below one hundred twenty percent of the federal poverty level shall be nominal. No coinsurance shall be required for specific proven prevention programs, such as prenatal care. The coinsurance

rate levels shall not have a measurable negative effect upon the enrollee's health status; and

(d) A case management system that fosters a provider-enrollee relationship whereby, in an effort to control cost, maintain or improve the health status of the enrollee, and maximize patient involvement in her or his health care decision-making process, every effort is made by the provider to inform the enrollee of the cost of the specific services and procedures and related health benefits.

The potential financial liability of the plan to any such providers shall not exceed in the aggregate an amount greater than that which might otherwise have been incurred by the plan on the basis of the number of enrollees multiplied by the average of the prepaid capitated rates negotiated with participating managed health care systems under RCW 70.47.100 and reduced by any sums charged enrollees on the basis of the coinsurance rates that are established under this subsection.

(5) To limit enrollment of persons who qualify for subsidies so as to prevent an overexpenditure of appropriations for such purposes. Whenever the administrator finds that there is danger of such an overexpenditure, the administrator shall close enrollment until the administrator finds the danger no longer exists.

(6) To adopt a schedule for the orderly development of the delivery of services and availability of the plan to residents of the state, subject to the limitations contained in RCW 70.47.080.

In the selection of any area of the state for the initial operation of the plan, the administrator shall take into account the levels and rates of unemployment in different areas of the state, the need to provide basic health care coverage to a population reasonably representative of the portion of the state's population that lacks such coverage, and the need for geographic, demographic, and economic diversity.

Before July 1, 1988, the administrator shall endeavor to secure participation contracts with managed health care systems in discrete geographic areas within at least five congressional districts.

(7) To solicit and accept applications from managed health care systems, as defined in this chapter, for inclusion as eligible basic health care providers under the plan. The administrator shall endeavor to assure that covered basic health care services are available to any enrollee of the plan from among a selection of two or more participating managed health care systems. In adopting any rules or procedures applicable to managed health care systems and in its dealings with such systems, the administrator shall consider and make suitable allowance for the need for health care services and the differences in local availability of health care resources, along with other resources, within and among the several areas of the state.

(8) To receive periodic premiums from enrollees, deposit them in the basic health plan operating account, keep records of enrollee status, and authorize

periodic payments to managed health care systems on the basis of the number of enrollees participating in the respective managed health care systems.

(9) To accept applications from individuals residing in areas served by the plan, on behalf of themselves and their spouses and dependent children, for enrollment in the Washington basic health plan, to establish appropriate minimum-enrollment periods for enrollees as may be necessary, and to determine, upon application and at least annually thereafter, or at the request of any enrollee, eligibility due to current gross family income for sliding scale premiums. An enrollee who remains current in payment of the sliding-scale premium, as determined under subsection (2) of this section, and whose gross family income has risen above twice the federal poverty level, may continue enrollment unless and until the enrollee's gross family income has remained above twice the poverty level for six consecutive months, by making payment at the unsubsidized rate required for the managed health care system in which he or she may be enrolled. No subsidy may be paid with respect to any enrollee whose current gross family income exceeds twice the federal poverty level or, subject to RCW 70.47.110, who is a recipient of medical assistance or medical care services under chapter 74.09 RCW. If a number of enrollees drop their enrollment for no apparent good cause, the administrator may establish appropriate rules or requirements that are applicable to such individuals before they will be allowed to re-enroll in the plan.

~~(10) ((To require that prospective enrollees who may be eligible for categorically needy medical coverage under RCW 74.09.510 or whose income does not exceed the medically needy income level under RCW 74.09.700 apply for such coverage, but the administrator shall enroll the individuals in the plan pending the determination of eligibility under chapter 74.09 RCW.~~

~~(11))~~ To determine the rate to be paid to each participating managed health care system in return for the provision of covered basic health care services to enrollees in the system. Although the schedule of covered basic health care services will be the same for similar enrollees, the rates negotiated with participating managed health care systems may vary among the systems. In negotiating rates with participating systems, the administrator shall consider the characteristics of the populations served by the respective systems, economic circumstances of the local area, the need to conserve the resources of the basic health plan trust account, and other factors the administrator finds relevant.

~~((12))~~ (11) To monitor the provision of covered services to enrollees by participating managed health care systems in order to assure enrollee access to good quality basic health care, to require periodic data reports concerning the utilization of health care services rendered to enrollees in order to provide adequate information for evaluation, and to inspect the books and records of participating managed health care systems to assure compliance with the purposes of this chapter. In requiring reports from participating managed health care systems, including data on services rendered enrollees, the administrator shall endeavor to minimize costs, both to the managed health care systems and

to the administrator. The administrator shall coordinate any such reporting requirements with other state agencies, such as the insurance commissioner and the ~~((hospital-commission))~~ department of health, to minimize duplication of effort.

~~((13))~~ (12) To monitor the access that state residents have to adequate and necessary health care services, determine the extent of any unmet needs for such services or lack of access that may exist from time to time, and make such reports and recommendations to the legislature as the administrator deems appropriate.

~~((14))~~ (13) To evaluate the effects this chapter has on private employer-based health care coverage and to take appropriate measures consistent with state and federal statutes that will discourage the reduction of such coverage in the state.

~~((15))~~ (14) To develop a program of proven preventive health measures and to integrate it into the plan wherever possible and consistent with this chapter.

~~((16))~~ (15) To provide, consistent with available resources, technical assistance for rural health activities that endeavor to develop needed health care services in rural parts of the state.

Sec. 3. RCW 70.47.110 and 1987 1st ex.s. c 5 s 13 are each amended to read as follows:

The department of social and health services ~~((shall))~~ may make ~~((periodic))~~ payments to the administrator ~~((as-an-agent-for-the))~~ or to participating managed health care systems on behalf of any enrollee who is a recipient of ~~((medical assistance, medical care—limited-casualty-program, or))~~ medical care ~~((services))~~ under chapter 74.09 RCW, at the maximum rate allowable for federal matching purposes under Title XIX of the social security act ~~((, but not to exceed the rate negotiated by the administrator with the participating managed health care system for the services covered by the plan, and no premium or copayment may be charged to such an enrollee))~~. Any enrollee on whose behalf the department of social and health services makes such payments ~~((to the administrator under this section and chapter 74.09 RCW))~~ may continue as an enrollee, making premium payments based on the enrollee's own income as determined under the sliding scale, after eligibility for coverage under chapter 74.09 RCW has ended, as long as the enrollee remains eligible under this chapter. Nothing in this section affects the right of any person eligible for coverage under chapter 74.09 RCW to receive the services offered to other persons under that chapter but not included in the schedule of basic health care services covered by the plan. The administrator shall seek to determine which enrollees or prospective enrollees may be eligible for medical care under chapter 74.09 RCW and may require these individuals to complete the eligibility determination process under chapter 74.09 RCW prior to enrollment or continued participation in the plan. The administrator and the department of social and health services shall cooperatively

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adopt procedures to facilitate the transition of plan enrollees and payments on their behalf between the plan and the programs established under chapter 74.09 RCW.

NEW SECTION. Sec. 4. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1991.

Passed the House June 28, 1991.
 Passed the Senate June 29, 1991.
 Approved by the Governor June 30, 1991.
 Filed in Office of Secretary of State June 30, 1991.

CHAPTER 5

[Substitute House Bill 1909]

INSURANCE COMPANIES—PAID-IN CAPITAL STOCK REQUIREMENTS

Effective Date: 7/1/91

AN ACT Relating to the licensure of insurance companies; amending RCW 48.05.340 and 48.15.090; providing an effective date; and declaring an emergency.

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

Sec. 1. RCW 48.05.340 and 1982 c 181 s 3 are each amended to read as follows:

(1) Subject to RCW 48.05.350 and 48.05.360 to qualify for authority to transact any one kind of insurance as defined in chapter 48.11 RCW or combination of kinds of insurance as shown below, a foreign or alien insurer, whether stock or mutual, or a domestic insurer hereafter formed shall possess and thereafter maintain unimpaired paid-in capital stock, if a stock insurer, or unimpaired surplus if a mutual insurer, and shall possess when first so authorized additional funds in surplus as follows:

Kind or kinds of insurance	Paid-in capital stock or basic surplus	Additional surplus
Life	\$ ((1,000,000)) <u>2,000,000</u>	\$((1,000,000)) <u>2,000,000</u>
Disability	((1,000,000)) <u>2,000,000</u>	((1,000,000)) <u>2,000,000</u>
Life and disability	((1,200,000)) <u>2,400,000</u>	((1,200,000)) <u>2,400,000</u>
Property	((1,000,000)) <u>2,000,000</u>	((1,000,000)) <u>2,000,000</u>
Marine & transportation	((1,000,000)) <u>2,000,000</u>	((1,000,000)) <u>2,000,000</u>
General casualty	((1,200,000)) <u>2,400,000</u>	((1,200,000)) <u>2,400,000</u>

Vehicle	((1,000,000))	((1,000,000))
	<u>2,000,000</u>	<u>2,000,000</u>
Surety	((1,000,000))	((1,000,000))
	<u>2,000,000</u>	<u>2,000,000</u>
Any two of the following kinds of insurance:		
Property, marine & transportation, general casualty, vehicle, surety, disability .	((1,500,000))	((1,500,000))
	<u>3,000,000</u>	<u>3,000,000</u>
Multiple lines (all insurances except life and title insurance)	((1,500,000))	((1,500,000))
	<u>3,000,000</u>	<u>3,000,000</u>
Title (in accordance with the provisions of chapter 48.29 RCW)		

(2) Capital and surplus requirements are based upon all the kinds of insurance transacted by the insurer wherever it may operate or propose to operate, whether or not only a portion of such kinds are to be transacted in this state.

(3) An insurer holding a certificate of authority to transact insurance in this state immediately prior to July 1, ~~((1980))~~ 1991, may continue to be authorized to transact the same kinds of insurance as long as it is otherwise qualified for such authority and thereafter maintains unimpaired the amount of paid-in capital stock, if a stock insurer, or basic surplus, if a mutual or reciprocal insurer, and special surplus as required of it under laws in force immediately prior to such effective date; and any proposed domestic insurer which is in process of formation or financing under a solicitation permit which is outstanding immediately prior to July 1, ~~((1980))~~ 1991, shall, if otherwise qualified therefor, be authorized to transact any kind or kinds of insurance upon the basis of the capital and surplus requirements of such an insurer under the laws in force immediately prior to such effective date (~~PROVIDED, That any applicable action pending from the period between June 8, 1967, and July 1, 1980, shall be governed by this section as then in effect~~). The requirements for paid-in capital stock, basic surplus, and special surplus that were in effect immediately before the effective date of this section, apply to any completed application for a certificate of authority from a foreign or alien insurer that is on file with the commissioner on the effective date of this section.

Sec. 2. RCW 48.15.090 and 1980 c 102 s 4 are each amended to read as follows:

(1) A surplus line broker shall not knowingly place surplus line insurance with insurers unsound financially. The surplus line broker shall ascertain the financial condition of the unauthorized insurer, and maintain written evidence thereof, before placing insurance therewith. The surplus line broker shall not so insure with:

(a) Any foreign insurer having less than six million dollars of capital and surplus or ((combined capital funds than the minimum amounts required for an admitted multiple line insurer in accordance with RCW 48.05.340 as now or hereafter amended, and in the case of an alien insurer, there must be on file with the commissioner a copy of a trust agreement, certified by the trustee, evidencing a subsisting trust deposit of not less than one half of a like amount by such insurer with a bank or trust company in the United States, and which deposit is held for the protection of United States policyholders. Such trust account shall consist of cash or other assets acceptable to the commissioner and shall have an expiration date which at no time shall be less than five years hence)) substantially equivalent capital funds, of which not less than one million five hundred thousand dollars is capital; or

(b) Any alien insurer having less than six million dollars of capital and surplus or substantially equivalent capital funds. By January 1, 1992, this requirement shall be increased to twelve million five hundred thousand dollars. By January 1, 1993, this requirement shall be further increased to fifteen million dollars. Such alien insurers must have in force in the United States an irrevocable trust account, in a qualified United States financial institution, on behalf of United States policyholders of not less than two million five hundred thousand dollars and consisting of cash, securities, letters of credit, or of investments of substantially the same character and quality as those which are eligible investments for the capital and statutory reserves of admitted insurers authorized to write like kinds of insurance in this state. There must be on file with the commissioner a copy of the trust, certified by the trustee, evidencing a subsisting trust deposit having an expiration date which at no time shall be less than five years after the date of creation of the trust. Such trust fund shall be included in the calculation of the insurer's capital and surplus or its equivalents; or

(c) Any unincorporated group of individual insurers maintaining a trust fund of less than fifty million dollars as security to the full amount thereof for all policyholders in the United States of each member of the group, and such trust shall likewise comply with the terms and conditions established in (b) of this subsection for an alien insurer; or

(d) Any insurance exchange created by the laws of an individual state, maintaining capital and surplus, or substantially equivalent capital funds of less than fifty million dollars in the aggregate. For insurance exchanges which maintain funds for the protection of all insurance exchange policyholders, each individual syndicate shall maintain minimum capital and surplus, or the substantial equivalent thereof, of not less than six million dollars. In the event the insurance exchange does not maintain funds for the protection of all insurance exchange policyholders, each individual syndicate shall meet the minimum capital and surplus requirements of (a) of this subsection.

(2) The commissioner may, by rule ((and regulation));

(a) Increase the financial requirements under subsection (1) of this section by not more than one million dollars in any twelve-month period, but in no case may the requirements exceed fifteen million dollars; or

(b) Prescribe the terms under which the foregoing financial requirements may be waived in circumstances where insurance cannot be otherwise procured on risks located in this state.

~~((2))~~ (3) For any violation of this section the surplus line broker may be fined not less than one hundred dollars or more than five thousand dollars, ((his)) and in addition to or in lieu thereof the surplus line broker's license may be revoked, suspended, or nonrenewed.

NEW SECTION. Sec. 3. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1991.

Passed the House June 19, 1991.

Passed the Senate June 26, 1991.

Approved by the Governor June 30, 1991.

Filed in Office of Secretary of State June 30, 1991.

CHAPTER 6

[Engrossed House Bill 2231]

FIRE PROTECTION SPRINKLER SYSTEM CONTRACTORS—SURETY BOND REQUIREMENTS

Effective Date: 6/30/91

AN ACT Relating to the surety bond required from fire protection sprinkler system contractors; adding a new section to chapter 18.160 RCW; repealing RCW 18.160.060; and declaring an emergency.

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

NEW SECTION. Sec. 1. A new section is added to chapter 18.160 RCW to read as follows:

(1) Before granting a license under this chapter, the director of fire protection shall require that the applicant file with the state director of fire protection a surety bond issued by a surety insurer who meets the requirements of chapter 48.28 RCW in a form acceptable to the director of fire protection running to the state of Washington in the penal sum of ten thousand dollars. However, the surety bond for a fire protection sprinkler system contractor whose business is restricted solely to NFPA 13-D or NFPA 13-R systems shall be in the penal sum of six thousand dollars. The bond shall be conditioned that the applicant will pay all purchasers of fire protection sprinkler systems with whom the applicant has a contract for the applicant to install, inspect, maintain, or service a fire protection sprinkler system, and who have obtained a judgment against the applicant for the breach of such a contract. The term "purchaser" means an owner of property who has entered into a contract for the installation of a fire protection sprinkler system on that property, or a contractor who

contracts to install, inspect, maintain, or service such a system with an owner of property and subcontracts the work to the applicant. No other person, including, but not limited to, persons who supply labor, materials, or rental equipment to the applicant, shall have any rights against the bond.

(2) In lieu of the surety bond required by this section the applicant may file with the director of fire protection a deposit consisting of cash or other security acceptable to the director of fire protection in an amount equal to the penal sum of the required bond. The director of fire protection may adopt rules necessary for the proper administration of the security.

(3) Before granting renewal of a fire protection sprinkler system contractor's license to any applicant, the director of fire protection shall require that the applicant file with the director satisfactory evidence that the surety bond or cash deposit is in full force.

(4) Any purchaser of a fire protection sprinkler system having a claim against the licensee for the breach of a contract for the licensee to install, inspect, maintain, or service a fire protection sprinkler system may bring suit upon such bond in superior court of the county in which the work was done or of any county in which jurisdiction of the licensee may be had. Any such action must be brought not later than one year after the expiration of the licensee's license or renewal license then in effect at the time of the alleged breach of contract.

(5) The bond shall be considered one continuous obligation, and the surety upon the bond shall not be liable in aggregate or cumulative amount exceeding ten thousand dollars, or six thousand dollars if the bond was issued to a licensee whose business is restricted solely to NFPA 13-D or NFPA 13-R systems, regardless of the number of years the bond is in effect, or whether it is reinstated, renewed, reissued, or otherwise continued, and regardless of the year in which any claim accrued. The bond shall not be liable for any liability of the licensee for tortious acts, whether or not such liability is imposed by statute or common law, or is imposed by contract. The bond shall not be a substitute or supplemental to any liability or other insurance required by law or by the contract.

(6) If the surety desires to make payment without awaiting court action against it, the amount of the bond shall be reduced to the extent of any payment made by the surety in good faith under the bond. Any payment shall be based on final judgments received by the surety.

(7) Claims against the bond shall be satisfied from the bond in the following order:

(a) Claims by a purchaser of a fire protection sprinkler system for the breach of a contract for the licensee to install, inspect, maintain, or service a fire protection sprinkler system;

(b) Any court costs, interest, and attorneys' fees the plaintiff may be entitled to recover by contract, statute, or court rule.

A condition precedent to the surety being liable to any claimant is a final judgment against the licensee, unless the surety desires to make payment without

awaiting court action. In the event of a dispute regarding the apportionment of the bond proceeds among claimants, the surety may bring an action for interpleader against all claimants upon the bond.

(8) Any purchaser of a fire protection sprinkler system having an unsatisfied final judgment against the licensee for the breach of a contract for the licensee to install, inspect, maintain, or service a fire protection sprinkler system may execute upon the security held by the director of fire protection by serving a certified copy of the unsatisfied final judgment by registered or certified mail upon the director within one year of the date of entry of such judgment. Upon the receipt of service of such certified copy the director shall pay or order paid from the deposit, through the registry of the court which rendered judgment, towards the amount of the unsatisfied judgment. The priority of payment by the director shall be the order of receipt by the director, but the director shall have no liability for payment in excess of the amount of the deposit.

NEW SECTION. Sec. 2. RCW 18.160.060 and 1990 c 177 s 7 are each repealed.

NEW SECTION. Sec. 3. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House June 26, 1991.

Passed the Senate June 27, 1991.

Approved by the Governor June 30, 1991.

Filed in Office of Secretary of State June 30, 1991.

CHAPTER 7

[Engrossed House Bill 2235]

HUNTING AND FISHING LICENSE AND PERSONALIZED LICENSE PLATE FEE INCREASES TO FUND WILDLIFE PROGRAMS

Effective Date: 7/1/91

AN ACT Relating to increasing department of wildlife revenue by increasing the amount of fees for hunting and fishing licenses and personalized license plates; amending RCW 77.32.101, 77.32.161, 77.32.191, 77.32.211, 77.32.230, 77.32.240, 77.32.256, 77.32.340, 77.32.350, 77.32.360, 77.32.370, and 77.32.380; adding a new section to chapter 46.16 RCW; providing an effective date; and declaring an emergency.

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

Sec. 1. RCW 77.32.101 and 1985 c 464 s 2 are each amended to read as follows:

(1) A hunting and fishing license allows a resident holder to hunt and fish throughout the state. The fee for this license is (~~twenty-four~~) twenty-nine dollars.

(2) A hunting license allows the holder to hunt throughout the state. The fee for this license is (~~twelve~~) fifteen dollars for residents and one hundred (~~twenty-five~~) fifty dollars for nonresidents.

(3) A fishing license allows the holder to fish throughout the state. The fee for this license is ~~((fourteen))~~ seventeen dollars for residents fifteen years of age or older and under seventy years of age, three dollars for residents seventy years of age or older, and ~~((forty))~~ forty-eight dollars for nonresidents.

Sec. 2. RCW 77.32.161 and 1985 c 464 s 3 are each amended to read as follows:

A nonresident or resident may obtain a temporary fishing license, which allows the holder to fish throughout the state for three consecutive days. The fee for this license is ~~((seven))~~ nine dollars for residents and ~~((fourteen))~~ seventeen dollars for nonresidents. The resident temporary fishing license is not valid for an eight consecutive day period beginning on the opening day of the lowland lake fishing season.

Sec. 3. RCW 77.32.191 and 1987 c 372 s 3 are each amended to read as follows:

A state trapping license allows the holder to trap fur-bearing animals throughout the state; however, a trapper may not place traps on private property without permission of the owner, lessee, or tenant where the land is improved and apparently used, or where the land is fenced or enclosed in a manner designed to exclude intruders or to indicate a property boundary line, or where notice is given by posting in a conspicuous manner. A state trapping license is void on April 1st following the date of issuance. The fee for this license is ~~((thirty))~~ thirty-six dollars for residents sixteen years of age or older, ~~((twelve))~~ fifteen dollars for residents under sixteen years of age, and one hundred ~~((fifty))~~ eighty dollars for nonresidents.

Sec. 4. RCW 77.32.211 and 1987 c 506 s 83 are each amended to read as follows:

(1) A taxidermy license allows the holder to practice taxidermy for profit. The fee for this license is one hundred ~~((fifty))~~ eighty dollars.

(2) A fur dealer's license allows the holder to purchase, receive, or resell raw furs for profit. The fee for this license is one hundred ~~((fifty))~~ eighty dollars.

(3) A fishing guide license allows the holder to offer or perform the services of a professional guide in the taking of game fish. The fee for this license is one hundred ~~((fifty))~~ eighty dollars for a resident and ~~((five))~~ six hundred dollars for a nonresident.

(4) A game farm license allows the holder to operate a game farm to acquire, breed, grow, keep, and sell wildlife under conditions prescribed by the rules adopted pursuant to this title. The fee for this license is ~~((sixty))~~ seventy-two dollars for the first year and ~~((forty))~~ forty-eight dollars for each following year.

(5) A game fish stocking permit allows the holder to release game fish into the waters of the state as prescribed by rule of the commission. The fee for this permit is ~~((twenty))~~ twenty-four dollars.

(6) A ~~((hunting;))~~ fishing~~((;))~~ or field trial permit allows the holder to promote, conduct, hold, or sponsor a ~~((hunting;))~~ fishing~~((;))~~ or field trial contest in accordance with rules of the commission. The fee for ~~((this))~~ a fishing contest permit is ~~((twenty))~~ twenty-four dollars. The fee for a field trial contest permit is twenty-four dollars.

(7) An anadromous game fish buyer's license allows the holder to purchase or sell steelhead trout and other anadromous game fish harvested by Indian fishermen lawfully exercising fishing rights reserved by federal statute, treaty, or executive order, under conditions prescribed by rule of the director. The fee for this license is one hundred ~~((fifty))~~ eighty dollars.

Sec. 5. RCW 77.32.230 and 1988 c 176 s 914 are each amended to read as follows:

(1) A person sixty-five years of age or older who is an honorably discharged veteran of the United States armed forces having a service-connected disability and who has been a resident for five years may receive upon application a state hunting and fishing license free of charge.

~~(2) ((A person seventy years of age or older who has been a resident for ten years may receive, upon application, a fishing license free of charge.~~

~~(3))~~ (3)) A blind person, or a person with a developmental disability as defined in RCW 71A.10.020 with documentation of the disability from the department of social and health services, or a physically handicapped person confined to a wheelchair may receive upon application a fishing license free of charge.

~~((4))~~ (3) A blind person or a physically handicapped person confined to a wheelchair who has been issued a card for a permanent disability under RCW 46.16.381 may use that card in place of a fishing license unless tags, permits, stamps, or punchcards are required by this chapter.

~~((5))~~ (4) A fishing license is not required for persons under the age of fifteen.

~~((6))~~ (5) Tags, permits, stamps, and punchcards required by this chapter shall be purchased separately by persons receiving a free or reduced-fee license.

Sec. 6. RCW 77.32.240 and 1981 c 310 s 28 are each amended to read as follows:

A scientific permit allows the holder to collect for research or display wildlife or their nests and eggs as required in RCW 77.32.010 under conditions prescribed by the director. Before a permit is issued, the applicant shall demonstrate to the director their qualifications and establish the need for the permit. The director may require a bond of up to one thousand dollars to insure compliance with the permit. Permits are valid for the time specified, unless sooner revoked.

Holders of permits may exchange specimens with the approval of the director.

A permit holder who violates this section shall forfeit the permit and bond and shall not receive a similar permit for one year. The fee for a scientific permit is ~~((ten))~~ twelve dollars.

Sec. 7. RCW 77.32.256 and 1987 c 506 s 86 are each amended to read as follows:

The director shall by rule establish the conditions for issuance of duplicate licenses, permits, tags, stamps, and punchcards required by this chapter. The fee for a duplicate provided under this section is ~~((eight))~~ ten dollars.

Sec. 8. RCW 77.32.340 and 1990 c 84 s 5 are each amended to read as follows:

Fees for transport tags shall be as follows:

(1) The fee for a resident deer tag is ~~((fifteen))~~ eighteen dollars. The fee for a nonresident deer tag is ~~((fifty))~~ sixty dollars.

(2) The fee for a resident elk tag is ~~((twenty))~~ twenty-four dollars. The fee for a nonresident elk tag is one hundred twenty dollars.

(3) The fee for a resident bear tag is ~~((fifteen))~~ eighteen dollars. The fee for a nonresident bear tag is one hundred ~~((fifty))~~ eighty dollars.

(4) The fee for a resident cougar tag is ~~((twenty))~~ twenty-four dollars. The fee for a nonresident cougar tag is three hundred sixty dollars.

(5) The fee for a mountain goat tag is ~~((fifty))~~ sixty dollars for residents and one hundred ~~((fifty))~~ eighty dollars for nonresidents. The fee shall be paid at the time of application. Applicants who are not selected for a mountain goat special season permit shall receive a refund of this fee, less five dollars.

(6) The fee for a sheep tag is ~~((seventy-five))~~ ninety dollars for residents and three hundred sixty dollars for nonresidents and shall be paid at the time of application. Applicants who are not selected for a sheep special season permit shall receive a refund of this fee, less five dollars.

(7) The fee for a moose tag is one hundred ~~((fifty))~~ eighty dollars for residents and three hundred sixty dollars for nonresidents and shall be paid at the time of application. Applicants who are not selected for a moose special season permit shall receive a refund of this fee, less five dollars.

(8) The fee for a wild turkey tag is ~~((fifteen))~~ eighteen dollars for residents and sixty dollars for nonresidents.

(9) The fee for a lynx tag is twenty-four dollars for residents and three hundred sixty dollars for nonresidents and shall be paid at the time of application. Applicants who are not selected for a lynx special season permit shall receive a refund of this fee, less five dollars.

Sec. 9. RCW 77.32.350 and 1990 c 84 s 6 are each amended to read as follows:

In addition to a basic hunting license, a supplemental license, permit, or stamp is required to hunt for quail, partridge, pheasant, or migratory waterfowl, to hunt with a raptor, or to hunt wild animals with a dog.

(1) A hound permit is required to hunt wild animals, except rabbits and hares, with a dog. The fee for this permit is ~~((ten))~~ twelve dollars.

(2) An eastern Washington upland game bird permit is required to hunt for quail, partridge, and pheasant in eastern Washington. The fee for this permit is ~~((eight))~~ ten dollars.

(3) A western Washington upland game bird permit is required to hunt for quail, partridge, and pheasant in western Washington. The fee for this permit is ~~((fifteen-dollars))~~ thirty-five dollars. Effective January 1, 1992, the permit shall be available as a season option, an early season option, a late season option, a juvenile full season option or a two-day option. The fee for this permit is:

(a) For the full season option, thirty-five dollars;

(b) For the early season option, twenty-five dollars;

(c) For the late season option, twenty-five dollars;

(d) For the juvenile full season or the two-day option, twenty dollars.

For the purposes of this subsection a juvenile is defined as a person under fifteen years of age upon the opening date of the western Washington pheasant season.

(4) A falconry license is required to possess or hunt with a raptor, including seasons established exclusively for hunting in that manner. The fee for this license is ~~((thirty))~~ thirty-six dollars.

(5) A migratory waterfowl stamp affixed to a basic hunting license is required for all persons sixteen years of age or older to hunt migratory waterfowl. The fee for the stamp is ~~((five))~~ six dollars.

(6) The migratory waterfowl stamp shall be validated by the signature of the licensee written across the face of the stamp.

(7) The migratory waterfowl stamps required by this section expire on March 31st following the date of issuance.

Sec. 10. RCW 77.32.360 and 1990 c 84 s 7 are each amended to read as follows:

(1) A steelhead catch record card is required to fish for steelhead trout. The fee for this catch record card is ~~((fifteen))~~ eighteen dollars.

(2) Persons possessing steelhead trout shall immediately validate their catch record card as provided by rule.

(3) The steelhead catch record card required under this section expires April 30th following the date of issuance.

(4) Each person who returns a steelhead catch record card to an authorized license dealer by June 1 following the period for which it was issued shall be given a credit equal to five dollars towards that day's purchase of any license, permit, transport tag, catch record card, or stamp required by this chapter. This subsection does not apply to annual steelhead catch record cards for persons under the age of fifteen.

(5) Persons under the age of fifteen may purchase an annual steelhead catch record card for ~~((five))~~ six dollars. The ~~((five-dollar))~~ six-dollar catch record

card entitles the holder to retain no more than five steelhead. After retaining five steelhead, a new catch record card may be purchased.

Sec. 11. RCW 77.32.370 and 1987 c 506 s 89 are each amended to read as follows:

(1) A special hunting season permit is required to hunt in each special season established under chapter 77.12 RCW.

(2) Persons may apply for special hunting season permits as provided by rule of the director.

(3) The application fee to participate in a special hunting season is ~~((two))~~ three dollars.

Sec. 12. RCW 77.32.380 and 1988 c 36 s 52 are each amended to read as follows:

Persons sixteen years of age or older who use clearly identified department lands and access facilities are required to possess a conservation license or a hunting, fishing, trapping, or free license on their person while using the facilities. The fee for this license is ~~((eight))~~ ten dollars annually.

The spouse, all children under eighteen years of age, and guests under eighteen years of age of the holder of a valid conservation license may use department lands and access facilities when accompanied by the license holder.

Youth groups may use department lands and game access facilities without possessing a conservation license when accompanied by a license holder.

The conservation license is nontransferable and must be validated by the signature of the holder. Upon request of a wildlife agent or ex officio wildlife agent a person using clearly identified department of wildlife lands shall exhibit the required license.

NEW SECTION. **Sec. 13.** A new section is added to chapter 46.16 RCW to read as follows:

In addition to the fees imposed in RCW 46.16.585 for application and renewal of personalized license plates an additional fee of ten dollars shall be charged. The revenue from the additional fee shall be deposited in the state wildlife fund and used for the management of resources associated with the nonconsumptive use of wildlife.

NEW SECTION. **Sec. 14.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1991.

Passed the House June 28, 1991.

Passed the Senate June 28, 1991.

Approved by the Governor June 30, 1991.

Filed in Office of Secretary of State June 30, 1991.

CHAPTER 8

[Engrossed House Bill 1890]

NURSING HOMES—REVISED REGULATORY PROVISIONS

Effective Date: 7/1/91

AN ACT Relating to regulation of nursing homes; amending RCW 18.51.050, 18.51.310, 43.190.020, 70.38.105, 74.08.044, 74.09.250, 74.09.260, 74.09.510, 74.09.700, 74.46.020, 74.46.380, 74.46.660, 74.46.210, 74.46.410, 74.46.481, 74.46.530, 74.46.360, and 74.46.700; reenacting and amending RCW 74.09.520; repealing RCW 74.42.610, 74.46.710, 74.46.720, 74.46.730, 74.46.740, 74.46.750, and 74.46.760; providing an effective date; and declaring an emergency.

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

Sec. 1. RCW 18.51.050 and 1989 c 372 s 1 are each amended to read as follows:

Upon receipt of an application for license, the department shall issue a license if the applicant and the nursing home facilities meet the requirements established under this chapter, except that the department shall issue a temporary license to a court-appointed receiver for a period not to exceed six months from the date of appointment. Prior to the issuance or renewal of the license, the licensee shall pay a license fee as established by the department. No fee shall be required of government operated institutions or court-appointed receivers. All licenses issued under the provisions of this chapter shall expire on a date to be set by the department, but no license issued pursuant to this chapter shall exceed thirty-six months in duration. When a change of ownership occurs, the entity becoming the licensed operating entity of the facility shall pay a fee established by the department at the time of application for the license. The previously determined date of license expiration shall not change. ~~((The department shall conduct, without charge to the nursing homes, one annual licensing and certification survey per calendar year and one postsurvey visit.~~

~~For all additional surveys required beyond the first postsurvey visit, nursing homes shall pay an inspection fee of twelve dollars per bed to the department. The inspection fee shall be due within thirty days of the completion date of the postsurvey.)~~ The department shall establish license fees at an amount adequate to reimburse the department in full for all costs of its licensing activities for nursing homes, adjusted to cover the department's cost of reimbursing such fees through medicaid.

All applications and fees for renewal of the license shall be submitted to the department not later than thirty days prior to the date of expiration of the license. All applications and fees for change of ownership licenses shall be submitted to the department not later than sixty days before the date of the proposed change of ownership. Each license shall be issued only to the operating entity and those persons named in the license application. The license is valid only for the operation of the facility at the location specified in the license application. Licenses are not transferable or assignable. Licenses shall be posted in a conspicuous place on the licensed premises.

Sec. 2. RCW 18.51.310 and 1981 2nd ex.s. c 11 s 5 are each amended to read as follows:

(1) ~~(Within thirty days of admission, the department shall evaluate, through review and assessment, the comprehensive plan of care for each resident~~

~~supported by the department under RCW 74.09.120 as now or hereafter amended.~~

~~(2) The department shall review the comprehensive plan of care for such resident at least annually or upon any change in the resident's classification.~~

~~(3) Based upon the assessment of the resident's needs, the department shall assign such resident to a classification. Developmentally disabled residents shall be classified under a separate system.~~

~~(4) The nursing home shall submit any request to modify a resident's classification to the department for the department's approval. The approval shall not be given until the department has reviewed the resident.~~

(5)) The department shall establish, in compliance with federal and state law, a comprehensive plan for utilization review as necessary to safeguard against unnecessary utilization of care and services and to assure quality care and services provided to nursing facility residents.

(2) The department shall adopt licensing standards suitable for implementing the civil penalty system authorized under this chapter and chapter 74.46 RCW.

~~((6))~~ (3) No later than July 1, 1981, the department shall adopt all those regulations which meet all conditions necessary to fully implement the civil penalty system authorized by this chapter, chapter 74.42 RCW, and chapter 74.46 RCW.

Sec. 3. RCW 43.190.020 and 1983 c 290 s 2 are each amended to read as follows:

As used in this chapter, "long-term care facility" means any of the following which provide services to persons sixty years of age and older and is:

(1) A facility which:

(a) Maintains and operates twenty-four hour skilled nursing services for the care and treatment of chronically ill or convalescent patients, including mental, emotional, or behavioral problems, mental retardation, or alcoholism;

(b) Provides supportive, restorative, and preventive health services in conjunction with a socially oriented program to its residents, and which maintains and operates twenty-four hour services including board, room, personal care, and intermittent nursing care. "Long-term health care facility" includes nursing homes~~((, skilled nursing facilities, and intermediate care))~~ and nursing facilities, but does not include acute care hospital or other licensed facilities except for that distinct part of the hospital or facility which provides nursing ~~((home, skilled nursing facility, or intermediate care))~~ facility services.

(2) Any family home, group care facility, or similar facility determined by the secretary, for twenty-four hour nonmedical care of persons in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual.

(3) Any swing bed in an acute care facility.

Sec. 4. RCW 70.38.105 and 1989 1st ex.s. c 9 s 603 are each amended to read as follows:

(1) The department is authorized and directed to implement the certificate of need program in this state pursuant to the provisions of this chapter.

(2) There shall be a state certificate of need program which is administered consistent with the requirements of federal law as necessary to the receipt of federal funds by the state.

(3) No person shall engage in any undertaking which is subject to certificate of need review under subsection (4) of this section without first having received from the department either a certificate of need or an exception granted in accordance with this chapter.

(4) The following shall be subject to certificate of need review under this chapter:

(a) The construction, development, or other establishment of a new health care facility;

(b) The sale, purchase, or lease of part or all of any existing hospital as defined in RCW 70.38.025;

(c) Any capital expenditure for the construction, renovation, or alteration of a nursing home which substantially changes the services of the facility after January 1, 1981, provided that the substantial changes in services are specified by the department in rule;

(d) Any capital expenditure for the construction, renovation, or alteration of a nursing home which exceeds the expenditure minimum as defined by RCW 70.38.025. However, a capital expenditure which is not subject to certificate of need review under (a), (b), (c), or (e) of this subsection and which is solely for any one or more of the following is not subject to certificate of need review except to the extent required by the federal government as a condition to receipt of federal assistance and does not substantially affect patient charges:

(i) Communications and parking facilities;

(ii) Mechanical, electrical, ventilation, heating, and air conditioning systems;

(iii) Energy conservation systems;

(iv) Repairs to, or the correction of, deficiencies in existing physical plant facilities which are necessary to maintain state licensure;

(v) Acquisition of equipment, including data processing equipment, which is not or will not be used in the direct provision of health services;

(vi) Construction which involves physical plant facilities, including administrative and support facilities, which are not or will not be used for the provision of health services;

(vii) Acquisition of land; and

(viii) Refinancing of existing debt;

(e) A change in bed capacity of a health care facility which increases the total number of licensed beds or redistributes beds among acute care, ((skilled)) nursing((-intermediate)) home care, and boarding home care if the bed redistribution is to be effective for a period in excess of six months;

(f) Any new tertiary health services which are offered in or through a health care facility, and which were not offered on a regular basis by, in, or through such health care facility within the twelve-month period prior to the time such services would be offered;

(g) Any expenditure for the construction, renovation, or alteration of a nursing home or change in nursing home services in excess of the expenditure

minimum made in preparation for any undertaking under subsection (4) of this section and any arrangement or commitment made for financing such undertaking. Expenditures of preparation shall include expenditures for architectural designs, plans, working drawings, and specifications. The department may issue certificates of need permitting predevelopment expenditures, only, without authorizing any subsequent undertaking with respect to which such predevelopment expenditures are made; and

(h) Any increase in the number of dialysis stations in a kidney disease center.

(5) The department is authorized to charge fees for the review of certificate of need applications and requests for exemptions from certificate of need review. The fees shall be sufficient to cover the full cost of review and exemption, which may include the development of standards, criteria, and policies.

(6) No person may divide a project in order to avoid review requirements under any of the thresholds specified in this section.

Sec. 5. RCW 74.08.044 and 1975-'76 2nd ex.s. c 52 s 1 are each amended to read as follows:

The department is authorized to promulgate rules and regulations establishing eligibility for alternate living arrangements, and license the same, including minimum standards of care, based upon need for personal care and supervision beyond the level of board and room only, but less than the level of care required in a hospital or a ((skilled)) nursing ((home)) facility as defined in the federal social security act.

Sec. 6. RCW 74.09.250 and 1979 ex.s. c 152 s 6 are each amended to read as follows:

Any person, including any corporation, that knowingly makes or causes to be made, or induces or seeks to induce the making of, any false statement or representation of a material fact with respect to the conditions or operations of any institution or facility in order that such institution or facility may qualify (either upon initial certification or upon recertification) as a hospital, ((skilled)) nursing facility, ((intermediate care facility,)) or home health agency, shall be guilty of a class C felony: PROVIDED, That the fine, if imposed, shall not be in an amount more than five thousand dollars.

Sec. 7. RCW 74.09.260 and 1979 ex.s. c 152 s 7 are each amended to read as follows:

Any person, including any corporation, that knowingly:

(1) Charges, for any service provided to a patient under any medical care plan authorized under this chapter, money or other consideration at a rate in excess of the rates established by the department of social and health services((;)); or

(2) Charges, solicits, accepts, or receives, in addition to any amount otherwise required to be paid under such plan, any gift, money, donation, or other consideration (other than a charitable, religious, or philanthropic contribution from an organization or from a person unrelated to the patient);

(a) As a precondition of admitting a patient to a hospital((,-skilled)) or nursing facility((,-or-intermediate-care-facility,)); or

(b) As a requirement for the patient's continued stay in such facility, when the cost of the services provided therein to the patient is paid for, in whole or in part, under such plan, shall be guilty of a class C felony: PROVIDED, That the fine, if imposed, shall not be in an amount more than twenty-five thousand dollars, except as authorized by RCW 9A.20.030.

Sec. 8. RCW 74.09.510 and 1989 1st ex.s. c 10 s 8 are each amended to read as follows:

Medical assistance may be provided in accordance with eligibility requirements established by the department of social and health services, as defined in the social security Title XIX state plan for mandatory categorically needy persons and: (1) Individuals who would be eligible for cash assistance except for their institutional status; (2) individuals who are under twenty-one years of age, who would be eligible for aid to families with dependent children, but do not qualify as dependent children and who are in (a) foster care, (b) subsidized adoption, (c) ~~((an intermediate care))~~ a nursing facility or an intermediate care facility for the mentally retarded, or (d) inpatient psychiatric facilities; (3) the aged, blind, and disabled who: (a) Receive only a state supplement, or (b) would not be eligible for cash assistance if they were not institutionalized; (4) individuals who would be eligible for but choose not to receive cash assistance; (5) individuals who are enrolled in managed health care systems, who have otherwise lost eligibility for medical assistance, but who have not completed a current six-month enrollment in a managed health care system, and who are eligible for federal financial participation under Title XIX of the social security act; (6) children and pregnant women allowed by federal statute for whom funding is appropriated; and (7) other individuals eligible for medical services under RCW 74.09.035 and 74.09.700 for whom federal financial participation is available under Title XIX of the social security act.

Sec. 9. RCW 74.09.520 and 1991 c 233 s 1 and 1991 c 119 s 1 are each reenacted and amended to read as follows:

(1) The term "medical assistance" may include the following care and services: (a) Inpatient hospital services; (b) outpatient hospital services; (c) other laboratory and x-ray services; (d) ~~((skilled))~~ nursing ~~((home))~~ facility services; (e) physicians' services, which shall include prescribed medication and instruction on birth control devices; (f) medical care, or any other type of remedial care as may be established by the secretary; (g) home health care services; (h) private duty nursing services; (i) dental services; (j) physical and occupational therapy and related services; (k) prescribed drugs, dentures, and prosthetic devices; and eyeglasses prescribed by a physician skilled in diseases of the eye or by an optometrist, whichever the individual may select; (l) personal care services, as provided in this section; (m) hospice services; (n) other diagnostic, screening, preventive, and rehabilitative services; and (o) like services when furnished to a handicapped child by a school district as part of an individualized education program established pursuant to RCW 28A.155.010 through 28A.155.100. For the purposes of this section, the department may not cut off any prescription medications, oxygen supplies, respiratory services, or other life-sustaining medical services or supplies.

"Medical assistance," notwithstanding any other provision of law, shall not include routine foot care, or dental services delivered by any health care provider, that are not mandated by Title XIX of the social security act unless there is a specific appropriation for these services. Services included in an individualized education program for a handicapped child under RCW 28A.155.010 through 28A.155.100 shall not qualify as medical assistance prior to the implementation of the funding process developed under RCW 74.09.524.

(2) The department shall amend the state plan for medical assistance under Title XIX of the federal social security act to include personal care services, as defined in 42 C.F.R. 440.170(f), in the categorically needy program.

(3) The department shall adopt, amend, or rescind such administrative rules as are necessary to ensure that Title XIX personal care services are provided to eligible persons in conformance with federal regulations.

(a) These administrative rules shall include financial eligibility indexed according to the requirements of the social security act providing for medicaid eligibility.

(b) The rules shall require clients be assessed as having a medical condition requiring assistance with personal care tasks. Plans of care must be approved by a physician and reviewed by a nurse every ninety days.

(4) The department shall design and implement a means to assess the level of functional disability of persons eligible for personal care services under this section. The personal care services benefit shall be provided to the extent funding is available according to the assessed level of functional disability. Any reductions in services made necessary for funding reasons should be accomplished in a manner that assures that priority for maintaining services is given to persons with the greatest need as determined by the assessment of functional disability.

(5) The department shall report to the appropriate fiscal committees of the legislature on the utilization and associated costs of the personal care option under Title XIX of the federal social security act, as defined in 42 C.F.R. 440.170(f), in the categorically needy program. This report shall be submitted by January 1, 1990, and submitted on a yearly basis thereafter.

(6) Effective July 1, 1989, the department shall offer hospice services in accordance with available funds. The hospice benefit under this section shall terminate on June 30, 1993, unless extended by the legislature.

Sec. 10. RCW 74.09.700 and 1991 c 233 s 2 are each amended to read as follows:

(1) To the extent of available funds, medical care may be provided under the limited casualty program to persons not otherwise eligible for medical assistance or medical care services who are medically needy as defined in the social security Title XIX state plan and medical indigents in accordance with medical eligibility requirements established by the department. This includes residents of ~~((skilled)) nursing ((homes, intermediate care)) facilities((;))~~ and residents of intermediate care facilities for the mentally retarded who are aged, blind, or disabled as defined in Title XVI of the federal social security act and whose

income exceeds three hundred percent of the federal supplement security income benefit level.

(2) Determination of the amount, scope, and duration of medical coverage under the limited casualty program shall be the responsibility of the department, subject to the following:

(a) Only inpatient hospital services; outpatient hospital and rural health clinic services; physicians' and clinic services; prescribed drugs, dentures, prosthetic devices, and eyeglasses; ~~((skilled)) nursing ((home))~~ facility services~~((; intermediate care facility services,));~~ and intermediate care facility services for the mentally retarded; home health services; other laboratory and x-ray services; rehabilitative services, including occupational therapy; medically necessary transportation; and other services for which funds are specifically provided in the omnibus appropriations act shall be covered;

(b) Persons who are medically indigent and are not eligible for a federal aid program shall satisfy a deductible of not less than one hundred dollars nor more than five hundred dollars in any twelve-month period;

(c) Medical care services provided to the medically indigent and received no more than seven days prior to the date of application shall be retroactively certified and approved for payment on behalf of a person who was otherwise eligible at the time the medical services were furnished: PROVIDED, That eligible persons who fail to apply within the seven-day time period for medical reasons or other good cause may be retroactively certified and approved for payment.

(3) The department shall establish standards of assistance and resource and income exemptions. All nonexempt income and resources of limited casualty program recipients shall be applied against the cost of their medical care services.

Sec. 11. RCW 74.46.020 and 1989 c 372 s 17 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Accrual method of accounting" means a method of accounting in which revenues are reported in the period when they are earned, regardless of when they are collected, and expenses are reported in the period in which they are incurred, regardless of when they are paid.

(2) "Ancillary care" means those services required by the individual, comprehensive plan of care provided by qualified therapists.

(3) "Appraisal" means the process of estimating the fair market value or reconstructing the historical cost of an asset acquired in a past period as performed by a professionally designated real estate appraiser with no pecuniary interest in the property to be appraised. It includes a systematic, analytic determination and the recording and analyzing of property facts, rights, investments, and values based on a personal inspection and inventory of the property.

(4) "Arm's-length transaction" means a transaction resulting from good-faith bargaining between a buyer and seller who are not related organizations and have

adverse positions in the market place. Sales or exchanges of nursing home facilities among two or more parties in which all parties subsequently continue to own one or more of the facilities involved in the transactions shall not be considered as arm's-length transactions for purposes of this chapter. Sale of a nursing home facility which is subsequently leased back to the seller within five years of the date of sale shall not be considered as an arm's-length transaction for purposes of this chapter.

(5) "Assets" means economic resources of the contractor, recognized and measured in conformity with generally accepted accounting principles.

(6) "Bad debts" means amounts considered to be uncollectable from accounts and notes receivable.

(7) "Beds" means the number of set-up beds in the facility, not to exceed the number of licensed beds.

(8) "Beneficial owner" means:

(a) Any person who, directly or indirectly, through any contract, arrangement, understanding, relationship, or otherwise has or shares:

(i) Voting power which includes the power to vote, or to direct the voting of such ownership interest; and/or

(ii) Investment power which includes the power to dispose, or to direct the disposition of such ownership interest;

(b) Any person who, directly or indirectly, creates or uses a trust, proxy, power of attorney, pooling arrangement, or any other contract, arrangement, or device with the purpose or effect of divesting himself of beneficial ownership of an ownership interest or preventing the vesting of such beneficial ownership as part of a plan or scheme to evade the reporting requirements of this chapter;

(c) Any person who, subject to subparagraph (b) of this subsection, has the right to acquire beneficial ownership of such ownership interest within sixty days, including but not limited to any right to acquire:

(i) Through the exercise of any option, warrant, or right;

(ii) Through the conversion of an ownership interest;

(iii) Pursuant to the power to revoke a trust, discretionary account, or similar arrangement; or

(iv) Pursuant to the automatic termination of a trust, discretionary account, or similar arrangement;

except that, any person who acquires an ownership interest or power specified in subparagraphs (i), (ii), or (iii) of this subparagraph (c) with the purpose or effect of changing or influencing the control of the contractor, or in connection with or as a participant in any transaction having such purpose or effect, immediately upon such acquisition shall be deemed to be the beneficial owner of the ownership interest which may be acquired through the exercise or conversion of such ownership interest or power;

(d) Any person who in the ordinary course of business is a pledgee of ownership interest under a written pledge agreement shall not be deemed to be the beneficial owner of such pledged ownership interest until the pledgee has taken all formal steps necessary which are required to declare a default and

determines that the power to vote or to direct the vote or to dispose or to direct the disposition of such pledged ownership interest will be exercised; except that:

(i) The pledgee agreement is bona fide and was not entered into with the purpose nor with the effect of changing or influencing the control of the contractor, nor in connection with any transaction having such purpose or effect, including persons meeting the conditions set forth in subparagraph (b) of this subsection; and

(ii) The pledgee agreement, prior to default, does not grant to the pledgee:

(A) The power to vote or to direct the vote of the pledged ownership interest; or

(B) The power to dispose or direct the disposition of the pledged ownership interest, other than the grant of such power(s) pursuant to a pledge agreement under which credit is extended and in which the pledgee is a broker or dealer.

(9) "Capitalization" means the recording of an expenditure as an asset.

(10) "Contractor" means an entity which contracts with the department to provide services to medical care recipients in a facility and which entity is responsible for operational decisions.

(11) "Department" means the department of social and health services (DSHS) and its employees.

(12) "Depreciation" means the systematic distribution of the cost or other basis of tangible assets, less salvage, over the estimated useful life of the assets.

(13) "Direct care supplies" means medical, pharmaceutical, and other supplies required for the direct nursing and ancillary care of medical care recipients.

(14) "Entity" means an individual, partnership, corporation, or any other association of individuals capable of entering enforceable contracts.

(15) "Equity" means the net book value of all tangible and intangible assets less the recorded value of all liabilities, as recognized and measured in conformity with generally accepted accounting principles.

(16) "Facility" means a nursing home licensed in accordance with chapter 18.51 RCW, excepting nursing homes certified as institutions for mental diseases, or that portion of a hospital licensed in accordance with chapter 70.41 RCW which operates as a nursing home.

(17) "Fair market value" means the replacement cost of an asset less observed physical depreciation on the date for which the market value is being determined.

(18) "Financial statements" means statements prepared and presented in conformity with generally accepted accounting principles including, but not limited to, balance sheet, statement of operations, statement of changes in financial position, and related notes.

(19) "Gain on sale" means the difference between the total net book value of nursing home assets, including but not limited to land, building and equipment, and the total sales price of all such assets.

(20) "Generally accepted accounting principles" means accounting principles approved by the financial accounting standards board (FASB).

~~((20))~~ (21) "Generally accepted auditing standards" means auditing standards approved by the American institute of certified public accountants (AICPA).

~~((21))~~ (22) "Goodwill" means the excess of the price paid for a business over the fair market value of all other identifiable, tangible, and intangible assets acquired.

~~((22))~~ (23) "Historical cost" means the actual cost incurred in acquiring and preparing an asset for use, including feasibility studies, architect's fees, and engineering studies.

~~((23))~~ (24) "Imprest fund" means a fund which is regularly replenished in exactly the amount expended from it.

~~((24))~~ (25) "Joint facility costs" means any costs which represent resources which benefit more than one facility, or one facility and any other entity.

~~((25))~~ (26) "Lease agreement" means a contract between two parties for the possession and use of real or personal property or assets for a specified period of time in exchange for specified periodic payments. Elimination (due to any cause other than death or divorce) or addition of any party to the contract, expiration, or modification of any lease term in effect on January 1, 1980, or termination of the lease by either party by any means shall constitute a termination of the lease agreement. An extension or renewal of a lease agreement, whether or not pursuant to a renewal provision in the lease agreement, shall be considered a new lease agreement. A strictly formal change in the lease agreement which modifies the method, frequency, or manner in which the lease payments are made, but does not increase the total lease payment obligation of the lessee, shall not be considered modification of a lease term.

~~((26))~~ (27) "Medical care program" means medical assistance provided under RCW 74.09.500 or authorized state medical care services.

~~((27))~~ (28) "Medical care recipient" or "recipient" means an individual determined eligible by the department for the services provided in chapter 74.09 RCW.

~~((28))~~ (29) "Net book value" means the historical cost of an asset less accumulated depreciation.

~~((29))~~ (30) "Net invested funds" means the net book value of tangible fixed assets employed by a contractor to provide services under the medical care program, including land, buildings, and equipment as recognized and measured in conformity with generally accepted accounting principles, plus an allowance for working capital which shall be five percent of the allowable costs of each contractor for the previous calendar year.

~~((30))~~ (31) "Operating lease" means a lease under which rental or lease expenses are included in current expenses in accordance with generally accepted accounting principles.

~~((31))~~ (32) "Owner" means a sole proprietor, general or limited partners, and beneficial interest holders of five percent or more of a corporation's outstanding stock.

~~((32))~~ (33) "Ownership interest" means all interests beneficially owned by a person, calculated in the aggregate, regardless of the form which such beneficial ownership takes.

~~((33))~~ (34) "Patient day" or "client day" means a calendar day of care which will include the day of admission and exclude the day of discharge; except that, when admission and discharge occur on the same day, one day of care shall be deemed to exist.

~~((34))~~ (35) "Professionally designated real estate appraiser" means an individual who is regularly engaged in the business of providing real estate valuation services for a fee, and who is deemed qualified by a nationally recognized real estate appraisal educational organization on the basis of extensive practical appraisal experience, including the writing of real estate valuation reports as well as the passing of written examinations on valuation practice and theory, and who by virtue of membership in such organization is required to subscribe and adhere to certain standards of professional practice as such organization prescribes.

~~((35))~~ (36) "Qualified therapist" means:

- (a) An activities specialist who has specialized education, training, or experience as specified by the department;
- (b) An audiologist who is eligible for a certificate of clinical competence in audiology or who has the equivalent education and clinical experience;
- (c) A mental health professional as defined by chapter 71.05 RCW;
- (d) A mental retardation professional who is either a qualified therapist or a therapist approved by the department who has had specialized training or one year's experience in treating or working with the mentally retarded or developmentally disabled;
- (e) A social worker who is a graduate of a school of social work;
- (f) A speech pathologist who is eligible for a certificate of clinical competence in speech pathology or who has the equivalent education and clinical experience;
- (g) A physical therapist as defined by chapter 18.74 RCW; and
- (h) An occupational therapist who is a graduate of a program in occupational therapy, or who has the equivalent of such education or training.

~~((36))~~ (37) "Questioned costs" means those costs which have been determined in accordance with generally accepted accounting principles but which may constitute disallowed costs or departures from the provisions of this chapter or rules and regulations adopted by the department.

~~((37))~~ (38) "Records" means those data supporting all financial statements and cost reports including, but not limited to, all general and subsidiary ledgers, books of original entry, and transaction documentation, however such data are maintained.

~~((38))~~ (39) "Related organization" means an entity which is under common ownership and/or control with, or has control of, or is controlled by, the contractor.

(a) "Common ownership" exists when an entity is the beneficial owner of five percent or more ownership interest in the contractor and any other entity.

(b) "Control" exists where an entity has the power, directly or indirectly, significantly to influence or direct the actions or policies of an organization or institution, whether or not it is legally enforceable and however it is exercisable or exercised.

~~((39))~~ (40) "Restricted fund" means those funds the principal and/or income of which is limited by agreement with or direction of the donor to a specific purpose.

~~((40))~~ (41) "Secretary" means the secretary of the department of social and health services.

~~((41))~~ (42) "Title XIX" or "Medicaid" means the 1965 amendments to the social security act, P.L. 89-07, as amended.

~~((42))~~ (43) "Physical plant capital improvement" means a capitalized improvement that is limited to an improvement to the building or the related physical plant.

Sec. 12. RCW 74.46.380 and 1980 c 177 s 38 are each amended to read as follows:

(1) Where depreciable assets are disposed of through sale, trade-in, scrapping, exchange, theft, wrecking, or fire or other casualty, depreciation shall no longer be taken on the assets. No further depreciation shall be taken on permanently abandoned assets.

(2) Where an asset has been retired from active use but is being held for stand-by or emergency service, and the department has determined that it is needed and can be effectively used in the future, depreciation may be taken.

(3) If there is a sale of a nursing facility on or after July 1, 1991, that results in a gain on sale, the actual reimbursement for depreciation paid to the selling contractor through the medicaid reimbursement program shall be recovered by the department to the extent of any gain on sale. The purchaser is obligated to reimburse the department, whether or not the purchaser is a medicaid contractor. If the department is unable to collect from the purchaser, then the seller is responsible for reimbursing the department. The department may establish an appropriate repayment schedule to recover depreciation. If the purchaser is a medicaid contractor and the contractor does not comply with the repayment schedule established by the department, the department may deduct the recovery from the contractor's monthly medicaid payments. The department may adopt rules, as appropriate, to insure that the principles of this section are implemented with respect to leased assets, or with respect to sales of intangibles or specific assets only.

Sec. 13. RCW 74.46.660 and 1980 c 177 s 66 are each amended to read as follows:

In order to participate in the prospective cost-related reimbursement system established by this chapter, the person or legal organization responsible for operation of a facility shall:

(1) Obtain a state certificate of need and/or federal capital expenditure review (section 1122) approval pursuant to chapter 70.38 RCW and Part 100, Title 42 CFR where required;

(2) Hold the appropriate current license;

- (3) Hold current Title XIX certification;
- (4) Hold a current contract to provide services under this chapter; ~~((and))~~
- (5) Comply with all provisions of the contract and all application regulations, including but not limited to the provisions of this chapter; and
- (6) Obtain and maintain medicare certification, under Title XVIII of the social security act, 42 U.S.C. Sec. 1395, as amended, for no less than fifteen percent of the facility's licensed beds.

Sec. 14. RCW 74.46.210 and 1980 c 177 s 21 are each amended to read as follows:

~~((All necessary and ordinary expenses a contractor incurs in providing care services will be allowable costs.))~~ All documented costs that are ordinary, necessary, and related to the care of medical care recipients and are not expressly unallowable will be allowable costs. These expenses include:

- (1) Meeting licensing and certification standards;
- (2) Meeting standards of providing regular room, nursing, ancillary, and dietary services, as established by department rule and regulation pursuant to chapter 211, Laws of 1979 ex. sess.; and
- (3) Fulfilling accounting and reporting requirements imposed by this chapter.

Sec. 15. RCW 74.46.410 and 1989 c 372 s 2 are each amended to read as follows:

(1) Costs will be unallowable if they are not documented, necessary, ordinary, and related to the provision of care services to authorized patients.

(2) Unallowable costs include, but are not limited to, the following:

(a) Costs of items or services not covered by the medical care program. Costs of such items or services will be unallowable even if they are indirectly reimbursed by the department as the result of an authorized reduction in patient contribution;

(b) Costs of services and items provided to recipients which are covered by the department's medical care program but not included in care services established by the department under this chapter;

(c) Costs associated with a capital expenditure subject to section 1122 approval (part 100, Title 42 C.F.R.) if the department found it was not consistent with applicable standards, criteria, or plans. If the department was not given timely notice of a proposed capital expenditure, all associated costs will be unallowable up to the date they are determined to be reimbursable under applicable federal regulations;

(d) Costs associated with a construction or acquisition project requiring certificate of need approval pursuant to chapter 70.38 RCW if such approval was not obtained;

(e) Interest costs other than those provided by RCW 74.46.290 on and after the effective date of RCW 74.46.530;

(f) Salaries or other compensation of owners, officers, directors, stockholders, and others associated with the contractor or home office, except compensation paid for service related to patient care;

(g) Costs in excess of limits or in violation of principles set forth in this chapter;

(h) Costs resulting from transactions or the application of accounting methods which circumvent the principles of the cost-related reimbursement system set forth in this chapter;

(i) Costs applicable to services, facilities, and supplies furnished by a related organization in excess of the lower of the cost to the related organization or the price of comparable services, facilities, or supplies purchased elsewhere;

(j) Bad debts of non-Title XIX recipients. Bad debts of Title XIX recipients are allowable if the debt is related to covered services, it arises from the recipient's required contribution toward the cost of care, the provider can establish that reasonable collection efforts were made, the debt was actually uncollectible when claimed as worthless, and sound business judgment established that there was no likelihood of recovery at any time in the future;

(k) Charity and courtesy allowances;

(l) Cash, assessments, or other contributions, excluding dues, to charitable organizations, professional organizations, trade associations, or political parties, and costs incurred to improve community or public relations;

(m) Vending machine expenses;

(n) Expenses for barber or beautician services not included in routine care;

(o) Funeral and burial expenses;

(p) Costs of gift shop operations and inventory;

(q) Personal items such as cosmetics, smoking materials, newspapers and magazines, and clothing, except those used in patient activity programs;

(r) Fund-raising expenses, except those directly related to the patient activity program;

(s) Penalties and fines;

(t) Expenses related to telephones, televisions, radios, and similar appliances in patients' private accommodations;

(u) Federal, state, and other income taxes;

(v) Costs of special care services except where authorized by the department;

(w) Expenses of key-man insurance and other insurance or retirement plans not made available to all employees;

(x) Expenses of profit-sharing plans;

(y) Expenses related to the purchase and/or use of private or commercial airplanes which are in excess of what a prudent contractor would expend for the ordinary and economic provision of such a transportation need related to patient care;

(z) Personal expenses and allowances of owners or relatives;

(aa) All expenses of maintaining professional licenses or membership in professional organizations;

(bb) Costs related to agreements not to compete;

(cc) Amortization of goodwill;

(dd) Expenses related to vehicles which are in excess of what a prudent contractor would expend for the ordinary and economic provision of transportation needs related to patient care;

(ee) Legal and consultant fees in connection with a fair hearing against the department where a decision is rendered in favor of the department or where otherwise the determination of the department stands;

(ff) Legal and consultant fees of a contractor or contractors in connection with a lawsuit against the department;

(gg) Lease acquisition costs and other intangibles not related to patient care;

(hh) All rental or lease costs other than those provided in RCW 74.46.300 on and after the effective date of RCW 74.46.510 and 74.46.530;

(ii) Postsurvey charges incurred by the facility as a result of subsequent inspections under RCW 18.51.050 which occur beyond the first postsurvey visit during the certification survey calendar year;

(jj) Costs and fees otherwise allowable for legal services, whether purchased, allocated by a home office, regional office or management company, or performed by the contractor or employees of the contractor, in excess of the eighty-fifth percentile of such costs reported by all contractors for the most recent cost report period: PROVIDED, That this limit shall not apply if a contractor has not exceeded this percentile in any of the preceding three annual cost report periods;

(kk) Costs and fees otherwise allowable for accounting and bookkeeping services, whether purchased, allocated by a home office, regional office or management company, or performed by the contractor or employees of the contractor, in excess of the eighty-fifth percentile of such costs reported by all contractors for the most recent cost report period: PROVIDED, That this limit shall not apply if a contractor has not exceeded this percentile in any of the preceding three annual cost report periods;

(ll) Compensation paid for any purchased nursing care services, including registered nurse, licensed practical nurse, and nurse assistant services, obtained through service contract arrangement in excess of the amount of compensation paid for such hours of nursing care service had they been paid at the average hourly wage, including related taxes and benefits, for in-house nursing care staff of like classification at the same nursing facility, as reported in the most recent cost report period;

(mm) For all partial or whole rate periods after July 17, 1984, costs of land and depreciable assets that cannot be reimbursed under the Deficit Reduction Act of 1984 and implementing state statutory and regulatory provisions.

Sec. 16. RCW 74.46.481 and 1990 c 207 s 1 are each amended to read as follows:

(1) The nursing services cost center shall include all costs related to the direct provision of nursing and related care, including fringe benefits and payroll taxes for the nursing and related care personnel. For rates effective for state fiscal year 1984, the department shall adopt by administrative rule a definition of "related care" which shall incorporate, but not exceed services reimbursable as of June 30, 1983. For rates effective for state fiscal year 1985, the definition of related care shall include ancillary care. For rates effective after June 30, 1991, nursing services costs, as reimbursed within this chapter and as tested for reasonableness within this section, shall not include costs of any purchased

nursing care services, including registered nurse, licensed practical nurse, and nurse assistant services, obtained through service contract arrangement in excess of the amount of compensation paid for such hours of nursing care service had they been paid at the average hourly wage, including related taxes and benefits, for in-house nursing care staff of like classification at the same nursing facility, as reported in the most recent cost report period.

(2) The department shall adopt by administrative rules a method for establishing a nursing services cost center rate consistent with the principles stated in this section.

(3) Utilizing regression or other statistical technique, the department shall determine a reasonable limit on facility nursing staff taking into account facility patient characteristics. For purposes of this section, facility nursing staff refers to registered nurses, licensed practical nurses and nursing assistants employed by the facility or obtained through temporary labor contract arrangements. Effective January 1, 1988, the hours associated with the training of nursing assistants and the supervision of that training for nursing assistants shall not be included in the calculation of facility nursing staff. In selecting a measure of patient characteristics, the department shall take into account:

(a) The correlation between alternative measures and facility nursing staff; and

(b) The cost of collecting information for and computation of a measure. If regression is used, the limit shall be set at predicted nursing staff plus 1.75 regression standard errors. If another statistical method is utilized, the limit shall be set at a level corresponding to 1.75 standard errors above predicted staffing computed according to a regression procedure.

(4) No facility shall receive reimbursement for nursing staff levels in excess of the limit, except that, if a facility was reimbursed for a nursing staff level in excess of the limit as of June 30, 1983, the facility may chose to continue to receive its June, 1983 nursing services rate plus any adjustments in rates, such as adjustments for economic trends, made available to all facilities. However, nursing staff levels established under subsection (3) of this section shall not apply to the nursing services cost center reimbursement rate for the pilot facility especially designed to meet the needs of persons living with AIDS as defined by RCW 70.24.017 and specifically authorized for this purpose under the 1989 amendment to the Washington state health plan [1989 1st ex.s. c 9]. The reasonableness limit established pursuant to this subsection shall remain in effect for the period July 1, 1983 through June 30, 1985. At that time the department may revise the measure of patient characteristics or method used to establish the limit.

(5) The department shall select an index of cost increase relevant to the nursing and related services cost area. In the absence of a more representative index, the department shall use the medical care component index as maintained by the United States bureau of labor statistics.

(6) If a facility's nursing staff level is below the limit specified in subsection (3) of this section, the department shall determine the percentage increase for all

items included in the nursing services cost center between the facility's most recent cost reporting period and the next prior cost reporting period.

(a) If the percentage cost increase for a facility is below the increase in the selected index for the same time period, the facility's reimbursement rate in the nursing services cost center shall equal the facility's cost from the most recent cost reporting period plus any allowance for inflation provided by legislative appropriation.

(b) If the percentage cost increase for a facility exceeds the increase in the selected index, the department shall limit the cost used for setting the facility's rate in the nursing services cost area to a level reflecting the increase in the selected index.

(7) If the facility's nursing staff level exceeds the reasonableness limit established in subsection (3) of this section, the department shall determine the increase for all items included in the nursing services cost center between the facility's most recent cost reporting period and the next prior cost reporting period.

(a) If the percentage cost increase for a facility is below the increase in the index selected pursuant to subsection (5) of this section, the facility's reimbursement rate in the nursing cost center shall equal the facility's cost from the most recent cost reporting period adjusted downward to reflect the limit on nursing staff, plus any allowance for inflation provided by legislative appropriation subject to the provisions of subsection (4) of this section.

(b) If the percentage cost increase for a facility exceeds the increase in the selected index, the department shall limit the cost used for setting the facility's rate in the nursing services cost center to a level reflecting the nursing staff limit and the cost increase limit, subject to the provisions of subsection (4) of this section, plus any allowance for inflation provided by legislative appropriation.

(8) Prospective rates for the nursing services cost center, for state fiscal year 1992 only, shall not be subject to the cost growth index lid in subsections (5), (6), and (7) of this section. The lid shall apply for state fiscal year 1991 rate setting and all state fiscal years subsequent to fiscal year 1992.

(9) The department is authorized to determine on a systematic basis facilities with unmet patient care service needs. The department may increase the nursing services cost center prospective rate for a facility beyond the level determined in accordance with subsection (6) of this section if the facility's actual and reported nursing staffing is one standard error or more below predicted staffing as determined according to the method selected pursuant to subsection (3) of this section and the facility has unmet patient care service needs: PROVIDED, That prospective rate increases authorized by this subsection shall be funded only from legislative appropriations made for this purpose and the increases shall be conditioned on specified improvements in patient care at such facilities.

~~((9))~~ (10) The department shall establish a method for identifying patients with exceptional care requirements and a method for establishing or negotiating on a consistent basis rates for such patients.

~~((10))~~ (11) The department, in consultation with interested parties, shall adopt rules to establish the criteria the department will use in reviewing any

requests by a contractor for a prospective rate adjustment to be used to increase the number of nursing staff. These rules shall also specify the time period for submission and review of staffing requests: PROVIDED, That a decision on a staffing request shall not take longer than sixty days from the date the department receives such a complete request. In establishing the criteria, the department may consider, but is not limited to, the following:

- (a) Increases in acuity levels of contractors' residents;
- (b) Staffing patterns for similar facilities;
- (c) Physical plant of contractor; and
- (d) Survey, inspection of care, and department consultation results.

Sec. 17. RCW 74.46.530 and 1985 c 361 s 17 are each amended to read as follows:

(1) The department shall establish for individual facilities return on investment allowances composed of two parts: A financing allowance and a variable return allowance.

(a) The financing allowance shall be determined by multiplying the net invested funds of each facility by ~~((-11))~~ .10, and dividing by the contractor's total patient days. If a capitalized addition or retirement of an asset will result in a different licensed bed capacity during the ensuing period, the prior period total patient days used in computing the financing and variable return allowances shall be adjusted to the anticipated patient day level.

(b) In computing the portion of net invested funds representing the net book value of tangible fixed assets, the same assets, depreciation bases, lives, and methods referred to in RCW 74.46.330, 74.46.350, 74.46.360, ~~((and))~~ 74.46.370, and 74.46.380, including owned and leased assets, shall be utilized, except that the capitalized cost of land upon which the facility is located and such other contiguous land which is reasonable and necessary for use in the regular course of providing patient care shall also be included. Subject to provisions and limitations contained in this chapter, for land purchased by owners or lessors before July 18, 1984, capitalized cost of land shall be the buyer's capitalized cost. For all partial or whole rate periods after July 17, 1984, if the land is purchased after July 17, 1984, capitalized cost shall be that of the owner of record on July 17, 1984, or buyer's capitalized cost, whichever is lower. In the case of leased facilities where the net invested funds are unknown or the contractor is unable to provide necessary information to determine net invested funds, the secretary shall have the authority to determine an amount for net invested funds based on an appraisal conducted according to RCW 74.46.360(1).

(c) In determining the variable return allowance:

(i) The department will first rank all facilities in numerical order from highest to lowest according to their average per diem allowable costs for the sum of the administration and operations and property cost centers for the previous cost report period.

(ii) The department shall then compute the variable return allowance by multiplying the appropriate percentage amounts, which shall not be less than one percent and not greater than four percent, by the total prospective rate for each facility, as determined in RCW 74.46.450 through 74.46.510. The percentage

amounts will be based on groupings of facilities according to the rankings as established in ~~((subparagraph (1)(b)(i)))~~ (i) of this ~~((section))~~ subsection (1)(c). Those groups of facilities with lower per diem costs shall receive higher percentage amounts than those with higher per diem costs.

(d) The sum of the financing allowance and the variable return allowance shall be the return on investment for each facility, and shall be added to the prospective rates of each contractor as determined in RCW 74.46.450 through 74.46.510.

(e) In the case of a facility which was leased by the contractor as of January 1, 1980, in an arm's-length agreement, which continues to be leased under the same lease agreement, and for which the annualized lease payment, plus any interest and depreciation expenses associated with contractor-owned assets, for the period covered by the prospective rates, divided by the contractor's total patient days, minus the property cost center determined according to RCW 74.46.510, is more than the return on investment allowance determined according to subsection (1)(d) of this section, the following shall apply:

(i) The financing allowance shall be recomputed substituting the fair market value of the assets as of January 1, 1982, as determined by the department of general administration through an appraisal procedure, less accumulated depreciation on the lessor's assets since January 1, 1982, for the net book value of the assets in determining net invested funds for the facility. A determination by the department of general administration of fair market value shall be final unless the procedure used to make such determination is shown to be arbitrary and capricious.

(ii) The sum of the financing allowance computed under subsection (1)(e)(i) of this section and the variable allowance shall be compared to the annualized lease payment, plus any interest and depreciation expenses associated with contractor-owned assets, for the period covered by the prospective rates, divided by the contractor's total patient days, minus the property cost center rate determined according to RCW 74.46.510. The lesser of the two amounts shall be called the alternate return on investment allowance.

(iii) The return on investment allowance determined according to subsection (1)(d) of this section or the alternate return on investment allowance, whichever is greater, shall be the return on investment allowance for the facility and shall be added to the prospective rates of the contractor as determined in RCW 74.46.450 through 74.46.510.

(f) In the case of a facility which was leased by the contractor as of January 1, 1980, in an arm's-length agreement, if the lease is renewed or extended pursuant to a provision of the lease, the treatment provided in subsection (1)(e) of this section shall be applied except that in the case of renewals or extensions made subsequent to April 1, 1985, reimbursement for the annualized lease payment shall be no greater than the reimbursement for the annualized lease payment for the last year prior to the renewal or extension of the lease.

(2) In the event that the department of health and human services disallows the application of the return on investment allowances to nonprofit facilities, the department shall modify the measurements of net invested funds used for

computing individual facility return on investment allowances as follows: Net invested funds for each nonprofit facility shall be multiplied by one minus the ratio of equity funds to the net invested funds of all nonprofit facilities.

(3) Each biennium, beginning in 1985, the secretary shall review the adequacy of return on investment allowances in relation to anticipated requirements for maintaining, reducing, or expanding nursing care capacity. The secretary shall report the results of such review to the legislature and make recommendations for adjustments in the return on investment rates utilized in this section, if appropriate.

Sec. 18. RCW 74.46.360 and 1989 c 372 s 14 are each amended to read as follows:

(1) For all partial or whole rate periods after December 31, 1984, the cost basis of land and depreciation base of depreciable assets shall be the historical cost of the contractor or lessor, when the assets are leased by the contractor, in acquiring the asset in an arm's-length transaction and preparing it for use, less goodwill, and less accumulated depreciation, if applicable, which has been incurred during periods that the assets have been used in or as a facility by any contractor, such accumulated depreciation to be measured in accordance with subsections (2), (3), and (4) of this section and RCW 74.46.350 and 74.46.370. If the department challenges the historical cost of an asset, or if the contractor cannot or will not provide the historical costs, the department will have the department of general administration, through an appraisal procedure, determine the fair market value of the assets at the time of purchase. The cost basis of land and depreciation base of ((the)) depreciable assets will not exceed such fair market value.

(2) The historical cost of depreciable and nondepreciable donated assets, or of depreciable and nondepreciable assets received through testate or intestate distribution, shall be the lesser of:

(a) Fair market value at the date of donation or death; or

(b) The historical cost base of the owner last contracting with the department, if any.

(3) Estimated salvage value of acquired, donated, or inherited assets shall be deducted from historical cost where the straight-line or sum-of-the-years' digits method of depreciation is used.

(4) (a) Where land or depreciable assets are acquired that were used in the medical care program subsequent to January 1, 1980, the cost basis or depreciation base of the assets will not exceed the net book value which did exist or would have existed had the assets continued in use under the previous contract with the department; except that depreciation shall not be assumed to accumulate during periods when the assets were not in use in or as a facility.

(b) The provisions of (a) of this subsection shall not apply to the most recent arm's-length acquisition if it occurs at least ten years after the ownership of the assets has been previously transferred in an arm's-length transaction nor to the first arm's-length acquisition that occurs after January 1, 1980, for facilities participating in the medical care program prior to January 1, 1980. The new cost basis or depreciation base for such acquisitions shall not exceed the fair market

value of the assets as determined by the department of general administration through an appraisal procedure. A determination by the department of general administration of fair market value shall be final unless the procedure used to make such determination is shown to be arbitrary and capricious. For all partial or whole rate periods after July 17, 1984, this subsection is inoperative for any transfer of ownership of any asset, depreciable or nondepreciable, occurring on or after July 18, 1984, leaving (a) of this subsection to apply alone to such transfers: PROVIDED, HOWEVER, That this subsection shall apply to transfers of ownership of assets occurring prior to January 1, 1985, if the costs of such assets have never been reimbursed under medicaid cost reimbursement on an owner-operated basis or as a related-party lease: PROVIDED FURTHER, That for any contractor that can document in writing an enforceable agreement for the purchase of a nursing home dated prior to July 18, 1984, and submitted to the department prior to January 1, 1988, the cost basis of allowable land and the depreciation base of the nursing home, for rates established after July 18, 1984, shall not exceed the fair market value of the assets at the date of purchase as determined by the department of general administration through an appraisal procedure. For medicaid cost reimbursement purposes, an agreement to purchase a nursing home dated prior to July 18, 1984, is enforceable, even though such agreement contains no legal description of the real property involved, notwithstanding the statute of frauds or any other provision of law.

(c) In the case of land or depreciable assets leased by the same contractor since January 1, 1980, in an arm's-length lease, and purchased by the lessee/contractor, the lessee/contractor shall have the option:

(i) To have the provisions of subsection (b) of this section apply to the purchase; or

(ii) To have the reimbursement for property and return on investment continue to be calculated pursuant to the provisions contained in RCW 74.46.530(1) (e) and (f) based upon the provisions of the lease in existence on the date of the purchase, but only if the purchase date meets one of the following criteria:

(A) The purchase date is after the lessor has declared bankruptcy or has defaulted in any loan or mortgage held against the leased property;

(B) The purchase date is within one year of the lease expiration or renewal date contained in the lease;

(C) The purchase date is after a rate setting for the facility in which the reimbursement rate set pursuant to this chapter no longer is equal to or greater than the actual cost of the lease; or

(D) The purchase date is within one year of any purchase option in existence on January 1, 1988.

(d) For all rate periods past or future where land or depreciable assets are acquired from a related organization, the contractor's cost basis and depreciation base shall not exceed the base the related organization had or would have had under a contract with the department.

(e) Where the land or depreciable asset is a donation or distribution between related organizations, the cost basis or depreciation base shall be the lesser of (i)

fair market value, less salvage value, or (ii) the cost basis or depreciation base the related organization had or would have had for the asset under a contract with the department.

Sec. 19. RCW 74.46.700 and 1980 c 177 s 70 are each amended to read as follows:

~~((1))~~ Each ~~((contractor))~~ nursing home shall establish and maintain, as a service to the ~~((medical-care-recipient))~~ resident, a bookkeeping system incorporated into the business records for all ~~((recipient))~~ resident moneys entrusted to the contractor and received by the facility for the ~~((recipient))~~ resident.

~~((2))~~ Such system will apply to a recipient who is:

~~(a)~~ Incapable of handling his or her own money and the department or the recipient's guardian, relative, or physician makes written request of the facility to accept this responsibility; or

~~(b)~~ Capable of handling his or her own money, but requests the facility in writing to accept this responsibility.

~~(3)~~ The written requests provided in subsection (2) of this section shall be maintained by the contractor in the recipient's file.

~~(4)~~ The recipient must be given at least a quarterly reporting of all financial transactions in his or her trust account. The representative payee, the guardian, and/or other designated agents of the recipient must be sent a copy of said reporting on the same basis as the recipient.)

The department shall adopt rules to ensure that resident personal funds handled by the facility are maintained by each nursing home in a manner that is, at a minimum, consistent with federal requirements.

NEW SECTION. Sec. 20. The following acts or parts of acts are each repealed:

- (1) RCW 74.42.610 and 1980 c 177 s 85 & 1979 ex.s. c 211 s 61;
- (2) RCW 74.46.710 and 1983 1st ex.s. c 67 s 37 & 1980 c 177 s 71;
- (3) RCW 74.46.720 and 1983 1st ex.s. c 67 s 38 & 1980 c 177 s 72;
- (4) RCW 74.46.730 and 1980 c 177 s 73;
- (5) RCW 74.46.740 and 1980 c 177 s 74;
- (6) RCW 74.46.750 and 1980 c 177 s 75; and
- (7) RCW 74.46.760 and 1985 c 7 s 149 & 1980 c 177 s 76.

NEW SECTION. Sec. 21. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1991.

Passed the House June 29, 1991.

Passed the Senate June 29, 1991.

Approved by the Governor June 30, 1991.

Filed in Office of Secretary of State June 30, 1991.

CHAPTER 9

[House Bill 2237]

MEDICALLY NEEDY—REVISED FUNDING AND HOSPITAL SERVICE PROVISIONS

Effective Date: 7/1/91 - Except Sections 1 through 6 & Section 9 which become effective on 9/1/91.

AN ACT Relating to medical care; amending RCW 74.09.700 and 74.09.730; adding a new chapter to Title 82 RCW; creating new sections; making appropriations; providing effective dates; and declaring an emergency.

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

NEW SECTION. Sec. 1. DEFINITIONS. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "State medicaid receipts" means that portion of the gross income of the business that consists of Washington state general fund payments attributable to the medicaid program, other than from federal sources, for inpatient and outpatient hospital services under the medical assistance program provided in RCW 74.09.520 or under the limited casualty program provided in RCW 74.09.700 for persons who are medically needy under the social security Title XIX state plan.

(2) "Hospital" means a hospital required to be licensed under chapter 70.41 RCW, or a private hospital required to be licensed under chapter 71.12 RCW, but not including federal hospitals or state hospitals established under chapter 72.23 RCW.

(3) The meaning given to words and phrases in chapter 82.04 RCW apply throughout this chapter, to the extent applicable.

NEW SECTION. Sec. 2. In addition to any other tax, a tax is imposed on every hospital for the act or privilege of engaging in business within this state. The tax is equal to state medicaid receipts multiplied by the rate of twenty percent.

NEW SECTION. Sec. 3. Chapter 82.32 RCW applies to the tax imposed in this chapter. The tax due dates, reporting periods, and return requirements applicable to chapter 82.04 RCW apply equally to the tax imposed in this chapter.

NEW SECTION. Sec. 4. This chapter is temporary and shall expire on the earliest of:

(1) The date that federal medicaid matching funds for the purposes specified in section 10(1) of this act become unavailable or are substantially reduced, as such date is certified by the secretary of social and health services;

(2) The date that federal medicaid matching funds for the purposes specified in section 10(1) of this act become unavailable or are substantially reduced, as determined by a permanent injunction, court order, or final court decision; or

(3) July 1, 1993.

NEW SECTION. Sec. 5. (1) The expiration of sections 1 through 4 of this act shall not be construed as affecting any existing right acquired or liability or

obligation incurred under those sections or under any rule or order adopted under those sections, nor as affecting any proceeding instituted under those sections.

(2) Taxes that have been paid under sections 1 through 4 of this act, but are properly attributable to taxable events occurring after the expiration of those sections, shall be credited or refunded as provided in RCW 82.32.060.

NEW SECTION. Sec. 6. Sections 1 through 4 of this act shall constitute a new chapter in Title 82 RCW.

Sec. 7. RCW 74.09.700 and 1991 c 233 s 2 are each amended to read as follows:

(1) To the extent of available funds and subject to any conditions placed on appropriations made for this purpose, medical care may be provided under the limited casualty program to persons not otherwise eligible for medical assistance or medical care services who are medically needy as defined in the social security Title XIX state plan and medical indigents in accordance with ~~((medical))~~ eligibility requirements established by the department. The eligibility requirements may include minimum levels of incurred medical expenses. This includes residents of skilled nursing homes, intermediate care facilities, and intermediate care facilities for the mentally retarded who are aged, blind, or disabled as defined in Title XVI of the federal social security act and whose income exceeds three hundred percent of the federal supplement security income benefit level.

(2) Determination of the amount, scope, and duration of medical coverage under the limited casualty program shall be the responsibility of the department, subject to the following:

(a) Only ~~((inpatient hospital services; outpatient hospital and))~~ the following services may be covered:

(i) For persons who are medically needy as defined in the social security Title XIX state plan: Inpatient and outpatient hospital services;

(ii) For persons who are medically needy as defined in the social security Title XIX state plan, and for persons who are medical indigents under the eligibility requirements established by the department: Rural health clinic services; physicians' and clinic services; prescribed drugs, dentures, prosthetic devices, and eyeglasses; skilled nursing home services, intermediate care facility services, and intermediate care facility services for the mentally retarded; home health services; other laboratory and x-ray services; rehabilitative services, including occupational therapy; medically necessary transportation; and other services for which funds are specifically provided in the omnibus appropriations act ~~((shall be covered));~~

~~((Persons who are medically indigent and are not eligible for a federal aid program shall satisfy a deductible of not less than one hundred dollars nor more than five hundred dollars in any twelve month period;~~

~~((e)))~~ Medical care services provided to the medically indigent and received no more than seven days prior to the date of application shall be retroactively certified and approved for payment on behalf of a person who was otherwise

eligible at the time the medical services were furnished: PROVIDED, That eligible persons who fail to apply within the seven-day time period for medical reasons or other good cause may be retroactively certified and approved for payment.

(3) The department shall establish standards of assistance and resource and income exemptions. All nonexempt income and resources of limited casualty program recipients shall be applied against the cost of their medical care services.

Sec. 8. RCW 74.09.730 and 1989 c 260 s 1 are each amended to read as follows:

In establishing Title XIX payments ~~((rates))~~ for inpatient hospital services:

~~(1) The department of social and health services shall ((take into account the situation of hospitals which serve a disproportionate number of low-income patients with special needs;~~

~~(2) The department shall define eligible disproportionate share hospitals by regulation, and shall consider)) provide a disproportionate share hospital adjustment considering the following components:~~

~~(a) A low-income care component based on a hospital's medicaid utilization rate, its low-income utilization rate, ((and)) its provision of obstetric services, and other factors authorized by federal law;~~

~~(b) A medical indigency care component based on a hospital's services to persons who are medically indigent; and~~

~~(c) A state-only component, to be paid from available state funds to hospitals that do not qualify for federal payments under (b) of this subsection, based on a hospital's services to persons who are medically indigent;~~

~~((3)) (2) The payment methodology for disproportionate share hospitals shall be specified by the department in regulation.~~

NEW SECTION. Sec. 9. (1) In addition to the components in RCW 74.09.730, the department of social and health services shall consider the following components in providing disproportionate share hospital adjustments:

(a) A medicaid care component proportionately based on a hospital's services to persons who are eligible for medicaid; and

(b) A state-only component, to be paid from available state funds to hospitals that do not qualify for federal payments under (a) of this subsection, based on a hospital's services to persons who are eligible for medicaid.

(2) Each in-state hospital that provides care to medicaid beneficiaries shall be eligible for payments under either subsection (1) (a) or (b) of this section.

(3) This section shall expire on the expiration date of sections 1 through 4 of this act.

NEW SECTION. Sec. 10. (1) The sum of one hundred twenty-eight million four hundred ten thousand dollars from the state general fund, of which sixty-nine million nine hundred thousand dollars is from the general fund—federal, is hereby appropriated for the fiscal period beginning September 1, 1991, and ending June 30, 1993, to the medical assistance program of the department

of social and health services for the purpose of the payment of the components of the disproportionate share adjustment under section 9 of this act. The appropriation in this subsection shall lapse on the date that sections 1 through 4 of this act expire. Amounts that have been paid under this subsection, but are properly attributable to a period after the expiration of sections 1 through 4 of this act, shall be repaid or credited to the state as provided in rules of the department.

(2) The sum of thirty-eight million one hundred eighty-seven thousand dollars from the state general fund, of which twenty million nine hundred ninety-five thousand dollars is from the general fund—federal, is hereby appropriated for the biennium ending June 30, 1993, to the medical assistance program of the department of social and health services for the purpose of the payment of the medical indigency care components of the disproportionate share adjustment under RCW 74.09.730(1) (b) and (c).

(3) The allotments from the appropriations in this section shall be made so as to enable expenditure of the appropriations through the end of the 1991-93 biennium.

(4) The appropriations in this section are supplemental to other appropriations to the medical assistance program. The department of social and health services shall not use the moneys appropriated in this section in lieu of any other appropriations for the medical assistance program.

NEW SECTION. Sec. 11. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect on July 1, 1991, except sections 1 through 6 and 9 of this act which shall take effect on September 1, 1991.

Passed the House June 28, 1991.

Passed the Senate June 29, 1991.

Approved by the Governor June 30, 1991.

Filed in Office of Secretary of State June 30, 1991.

CHAPTER 10

[Engrossed Senate Bill 5959]

PUBLIC ASSISTANCE—ELIGIBILITY BASED ON INCAPACITY— REVISED REQUIREMENTS

Effective Date: 7/1/91

AN ACT Relating to public assistance; amending RCW 74.04.005; providing an effective date; and declaring an emergency.

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

Sec. 1. RCW 74.04.005 and 1991 c 126 s 1 are each amended to read as follows:

For the purposes of this title, unless the context indicates otherwise, the following definitions shall apply:

(1) "Public assistance" or "assistance"—Public aid to persons in need thereof for any cause, including services, medical care, assistance grants, disbursing orders, work relief, general assistance and federal-aid assistance.

(2) "Department"—The department of social and health services.

(3) "County or local office"—The administrative office for one or more counties or designated service areas.

(4) "Director" or "secretary" means the secretary of social and health services.

(5) "Federal-aid assistance"—The specific categories of assistance for which provision is made in any federal law existing or hereafter passed by which payments are made from the federal government to the state in aid or in respect to payment by the state for public assistance rendered to any category of needy persons for which provision for federal funds or aid may from time to time be made, or a federally administered needs-based program.

(6)(a) "General assistance"—Aid to persons in need who:

(i) Are not eligible to receive federal-aid assistance, other than food stamps and medical assistance; however, an individual who refuses or fails to cooperate in obtaining federal-aid assistance, without good cause, is not eligible for general assistance;

(ii) Are either:

(A) Pregnant: PROVIDED, That need is based on the current income and resource requirements of the federal aid to families with dependent children program: PROVIDED FURTHER, That during any period in which an aid for dependent children employable program is not in operation, only those pregnant women who are categorically eligible for medicaid are eligible for general assistance; or

(B) Incapacitated from gainful employment by reason of bodily or mental infirmity that will likely continue for a minimum of ~~((sixty))~~ ninety days as determined by the department. Persons who are unemployable due to alcohol or drug addiction are not eligible for general assistance. Persons receiving general assistance on July 26, 1987, or becoming eligible for such assistance thereafter, due to an alcohol or drug-related incapacity, shall be referred to appropriate assessment, treatment, shelter, or supplemental security income referral services as authorized under chapter 74.50 RCW. Referrals shall be made at the time of application or at the time of eligibility review. Alcoholic and drug addicted clients who are receiving general assistance on July 26, 1987, may remain on general assistance if they otherwise retain their eligibility until they are assessed for services under chapter 74.50 RCW. This subsection (6)(a)(ii)(B) shall not be construed to prohibit the department from granting general assistance benefits to alcoholics and drug addicts who are incapacitated due to other physical or mental conditions that meet the eligibility criteria for the general assistance program;

(iii) Are citizens or aliens lawfully admitted for permanent residence or otherwise residing in the United States under color of law; and

(iv) Have furnished the department their social security account number. If the social security account number cannot be furnished because it has not been issued or is not known, an application for a number shall be made prior to authorization of assistance, and the social security number shall be provided to the department upon receipt.

(b) Notwithstanding the provisions of subsection (6)(a)(i), (ii), and (c) of this section, general assistance shall be provided to the following recipients of federal-aid assistance:

(i) Recipients of supplemental security income whose need, as defined in this section, is not met by such supplemental security income grant because of separation from a spouse; or

(ii) To the extent authorized by the legislature in the biennial appropriations act, to recipients of aid to families with dependent children whose needs are not being met because of a temporary reduction in monthly income below the entitled benefit payment level caused by loss or reduction of wages or unemployment compensation benefits or some other unforeseen circumstances. The amount of general assistance authorized shall not exceed the difference between the entitled benefit payment level and the amount of income actually received.

(c) General assistance shall be provided only to persons who are not members of assistance units receiving federal aid assistance, except as provided in subsection (6)(a)(ii)(A) and (b) of this section, and will accept available services which can reasonably be expected to enable the person to work or reduce the need for assistance unless there is good cause to refuse. Failure to accept such services shall result in termination until the person agrees to cooperate in accepting such services and subject to the following maximum periods of ineligibility after reapplication:

(i) First failure: One week;

(ii) Second failure within six months: One month;

(iii) Third and subsequent failure within one year: Two months.

(d) The department shall adopt by rule medical criteria for general assistance eligibility to ensure that eligibility decisions are consistent with statutory requirements and are based on clear, objective medical information.

(e) The process implementing the medical criteria shall involve consideration of opinions of the treating or consulting physicians or health care professionals regarding incapacity, and any eligibility decision which rejects uncontroverted medical opinion must set forth clear and convincing reasons for doing so.

(f) Recipients of general assistance based upon a finding of incapacity from gainful employment who remain otherwise eligible shall not have their benefits terminated absent a clear showing of material improvement in their medical or mental condition or specific error in the prior determination that found the recipient eligible by reason of incapacitation. Recipients of general assistance based upon pregnancy who relinquish their child for adoption, remain otherwise eligible, and are not eligible to receive benefits under the federal aid to families

with dependent children program shall not have their benefits terminated until the end of the month in which the period of six weeks following the birth of the recipient's child falls. Recipients of the federal aid to families with dependent children program who lose their eligibility solely because of the birth and relinquishment of the qualifying child may receive general assistance through the end of the month in which the period of six weeks following the birth of the child falls.

(7) "Applicant"—Any person who has made a request, or on behalf of whom a request has been made, to any county or local office for assistance.

(8) "Recipient"—Any person receiving assistance and in addition those dependents whose needs are included in the recipient's assistance.

(9) "Standards of assistance"—The level of income required by an applicant or recipient to maintain a level of living specified by the department.

(10) "Resource"—Any asset, tangible or intangible, owned by or available to the applicant at the time of application, which can be applied toward meeting the applicant's need, either directly or by conversion into money or its equivalent: PROVIDED, That an applicant may retain the following described resources and not be ineligible for public assistance because of such resources.

(a) A home, which is defined as real property owned and used by an applicant or recipient as a place of residence, together with a reasonable amount of property surrounding and contiguous thereto, which is used by and useful to the applicant. Whenever a recipient shall cease to use such property for residential purposes, either for himself or his dependents, the property shall be considered as a resource which can be made available to meet need, and if the recipient or his dependents absent themselves from the home for a period of ninety consecutive days such absence, unless due to hospitalization or health reasons or a natural disaster, shall raise a rebuttable presumption of abandonment: PROVIDED, That if in the opinion of three physicians the recipient will be unable to return to the home during his lifetime, and the home is not occupied by a spouse or dependent children or disabled sons or daughters, such property shall be considered as a resource which can be made available to meet need.

(b) Household furnishings and personal effects and other personal property having great sentimental value to the applicant or recipient, as limited by the department consistent with limitations on resources and exemptions for federal aid assistance.

(c) A motor vehicle, other than a motor home, used and useful having an equity value not to exceed one thousand five hundred dollars.

(d) All other resources, including any excess of values exempted, not to exceed one thousand dollars or other limit as set by the department, to be consistent with limitations on resources and exemptions necessary for federal aid assistance.

(e) Applicants for or recipients of general assistance may retain the following described resources in addition to exemption for a motor vehicle or home and not be ineligible for public assistance because of such resources:

(i) Household furnishings, personal effects, and other personal property having great sentimental value to the applicant or recipient;

(ii) Term and burial insurance for use of the applicant or recipient;

(iii) Life insurance having a cash surrender value not exceeding one thousand five hundred dollars; and

(iv) Cash, marketable securities, and any excess of values above one thousand five hundred dollars equity in a vehicle and above one thousand five hundred dollars in cash surrender value of life insurance, not exceeding one thousand five hundred dollars for a single person or two thousand two hundred fifty dollars for a family unit of two or more. The one thousand dollar limit in subsection (10)(d) of this section does not apply to recipients of or applicants for general assistance.

(f) If an applicant for or recipient of public assistance possesses property and belongings in excess of the ceiling value, such value shall be used in determining the need of the applicant or recipient, except that: (i) The department may exempt resources or income when the income and resources are determined necessary to the applicant's or recipient's restoration to independence, to decrease the need for public assistance, or to aid in rehabilitating the applicant or recipient or a dependent of the applicant or recipient; and (ii) the department may provide grant assistance for a period not to exceed nine months from the date the agreement is signed pursuant to this section to persons who are otherwise ineligible because of excess real property owned by such persons when they are making a good faith effort to dispose of that property: PROVIDED, That:

(A) The applicant or recipient signs an agreement to repay the lesser of the amount of aid received or the net proceeds of such sale;

(B) If the owner of the excess property ceases to make good faith efforts to sell the property, the entire amount of assistance may become an overpayment and a debt due the state and may be recovered pursuant to RCW 43.20B.630;

(C) Applicants and recipients are advised of their right to a fair hearing and afforded the opportunity to challenge a decision that good faith efforts to sell have ceased, prior to assessment of an overpayment under this section; and

(D) At the time assistance is authorized, the department files a lien without a sum certain on the specific property.

(11) "Income"—(a) All appreciable gains in real or personal property (cash or kind) or other assets, which are received by or become available for use and enjoyment by an applicant or recipient during the month of application or after applying for or receiving public assistance. The department may by rule and regulation exempt income received by an applicant for or recipient of public assistance which can be used by him to decrease his need for public assistance or to aid in rehabilitating him or his dependents, but such exemption shall not, unless otherwise provided in this title, exceed the exemptions of resources granted under this chapter to an applicant for public assistance. In determining the amount of assistance to which an applicant or recipient of aid to families

with dependent children is entitled, the department is hereby authorized to disregard as a resource or income the earned income exemptions consistent with federal requirements. The department may permit the above exemption of earnings of a child to be retained by such child to cover the cost of special future identifiable needs even though the total exceeds the exemptions or resources granted to applicants and recipients of public assistance, but consistent with federal requirements. In formulating rules and regulations pursuant to this chapter, the department shall define income and resources and the availability thereof, consistent with federal requirements. All resources and income not specifically exempted, and any income or other economic benefit derived from the use of, or appreciation in value of, exempt resources, shall be considered in determining the need of an applicant or recipient of public assistance.

(b) If, under applicable federal requirements, the state has the option of considering property in the form of lump sum compensatory awards or related settlements received by an applicant or recipient as income or as a resource, the department shall consider such property to be a resource.

(12) "Need"—The difference between the applicant's or recipient's standards of assistance for himself and the dependent members of his family, as measured by the standards of the department, and value of all nonexempt resources and nonexempt income received by or available to the applicant or recipient and the dependent members of his family.

(13) For purposes of determining eligibility for public assistance and participation levels in the cost of medical care, the department shall exempt restitution payments made to people of Japanese and Aleut ancestry pursuant to the Civil Liberties Act of 1988 and the Aleutian and Pribilof Island Restitution Act passed by congress, P.L. 100-383, including all income and resources derived therefrom.

(14) In the construction of words and phrases used in this title, the singular number shall include the plural, the masculine gender shall include both the feminine and neuter genders and the present tense shall include the past and future tenses, unless the context thereof shall clearly indicate to the contrary.

NEW SECTION. Sec. 2. 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. 3. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1991.

Passed the Senate June 29, 1991.

Passed the House June 29, 1991.

Approved by the Governor June 30, 1991.

Filed in Office of Secretary of State June 30, 1991.

CHAPTER 11

[Senate Bill 5997]

CORRECTION OF DOUBLE AMENDMENTS

Effective Date: Sections 3 through 5 become effective on 9/1/91; & Sections 1, 2 & 6 become effective on 6/30/91.

AN ACT Relating to the correction of double amendments; reenacting RCW 41.26.030, 41.26.090, 41.26.160, and 41.32.550; creating a new section; repealing 1991 c 3 s 122, 1991 c 3 s 123, 1991 c 3 s 124, 1991 c 3 s 125, 1991 c 3 s 126, 1991 c 3 s 127, 1991 c 3 s 128, 1991 c 3 s 129, 1991 c 3 s 142, 1991 c 3 s 144, 1991 c 3 s 145, 1991 c 3 s 148, 1991 c 3 s 149, 1991 c 3 s 150, 1991 c 3 s 172, 1991 c 3 s 173, 1991 c 3 s 186, 1991 c 3 s 187, 1991 c 3 s 188, 1991 c 3 s 189, 1991 c 3 s 191, 1991 c 3 s 221, 1991 c 3 s 222, 1991 c 3 s 224, and 1991 c 72 s 47; providing an effective date; and declaring an emergency.

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

NEW SECTION. **Sec. 1.** The purpose of this act is to correct certain double amendments created during the 1991 regular session that the code reviser's office is unable to merge under RCW 1.12.025. The session laws repealed by section 2 of this act are strictly technical in nature and affect no policy. Sections 3 through 6 of this act are being reenacted to effectuate a legislative directive contained in 1991 c 35 s 2.

NEW SECTION. **Sec. 2.** The following acts or parts of acts are each repealed:

- (1) 1991 c 3 s 122;
- (2) 1991 c 3 s 123;
- (3) 1991 c 3 s 124;
- (4) 1991 c 3 s 125;
- (5) 1991 c 3 s 126;
- (6) 1991 c 3 s 127;
- (7) 1991 c 3 s 128;
- (8) 1991 c 3 s 129;
- (9) 1991 c 3 s 142;
- (10) 1991 c 3 s 144;
- (11) 1991 c 3 s 145;
- (12) 1991 c 3 s 148;
- (13) 1991 c 3 s 149;
- (14) 1991 c 3 s 150;
- (15) 1991 c 3 s 172;
- (16) 1991 c 3 s 173;
- (17) 1991 c 3 s 186;
- (18) 1991 c 3 s 187;
- (19) 1991 c 3 s 188;
- (20) 1991 c 3 s 189;
- (21) 1991 c 3 s 191;
- (22) 1991 c 3 s 221;
- (23) 1991 c 3 s 222;
- (24) 1991 c 3 s 224; and
- (25) 1991 c 72 s 47.

Sec. 3. RCW 41.26.030 and 1991 c 365 s 35, 1991 c 343 s 14, and 1991 c 35 s 13 are each reenacted to read as follows:

As used in this chapter, unless a different meaning is plainly required by the context:

(1) "Retirement system" means the "Washington law enforcement officers' and fire fighters' retirement system" provided herein.

(2)(a) "Employer" for plan I members, means the legislative authority of any city, town, county, or district or the elected officials of any municipal corporation that employs any law enforcement officer and/or fire fighter, any authorized association of such municipalities, and, except for the purposes of RCW 41.26.150, any labor guild, association, or organization, which represents the fire fighters or law enforcement officers of at least seven cities of over 20,000 population and the membership of each local lodge or division of which is composed of at least sixty percent law enforcement officers or fire fighters as defined in this chapter.

(b) "Employer" for plan II members, means the legislative authority of any city, town, county, or district or the elected officials of any municipal corporation that employs any law enforcement officer and/or fire fighter.

(3) "Law enforcement officer" means any person who is serving on a full time, fully compensated basis as a county sheriff or deputy sheriff, including sheriffs or deputy sheriffs serving under a different title pursuant to a county charter, city police officer, or town marshal or deputy marshal, with the following qualifications:

(a) No person who is serving in a position that is basically clerical or secretarial in nature, and who is not commissioned shall be considered a law enforcement officer;

(b) Only those deputy sheriffs, including those serving under a different title pursuant to county charter, who have successfully completed a civil service examination for deputy sheriff or the equivalent position, where a different title is used, and those persons serving in unclassified positions authorized by RCW 41.14.070 except a private secretary will be considered law enforcement officers;

(c) Only such full time commissioned law enforcement personnel as have been appointed to offices, positions, or ranks in the police department which have been specifically created or otherwise expressly provided for and designated by city charter provision or by ordinance enacted by the legislative body of the city shall be considered city police officers; and

(d) The term "law enforcement officer" also includes the executive secretary of a labor guild, association or organization (which is an employer under RCW 41.26.030(2) as now or hereafter amended) if that individual has five years previous membership in the retirement system established in chapter 41.20 RCW. The provisions of this subsection shall not apply to plan II members.

(4) "Fire fighter" means:

(a) Any person who is serving on a full time, fully compensated basis as a member of a fire department of an employer and who is serving in a position

which requires passing a civil service examination for fire fighter, and who is actively employed as such;

(b) Anyone who is actively employed as a full time fire fighter where the fire department does not have a civil service examination;

(c) Supervisory fire fighter personnel;

(d) Any full time executive secretary of an association of fire protection districts authorized under RCW 52.12.031. The provisions of this subsection shall not apply to plan II members;

(e) The executive secretary of a labor guild, association or organization (which is an employer under RCW 41.26.030(2) as now or hereafter amended), if such individual has five years previous membership in a retirement system established in chapter 41.16 or 41.18 RCW. The provisions of this subsection shall not apply to plan II members;

(f) Any person who is serving on a full time, fully compensated basis for an employer, as a fire dispatcher, in a department in which, on March 1, 1970, a dispatcher was required to have passed a civil service examination for fire fighter; and

(g) Any person who on March 1, 1970, was employed on a full time, fully compensated basis by an employer, and who on May 21, 1971 was making retirement contributions under the provisions of chapter 41.16 or 41.18 RCW.

(5) "Department" means the department of retirement systems created in chapter 41.50 RCW.

(6) "Surviving spouse" for persons who establish membership in the retirement system on or before September 30, 1977, means the surviving widow or widower of a member or an ex spouse who has been provided benefits under any court decree of dissolution or legal separation or in any court order or court-approved property settlement agreement incident to any court decree of dissolution or legal separation. In order to qualify as a surviving spouse under this subsection: (a) A person shall have been married to the member for at least thirty years, including at least twenty years prior to the member's retirement or separation from service if a vested member; (b) the decree or court order must be currently effective; and (c) the decree or court order must have been entered after the member's retirement and prior to December 31, 1979. If two or more persons are eligible as surviving spouses under this subsection, benefits shall be divided between the surviving spouses based on the percentage of total service credit the member accrued during each marriage. This definition shall apply retroactively.

(7)(a) "Child" or "children" means an unmarried person who is under the age of eighteen or mentally or physically handicapped as determined by the department, except a handicapped person in the full time care of a state institution, who is:

(i) A natural born child;

(ii) A stepchild where that relationship was in existence prior to the date benefits are payable under this chapter;

(iii) A posthumous child;

(iv) A child legally adopted or made a legal ward of a member prior to the date benefits are payable under this chapter; or

(v) An illegitimate child legitimized prior to the date any benefits are payable under this chapter.

(b) A person shall also be deemed to be a child up to and including the age of twenty years and eleven months while attending any high school, college, or vocational or other educational institution accredited, licensed, or approved by the state, in which it is located, including the summer vacation months and all other normal and regular vacation periods at the particular educational institution after which the child returns to school.

(8) "Member" means any fire fighter, law enforcement officer, or other person as would apply under subsections (3) or (4) of this section whose membership is transferred to the Washington law enforcement officers' and fire fighters' retirement system on or after March 1, 1970, and every law enforcement officer and fire fighter who is employed in that capacity on or after such date.

(9) "Retirement fund" means the "Washington law enforcement officers' and fire fighters' retirement system fund" as provided for herein.

(10) "Employee" means any law enforcement officer or fire fighter as defined in subsections (3) and (4) of this section.

(11)(a) "Beneficiary" for plan I members, means any person in receipt of a retirement allowance, disability allowance, death benefit, or any other benefit described herein.

(b) "Beneficiary" for plan II members, means any person in receipt of a retirement allowance or other benefit provided by this chapter resulting from service rendered to an employer by another person.

(12)(a) "Final average salary" for plan I members, means (i) for a member holding the same position or rank for a minimum of twelve months preceding the date of retirement, the basic salary attached to such same position or rank at time of retirement; (ii) for any other member, including a civil service member who has not served a minimum of twelve months in the same position or rank preceding the date of retirement, the average of the greatest basic salaries payable to such member during any consecutive twenty-four month period within such member's last ten years of service for which service credit is allowed, computed by dividing the total basic salaries payable to such member during the selected twenty-four month period by twenty-four; (iii) in the case of disability of any member, the basic salary payable to such member at the time of disability retirement; (iv) in the case of a member who hereafter vests pursuant to RCW 41.26.090, the basic salary payable to such member at the time of vesting.

(b) "Final average salary" for plan II members, means the monthly average of the member's basic salary for the highest consecutive sixty service credit months of service prior to such member's retirement, termination, or death.

Periods constituting authorized unpaid leaves of absence may not be used in the calculation of final average salary.

(13)(a) "Basic salary" for plan I members, means the basic monthly rate of salary or wages, including longevity pay but not including overtime earnings or special salary or wages, upon which pension or retirement benefits will be computed and upon which employer contributions and salary deductions will be based.

(b) "Basic salary" for plan II members, means salaries or wages earned by a member during a payroll period for personal services, including overtime payments, and shall include wages and salaries deferred under provisions established pursuant to sections 403(b), 414(h), and 457 of the United States Internal Revenue Code, but shall exclude lump sum payments for deferred annual sick leave, unused accumulated vacation, unused accumulated annual leave, or any form of severance pay: PROVIDED, That in any year in which a member serves in the legislature the member shall have the option of having such member's basic salary be the greater of:

(i) The basic salary the member would have received had such member not served in the legislature; or

(ii) Such member's actual basic salary received for nonlegislative public employment and legislative service combined. Any additional contributions to the retirement system required because basic salary under (b)(i) of this subsection is greater than basic salary under (b)(ii) of this subsection shall be paid by the member for both member and employer contributions.

(14)(a) "Service" for plan I members, means all periods of employment for an employer as a fire fighter or law enforcement officer, for which compensation is paid, together with periods of suspension not exceeding thirty days in duration. For the purposes of this chapter service shall also include service in the armed forces of the United States as provided in RCW 41.26.190. Credit shall be allowed for all service credit months of service rendered by a member from and after the member's initial commencement of employment as a fire fighter or law enforcement officer, during which the member worked for seventy or more hours, or was on disability leave or disability retirement. Only service credit months of service shall be counted in the computation of any retirement allowance or other benefit provided for in this chapter.

(i) For members retiring after May 21, 1971 who were employed under the coverage of a prior pension act before March 1, 1970, "service" shall also include (A) such military service not exceeding five years as was creditable to the member as of March 1, 1970, under the member's particular prior pension act, and (B) such other periods of service as were then creditable to a particular member under the provisions of RCW 41.18.165, 41.20.160 or 41.20.170. However, in no event shall credit be allowed for any service rendered prior to March 1, 1970, where the member at the time of rendition of such service was employed in a position covered by a prior pension act, unless such service, at the

time credit is claimed therefor, is also creditable under the provisions of such prior act.

(ii) A member who is employed by two employers at the same time shall only be credited with service to one such employer for any month during which the member rendered such dual service.

(b) "Service" for plan II members, means periods of employment by a member for one or more employers for which basic salary is earned for ninety or more hours per calendar month which shall constitute a service credit month. Periods of employment by a member for one or more employers for which basic salary is earned for at least seventy hours but less than ninety hours per calendar month shall constitute one-half service credit month. Periods of employment by a member for one or more employers for which basic salary is earned for less than seventy hours shall constitute a one-quarter service credit month.

Members of the retirement system who are elected or appointed to a state elective position may elect to continue to be members of this retirement system.

Service credit years of service shall be determined by dividing the total number of service credit months of service by twelve. Any fraction of a service credit year of service as so determined shall be taken into account in the computation of such retirement allowance or benefits.

If a member receives basic salary from two or more employers during any calendar month, the individual shall receive one service credit month's service credit during any calendar month in which multiple service for ninety or more hours is rendered; or one-half service credit month's service credit during any calendar month in which multiple service for at least seventy hours but less than ninety hours is rendered; or one-quarter service credit month during any calendar month in which multiple service for less than seventy hours is rendered.

(15) "Accumulated contributions" means the employee's contributions made by a member plus accrued interest credited thereon.

(16) "Actuarial reserve" means a method of financing a pension or retirement plan wherein reserves are accumulated as the liabilities for benefit payments are incurred in order that sufficient funds will be available on the date of retirement of each member to pay the member's future benefits during the period of retirement.

(17) "Actuarial valuation" means a mathematical determination of the financial condition of a retirement plan. It includes the computation of the present monetary value of benefits payable to present members, and the present monetary value of future employer and employee contributions, giving effect to mortality among active and retired members and also to the rates of disability, retirement, withdrawal from service, salary and interest earned on investments.

(18) "Disability board" for plan I members means either the county disability board or the city disability board established in RCW 41.26.110.

(19) "Disability leave" means the period of six months or any portion thereof during which a member is on leave at an allowance equal to the

member's full salary prior to the commencement of disability retirement. The definition contained in this subsection shall apply only to plan I members.

(20) "Disability retirement" for plan I members, means the period following termination of a member's disability leave, during which the member is in receipt of a disability retirement allowance.

(21) "Position" means the employment held at any particular time, which may or may not be the same as civil service rank.

(22) "Medical services" for plan I members, shall include the following as minimum services to be provided. Reasonable charges for these services shall be paid in accordance with RCW 41.26.150.

(a) Hospital expenses: These are the charges made by a hospital, in its own behalf, for

(i) Board and room not to exceed semiprivate room rate unless private room is required by the attending physician due to the condition of the patient.

(ii) Necessary hospital services, other than board and room, furnished by the hospital.

(b) Other medical expenses: The following charges are considered "other medical expenses", provided that they have not been considered as "hospital expenses".

(i) The fees of the following:

(A) A physician or surgeon licensed under the provisions of chapter 18.7 RCW;

(B) An osteopath licensed under the provisions of chapter 18.57 RCW;

(C) A chiropractor licensed under the provisions of chapter 18.25 RCW.

(ii) The charges of a registered graduate nurse other than a nurse who ordinarily resides in the member's home, or is a member of the family of either the member or the member's spouse.

(iii) The charges for the following medical services and supplies:

(A) Drugs and medicines upon a physician's prescription;

(B) Diagnostic x-ray and laboratory examinations;

(C) X-ray, radium, and radioactive isotopes therapy;

(D) Anesthesia and oxygen;

(E) Rental of iron lung and other durable medical and surgical equipment;

(F) Artificial limbs and eyes, and casts, splints, and trusses;

(G) Professional ambulance service when used to transport the member to or from a hospital when injured by an accident or stricken by a disease;

(H) Dental charges incurred by a member who sustains an accidental injury to his or her teeth and who commences treatment by a legally licensed dentist within ninety days after the accident;

(I) Nursing home confinement or hospital extended care facility;

(J) Physical therapy by a registered physical therapist;

(K) Blood transfusions, including the cost of blood and blood plasma not replaced by voluntary donors;

(L) An optometrist licensed under the provisions of chapter 18.53 RCW.

(23) "Regular interest" means such rate as the director may determine.

(24) "Retiree" for persons who establish membership in the retirement system on or after October 1, 1977, means any member in receipt of a retirement allowance or other benefit provided by this chapter resulting from service rendered to an employer by such member.

(25) "Director" means the director of the department.

(26) "State actuary" or "actuary" means the person appointed pursuant to RCW 44.44.010(2).

(27) "State elective position" means any position held by any person elected or appointed to state-wide office or elected or appointed as a member of the legislature.

(28) "Plan I" means the law enforcement officers' and fire fighters' retirement system, plan I providing the benefits and funding provisions covering persons who first became members of the system prior to October 1, 1977.

(29) "Plan II" means the law enforcement officers' and fire fighters' retirement system, plan II providing the benefits and funding provisions covering persons who first became members of the system on and after October 1, 1977.

(30) "Service credit year" means an accumulation of months of service credit which is equal to one when divided by twelve.

(31) "Service credit month" means a full service credit month or an accumulation of partial service credit months that are equal to one.

Sec. 4. RCW 41.26.090 and 1991 c 343 s 15 and 1991 c 35 s 18 are each reenacted to read as follows:

Retirement of a member for service shall be made by the department as follows:

(1) Any member having five or more service credit years of service and having attained the age of fifty years shall be eligible for a service retirement allowance and shall be retired upon the member's written request effective the first day following the date upon which the member is separated from service.

(2) Any member having five or more service credit years of service, who terminates his or her employment with any employer, may leave his or her contributions in the fund. Any employee who so elects, upon attaining age fifty, shall be eligible to apply for and receive a service retirement allowance based on his or her years of service, commencing on the first day following his or her attainment of age fifty.

(3) Any member selecting optional vesting under subsection (2) of this section with less than twenty service credit years of service shall not be covered by the provisions of RCW 41.26.150, and the member's survivors shall not be entitled to the benefits of RCW 41.26.160 unless his or her death occurs after he or she has attained the age of fifty years. Those members selecting this optional vesting with twenty or more years service shall not be covered by the provisions of RCW 41.26.150 until the attainment of the age of fifty years. A member selecting this optional vesting, with less than twenty service credit years of

service credit, who dies prior to attaining the age of fifty years, shall have paid from the Washington law enforcement officers' and fire fighters' retirement fund, to such member's surviving spouse, if any, otherwise to such beneficiary as the member shall have designated in writing, or if no such designation has been made, to the personal representative of his or her estate, a lump sum which is equal to the amount of such member's accumulated contributions plus accrued interest. If the vested member has twenty or more service credit years of service credit the surviving spouse or children shall then become eligible for the benefits of RCW 41.26.160 regardless of the member's age at the time of his or her death, to the exclusion of the lump sum amount provided by this subsection.

(4) Any member who has attained the age of sixty years shall be retired on the first day of the calendar month next succeeding that in which said member shall have attained the age of sixty and may not thereafter be employed as a law enforcement officer or fire fighter: PROVIDED, That for any member who is elected or appointed to the office of sheriff, chief of police, or fire chief, his or her election or appointment shall be considered as a waiver of the age sixty provision for retirement and nonemployment for whatever number of years remain in his or her present term of office and any succeeding periods for which he or she may be so elected or appointed. The provisions of this subsection shall not apply to any member who is employed as a law enforcement officer or fire fighter on March 1, 1970.

Sec. 5. RCW 41.26.160 and 1991 c 343 s 17 and 1991 c 35 s 23 are each reenacted to read as follows:

(1) In the event of the death of any member who is in active service, or who has vested under the provisions of RCW 41.26.090 with twenty or more service credit years of service, or who is on disability leave or retired, whether for disability or service, the surviving spouse shall become entitled to receive a monthly allowance equal to fifty percent of the final average salary at the date of death if active, or the amount of retirement allowance the vested member would have received at age fifty, or the amount of the retirement allowance such retired member was receiving at the time of death if retired for service or disability. The amount of this allowance will be increased five percent of final average salary for each child as defined in RCW 41.26.030(7), as now or hereafter amended, subject to a maximum combined allowance of sixty percent of final average salary: PROVIDED, That if the child or children is or are in the care of a legal guardian, payment of the increase attributable to each child will be made to the child's legal guardian or, in the absence of a legal guardian and if the member has created a trust for the benefit of the child or children, payment of the increase attributable to each child will be made to the trust.

(2) If at the time of the death of a vested member with twenty or more service credit years of service as provided in subsection (1) of this section or a member retired for service or disability, the surviving spouse has not been lawfully married to such member for one year prior to retirement or separation

from service if a vested member, the surviving spouse shall not be eligible to receive the benefits under this section: **PROVIDED**, That if a member dies as a result of a disability incurred in the line of duty, then if he or she was married at the time he or she was disabled, the surviving spouse shall be eligible to receive the benefits under this section.

(3) If there be no surviving spouse eligible to receive benefits at the time of such member's death, then the child or children of such member shall receive a monthly allowance equal to thirty percent of final average salary for one child and an additional ten percent for each additional child subject to a maximum combined payment, under this subsection, of sixty percent of final average salary. When there cease to be any eligible children as defined in RCW 41.26.030(7), as now or hereafter amended, there shall be paid to the legal heirs of said member the excess, if any, of accumulated contributions of said member at the time of death over all payments made to survivors on his or her behalf under this chapter: **PROVIDED**, That payments under this subsection to children shall be prorated equally among the children, if more than one. If the member has created a trust for the benefit of the child or children, the payment shall be made to the trust.

(4) In the event that there is no surviving spouse eligible to receive benefits under this section, and that there be no child or children eligible to receive benefits under this section, then the accumulated contributions shall be paid to the estate of said member.

(5) If a surviving spouse receiving benefits under the provisions of this section thereafter dies and there are children as defined in RCW 41.26.030(7), as now or hereafter amended, payment to the spouse shall cease and the child or children shall receive the benefits as provided in subsection (3) of this section.

(6) The payment provided by this section shall become due the day following the date of death and payments shall be retroactive to that date.

Sec. 6. RCW 41.32.550 and 1991 c 365 s 33 and 1991 s 35 s 62 are each reenacted to read as follows:

(1) Should the director determine from the report of the medical director that a member employed under an annual contract with an employer has become permanently disabled for the performance of his or her duties or at any time while a member is receiving temporary disability benefits that a member's disability will be permanent, a member shall have the option of then receiving (a) all of the accumulated contributions in a lump sum payment and canceling his or her membership, or (b) of accepting a retirement allowance based on service or age, if eligible under RCW 41.32.480, or (c) if the member had five or more years of Washington membership service credit established with the retirement system, a retirement allowance because of disability.

(2) Any member applying for a retirement allowance who is eligible for benefits on the basis of service or age shall receive a retirement allowance based on the provision of law governing retirement for service or age. If the member

qualifies to receive a retirement allowance because of disability he or she shall be paid the maximum annuity which shall be the actuarial equivalent of the accumulated contributions at his or her age of retirement and a pension equal to the service pension to which he or she would be entitled under RCW 41.32.497. If the member dies before he or she has received in annuity payments the present value of the accumulated contributions at the time of retirement, the unpaid balance shall be paid to the estate or to the persons nominated by written designation executed and filed with the department.

(3) A member retired for disability may be required at any time to submit to reexamination. If medical findings reveal that the individual is no longer disabled for the performance of public school service, the retirement allowance granted because of disability may be terminated by action of the director or upon written request of the member. In case of termination, the individual shall be restored to full membership in the retirement system.

NEW SECTION. Sec. 7. (1) Sections 3 through 5 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect September 1, 1991.

(2) Sections 1, 2, and 6 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate June 24, 1991.

Passed the House June 26, 1991.

Approved by the Governor June 30, 1991.

Filed in Office of Secretary of State June 30, 1991.

CHAPTER 12

[Engrossed Senate Bill 5998]

LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' RETIREMENT SYSTEM-- WHEN DIVORCED SPOUSE TREATED AS SURVIVING SPOUSE

Effective Date: 9/29/91

AN ACT Relating to surviving spouses under the law enforcement officers' and fire fighters' retirement system; reenacting and amending RCW 41.26.030; and creating new sections.

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

Sec. 1. RCW 41.26.030 and 1991 c 365 s 35, 1991 c 343 s 14, and 1991 c 35 s 13 are each reenacted and amended to read as follows:

As used in this chapter, unless a different meaning is plainly required by the context:

(1) "Retirement system" means the "Washington law enforcement officers' and fire fighters' retirement system" provided herein.

(2)(a) "Employer" for plan I members, means the legislative authority of any city, town, county, or district or the elected officials of any municipal corporation that employs any law enforcement officer and/or fire fighter, any authorized

association of such municipalities, and, except for the purposes of RCW 41.26.150, any labor guild, association, or organization, which represents the fire fighters or law enforcement officers of at least seven cities of over 20,000 population and the membership of each local lodge or division of which is composed of at least sixty percent law enforcement officers or fire fighters as defined in this chapter.

(b) "Employer" for plan II members, means the legislative authority of any city, town, county, or district or the elected officials of any municipal corporation that employs any law enforcement officer and/or fire fighter.

(3) "Law enforcement officer" means any person who is serving on a full time, fully compensated basis as a county sheriff or deputy sheriff, including sheriffs or deputy sheriffs serving under a different title pursuant to a county charter, city police officer, or town marshal or deputy marshal, with the following qualifications:

(a) No person who is serving in a position that is basically clerical or secretarial in nature, and who is not commissioned shall be considered a law enforcement officer;

(b) Only those deputy sheriffs, including those serving under a different title pursuant to county charter, who have successfully completed a civil service examination for deputy sheriff or the equivalent position, where a different title is used, and those persons serving in unclassified positions authorized by RCW 41.14.070 except a private secretary will be considered law enforcement officers;

(c) Only such full time commissioned law enforcement personnel as have been appointed to offices, positions, or ranks in the police department which have been specifically created or otherwise expressly provided for and designated by city charter provision or by ordinance enacted by the legislative body of the city shall be considered city police officers; and

(d) The term "law enforcement officer" also includes the executive secretary of a labor guild, association or organization (which is an employer under RCW 41.26.030(2) as now or hereafter amended) if that individual has five years previous membership in the retirement system established in chapter 41.20 RCW. The provisions of this subsection shall not apply to plan II members.

(4) "Fire fighter" means:

(a) Any person who is serving on a full time, fully compensated basis as a member of a fire department of an employer and who is serving in a position which requires passing a civil service examination for fire fighter, and who is actively employed as such;

(b) Anyone who is actively employed as a full time fire fighter where the fire department does not have a civil service examination;

(c) Supervisory fire fighter personnel;

(d) Any full time executive secretary of an association of fire protection districts authorized under RCW 52.12.031. The provisions of this subsection shall not apply to plan II members;

(e) The executive secretary of a labor guild, association or organization (which is an employer under RCW 41.26.030(2) as now or hereafter amended), if such individual has five years previous membership in a retirement system established in chapter 41.16 or 41.18 RCW. The provisions of this subsection shall not apply to plan II members;

(f) Any person who is serving on a full time, fully compensated basis for an employer, as a fire dispatcher, in a department in which, on March 1, 1970, a dispatcher was required to have passed a civil service examination for fire fighter; and

(g) Any person who on March 1, 1970, was employed on a full time, fully compensated basis by an employer, and who on May 21, 1971 was making retirement contributions under the provisions of chapter 41.16 or 41.18 RCW.

(5) "Department" means the department of retirement systems created in chapter 41.50 RCW.

(6) ~~"Surviving spouse" ((for persons who establish membership in the retirement system on or before September 30, 1977,)) means the surviving widow or widower of a member ((or an ex-spouse who has been provided benefits under any court decree of dissolution or legal separation or in any court order or court approved property settlement agreement incident to any court decree of dissolution or legal separation. In order to qualify as a surviving spouse under this subsection: (a) A person shall have been married to the member for at least thirty years, including at least twenty years prior to the member's retirement or separation from service if a vested member; (b) the decree or court order must be currently effective; and (c) the decree or court order must have been entered after the member's retirement and prior to December 31, 1979. If two or more persons are eligible as surviving spouses under this subsection, benefits shall be divided between the surviving spouses based on the percentage of total service credit the member accrued during each marriage. This definition shall apply retroactively)). "Surviving spouse" shall not include the divorced spouse of a member except as provided in section 2, chapter —, Laws of 1991 1st ex. sess. (section 2 of this act).~~

(7)(a) "Child" or "children" means an unmarried person who is under the age of eighteen or mentally or physically handicapped as determined by the department, except a handicapped person in the full time care of a state institution, who is:

(i) A natural born child;

(ii) A stepchild where that relationship was in existence prior to the date benefits are payable under this chapter;

(iii) A posthumous child;

(iv) A child legally adopted or made a legal ward of a member prior to the date benefits are payable under this chapter; or

(v) An illegitimate child legitimized prior to the date any benefits are payable under this chapter.

(b) A person shall also be deemed to be a child up to and including the age of twenty years and eleven months while attending any high school, college, or vocational or other educational institution accredited, licensed, or approved by the state, in which it is located, including the summer vacation months and all other normal and regular vacation periods at the particular educational institution after which the child returns to school.

(8) "Member" means any fire fighter, law enforcement officer, or other person as would apply under subsections (3) or (4) of this section whose membership is transferred to the Washington law enforcement officers' and fire fighters' retirement system on or after March 1, 1970, and every law enforcement officer and fire fighter who is employed in that capacity on or after such date.

(9) "Retirement fund" means the "Washington law enforcement officers' and fire fighters' retirement system fund" as provided for herein.

(10) "Employee" means any law enforcement officer or fire fighter as defined in subsections (3) and (4) of this section.

(11)(a) "Beneficiary" for plan I members, means any person in receipt of a retirement allowance, disability allowance, death benefit, or any other benefit described herein.

(b) "Beneficiary" for plan II members, means any person in receipt of a retirement allowance or other benefit provided by this chapter resulting from service rendered to an employer by another person.

(12)(a) "Final average salary" for plan I members, means (i) for a member holding the same position or rank for a minimum of twelve months preceding the date of retirement, the basic salary attached to such same position or rank at time of retirement; (ii) for any other member, including a civil service member who has not served a minimum of twelve months in the same position or rank preceding the date of retirement, the average of the greatest basic salaries payable to such member during any consecutive twenty-four month period within such member's last ten years of service for which service credit is allowed, computed by dividing the total basic salaries payable to such member during the selected twenty-four month period by twenty-four; (iii) in the case of disability of any member, the basic salary payable to such member at the time of disability retirement; (iv) in the case of a member who hereafter vests pursuant to RCW 41.26.090, the basic salary payable to such member at the time of vesting.

(b) "Final average salary" for plan II members, means the monthly average of the member's basic salary for the highest consecutive sixty service credit months of service prior to such member's retirement, termination, or death. Periods constituting authorized unpaid leaves of absence may not be used in the calculation of final average salary.

(13)(a) "Basic salary" for plan I members, means the basic monthly rate of salary or wages, including longevity pay but not including overtime earnings or special salary or wages, upon which pension or retirement benefits will be

computed and upon which employer contributions and salary deductions will be based.

(b) "Basic salary" for plan II members, means salaries or wages earned by a member during a payroll period for personal services, including overtime payments, and shall include wages and salaries deferred under provisions established pursuant to sections 403(b), 414(h), and 457 of the United States Internal Revenue Code, but shall exclude lump sum payments for deferred annual sick leave, unused accumulated vacation, unused accumulated annual leave, or any form of severance pay: PROVIDED, That in any year in which a member serves in the legislature the member shall have the option of having such member's basic salary be the greater of:

(i) The basic salary the member would have received had such member not served in the legislature; or

(ii) Such member's actual basic salary received for nonlegislative public employment and legislative service combined. Any additional contributions to the retirement system required because basic salary under (b)(i) of this subsection is greater than basic salary under (b)(ii) of this subsection shall be paid by the member for both member and employer contributions.

(14)(a) "Service" for plan I members, means all periods of employment for an employer as a fire fighter or law enforcement officer, for which compensation is paid, together with periods of suspension not exceeding thirty days in duration. For the purposes of this chapter service shall also include service in the armed forces of the United States as provided in RCW 41.26.190. Credit shall be allowed for all service credit months of service rendered by a member from and after the member's initial commencement of employment as a fire fighter or law enforcement officer, during which the member worked for seventy or more hours, or was on disability leave or disability retirement. Only service credit months of service shall be counted in the computation of any retirement allowance or other benefit provided for in this chapter.

(i) For members retiring after May 21, 1971 who were employed under the coverage of a prior pension act before March 1, 1970, "service" shall also include (A) such military service not exceeding five years as was creditable to the member as of March 1, 1970, under the member's particular prior pension act, and (B) such other periods of service as were then creditable to a particular member under the provisions of RCW 41.18.165, 41.20.160 or 41.20.170. However, in no event shall credit be allowed for any service rendered prior to March 1, 1970, where the member at the time of rendition of such service was employed in a position covered by a prior pension act, unless such service, at the time credit is claimed therefor, is also creditable under the provisions of such prior act.

(ii) A member who is employed by two employers at the same time shall only be credited with service to one such employer for any month during which the member rendered such dual service.

(b) "Service" for plan II members, means periods of employment by a member for one or more employers for which basic salary is earned for ninety or more hours per calendar month which shall constitute a service credit month. Periods of employment by a member for one or more employers for which basic salary is earned for at least seventy hours but less than ninety hours per calendar month shall constitute one-half service credit month. Periods of employment by a member for one or more employers for which basic salary is earned for less than seventy hours shall constitute a one-quarter service credit month.

Members of the retirement system who are elected or appointed to a state elective position may elect to continue to be members of this retirement system.

Service credit years of service shall be determined by dividing the total number of service credit months of service by twelve. Any fraction of a service credit year of service as so determined shall be taken into account in the computation of such retirement allowance or benefits.

If a member receives basic salary from two or more employers during any calendar month, the individual shall receive one service credit month's service credit during any calendar month in which multiple service for ninety or more hours is rendered; or one-half service credit month's service credit during any calendar month in which multiple service for at least seventy hours but less than ninety hours is rendered; or one-quarter service credit month during any calendar month in which multiple service for less than seventy hours is rendered.

(15) "Accumulated contributions" means the employee's contributions made by a member plus accrued interest credited thereon.

(16) "Actuarial reserve" means a method of financing a pension or retirement plan wherein reserves are accumulated as the liabilities for benefit payments are incurred in order that sufficient funds will be available on the date of retirement of each member to pay the member's future benefits during the period of retirement.

(17) "Actuarial valuation" means a mathematical determination of the financial condition of a retirement plan. It includes the computation of the present monetary value of benefits payable to present members, and the present monetary value of future employer and employee contributions, giving effect to mortality among active and retired members and also to the rates of disability, retirement, withdrawal from service, salary and interest earned on investments.

(18) "Disability board" for plan I members means either the county disability board or the city disability board established in RCW 41.26.110.

(19) "Disability leave" means the period of six months or any portion thereof during which a member is on leave at an allowance equal to the member's full salary prior to the commencement of disability retirement. The definition contained in this subsection shall apply only to plan I members.

(20) "Disability retirement" for plan I members, means the period following termination of a member's disability leave, during which the member is in receipt of a disability retirement allowance.

(21) "Position" means the employment held at any particular time, which may or may not be the same as civil service rank.

(22) "Medical services" for plan I members, shall include the following as minimum services to be provided. Reasonable charges for these services shall be paid in accordance with RCW 41.26.150.

(a) Hospital expenses: These are the charges made by a hospital, in its own behalf, for

(i) Board and room not to exceed semiprivate room rate unless private room is required by the attending physician due to the condition of the patient.

(ii) Necessary hospital services, other than board and room, furnished by the hospital.

(b) Other medical expenses: The following charges are considered "other medical expenses", provided that they have not been considered as "hospital expenses".

(i) The fees of the following:

(A) A physician or surgeon licensed under the provisions of chapter 18.71 RCW;

(B) An osteopath licensed under the provisions of chapter 18.57 RCW;

(C) A chiropractor licensed under the provisions of chapter 18.25 RCW.

(ii) The charges of a registered graduate nurse other than a nurse who ordinarily resides in the member's home, or is a member of the family of either the member or the member's spouse.

(iii) The charges for the following medical services and supplies:

(A) Drugs and medicines upon a physician's prescription;

(B) Diagnostic x-ray and laboratory examinations;

(C) X-ray, radium, and radioactive isotopes therapy;

(D) Anesthesia and oxygen;

(E) Rental of iron lung and other durable medical and surgical equipment;

(F) Artificial limbs and eyes, and casts, splints, and trusses;

(G) Professional ambulance service when used to transport the member to or from a hospital when injured by an accident or stricken by a disease;

(H) Dental charges incurred by a member who sustains an accidental injury to his or her teeth and who commences treatment by a legally licensed dentist within ninety days after the accident;

(I) Nursing home confinement or hospital extended care facility;

(J) Physical therapy by a registered physical therapist;

(K) Blood transfusions, including the cost of blood and blood plasma not replaced by voluntary donors;

(L) An optometrist licensed under the provisions of chapter 18.53 RCW.

(23) "Regular interest" means such rate as the director may determine.

(24) "Retiree" for persons who establish membership in the retirement system on or after October 1, 1977, means any member in receipt of a retirement allowance or other benefit provided by this chapter resulting from service rendered to an employer by such member.

(25) "Director" means the director of the department.

(26) "State actuary" or "actuary" means the person appointed pursuant to RCW 44.44.010(2).

(27) "State elective position" means any position held by any person elected or appointed to state-wide office or elected or appointed as a member of the legislature.

(28) "Plan I" means the law enforcement officers' and fire fighters' retirement system, plan I providing the benefits and funding provisions covering persons who first became members of the system prior to October 1, 1977.

(29) "Plan II" means the law enforcement officers' and fire fighters' retirement system, plan II providing the benefits and funding provisions covering persons who first became members of the system on and after October 1, 1977.

(30) "Service credit year" means an accumulation of months of service credit which is equal to one when divided by twelve.

(31) "Service credit month" means a full service credit month or an accumulation of partial service credit months that are equal to one.

NEW SECTION. Sec. 2. (1) An ex spouse of a law enforcement officers' and fire fighters' retirement system retiree shall qualify as surviving spouse under RCW 41.26.160 if the ex spouse:

(a) Has been provided benefits under any currently effective court decree of dissolution or legal separation or in any court order or court-approved property settlement agreement incident to any court decree of dissolution or legal separation entered after the member's retirement and prior to December 31, 1979; and

(b) Was married to the retiree for at least thirty years, including at least twenty years prior to the member's retirement or separation from service if a vested member.

(2) If two or more persons are eligible for a surviving spouse benefit under this subsection, benefits shall be divided between the surviving spouses based on the percentage of total service credit the member accrued during each marriage.

(3) This section shall apply retroactively.

NEW SECTION. Sec. 3. The 1991 amendment to RCW 41.26.030 in chapter ---, Laws of 1991 1st ex. sess. (SB 5997) is hereby repealed.

Passed the Senate June 24, 1991.

Passed the House June 26, 1991.

Approved by the Governor June 30, 1991.

Filed in Office of Secretary of State June 30, 1991.

CHAPTER 13

[Reengrossed Substitute House Bill 1058]

TREASURER-MANAGED FUNDS AND ACCOUNTS—
REVISED PROVISIONS RELATING TO

Effective Date: 9/29/91 - Except for subsection (1) of Section 141, Sections 1 through 47, 49 through 64, 66 through 108, and 110 through 122 which take effect on 7/1/91, but shall not be effective for earnings on balances prior to 7/1/91; Sections 48 & 109 which take effect on 9/1/91; Section 65 which takes effect on 1/1/92; & Sections 123 through 139 which take effect on 7/1/93 & shall be effective for earnings on balances beginning 7/1/93.

AN ACT Relating to treasurer-managed funds and accounts; amending RCW 70.39.170, 18.08.240, 43.79.330, 43.51.280, 40.14.025, 43.51.310, 43.140.030, 28B.14D.040, 46.10.075, 72.72.030, 67.40.040, 28B.10.821, 43.88.525, 58.24.060, 82.14.200, 82.14.210, 18.72.390, 70.30.320, 18.04.105, 43.79.445, 47.76.030, 43.51.200, 86.26.007, 43.08.250, 84.33.041, 43.31A.400, 70.94.656, 51.44.170, 82.14.320, 43.33A.160, 43.83B.360, 82.14.050, 43.19.610, 27.34.090, 82.42.090, 47.68.236, 43.79.201, 70.93.180, 46.08.172, 43.99.040, 43.83A.030, 43.99F.030, 28B.10.851, 43.83.020, 28B.30.730, 28B.57.050, 43.99.060, 43.83B.030, 43.83C.030, 43.83D.030, 43.83H.030, 43.84.092, 28A.515.320, 50.16.010, 43.200.080, 70.164.030, 79.90.555, 70.94.483, 70.94.483, 47.78.010, 22.09.411, 70.47.030, 70.105D.070, 2.14.070, 70.170.080, 90.76.100, 70.95.800, 59.21.050, 70.95E.080, 28B.30.741, 28B.30.742, 28B.20.810, 28B.14C.060, 43.79A.020, 43.79A.040, 43.08.190, 90.48.390, 28C.10.082, 43.250.030, 43.185.030, 28B.10.882, 59.22.030, 70.148.020, 4.92.220, 4.92.130, 43.84.051, 43.79.130, 28B.35.751, 43.79.110, 28B.20.800, 28B.10.868, 41.05.120, 90.50A.020, 2.14.080, 46.68.210, 81.100.070, 28B.20.468, 28B.108.050, 28B.50.837, 28B.50.837, 28B.108.060, 41.48.065, 41.48.060, 28A.520.020, 2.10.080, 43.160.080, 28B.20.253, 79.71.090, 81.100.070, 47.76.160, 47.78.010, 82.14.050, 28B.30.730, 43.84.092, 28A.515.320, 43.200.080, 28B.30.741, 28B.30.742, 43.79A.040, 43.08.190, 43.84.051, 43.79.130, 28B.35.751, 43.79.110, 28B.20.800, 41.24.030, 2.14.080, and 2.10.080; reenacting and amending RCW 74.18.230, 76.04.630, 28B.50.360, 28B.50.360, 28B.35.370, 70.146.030, 41.24.030, 41.04.260, and 74.18.230; adding a new section to chapter 43.63A RCW; repealing RCW 43.84.090, 43.185.040, 46.09.290, 70.48.120, 43.31.958, 43.99C.040, 27.60.060, 28B.31.040, 75.48.030, 28B.56.030, 43.831.166, 36.22.180, 43.79.415, and 79.64.055; providing effective dates; providing expiration dates; and declaring an emergency.

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

Sec. 1. RCW 70.39.170 and 1985 c 57 s 67 are each amended to read as follows:

The commission shall biennially prepare a budget which shall include its estimated income and expenditures for administration and operation for the biennium, to be submitted to the governor for transmittal to the legislature for approval.

Expenses of the commission shall be financed by assessment against hospitals in an amount to be determined biennially by the commission, but not to exceed four one-hundredths of one percent of each hospital's gross operating costs to be levied and collected (~~from and after July 1, 1973~~) for the provision of hospital services for its last fiscal year ending on or before June 30th of the preceding calendar year. Budgetary requirements in excess of that limit may be financed by a general fund appropriation by the legislature. All moneys collected are to be deposited by the state treasurer in the hospital commission account which is hereby created in the state treasury. (~~All earnings of investments of balances in the hospital commission account shall be credited to the general fund.~~)

Any amounts raised by the collection of assessments from hospitals provided for in this section which are not required to meet appropriations in the budget act for the current fiscal year shall be available to the commission in succeeding years.

Sec. 2. RCW 18.08.240 and 1985 c 57 s 4 are each amended to read as follows:

There is established in the state treasury the architects' license account, into which all fees paid pursuant to this chapter shall be paid. ~~((All earnings of investments of balances in the architects' license account shall be credited to the general fund.))~~

Sec. 3. RCW 43.79.330 and 1985 c 57 s 38 are each amended to read as follows:

All moneys to the credit of the following state funds on the first day of August, 1955, and all moneys thereafter paid to the state treasurer for or to the credit of such funds, are hereby transferred to the following accounts in the state treasury, the creation of which is hereby authorized:

(1) Capitol building construction fund moneys, to the capitol building construction account;

(2) Cemetery fund moneys, to the cemetery account;

(3) Feed and fertilizer fund moneys, to the feed and fertilizer account;

(4) Forest development fund moneys, to the forest development account;

(5) Harbor improvement fund moneys, to the harbor improvement account;

(6) Millersylvania Park current fund moneys, to the Millersylvania Park current account;

(7) Puget Sound pilotage fund moneys, to the Puget Sound pilotage account;

(8) Real estate commission fund moneys, to the real estate commission account;

(9) Reclamation revolving fund moneys, to the reclamation revolving account;

(10) University of Washington building fund moneys, to the University of Washington building account; and

(11) State College of Washington building fund moneys, to the Washington State University building account(~~;~~

~~(12) All earnings of investments of balances in the capitol building construction account, the cemetery account, the feed and fertilizer account, the harbor improvement account, the Millersylvania Park current account, the Puget Sound pilotage account, the real estate commission account, and the reclamation revolving account shall be credited to the general fund; and~~

~~(13) Except as provided in RCW 43.84.090, all earnings of investments of balances in the forest development account, the University of Washington building account, and the Washington State University building account shall be credited to these respective accounts)).~~

Sec. 4. RCW 43.51.280 and 1987 c 466 s 2 are each amended to read as follows:

There is hereby created the trust land purchase account in the state treasury. Any revenues accruing to this account shall be used for the purchase of the property described in RCW 43.51.270(3)(a), to include all reasonable costs of acquisition, and a fee interest or such other interest in state trust lands presently used for park purposes as the state parks and recreation commission shall determine and to reimburse the state parks and recreation commission for the cost of collecting such fees beginning with the 1973-75 fiscal biennium. Any funds remaining in the account shall be used for the renovation and redevelopment of state park structures and facilities to extend the original life expectancy or correct damage to the environment of state parks and for the maintenance and operation of state parks in the 1981-83 biennium. Thereafter, the funds shall not be used for such purposes until the money in the account satisfies the payment required to be made in the contract for sale of lands in RCW 43.51.270(2), the acquisition of the property described in RCW 43.51.270(3)(a), those amounts necessary to pay for the remaining trust assets of timber situated on the lands described in RCW 43.51.270(2), and for the acquisition of the property described in RCW 43.51.270(3) (b), (c), (d), and (e) and 43.51.270(4) on a schedule satisfactory to the board of natural resources. Payments may be delayed for property described in RCW 43.51.270(3) (b), (c), (d), and (e) until the existing contract for purchase of lands in RCW 43.51.270(2) has been paid off. Payments for the property in RCW 43.51.270(4) may be delayed until contracts for purchase of lands and timber described in RCW 43.51.270 (2) and (3) have been paid off. Payments from the account for those parcels included in RCW 43.51.270(4) shall be established on a schedule which is mutually acceptable to the board of natural resources and the parks and recreation commission. ~~((All earnings of investments of balances in the trust land purchase account shall be credited to the general fund.))~~

Sec. 5. RCW 40.14.025 and 1985 c 57 s 22 are each amended to read as follows:

The secretary of state and the director of financial management shall jointly establish a schedule of fees and charges governing the services provided by the division of archives and records management to other state agencies, offices, departments, and other entities. The schedule shall be determined such that the fees and charges will provide the division with funds to meet its anticipated expenditures during any allotment period.

There is created the archives and records management account in the state treasury which shall consist of all fees and charges collected under this section. The account shall be appropriated exclusively for use by the secretary of state for the payment of costs and expenses incurred in the operation of the division of archives and records management. ~~((All earnings of investments of balances in the archives and records management account shall be credited to the general fund.))~~

Sec. 6. RCW 43.51.310 and 1985 c 57 s 35 are each amended to read as follows:

There is hereby created the winter recreational program account in the state treasury. Special winter recreational area parking permit fees collected under this chapter shall be remitted to the state treasurer to be deposited in the winter recreational program account and shall be appropriated only to the commission for nonsnowmobile winter recreation purposes including the administration, acquisition, development, operation, planning, and maintenance of winter recreation facilities and the development and implementation of winter recreation, safety, enforcement, and education programs. The commission may accept gifts, grants, donations, or moneys from any source for deposit in the winter recreational program account. ~~((All earnings of investments of balances in the winter recreational program account shall be credited to the general fund.))~~

Any public agency in this state may develop and implement winter recreation programs. The commission may make grants to public agencies and contract with any public or private agency or person to develop and implement winter recreation programs.

Sec. 7. RCW 43.140.030 and 1985 c 57 s 58 are each amended to read as follows:

There is created the geothermal account in the state treasury. All expenditures from this account are subject to appropriation and chapter 43.88 RCW. ~~((All earnings of investments of balances in the geothermal account shall be credited to the general fund.))~~

All revenues received by the state treasurer under section 35 of the Mineral Lands Leasing Act of 1920, as amended (30 U.S.C. Sec. 191), with respect to activities of the United States bureau of land management undertaken pursuant to the Geothermal Steam Act of 1970 (30 U.S.C. Sec. 1001 et. seq.) shall be deposited in the geothermal account in the state treasury immediately upon receipt.

Sec. 8. RCW 28B.14D.040 and 1985 c 57 s 13 are each amended to read as follows:

~~((Except for that portion of the proceeds required to pay bond anticipation notes under RCW 28B.14D.020,))~~ The proceeds from the sale of the bonds ~~((and bond anticipation notes))~~ authorized in this chapter, together with all grants, donations, transferred funds, and all other moneys which the state finance committee or the board of regents or board of trustees of any of the state institutions of higher education may direct the state treasurer to deposit therein, shall be deposited in the higher education construction account hereby created in the state treasury. ~~((All earnings of investments of balances in the higher education construction account shall be credited to the general fund.))~~

Sec. 9. RCW 46.10.075 and 1985 c 57 s 61 are each amended to read as follows:

There is created a snowmobile account within the state treasury. Snowmobile registration fees, monetary civil penalties from snowmobile dealers, and snowmobile fuel tax moneys collected under this chapter and in excess of the amounts fixed for the administration of the registration and fuel tax provisions of this chapter shall be deposited in the snowmobile account and shall be appropriated only to the state parks and recreation commission for the administration and coordination of this chapter. ~~((All earnings of investments of balances in the snowmobile account shall be credited to the general fund.))~~

Sec. 10. RCW 72.72.030 and 1985 c 57 s 71 are each amended to read as follows:

(1) There is hereby created, in the state treasury, an institutional impact account. The secretary of social and health services may reimburse political subdivisions for criminal justice costs incurred directly as a result of crimes committed by offenders residing in an institution as defined herein under the jurisdiction of the secretary of social and health services. Such reimbursement shall be made to the extent funds are available from the institutional impact account. Reimbursements shall be limited to law enforcement, prosecutorial, judicial, and jail facilities costs which are documented to be strictly related to the criminal activities of the offender.

(2) The secretary of corrections may reimburse political subdivisions for criminal justice costs incurred directly as a result of crimes committed by offenders residing in an institution as defined herein under the jurisdiction of the secretary of corrections. Such reimbursement shall be made to the extent funds are available from the institutional impact account. Reimbursements shall be limited to law enforcement, prosecutorial, judicial, and jail facilities costs which are documented to be strictly related to the criminal activities of the offender.

~~((3) All earnings of investments of balances in the institutional impact account shall be credited to the general fund.))~~

Sec. 11. RCW 67.40.040 and 1990 c 181 s 2 are each amended to read as follows:

(1) The proceeds from the sale of the bonds authorized in RCW 67.40.030, ~~((earnings from the investment of the proceeds,))~~ proceeds of the tax imposed under RCW 67.40.090, and all other moneys received by the state convention and trade center from any public or private source which are intended to fund the acquisition, design, construction, expansion, exterior cleanup and repair of the Eagles building, conversion of various retail and other space to meeting rooms, purchase of the land and building known as the McKay Parcel, development of low-income housing, or renovation of the center, shall be deposited in the state convention and trade center account hereby created in the state treasury and in such subaccounts as are deemed appropriate by the directors of the corporation.

(2) ~~((Seventy five percent of the income from the investment of the corporation's funds deposited in the account, including interest earned thereon, before and after May 10, 1985, shall be credited against any future borrowings~~

~~by the state convention and trade center corporation from the general fund for debt service or otherwise at the time such funds are needed after July 1, 1987.~~

~~((3))~~ Moneys in the account, including unanticipated revenues under RCW 43.79.270, shall be used exclusively for the following purposes in the following priority:

(a) For reimbursement of the state general fund under RCW 67.40.060;

(b) After appropriation by statute:

(i) For payment of expenses incurred in the issuance and sale of the bonds issued under RCW 67.40.030;

(ii) For acquisition, design, and construction of the state convention and trade center; and

(iii) For reimbursement of any expenditures from the state general fund in support of the state convention and trade center; and

(c) For transfer to the state convention and trade center operations account.

~~((4))~~ (3) The corporation shall identify with specificity those facilities of the state convention and trade center that are to be financed with proceeds of general obligation bonds, the interest on which is intended to be excluded from gross income for federal income tax purposes. The corporation shall not permit the extent or manner of private business use of those bond-financed facilities to be inconsistent with treatment of such bonds as governmental bonds under applicable provisions of the Internal Revenue Code of 1986, as amended.

Sec. 12. RCW 28B.10.821 and 1985 c 57 s 10 are each amended to read as follows:

The state educational grant account is hereby established in the state treasury. The commission shall deposit refunds and recoveries of student financial aid funds expended in prior biennia in such account. Expenditures from such account shall be for financial aid to needy or disadvantaged students. ~~((All earnings of investments of balances in the state educational grant account shall be credited to the general fund.))~~

Sec. 13. RCW 43.88.525 and 1985 c 57 s 52 are each amended to read as follows:

A budget stabilization account is hereby created as an account in the state treasury for the purposes set forth in RCW 43.88.520 through 43.88.540. There shall be deposited into the stabilization account the revenues described in RCW 43.88.530 and such other amounts as the legislature may from time to time direct to be deposited in the account. The governor's biennial budget document ~~((for the 1983-85 biennium and for each succeeding biennium))~~ shall contain a request for necessary transfers from the general fund to the budget stabilization account of those revenues identified in RCW 43.88.530. ~~((All earnings of investments of balances in the budget stabilization account shall be credited to the general fund.))~~

Sec. 14. RCW 58.24.060 and 1987 c 466 s 8 are each amended to read as follows:

There is created in the state treasury the surveys and maps account which shall be a separate account consisting of funds received or collected under chapters 58.22 and 58.24 RCW, moneys appropriated to it by law. This account shall be used exclusively by the department of natural resources for carrying out the purposes and provisions of chapters 58.22 and 58.24 RCW. Appropriations from the account shall be expended for no other purposes. ~~((All earnings of investments of balances in the surveys and maps account shall be credited to the general fund.))~~

Sec. 15. RCW 82.14.200 and 1990 c 42 s 313 are each amended to read as follows:

There is created in the state treasury a special account to be known as the "county sales and use tax equalization account." Into this account shall be placed a portion of all motor vehicle excise tax receipts as provided in RCW 82.44.-110(~~((6))~~) (1)(f). Funds in this account shall be allocated by the state treasurer according to the following procedure:

(1) Prior to April 1st of each year the director of revenue shall inform the state treasurer of the total and the per capita levels of revenues for the unincorporated area of each county and the state-wide weighted average per capita level of revenues for the unincorporated areas of all counties imposing the sales and use tax authorized under RCW 82.14.030(1) for the previous calendar year.

(2) At such times as distributions are made under RCW 82.44.150, as now or hereafter amended, the state treasurer shall apportion to each county imposing the sales and use tax under RCW 82.14.030(1) at the maximum rate and receiving less than one hundred fifty thousand dollars from the tax for the previous calendar year, an amount from the county sales and use tax equalization account sufficient, when added to the amount of revenues received the previous calendar year by the county, to equal one hundred fifty thousand dollars.

The department of revenue shall establish a governmental price index as provided in this subsection. The base year for the index shall be the end of the third quarter of 1982. Prior to November 1, 1983, and prior to each November 1st thereafter, the department of revenue shall establish another index figure for the third quarter of that year. The department of revenue may use the implicit price deflators for state and local government purchases of goods and services calculated by the United States department of commerce to establish the governmental price index. Beginning on January 1, 1984, and each January 1st thereafter, the one hundred fifty thousand dollar base figure in this subsection shall be adjusted in direct proportion to the percentage change in the governmental price index from 1982 until the year before the adjustment. Distributions made under this subsection for 1984 and thereafter shall use this adjusted base amount figure.

(3) Subsequent to the distributions under subsection (2) of this section and at such times as distributions are made under RCW 82.44.150, as now or

hereafter amended, the state treasurer shall apportion to each county imposing the sales and use tax under RCW 82.14.030(1) at the maximum rate and receiving less than seventy percent of the state-wide weighted average per capita level of revenues for the unincorporated areas of all counties as determined by the department of revenue under subsection (1) of this section, an amount from the county sales and use tax equalization account sufficient, when added to the per capita level of revenues for the unincorporated area received the previous calendar year by the county, to equal seventy percent of the state-wide weighted average per capita level of revenues for the unincorporated areas of all counties determined under subsection (1) of this section, subject to reduction under subsections (6) and (7) of this section. When computing distributions under this section, any distribution under subsection (2) of this section shall be considered revenues received from the tax imposed under RCW 82.14.030(1) for the previous calendar year.

(4) Subsequent to the distributions under subsection (3) of this section and at such times as distributions are made under RCW 82.44.150, as now or hereafter amended, the state treasurer shall apportion to each county imposing the sales and use tax under RCW 82.14.030(2) at the maximum rate and receiving a distribution under subsection (2) of this section, a third distribution from the county sales and use tax equalization account. The distribution to each qualifying county shall be equal to the distribution to the county under subsection (2) of this section, subject to the reduction under subsections (6) and (7) of this section. To qualify for the total distribution under this subsection, the county must impose the tax under RCW 82.14.030(2) for the entire calendar year. Counties imposing the tax for less than the full year shall qualify for prorated allocations under this subsection proportionate to the number of months of the year during which the tax is imposed.

(5) Subsequent to the distributions under subsection (4) of this section and at such times as distributions are made under RCW 82.44.150, as now or hereafter amended, the state treasurer shall apportion to each county imposing the sales and use tax under RCW 82.14.030(2) at the maximum rate and receiving a distribution under subsection (3) of this section, a fourth distribution from the county sales and use tax equalization account. The distribution to each qualifying county shall be equal to the distribution to the county under subsection (3) of this section, subject to the reduction under subsections (6) and (7) of this section. To qualify for the distributions under this subsection, the county must impose the tax under RCW 82.14.030(2) for the entire calendar year. Counties imposing the tax for less than the full year shall qualify for prorated allocations under this subsection proportionate to the number of months of the year during which the tax is imposed.

(6) Revenues distributed under this section in any calendar year shall not exceed an amount equal to seventy percent of the state-wide weighted average per capita level of revenues for the unincorporated areas of all counties during the previous calendar year. If distributions under subsections (3) through (5) of

this section cannot be made because of this limitation, then distributions under subsections (3) through (5) of this section shall be reduced ratably among the qualifying counties.

(7) If inadequate revenues exist in the county sales and use tax equalization account to make the distributions under subsections (3) through (5) of this section, then the distributions under subsections (3) through (5) of this section shall be reduced ratably among the qualifying counties. At such time during the year as additional funds accrue to the county sales and use tax equalization account, additional distributions shall be made under subsections (3) through (5) of this section to the counties.

(8) If the level of revenues in the county sales and use tax equalization account exceeds the amount necessary to make the distributions under subsections (2) through (5) of this section, then the additional revenues shall be credited and transferred to the state general fund.

~~((9) All earnings of investments of balances in the county sales and use tax equalization account shall be credited to the general fund.))~~

Sec. 16. RCW 82.14.210 and 1990 2nd ex.s. c 1 s 701 are each amended to read as follows:

There is created in the state treasury a special account to be known as the "municipal sales and use tax equalization account." Into this account shall be placed such revenues as are provided under RCW 82.44.110~~((5))~~ (1)(e). Funds in this account shall be allocated by the state treasurer according to the following procedure:

(1) Prior to January 1st of each year the department of revenue shall determine the total and the per capita levels of revenues for each city and the state-wide weighted average per capita level of revenues for all cities imposing the sales and use tax authorized under RCW 82.14.030(1) for the previous calendar year.

(2) At such times as distributions are made under RCW 82.44.150, the state treasurer shall apportion to each city not imposing the sales and use tax under RCW 82.14.030(2) an amount from the municipal sales and use tax equalization account equal to the amount distributed to the city under RCW 82.44.155, multiplied by thirty-five sixty-fifths.

(3) Subsequent to the distributions under subsection (2) of this section, and at such times as distributions are made under RCW 82.44.150, the state treasurer shall apportion to each city imposing the sales and use tax under RCW 82.14.030(1) at the maximum rate and receiving less than seventy percent of the state-wide weighted average per capita level of revenues for all cities as determined by the department of revenue under subsection (1) of this section, an amount from the municipal sales and use tax equalization account sufficient, when added to the per capita level of revenues received the previous calendar year by the city, to equal seventy percent of the state-wide weighted average per

capita level of revenues for all cities determined under subsection (1) of this section, subject to reduction under subsection (6) of this section.

(4) Subsequent to the distributions under subsection (3) of this section, and at such times as distributions are made under RCW 82.44.150, the state treasurer shall apportion to each city imposing the sales and use tax under RCW 82.14.030(2) at the maximum rate and receiving a distribution under subsection (3) of this section, a third distribution from the municipal sales and use tax equalization account. The distribution to each qualifying city shall be equal to the distribution to the city under subsection (3) of this section, subject to the reduction under subsection (6) of this section. To qualify for the distributions under this subsection, the city must impose the tax under RCW 82.14.030(2) for the entire calendar year. Cities imposing the tax for less than the full year shall qualify for prorated allocations under this subsection proportionate to the number of months of the year during which the tax is imposed.

(5) For a city with an official incorporation date after January 1, 1990, municipal sales and use tax equalization distributions shall be made according to the procedures in this subsection. Municipal sales and use tax equalization distributions to eligible new cities shall be made at the same time as distributions are made under subsections (3) and (4) of this section. The department of revenue shall follow the estimating procedures outlined in this subsection until the new city has received a full year's worth of revenues under RCW 82.14.-030(1) as of the January municipal sales and use tax equalization distribution.

(a) Whether a newly incorporated city determined to receive funds under this subsection receives its first equalization payment at the January, April, July, or October municipal sales and use tax equalization distribution shall depend on the date the city first imposes the tax authorized under RCW 82.14.030(1).

(i) A newly incorporated city imposing the tax authorized under RCW 82.14.030(1) effective as of January 1st shall be eligible to receive funds under this subsection beginning with the April municipal sales and use tax equalization distribution of that year.

(ii) A newly incorporated city imposing the tax authorized under RCW 82.14.030(1) effective as of February 1st, March 1st, or April 1st shall be eligible to receive funds under this subsection beginning with the July municipal sales and use tax equalization distribution of that year.

(iii) A newly incorporated city imposing the tax authorized under RCW 82.14.030(1) effective as of May 1st, June 1st, or July 1st shall be eligible to receive funds under this subsection beginning with the October municipal sales and use tax equalization distribution of that year.

(iv) A newly incorporated city imposing the tax authorized under RCW 82.14.030(1) effective as of August 1st, September 1st, or October 1st shall be eligible to receive funds under this subsection beginning with the January municipal sales and use tax equalization distribution of the next year.

(v) A newly incorporated city imposing the tax authorized under RCW 82.14.030(1) effective as of November 1st or December 1st shall be eligible to

receive funds under this subsection beginning with the April municipal sales and use tax equalization distribution of the next year.

(b) For purposes of calculating the amount of funds the new city should receive under this subsection, the department of revenue shall:

(i) Estimate the per capita amount of revenues from the tax authorized under RCW 82.14.030(1) that the new city would have received had the city received revenues from the tax the entire calendar year;

(ii) Calculate the amount provided under subsection (3) of this section based on the per capita revenues determined under (b)(i) of this subsection;

(iii) Prorate the amount determined under (b)(ii) of this subsection by the number of months the tax authorized under RCW 82.14.030(1) is imposed.

(c) A new city imposing the tax under RCW 82.14.030(2) at the maximum rate and receiving a distribution calculated under (b) of this subsection shall receive another distribution from the municipal sales and use tax equalization account. This distribution shall be equal to the calculation made under (b)(ii) of this subsection, prorated by the number of months the city imposes the tax authorized under RCW 82.14.030(2) at the full rate.

(d) The department of revenue shall advise the state treasurer of the amounts calculated under (b) and (c) of this subsection and the state treasurer shall distribute these amounts to the new city from the municipal sales and use tax equalization account subject to the limitations imposed in subsection (6) of this section.

(e) Revenues estimated under this subsection shall not affect the calculation of the state-wide weighted average per capita level of revenues for all cities made under subsection (1) of this section.

(6) If inadequate revenues exist in the municipal sales and use tax equalization account to make the distributions under subsection (3), (4), or (5) of this section, then the distributions under subsections (3), (4), and (5) of this section shall be reduced ratably among the qualifying cities. At such time during the year as additional funds accrue to the municipal sales and use tax equalization account, additional distributions shall be made under subsections (3), (4), and (5) of this section to the cities.

(7) If the level of revenues in the municipal sales and use tax equalization account exceeds the amount necessary to make the distributions under subsections (2) through (5) of this section, then the additional revenues shall be apportioned among the several cities within the state ratably on the basis of population as last determined by the office of financial management: PROVIDED, That no such distribution shall be made to those cities receiving a distribution under subsection (2) of this section.

~~((8) All earnings of investments of balances in the municipal sales and use tax equalization account shall be credited to the general fund.))~~

Sec. 17. RCW 18.72.390 and 1985 c 57 s 6 are each amended to read as follows:

Because it is the express purpose of this chapter to protect the public health and to provide for a public agency to act as a disciplinary body for members of the medical profession licensed to practice medicine and surgery in this state, and because the health and well-being of the people of this state are of paramount importance, there is hereby created an account in the state treasury to be known as the medical disciplinary account. All assessments, fines, and other funds collected or received pursuant to this chapter shall be deposited in the medical disciplinary account and used to administer and implement this chapter. ~~((All earnings of investments of balances in the medical disciplinary account shall be credited to the general fund.))~~

Sec. 18. RCW 43.70.320 and 1991 c 3 s 299 are each amended to read as follows:

There is created in the state treasury an account to be known as the health professions account. All fees received by the department for health professions licenses, registration, certifications, renewals, or examinations shall be forwarded to the state treasurer who shall credit such moneys to the health professions account. All expenses incurred in carrying out the health professions licensing activities of the department shall be paid from the account as authorized by legislative appropriation. Any residue in the account shall be accumulated and shall not revert to the general fund at the end of the biennium. ~~((All earnings of investments of balances in the health professions account shall be credited to the general fund.))~~

The secretary shall biennially prepare a budget request based on the anticipated costs of administering the health professions licensing activities of the department which shall include the estimated income from health professions fees.

Sec. 19. RCW 74.18.230 and 1985 c 97 s 2 and 1985 c 57 s 72 are each reenacted and amended to read as follows:

(1) There is established in the state treasury an account known as the business enterprises revolving account.

(2) The net proceeds from any vending machine operation in a public building, other than an operation managed by a licensee, shall be made payable to the business enterprises revolving fund. Net proceeds, for purposes of this section, means the gross amount received less the costs of the operation, including a fair minimum return to the vending machine owner, which return shall not exceed a reasonable amount to be determined by the department.

(3) All moneys in the business enterprises revolving fund shall be expended only for development and expansion of locations, equipment, management services, and payments to licensees in the business enterprises program.

(4) The business enterprises program shall be supported by the business enterprises revolving fund and by income which may accrue to the department pursuant to the federal Randolph-Sheppard Act.

(5) Vocational rehabilitation funds may be spent in connection with the business enterprises program for training persons to become licensees and for other services that are required to complete an individual written rehabilitation program.

~~((6) All earnings of investments of balances in the business enterprises revolving account shall be credited to the business enterprises revolving account.))~~

Sec. 20. RCW 18.04.105 and 1986 c 295 s 6 are each amended to read as follows:

(1) The certificate of "certified public accountant" shall be granted by the board to any person:

(a) Who is of good character. Good character, for purposes of this section, means lack of a history of dishonest or felonious acts. The board may refuse to grant a certificate on the ground of failure to satisfy this requirement only if there is a substantial connection between the lack of good character of the applicant and the professional responsibilities of a licensee and if the finding by the board of lack of good character is supported by a preponderance of evidence. When an applicant is found to be unqualified for a certificate because of a lack of good character, the board shall furnish the applicant a statement containing the findings of the board and a notice of the applicant's right of appeal;

(b) Who has met such educational standards established by rule as the board determines to be appropriate; and

(c) Who has passed a written examination in accounting, auditing, and related subjects the board determines to be appropriate.

(2) The examination described in subsection (1)(c) of this section shall be held by the board and shall take place as often as the board determines to be desirable, but at least once a year. The board may use all or any part of the examination or grading service of the American Institute of Certified Public Accountants or National Association of State Boards of Accountancy to assist it in performing its duties under this chapter.

(3) The board may, by rule, provide for granting credit to a person for satisfactory completion of a written examination in any one or more of the subjects specified in subsection (1)(c) of this section given by the licensing authority in any other state. These rules shall include requirements the board determines to be appropriate in order that any examination approved as a basis for any credit shall, in the judgment of the board, be at least as thorough as the most recent examination given by the board at the time credit is granted.

(4) The board may, by rule, prescribe the terms and conditions under which a person who passes the examination in one or more of the subjects indicated in subsection (1)(c) of this section may be reexamined in only the remaining subjects, giving credit for the subjects previously passed. It may also provide by rule for a reasonable waiting period for a person's reexamination in a subject he

or she has failed. A person is entitled to any number of reexaminations, subject to this subsection and any other rules adopted by the board.

(5) A person passing the examination in any one or more subjects specified in subsection (1)(c) of this section shall meet the educational requirements of subsection (1)(b) of this section in effect on the date the person successfully completes the requirements of subsection (1)(c) of this section. The board may provide, by rule, for exceptions to prevent what it determines to be undue hardship to applicants.

(6) The board shall charge each applicant an examination fee for the initial examination under subsection (1) of this section, or for reexamination under subsection (4) of this section for each subject in which the applicant is reexamined. The applicable fee shall be paid by the person at the time he or she applies for examination, reexamination, or evaluation of educational qualifications. Fees for examination, reexamination, or evaluation of educational qualifications shall be determined by the board under chapter 18.04 RCW. There is established in the state treasury an account to be known as the certified public accountants' account. All fees received from candidates to take any or all sections of the certified public accountant examination shall be used only for costs related to the examination. ~~((All earnings of investments of balances in the certified public accountants' account shall be credited to the general fund.))~~

(7) Persons who on June 30, 1986, held certified public accountant certificates previously issued under the laws of this state shall not be required to obtain additional certificates under this chapter, but shall otherwise be subject to this chapter. Certificates previously issued shall, for all purposes, be considered certificates issued under this chapter and subject to its provisions.

(8) Persons who held qualifications as licensed public accountants but who do not hold annual permits to practice on July 1, 1983, are not entitled to engage in the practice of public accounting under this chapter. No person shall use the term "licensed public accountant" or the designation "LPA."

(9) A certificate of a "certified public accountant" under this chapter is issued on a biennial basis with renewal subject to requirements of continuing professional education and payment of fees, prescribed by the board.

(10) The board shall adopt rules providing for continuing professional education for certified public accountants. The rules shall:

(a) Provide that a certified public accountant holding a certificate on July 1, 1986, shall verify to the board that he or she has completed at least ten days or an accumulation of eighty hours of continuing professional education during the last two-year period to maintain the certificate;

(b) Establish continuing professional education requirements;

(c) Establish when newly certificated public accountants shall verify that they have completed the required continuing professional education; and

(d) Establish proceedings for revocation, suspension, and reinstatement of certificates for failure to meet the continuing professional education requirement.

(11) Failure to furnish verification of the completion of the continuing professional education requirement constitutes grounds for revocation, suspension, or failure to renew the certificate, unless the board determines that the failure was due to reasonable cause or excusable neglect.

Sec. 21. RCW 43.79.445 and 1991 c 176 s 4 are each amended to read as follows:

There is established an account in the state treasury referred to as the "death investigations' account" which shall exist for the purpose of receiving, holding, investing, and disbursing funds appropriated or provided in RCW 70.58.107 and any moneys appropriated or otherwise provided thereafter. ~~((All earnings of investments of balances in the death investigations' account shall be credited to the general fund.))~~

Moneys in the death investigations' account shall be disbursed by the state treasurer once every year on December 31 and at any other time determined by the treasurer. The treasurer shall make disbursements to: The state toxicology laboratory, counties for the cost of autopsies, the University of Washington to fund the state forensic pathology fellowship program, the state patrol for providing partial funding for the state dental identification system, the criminal justice training commission for training county coroners, medical examiners and their staff, and the state death investigations council.

The University of Washington and the Washington state death investigations council shall jointly determine the yearly amount for the state forensic pathology fellowship program established by RCW 28B.20.426.

Sec. 22. RCW 47.76.030 and 1991 c 363 s 125 are each amended to read as follows:

(1) The essential rail assistance account is hereby created in the state treasury. Moneys in the account may be appropriated only for the purposes specified in this section.

(2) Moneys appropriated from the account to the department of transportation may be distributed by the department to first class cities, county rail districts, counties, and port districts for the purpose of:

- (a) Acquiring, maintaining, or improving branch rail lines;
- (b) Operating railroad equipment necessary to maintain essential rail service;
- (c) Construction of transloading facilities to increase business on light density lines or to mitigate the impacts of abandonment; or
- (d) Preservation, including operation, of viable light density lines, as identified by the Washington state department of transportation, in compliance with this chapter.

(3) First class cities, county rail districts, counties, and port districts may grant franchises to private railroads for the right to operate on lines acquired, repaired, or improved under this chapter.

(4) If rail lines or rail rights of way are used by county rail districts, port districts, state agencies, or other public agencies for the purposes of rail

operations and are later abandoned, the rail lines or rail rights of way cannot be used for any other purposes without the consent of the underlying fee title holder or reversionary rights holder, or compensation has been made to the underlying fee title holder or reversionary rights holder.

(5) Moneys distributed under subsection (2) of this section shall not exceed eighty percent of the cost of the service or project undertaken. At least twenty percent of the cost shall be provided by the first class city, county, port district, or other local sources.

(6) The amount distributed under this section shall be repaid to the state by the first class city, county rail district, county, or port district. The repayment shall occur within a period not longer than fifteen years, as set by the department, of the distribution of the moneys and shall be deposited in the essential rail assistance account. The repayment schedule and rate of interest, if any, shall be set at the time of the distribution of the moneys.

~~((7) All earnings of investments of balances in the essential rail assistance account shall be credited to that account except as provided in RCW 43.84.090 and 43.84.092.))~~

Sec. 23. RCW 43.51.200 and 1985 c 57 s 33 are each amended to read as follows:

(1) Any lands owned by the state parks and recreation commission, which are determined to be surplus to the needs of the state for development for state park purposes and which the commission proposes to deed to a local government or other entity, shall be accompanied by a clause requiring that if the land is not used for outdoor recreation purposes, ownership of the land shall revert to the state parks and recreation commission.

(2) The state parks and recreation commission, in cases where land subject to such a reversionary clause is proposed for use or disposal for purposes other than recreation, shall require that, if the land is surplus to the needs of the commission for park purposes at the time the commission becomes aware of its proposed use for nonrecreation purposes, the holder of the land or property shall reimburse the commission for the release of the reversionary interest in the land. The reimbursement shall be in the amount of the fair market value of the reversionary interest as determined by a qualified appraiser agreeable to the commission. Appraisal costs shall be borne by the local entity which holds title to the land.

(3) Any funds generated under a reimbursement under this section shall be deposited in the parkland acquisition account which is hereby created in the state treasury. Moneys in this account are to be used solely for the purchase or acquisition of property for use as state park property by the commission, as directed by the legislature; all such funds shall be subject to legislative appropriation. ~~((All earnings of investments of balances in the parkland acquisition account shall be credited to the general fund.))~~

Sec. 24. RCW 86.26.007 and 1986 c 46 s 1 are each amended to read as follows:

The flood control assistance account is hereby established in the state treasury. At the beginning of each biennium (~~after June 30, 1985,~~) the state treasurer shall transfer from the general fund to the flood control assistance account an amount of money which, when combined with money remaining in the account from the previous biennium, will equal four million dollars. Moneys in the flood control assistance account may be spent only after appropriation for purposes specified under this chapter. (~~All earnings of investments of balances in the flood control assistance account shall be credited to the general fund.~~)

Sec. 25. RCW 43.08.250 and 1985 c 57 s 27 are each amended to read as follows:

The money received by the state treasurer from fees, fines, forfeitures, penalties, reimbursements or assessments by any court organized under Title 3 or 35 RCW, or chapter 2.08 RCW, shall be deposited in the public safety and education account which is hereby created in the state treasury. The legislature shall appropriate the funds in the account to promote traffic safety education, highway safety, criminal justice training, crime victims' compensation, judicial education, the judicial information system, winter recreation parking, and state game programs. (~~All earnings of investments of balances in the public safety and education account shall be credited to the general fund.~~)

Sec. 26. RCW 84.33.041 and 1985 c 57 s 87 are each amended to read as follows:

(1) An excise tax is imposed on every person engaging in this state in business as a harvester of timber on privately or publicly owned land. The tax is equal to the stumpage value of timber harvested for sale or for commercial or industrial use multiplied by the rate provided in this chapter.

(2) A credit is allowed against the tax imposed under this section for any tax paid under RCW 84.33.051.

(3) Moneys received as payment for the tax imposed under this section and RCW 84.33.051 shall be deposited in the timber tax distribution account hereby established in the state treasury.

~~((4) All earnings of investments of balances in the timber tax distribution account shall be credited to the general fund.))~~

Sec. 27. RCW 43.31A.400 and 1981 c 76 s 4 are each amended to read as follows:

The economic assistance authority established by section 2, chapter 117, Laws of 1972 ex. sess. as amended by section 111, chapter 34, Laws of 1975-'76 2nd ex. sess. is abolished, effective June 30, 1982. Any remaining duties of the economic assistance authority are transferred to the department of revenue on that date. The public facilities construction loan and grant revolving account within the state treasury is continued to service the economic assistance authority's loans.

Sec. 28. RCW 70.94.656 and 1991 c 199 s 413 are each amended to read as follows:

It is hereby declared to be the policy of this state that strong efforts should be made to minimize adverse effects on air quality from the open burning of field and turf grasses grown for seed. To such end this section is intended to promote the development of economical and practical alternate agricultural practices to such burning, and to provide for interim regulation of such burning until practical alternates are found.

(1) The department shall approve of a study or studies for the exploration and identification of economical and practical alternate agricultural practices to the open burning of field and turf grasses grown for seed. Prior to the issuance of any permit for such burning under RCW 70.94.650, there shall be collected a fee not to exceed one dollar per acre of crop to be burned. Any such fees received by any authority shall be transferred to the department of ecology. The department of ecology shall deposit all such acreage fees in a special grass seed burning research account, hereby created, in the state treasury. ~~((All earnings of investments of balances in the special grass seed burning research account shall be credited to the general fund.))~~ The department shall allocate moneys annually from this account for the support of any approved study or studies as provided for in this subsection. For the conduct of any such study or studies, the department may contract with public or private entities: PROVIDED, That whenever the department of ecology shall conclude that sufficient reasonably available alternates to open burning have been developed, and at such time as all costs of any studies have been paid, the grass seed burning research account shall be dissolved, and any money remaining therein shall revert to the general fund.

The fee collected under this subsection shall constitute the research portion of fees required under RCW 70.94.650 for open burning of grass grown for seed.

(2) Whenever on the basis of information available to it, the department after public hearings have been conducted wherein testimony will be received and considered from interested parties wishing to testify shall conclude that any procedure, program, technique, or device constitutes a practical alternate agricultural practice to the open burning of field or turf grasses grown for seed, the department shall, by order, certify approval of such alternate. Thereafter, in any case which any such approved alternate is reasonably available, the open burning of field and turf grasses grown for seed shall be disallowed and no permit shall issue therefor.

(3) Until approved alternates become available, the department or the authority may limit the number of acres on a pro rata basis among those affected for which permits to burn will be issued in order to effectively control emissions from this source.

(4) Permits issued for burning of field and turf grasses may be conditioned to minimize emissions insofar as practical, including denial of permission to burn during periods of adverse meteorological conditions.

Sec. 29. RCW 51.44.170 and 1990 c 204 s 2 are each amended 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.

Sec. 30. RCW 82.14.320 and 1990 2nd ex.s. c 1 s 104 are each amended to read as follows:

(1) The municipal criminal justice assistance account is created in the state treasury. The account shall consist of all motor vehicle excise tax receipts deposited into the account under chapter 82.44 RCW.

(2) No city may receive a distribution under this section from the municipal criminal justice assistance account unless:

(a) The city has a crime rate in excess of one hundred twenty-five percent of the state-wide average as calculated in the most recent annual report on crime in Washington state as published by the Washington association of sheriffs and police chiefs;

(b) The city has levied the tax authorized in RCW 82.14.030(2) at the maximum rate or the tax authorized in RCW 82.46.010(2) at the maximum rate; and

(c) The city has a per capita yield from the tax imposed under RCW 82.14.030(1) at the maximum rate of less than one hundred fifty percent of the state-wide average per capita yield for all cities from such local sales and use tax.

(3) The moneys deposited in the municipal criminal justice (~~assistance~~) assistance account for distribution under this section shall be distributed at such times as distributions are made under RCW 82.44.150. The distributions shall be made as follows:

(a) Thirty percent of the moneys shall be distributed ratably based on population as last determined by the office of financial management to those cities eligible under subsection (2) of this section that have a crime rate determined under subsection (2)(a) of this section which is greater than two times the state-wide average crime rate. No city may receive more than fifty percent of any moneys distributed under this subsection (a).

(b) The remainder of the moneys shall be distributed to all cities eligible under subsection (2) of this section ratably based on population as last determined by the office of financial management.

(4) No city may receive more than thirty percent of all moneys distributed under subsection (3) of this section.

(5) Moneys distributed under this section shall be expended exclusively for criminal justice purposes and shall not be used to replace or supplant existing funding.

(6) This section expires January 1, 1994.

Sec. 31. RCW 76.04.630 and 1989 c 362 s 2 and 1989 c 175 s 162 are each reenacted and amended to read as follows:

There is created a landowner contingency forest fire suppression account (~~which shall be a separate account~~) in the state treasury. Moneys in the account may be spent only as provided in this section. Disbursements from the account shall be on authorization of the commissioner of public lands or the commissioner's designee. The account is subject to the allotment procedure provided under chapter 43.88 RCW, but no appropriation is required for disbursements.

The department may expend from this account such amounts as may be available and as it considers appropriate for the payment of emergency fire costs resulting from a participating landowner fire. The department may, when moneys are available from the landowner contingency forest fire suppression account, expend moneys for summarily abating, isolating, or reducing an extreme fire hazard under RCW 76.04.660. All moneys recovered as a result of the department's actions, from the owner or person responsible, under RCW 76.04.660 shall be deposited in the landowner contingency forest fire suppression account.

When a determination is made that the fire was started by other than a landowner operation, moneys expended from this account in the suppression of such fire shall be recovered from such general fund appropriations as may be available for emergency fire suppression costs. The department shall deposit in the landowner contingency forest fire suppression account any moneys paid out of the account which are later recovered, less reasonable costs of recovery.

This account shall be established and renewed by a special forest fire suppression account assessment paid by participating landowners at a rate to be established by the department, but not to exceed fifteen cents per acre per year for such period of years as may be necessary to establish and thereafter reestablish a balance in the account of three million dollars. The department may establish a minimum assessment for ownership parcels identified in RCW 76.04.610 as paying the minimum assessment. The maximum assessment for these parcels shall not exceed the fees levied on a thirty-acre parcel. There shall be no assessment on each parcel of privately owned lands of less than two acres. The assessments may differ to equitably distribute the assessment based on emergency fire suppression cost experience necessitated by landowner operations. Amounts assessed for this account shall be a lien upon the forest lands with respect to which the assessment is made and may be collected as directed by the

department in the same manner as forest protection assessments. ~~((This account shall be held by the state treasurer, who is authorized to invest so much of the account as is not necessary to meet current needs. Any interest earned on moneys from the account shall be deposited in and remain a part of the account and shall be computed as part of same in determining the balance thereof. Interfund loans to and from this account are authorized at the current rate of interest as determined by the state treasurer, provided that the effect of the loan is considered for purposes of determining the assessments.))~~ Payment of emergency costs from this account shall in no way restrict the right of the department to recover costs pursuant to RCW 76.04.495 or other laws.

When the department determines that a forest fire was started in the course of or as a result of a landowner operation, it shall notify the forest fire advisory board of the determination. The determination shall be final, unless, within ninety days of the notification, the forest fire advisory board or any interested party serves a request for a hearing before the department. The hearing shall constitute an adjudicative proceeding under chapter 34.05 RCW, the administrative procedure act, and any appeal shall be in accordance with RCW 34.05.510 through 34.05.598.

Sec. 32. RCW 43.33A.160 and 1985 c 57 s 32 are each amended to read as follows:

(1) The state investment board shall be funded from the earnings of the funds managed by the state investment board, proportional to the value of the assets of each fund, subject to legislative appropriation.

(2) There is established in the state treasury a state investment board expense account from which shall be paid the operating expenses of the state investment board. Prior to November 1 of each even-numbered year, the state investment board shall determine and certify to the state treasurer and the office of financial management the value of the various funds managed by the investment board in order to determine the proportional liability of the funds for the operating expenses of the state investment board. Pursuant to appropriation, the state treasurer is authorized to transfer such moneys from the various funds managed by the investment board to the state investment board expense account as are necessary to pay the operating expenses of the investment board. ~~((All earnings of investments of balances in the state investment board expense account shall be credited to the state investment board expense account.))~~

Sec. 33. RCW 43.83B.360 and 1985 c 57 s 46 are each amended to read as follows:

~~((At the time the state finance committee determines to issue such bonds authorized in RCW 43.83B.300, and 43.83B.355 through 43.83B.375 or a portion thereof, it may, pending the issuance thereof, issue in the name of the state, temporary notes in anticipation of the money to be derived from the sale of the bonds, which notes shall be designated as "bond anticipation notes".))~~ The proceeds from the sale of bonds ~~((and notes))~~ authorized by RCW 43.83B.300,

and 43.83B.355 through 43.83B.375 shall be deposited in the state emergency water projects revolving account, hereby created in the state treasury, and shall be used exclusively for the purposes specified in RCW 43.83B.300, and 43.83B.355 through 43.83B.375 and for the payment of expenses incurred in the issuance and sale of such bonds (~~and notes: PROVIDED, That such portion of the proceeds of the sale of such bonds as may be required for the payment of the principal and interest on such anticipation notes as have been issued, shall be deposited in the state emergency water projects bond redemption fund of 1977 in the state treasury created by RCW 43.83B.370. All earnings of investments of balances in the state emergency water projects revolving account shall be credited to the general fund~~)).

Sec. 34. RCW 82.14.050 and 1991 c 207 s 2 are each amended to read as follows:

The counties, cities, and transportation authorities under RCW 82.14.045 and public facilities districts under chapter 36.100 RCW shall contract, prior to the effective date of a resolution or ordinance imposing a sales and use tax, the administration and collection to the state department of revenue, which shall deduct a percentage amount, as provided by contract, not to exceed two percent of the taxes collected for administration and collection expenses incurred by the department. The remainder of any portion of any tax authorized by this chapter which is collected by the department of revenue shall be deposited by the state department of revenue in the local sales and use tax account hereby created in the state treasury. Moneys in the local sales and use tax account may be spent only for distribution to counties, cities, transportation authorities, and public facilities districts imposing a sales and use tax. All administrative provisions in chapters 82.03, 82.08, 82.12, and 82.32 RCW, as they now exist or may hereafter be amended, shall, insofar as they are applicable to state sales and use taxes, be applicable to taxes imposed pursuant to this chapter. Except as provided in RCW 43.08.190, all earnings of investments of balances in the local sales and use tax account shall be credited to the local sales and use tax account and distributed to the counties, cities, transportation authorities, and public facilities districts monthly.

Sec. 35. RCW 43.19.610 and 1986 c 312 s 902 are each amended to read as follows:

There is hereby established in the state treasury an account to be known as the motor transport account into which shall be paid all moneys, funds, proceeds, and receipts as provided in RCW 43.19.615 and as may otherwise be provided by law. Disbursements therefrom shall be made in accordance with the provisions of RCW 43.19.560 through 43.19.630, 43.41.130 and 43.41.140 as authorized by the director or (~~his~~) a duly authorized representative and as may be provided by law. (~~All earnings of investments of balances in the motor transport account shall be credited to the general fund.~~

~~The state treasurer shall transfer to the general fund two million dollars from the motor transport account on or before June 30, 1987.)~~

Sec. 36. RCW 27.34.090 and 1985 c 57 s 7 are each amended to read as follows:

All moneys in the state capitol historical museum association account hereby created in the state treasury and any moneys appropriated from that account, shall be expended for the purposes of the state capital historical association museum as determined by a majority of the governing board of the state capital historical association. ~~((All earnings of investments of balances in the state capitol historical association museum account shall be credited to the general fund.))~~

Sec. 37. RCW 82.42.090 and 1985 c 57 s 86 are each amended to read as follows:

All moneys collected by the director from the aircraft fuel excise tax as provided in RCW 82.42.020 shall be transmitted to the state treasurer and shall be credited to the aeronautics account hereby created in the state treasury. Moneys collected from the consumer or user of aircraft fuel from either the use tax imposed by RCW 82.12.020 or the retail sales tax imposed by RCW 82.08.020 shall be transmitted to the state treasurer and credited to the state general fund. ~~((All earnings of investments of balances in the aeronautics account shall be credited to the general fund.))~~

Sec. 38. RCW 47.68.236 and 1985 c 57 s 63 are each amended to read as follows:

There is hereby created in the state treasury an account to be known as the aircraft search and rescue, safety, and education account. All moneys received by the department under RCW 47.68.233 shall be deposited in such account. ~~((All earnings of investments of balances in the aircraft search and rescue, safety, and education account shall be credited to the general fund.))~~

Sec. 39. RCW 43.79.201 and 1991 c 204 s 3 are each amended to read as follows:

(1) ~~((All moneys in the state treasury to the credit of that fund now denoted as the C.E.P. & R.I. fund on and after March 20, 1961, and all moneys thereafter paid into the state treasury for or to the credit of such fund shall be and are hereby transferred to and placed in))~~ The charitable, educational, penal and reformatory institutions account ~~((;))~~ is hereby created, in the state treasury, into which ~~((fund))~~ account there shall ~~((also))~~ be deposited all moneys arising from the sale, lease or transfer of the land granted by the United States government to the state for charitable, educational, penal and reformatory institutions by section 17 of the enabling act, or otherwise set apart for such institutions, except all moneys arising from the sale, lease, or transfer of that certain one hundred thousand acres of such land assigned for the support of the University of Washington by chapter 91, Laws of 1903 and section 9, chapter 122, Laws of

1893. ~~((All earnings of investments of balances in the charitable, educational, penal and reformatory institutions account shall be credited to the account.))~~

(2) If feasible, not less than one-half of all income to the charitable, educational, penal, and reformatory institutions account shall be appropriated for the purpose of providing housing, including repair and renovation of state institutions, for persons who are mentally ill, developmentally disabled, or youth who are blind, deaf, or otherwise disabled. If moneys are appropriated for community-based housing, the moneys shall be appropriated to the department of community development for the housing assistance program under chapter 43.185 RCW.

Sec. 40. RCW 70.93.180 and 1985 c 57 s 68 are each amended to read as follows:

There is hereby created an account within the state treasury to be known as the "litter control account". All assessments, fines, bail forfeitures, and other funds collected or received pursuant to this chapter shall be deposited in the litter control account and used for the administration and implementation of this chapter except as required to be otherwise distributed under RCW 70.93.070. ~~((All earnings of investments of balances in the litter control account shall be credited to the general fund.))~~

Sec. 41. RCW 46.08.172 and 1988 ex.s. c 2 s 901 are each amended to read as follows:

There is hereby established an account in the state treasury to be known as the "state capitol vehicle parking account". The director of the department of general administration shall establish an equitable and consistent employee parking rental fee for state owned or leased property, effective July 1, 1988. All fees shall take into account the market rate of comparable privately owned rental parking, as determined by the director. All unpledged parking rental income collected by the department of general administration from rental of parking space on the capitol grounds and the east capitol site shall be deposited in the "state capitol vehicle parking account". ~~((All earnings of investments of balances in the state capitol vehicle parking account shall be credited to the general fund.))~~

The "state capitol vehicle parking account" shall be used to pay costs incurred in the operation, maintenance, regulation and enforcement of vehicle parking and parking facilities at the state capitol.

Sec. 42. RCW 43.99.040 and 1985 c 57 s 53 are each amended to read as follows:

There is created the marine fuel tax refund account in the state treasury. ~~((All earnings of investments of balances in the marine fuel tax refund account shall be credited to the general fund.))~~ From time to time; but at least once each biennium, the director of licensing shall request the state treasurer to refund from the motor vehicle fund amounts which have been determined to be tax on marine fuel. The state treasurer shall refund such amounts and place them in the marine fuel tax refund account to be held for those entitled thereto pursuant to chapter

82.36 RCW and RCW 43.99.050, except that he shall not refund and place in the marine fuel tax refund account for any period for which a determination has been made pursuant to RCW 43.99.030 more than the greater of the following amounts: (1) An amount equal to two percent of all moneys paid to him as motor vehicle fuel tax for such period, (2) an amount necessary to meet all approved claims for refund of tax on marine fuel for such period.

Sec. 43. RCW 43.83A.030 and 1985 c 57 s 44 are each amended to read as follows:

The proceeds from the sale of bonds authorized by this chapter (~~and any interest earned on the interim investment of such proceeds,~~) shall be deposited in the state and local improvements revolving account hereby created in the state treasury and shall be used exclusively for the purpose specified in this chapter and for payment of the expenses incurred in the issuance and sale of the bonds.

Sec. 44. RCW 43.99F.030 and 1985 c 57 s 56 are each amended to read as follows:

The proceeds from the sale of bonds authorized by this chapter shall be deposited in the state and local improvements revolving account, Waste Disposal Facilities, 1980 hereby created in the state treasury and shall be used exclusively for the purpose specified in this chapter and for payment of the expenses incurred in the issuance and sale of the bonds. (~~All earnings of investments of balances of such account shall be credited to the state and local improvements revolving account, Waste Disposal Facilities, 1980.~~)

Sec. 45. RCW 28B.10.851 and 1985 c 57 s 11 are each amended to read as follows:

The proceeds from the sale of the bonds authorized herein, together with all grants, donations, transferred funds and all other moneys which the state finance committee may direct the state treasurer to deposit therein shall be deposited in the state higher education construction account hereby created in the state treasury. (~~All earnings of investments of balances in the state higher education construction account shall be credited to the general fund.~~)

Sec. 46. RCW 43.83.020 and 1987 1st ex.s. c 3 s 9 are each amended to read as follows:

The proceeds from the sale of the bonds authorized herein shall be deposited in the state building construction account which is hereby established in the state treasury and shall be used exclusively for the purposes of carrying out the provisions of the capital appropriation acts, and for payment of the expense incurred in the printing, issuance, and sale of such bonds. (~~All earnings of investments of balances in the state building construction account shall be credited to the general fund.~~)

Sec. 47. RCW 28B.50.360 and 1985 c 390 s 56 and 1985 c 57 s 16 are each reenacted and amended to read as follows:

(~~There is hereby created in the state treasury a community college bond retirement fund.~~) Within thirty-five days from the date of start of each quarter

all building fees of each such community college shall be paid into the state treasury, and shall be credited as follows:

(1) On or before June 30th of each year the college board if issuing bonds payable out of building fees shall certify to the state treasurer the amounts required in the ensuing twelve-month period to pay and secure the payment of the principal of and interest on such bonds. The state treasurer shall thereupon deposit the amounts so certified in the community college ~~((bond retirement fund which fund as required, is hereby created in the state treasury))~~ capital projects account. Such amounts of the funds deposited in the ~~((bond retirement fund))~~ community college capital projects account as are necessary to pay and secure the payment of the principal of and interest on the building bonds issued by the college board as authorized by this chapter shall be exclusively devoted to that purpose. If in any twelve-month period it shall appear that the amount certified by the college board is insufficient to pay and secure the payment of the principal of and interest on the outstanding building bonds, the state treasurer shall notify the college board and such board shall adjust its certificate so that all requirements of moneys to pay and secure the payment of the principal and interest on all such bonds then outstanding shall be fully met at all times.

(2) ~~((That portion of the building fees not required for or in excess of the amounts necessary to pay and secure the payment of any of the bonds as provided in subsection (1) above shall be deposited in))~~ The community college capital projects account ~~((which account))~~ is hereby created in the state treasury. The sums deposited in the capital projects account shall be appropriated and expended exclusively to pay and secure the payment of the principal of and interest on bonds payable out of the building fees and for the construction, reconstruction, erection, equipping, maintenance, demolition and major alteration of buildings and other capital assets owned by the state board for community college education in the name of the state of Washington, and the acquisition of sites, rights-of-way, easements, improvements or appurtenances in relation thereto, and for the payment of principal of and interest on any bonds issued for such purposes. ~~((All earnings of investments of balances in the community college capital projects account shall be credited to the general fund.))~~

(3) Notwithstanding the provisions of subsections (1) and (2) above, at such time as all outstanding building bonds of the college board payable from the community college ~~((bond retirement fund))~~ capital projects account have been paid, redeemed, and retired, or at such time as ample provision has been made by the state for full payment, from some source other than the community college ~~((bond retirement fund))~~ capital projects account, of the principal of and the interest on and call premium, if applicable, of such bonds as they mature and/or upon their call prior to their maturity, through refunding or otherwise, that portion of all building fees of the community colleges equal to the amount required to pay yearly debt service on any general obligation bonds issued by the state in accordance with Article VIII, section 1, Washington state Constitution, for community college purposes, shall be paid into the general fund of the state

treasury. The state finance committee shall determine whether ample provision has been made for payment of such bonds payable from the ~~((said bond retirement fund))~~ community college capital projects account and shall determine the amount required to pay yearly debt service on such general obligation bonds of the state. Nothing in this subsection shall be construed as obligating the legislature or the state to provide for payment of such community college building bonds from some source other than the community college ~~((bond retirement fund))~~ capital projects account or as pledging the general credit of the state to the payment of such bonds.

Sec. 48. RCW 28B.50.360 and 1991 c 238 s 51 and 1985 c 57 s 16 are each reenacted and amended to read as follows:

~~((There is hereby created in the state treasury a community and technical college bond retirement fund.))~~ Within thirty-five days from the date of start of each quarter all building fees of each such community and technical college shall be paid into the state treasury, and shall be credited as follows:

(1) On or before June 30th of each year the college board if issuing bonds payable out of building fees shall certify to the state treasurer the amounts required in the ensuing twelve-month period to pay and secure the payment of the principal of and interest on such bonds. The state treasurer shall thereupon deposit the amounts so certified in the community and technical college ~~((bond retirement fund which fund as required, is hereby created in the state treasury))~~ capital projects account. Such amounts of the funds deposited in the ~~((bond retirement fund))~~ community and technical college capital projects account as are necessary to pay and secure the payment of the principal of and interest on the building bonds issued by the college board as authorized by this chapter shall be exclusively devoted to that purpose. If in any twelve-month period it shall appear that the amount certified by the college board is insufficient to pay and secure the payment of the principal of and interest on the outstanding building bonds, the state treasurer shall notify the college board and such board shall adjust its certificate so that all requirements of moneys to pay and secure the payment of the principal and interest on all such bonds then outstanding shall be fully met at all times.

(2) ~~((That portion of the building fees not required for or in excess of the amounts necessary to pay and secure the payment of any of the bonds as provided in subsection (1) of this section shall be deposited in))~~ The community and technical college capital projects account ~~((which account))~~ is hereby created in the state treasury. The sums deposited in the capital projects account shall be appropriated and expended exclusively to pay and secure the payment of the principal of and interest on bonds payable out of the building fees and for the construction, reconstruction, erection, equipping, maintenance, demolition and major alteration of buildings and other capital assets owned by the state board for community and technical colleges in the name of the state of Washington, and the acquisition of sites, rights-of-way, easements, improvements or

appurtenances in relation thereto, and for the payment of principal of and interest on any bonds issued for such purposes. ~~((All earnings of investments of balances in the capital projects account shall be credited to the general fund.))~~

(3) Notwithstanding the provisions of subsections (1) and (2) of this section, at such time as all outstanding building bonds of the college board payable from the community and technical college ~~((bond retirement fund))~~ capital projects account have been paid, redeemed, and retired, or at such time as ample provision has been made by the state for full payment, from some source other than the ~~((bond retirement fund))~~ community and technical college capital projects account, of the principal of and the interest on and call premium, if applicable, of such bonds as they mature and/or upon their call prior to their maturity, through refunding or otherwise, that portion of all building fees of the community and technical colleges equal to the amount required to pay yearly debt service on any general obligation bonds issued by the state in accordance with Article VIII, section 1, Washington state Constitution, for community and technical college purposes, shall be paid into the general fund of the state treasury. The state finance committee shall determine whether ample provision has been made for payment of such bonds payable from the ~~((said bond retirement fund))~~ community and technical college capital projects account and shall determine the amount required to pay yearly debt service on such general obligation bonds of the state. Nothing in this subsection shall be construed as obligating the legislature or the state to provide for payment of such college building bonds from some source other than the community and technical college ~~((bond retirement fund))~~ capital projects account or as pledging the general credit of the state to the payment of such bonds.

Sec. 49. RCW 28B.35.370 and 1985 c 390 s 47 and 1985 c 57 s 15 are each reenacted and amended to read as follows:

Within thirty-five days from the date of collection thereof all building fees of each regional university and The Evergreen State College shall be paid into the state treasury and these together with such normal school fund revenues as provided in RCW 28B.35.751 as are received by the state treasury shall be credited as follows:

(1) On or before June 30th of each year the board of trustees of each regional university and The Evergreen State College, if issuing bonds payable out of its building fees and above described normal school fund revenues, shall certify to the state treasurer the amounts required in the ensuing twelve months to pay and secure the payment of the principal of and interest on such bonds. The amounts so certified by each regional university and The Evergreen State College shall be a prior lien and charge against all building fees and above described normal school fund revenues of such institution. The state treasurer shall thereupon deposit the amounts so certified in the Eastern Washington University ~~((bond retirement fund))~~ capital projects account, the Central Washington University ~~((bond retirement fund))~~ capital projects account, the

Western Washington University (~~bond retirement fund~~) capital projects account, or The Evergreen State College (~~bond retirement fund~~) capital projects account respectively, which (~~funds~~) accounts are hereby created in the state treasury (~~such funds for the regional universities being redesignations for the Eastern Washington State College bond retirement fund, the Central Washington State College bond retirement fund, and the Western Washington State College bond retirement fund, respectively~~). The amounts deposited in the respective (~~bond retirement funds~~) capital projects accounts shall be used exclusively to pay and secure the payment of the principal of and interest on the building bonds issued by such regional universities and The Evergreen State College as authorized by law. If in any twelve month period it shall appear that the amount certified by any such board of trustees is insufficient to pay and secure the payment of the principal of and interest on the outstanding building and above described normal school fund revenue bonds of its institution, the state treasurer shall notify the board of trustees and such board shall adjust its certificate so that all requirements of moneys to pay and secure the payment of the principal of and interest on all such bonds then outstanding shall be fully met at all times.

(2) All (~~building fees and above described~~) normal school fund revenue (~~not needed for or in excess of the amounts certified to the state treasurer as being required to pay and secure the payment of building or above described normal school fund revenue bond principal or interest~~) pursuant to RCW 28B.35.751 shall be deposited in the Eastern Washington University capital projects account, the Central Washington University capital projects account, the Western Washington University capital projects account, or The Evergreen State College capital projects account respectively, which accounts are hereby created in the state treasury (~~such funds for the regional universities being redesignations for the Eastern Washington State College capital projects account, the Central Washington State College capital projects account, and the Western Washington State College capital projects account, respectively~~). The sums deposited in the respective capital projects accounts shall be appropriated and expended exclusively to pay and secure the payment of the principal of and interest on bonds payable out of the building fees and normal school revenue and for the construction, reconstruction, erection, equipping, maintenance, demolition and major alteration of buildings and other capital assets, and the acquisition of sites, rights-of-way, easements, improvements or appurtenances in relation thereto except for any sums transferred therefrom as authorized by law. (~~All earnings of investments of balances in these respective capital projects accounts shall be credited to the general fund.~~)

Sec. 50. RCW 28B.30.730 and 1985 c 390 s 43 are each amended to read as follows:

For the purpose of financing the cost of any projects, the board is hereby authorized to adopt the resolution or resolutions and prepare all other documents

necessary for the issuance, sale and delivery of the bonds or any part thereof at such time or times as it shall deem necessary and advisable. Said bonds:

- (1) Shall not constitute
 - (a) An obligation, either general or special, of the state; or
 - (b) A general obligation of Washington State University or of the board;
- (2) Shall be
 - (a) Either registered or in coupon form; and
 - (b) Issued in denominations of not less than one hundred dollars; and
 - (c) Fully negotiable instruments under the laws of this state; and
 - (d) Signed on behalf of the university by the president of the board, attested by the secretary or the treasurer of the board, have the seal of the university impressed thereon or a facsimile of such seal printed or lithographed in the bottom border thereof, and the coupons attached thereto shall be signed with the facsimile signatures of such president and secretary;
- (3) Shall state
 - (a) The date of issue; and
 - (b) The series of the issue and be consecutively numbered within the series;and
 - (c) That the bond is payable both principal and interest solely out of the bond retirement fund;
- (4) Each series of bonds shall bear interest, payable either annually or semiannually, as the board may determine;
- (5) Shall be payable both principal and interest out of the bond retirement fund;
- (6) Shall be payable at such times over a period of not to exceed forty years from date of issuance, at such place or places, and with such reserved rights of prior redemption, as the board may prescribe;
- (7) Shall be sold in such manner and at such price as the board may prescribe;
- (8) Shall be issued under and subject to such terms, conditions and covenants providing for the payment of the principal thereof and interest thereon and such other terms, conditions, covenants and protective provisions safeguarding such payment, not inconsistent with RCW 28B.30.700 through 28B.30.780, and as found to be necessary by the board for the most advantageous sale thereof, which may include but not be limited to:
 - (a) A covenant that the building fees shall be established, maintained and collected in such amounts that will provide money sufficient to pay the principal of and interest on all bonds payable out of the bond retirement (~~fund~~) account, to set aside and maintain the reserves required to secure the payment of such principal and interest, and to maintain any coverage which may be required over such principal and interest;
 - (b) A covenant that a reserve account shall be created in the bond retirement fund to secure the payment of the principal of and interest on all bonds issued and a provision made that certain amounts be set aside and maintained therein;

(c) A covenant that sufficient moneys may be transferred from the Washington State University building account to the bond retirement ~~((fund))~~ account when ordered by the board of regents in the event there is ever an insufficient amount of money in the bond retirement ~~((fund))~~ account to pay any installment of interest or principal and interest coming due on the bonds or any of them;

(d) A covenant fixing conditions under which bonds on a parity with any bonds outstanding may be issued.

The proceeds of the sale of all bonds~~((exclusive of accrued interest which shall be deposited in the bond retirement fund,))~~ shall be deposited in the state treasury to the credit of the Washington State University building account and shall be used solely for paying the costs of the projects. The Washington State University building account shall be credited with the investment income derived pursuant to RCW 43.84.080 on the investible balances of scientific permanent fund and agricultural permanent fund, less the allocation to the state treasurers' service account pursuant to RCW 43.08.190.

Sec. 51. RCW 28B.57.050 and 1985 c 57 s 18 are each amended to read as follows:

The proceeds from the sale of the bonds ~~((and/or bond anticipation notes))~~ authorized herein, together with all grants, donations, transferred funds, and all other moneys which the state finance committee or the college board may direct the state treasurer to deposit therein, shall be deposited in the 1975 community college capital construction account, hereby created in the state treasury. ~~((All earnings of investments of balances in the 1975 community college capital construction account shall be credited to the general fund.))~~

Sec. 52. RCW 43.99.060 and 1985 c 57 s 54 are each amended to read as follows:

There is created the outdoor recreation account in the state treasury, in which shall be deposited all moneys received from the marine fuel tax refund account pursuant to RCW 43.99.070, the proceeds of the bond issue authorized by ~~((chapter 12, Laws of 1963, extraordinary session))~~ chapter 43.98 RCW, RCW 43.31.620 and 43.31.740, and any moneys made available to the state of Washington by the federal government for outdoor recreation not specifically designated for another fund or agency. ~~((All earnings of investments of balances in the outdoor recreation account shall be credited to the general fund.))~~

Grants, gifts, or other financial assistance awarded or designated for a particular purpose, or proceeds received from public bodies as administrative cost contributions, may be received and, when appropriated by the legislature, may be expended in accordance with the general budget and accounting act.

Sec. 53. RCW 43.83B.030 and 1985 c 57 s 45 are each amended to read as follows:

The proceeds from the sale of bonds authorized by this chapter~~((and any interest earned on the interim investment of such proceeds,))~~ shall be deposited

in the state and local improvements revolving account hereby created in the state treasury and shall be used exclusively for the purpose specified in this chapter and for payment of the expenses incurred in the issuance and sale of the bonds.

Sec. 54. RCW 43.83C.030 and 1985 c 57 s 47 are each amended to read as follows:

The proceeds from the sale of bonds authorized by this chapter (~~(, and any interest earned on the interim investment of such proceeds,)~~) shall be deposited in the state and local improvements revolving account hereby created in the state treasury and shall be used exclusively for the purpose specified in this chapter and for payment of the expenses incurred in the issuance and sale of the bonds.

Sec. 55. RCW 43.83D.030 and 1985 c 57 s 48 are each amended to read as follows:

The proceeds from the sale of bonds authorized by this chapter (~~(, and any interest earned on the interim investment of such proceeds,)~~) shall be deposited in the state and local improvements revolving account in the state treasury and shall be used exclusively for the purpose specified in this chapter and for payment of the expenses incurred in the issuance and sale of the bonds.

Sec. 56. RCW 43.83H.030 and 1985 c 57 s 49 are each amended to read as follows:

~~((At the time the state finance committee determines to issue such bonds authorized in RCW 43.83H.010 or a portion thereof, pending the issuance of such bonds, it may issue, in the name of the state, temporary notes in anticipation of the money to be derived from the sale of the bonds, which notes shall be designated as "anticipation notes".))~~ The proceeds from the sale of bonds ~~((and notes))~~ authorized by this chapter shall be deposited in the state social and health services construction account hereby created in the state treasury and shall be used exclusively for the purposes specified in this chapter and for the payment of expenses incurred in the issuance and sale of such bonds ~~((and notes: PROVIDED, Such portion of the proceeds of the sale of such bonds as may be required for the payment of the principal and interest on such anticipation notes as have been issued, shall be deposited in the bond redemption fund created in RCW 43.83H.050. All earnings of investments of balances in the state social and health services construction account shall be credited to the general fund))~~.

Sec. 57. RCW 43.84.092 and 1990 2nd ex.s. c 1 s 204 are each amended to read as follows:

~~((Except as provided in RCW 43.84.090,))~~ (1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

~~((Except as provided in RCW 82.14.050,))~~ (2) Monthly, the state treasurer shall distribute ~~((, on or before July 20 of each year,))~~ the earnings credited to the treasury income account ~~((as of June 30 to the funds for the fiscal year in which it was earned)).~~ ~~((Except as otherwise provided by statute,))~~ The state treasurer

shall credit the general fund with all the earnings credited to the treasury income account except:

(a) The (~~various~~) following accounts and funds (~~in the state treasury~~) shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: (~~PROVIDED, That~~) The capitol building construction account, the Cedar River channel construction and operation account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the common school construction fund, the county criminal justice assistance account, the county sales and use tax equalization account, the deferred compensation administrative account, the deferred compensation principal account, the department of retirement systems expense account, the Eastern Washington University capital projects account, the federal forest revolving account, the industrial insurance premium refund account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the local leasehold excise tax account, the local sales and use tax account, the medical aid account, the municipal criminal justice assistance account, the municipal sales and use tax equalization account, the natural resources deposit account, the perpetual surveillance and maintenance account, the public employees' retirement system plan I account, the public employees' retirement system plan II account, the Puyallup tribal settlement account, the resource management cost account, the site closure account, the special wildlife account, the state employees' insurance account, the state employees' insurance reserve account, the state investment board expense account, the state investment board commingled trust fund accounts, the supplemental pension account, the teachers' retirement system plan I account, the teachers' retirement system plan II account, the University of Washington bond retirement fund, the University of Washington building account, the volunteer fire fighters' relief and pension principal account, the volunteer fire fighters' relief and pension administrative account, the Washington judicial retirement system account, the Washington law enforcement officers' and fire fighters' system plan I retirement account, the Washington law enforcement officers' and fire fighters' system plan II retirement account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, and the Western Washington University capital projects account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, and the state university permanent fund shall be allocated to their respective beneficiary accounts. All earnings (~~on the balances of the forest reserve fund, the federal forest revolving fund, the liquor excise tax fund, the treasury income account, the suspense account, the undistributed receipts account, the state payroll revolving account, the agency vendor payment revolving fund, and the local leasehold excise tax account shall be credited to the state treasurer's service fund: PROVIDED FURTHER, That earnings on the balances of the~~

agency payroll revolving fund, the special fund salary and insurance contribution increase revolving fund and special fund semimonthly payroll revolving fund shall be credited to the state general fund)) to be distributed under this subsection (2)(a) shall first be reduced by the allocation to the state treasurer's service account pursuant to RCW 43.08.190.

(b) The following accounts and funds shall receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The central Puget Sound public transportation account, the city hardship assistance account, the county arterial preservation account, the economic development account, the essential rail assistance account, the essential rail banking account, the ferry bond retirement fund, the grade crossing protective fund, the high capacity transportation account, the highway bond retirement fund, the highway construction stabilization account, the highway safety account, the motor vehicle fund, the motorcycle safety education account, the pilotage account, the public transportation systems account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the recreational vehicle account, the rural arterial trust account, the special category C account, the state patrol highway account, the transfer relief account, the transportation capital facilities account, the transportation equipment fund, the transportation fund, the transportation improvement account, and the urban arterial trust account.

(3) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

Sec. 58. RCW 28A.515.320 and 1991 c 76 s 2 are each amended to read as follows:

The common school construction fund is to be used exclusively for the purpose of financing the construction of facilities for the common schools. The sources of said fund shall be: (1) Those proceeds derived from sale or appropriation of timber and other crops from school and state land (~~subsequent to June 30, 1965,~~) other than those granted for specific purposes; (2) the interest accruing on the permanent common school fund (~~from and after July 2, 1967,~~) less the allocations to the state treasurer's service account pursuant to RCW 43.08.190 and the state investment board expense account pursuant to RCW 43.33A.160 together with all rentals and other revenue derived therefrom and from land and other property devoted to the permanent common school fund (~~from and after July 1, 1967~~); (3) all moneys received by the state from the United States under the provisions of section 191, Title 30, United States Code, Annotated, and under section 810, chapter 12, Title 16, (Conservation), United States Code, Annotated, except moneys received before June 30, 2001, and when thirty megawatts of geothermal power is certified as commercially available by the receiving utilities and the state energy office, eighty percent of such moneys, under the Geothermal Steam Act of 1970 pursuant to RCW 43.140.030; and (4)

such other sources as the legislature may direct. That portion of the common school construction fund derived from interest on the permanent common school fund may be used to retire such bonds as may be authorized by law for the purpose of financing the construction of facilities for the common schools.

The interest accruing on the permanent common school fund less the allocations to the state treasurer's service account pursuant to RCW 43.08.190 and the state investment board expense account pursuant to RCW 43.33A.160 together with all rentals and other revenues accruing thereto pursuant to subsection (2) of this section prior to July 1, 1967, shall be exclusively applied to the current use of the common schools.

To the extent that the moneys in the common school construction fund are in excess of the amount necessary to allow fulfillment of the purpose of said fund, the excess shall be available for deposit to the credit of the permanent common school fund or available for the current use of the common schools, as the legislature may direct. Any money from the common school construction fund which is made available for the current use of the common schools shall be restored to the fund by appropriation, including interest income foregone, before the end of the next fiscal biennium following such use.

Sec. 59. RCW 50.16.010 and 1987 c 202 s 218 are each amended to read as follows:

There shall be maintained as special funds, separate and apart from all public moneys or funds of this state an unemployment compensation fund, an administrative contingency fund, and a federal interest payment fund, which shall be administered by the commissioner exclusively for the purposes of this title, and to which RCW 43.01.050 shall not be applicable. The unemployment compensation fund shall consist of

(1) all contributions and payments in lieu of contributions collected pursuant to the provisions of this title,

~~((2))~~ ~~((interest earned upon any moneys in the fund,~~

~~((3)))~~ any property or securities acquired through the use of moneys belonging to the fund,

~~((4)))~~ (3) all earnings of such property or securities,

~~((5)))~~ (4) any moneys received from the federal unemployment account in the unemployment trust fund in accordance with Title XII of the social security act, as amended,

~~((6)))~~ (5) all money recovered on official bonds for losses sustained by the fund,

~~((7)))~~ (6) all money credited to this state's account in the unemployment trust fund pursuant to section 903 of the social security act, as amended,

~~((8)))~~ (7) all money received from the federal government as reimbursement pursuant to section 204 of the federal-state extended compensation act of 1970 (84 Stat. 708-712; 26 U.S.C. Sec. 3304), and

~~((9)))~~ (8) all moneys received for the fund from any other source.

All moneys in the unemployment compensation fund shall be commingled and undivided.

The administrative contingency fund shall consist of all interest on delinquent contributions collected pursuant to this title (~~(after June 20, 1953)~~), all fines and penalties collected pursuant to the provisions of this title, all sums recovered on official bonds for losses sustained by the fund, and revenue received under RCW 50.24.014: PROVIDED, That all fees, fines, forfeitures and penalties collected or assessed by a district court because of the violation of a state law shall be remitted as provided in chapter 3.62 RCW as now exists or is later amended. Moneys available in the administrative contingency fund, other than money in the special account created under RCW 50.24.014, shall be expended upon the direction of the commissioner, with the approval of the governor, whenever it appears to him or her that such expenditure is necessary for:

(a) The proper administration of this title and no federal funds are available for the specific purpose to which such expenditure is to be made, provided, the moneys are not substituted for appropriations from federal funds which, in the absence of such moneys, would be made available.

(b) The proper administration of this title for which purpose appropriations from federal funds have been requested but not yet received, provided, the administrative contingency fund will be reimbursed upon receipt of the requested federal appropriation.

Money in the special account created under RCW 50.24.014 may only be expended, after appropriation, for the purposes specified in ~~((this 1985 act))~~ RCW 74.09.035, 74.09.510, 74.09.520, and 74.09.700.

Sec. 60. RCW 43.200.080 and 1990 c 21 s 6 are each amended to read as follows:

The director of ecology shall, in addition to the powers and duties otherwise imposed by law, have the following special powers and duties:

(1) To fulfill the responsibilities of the state under the lease between the state of Washington and the federal government executed September 10, 1964, covering one thousand acres of land lying within the Hanford reservation near Richland, Washington. The department of ecology may sublease to private or public entities all or a portion of the land for specific purposes or activities which are determined, after public hearing, to be in agreement with the terms of the lease and in the best interests of the citizens of the state consistent with any criteria that may be developed as a requirement by the legislature;

(2) To assume the responsibilities of the state under the perpetual care agreement between the state of Washington and the federal government executed July 29, 1965 and the sublease between the state of Washington and the site operator of the Hanford low-level radioactive waste disposal facility. In order to finance perpetual surveillance and maintenance under the agreement and ensure site closure under the sublease, the department of ecology shall impose

and collect fees from parties holding radioactive materials for waste management purposes. The fees shall be established by rule adopted under chapter 34.05 RCW and shall be an amount determined by the department of ecology to be necessary to defray the estimated liability of the state. Such fees shall reflect equity between the disposal facilities of this and other states. ~~((All such fees, when received by the department of ecology, shall be transmitted to the state treasurer, who shall act as custodian. The perpetual maintenance fund is created in the state treasury. The treasurer shall place the money in a special fund which may be designated the "perpetual maintenance fund." The perpetual maintenance fund shall be comprised of))~~ A site closure account and a perpetual surveillance and maintenance account is hereby created in the state treasury. The site closure account shall be exclusively available to reimburse, to the extent that moneys are available in the account, the site operator for its costs plus a reasonable profit as agreed by the operator and the state, or to reimburse the state licensing agency and any agencies under contract to the state licensing agency for their costs in final closure and decommissioning of the Hanford low-level radioactive waste disposal facility. If a balance remains in the account after satisfactory performance of closure and decommissioning, this balance shall be transferred to the perpetual surveillance and maintenance account. The perpetual surveillance and maintenance account shall be used exclusively by the state to meet post-closure surveillance and maintenance costs, or for otherwise satisfying surveillance and maintenance obligations. Appropriations are required to permit expenditures and payment of obligations from the site closure account and the perpetual surveillance and maintenance account. ~~((Moneys which on July 23, 1989, are in the perpetual maintenance account shall be transferred to the perpetual surveillance and maintenance account. All moneys currently administered by the department of ecology for closure of the Hanford low-level radioactive waste disposal facility shall be transferred to the site closure account within the perpetual maintenance fund. All future))~~ All moneys, including ((interest, contributed to)) earnings from the investment of balances in the site closure and the perpetual surveillance and maintenance ((fund)) account, less the allocation to the state treasurer's service account, pursuant to RCW 43.08.190 accruing under the authority of this section shall be directed to the site closure account until December 31, 1992. Thereafter receipts including earnings from the investment of balances in the site closure and the perpetual surveillance and maintenance account, less the allocation to the state treasurer's service account, pursuant to RCW 43.08.190 shall be directed to the ((perpetual maintenance fund)) site closure account and the perpetual surveillance and maintenance account as specified by the department. ((Moneys in the perpetual maintenance fund shall be invested by the state investment board in the same manner as other state moneys. Any interest accruing as a result of investment shall accrue to the perpetual maintenance fund.)) Additional moneys specifically appropriated by the legislature or received from any public or private source may be placed in

the ~~((perpetual maintenance fund))~~ site closure account and the perpetual surveillance and maintenance account;

(3) To assure maintenance of such insurance coverage by state licensees, lessees, or sublessees as will adequately, in the opinion of the director, protect the citizens of the state against nuclear accidents or incidents that may occur on privately or state-controlled nuclear facilities;

(4) To institute a user permit system and issue site use permits, consistent with regulatory practices, for generators, packagers, or brokers using the Hanford low-level radioactive waste disposal facility. The costs of administering the user permit system shall be borne by the applicants for site use permits. The site use permit fee shall be set at a level that is sufficient to fund completely the executive and legislative participation in activities related to the Northwest Interstate Compact on Low-Level Radioactive Waste Management; ~~((and))~~

(5) To make application for or otherwise pursue any federal funds to which the state may be eligible, through the federal resource conservation and recovery act or any other federal programs, for the management, treatment or disposal, and any remedial actions, of wastes that are both radioactive and hazardous at all Hanford low-level radioactive waste disposal facilities; and

(6) To develop contingency plans for duties and options for the department and other state agencies related to the Hanford low-level radioactive waste disposal facility based on various projections of annual levels of waste disposal. These plans shall include an analysis of expected revenue to the state in various taxes and funds related to low-level radioactive waste disposal and the resulting implications that any increase or decrease in revenue may have on state agency duties or responsibilities. The ~~((initial set of))~~ plans ~~((shall be completed by October 1, 1989, and))~~ shall be updated annually. The department shall report annually on the plans and on the balances in the site closure and perpetual surveillance accounts to the energy and utilities committees of the senate and the house of representatives.

Sec. 61. RCW 70.146.030 and 1987 c 505 s 64 and 1987 c 436 s 6 are each reenacted and amended to read as follows:

(1) The water quality account is hereby created in the state treasury. Moneys in the account may be used only in a manner consistent with this chapter. Moneys deposited in the account shall be administered by the department of ecology and shall be subject to legislative appropriation. Moneys placed in the account shall include tax receipts as provided in RCW 82.24.027, 82.26.025, and 82.32.390, principal and interest from the repayment of any loans granted pursuant to this chapter, and any other moneys appropriated to the account by the legislature. ~~((All earnings from investment of balances in the water quality account, except as provided in RCW 43.84.090, shall be credited to the water quality account.))~~

(2) The department may use or permit the use of any moneys in the account to make grants or loans to public bodies, including grants to public bodies as

cost-sharing moneys in any case where federal, local, or other funds are made available on a cost-sharing basis, for water pollution control facilities and activities, or for purposes of assisting a public body to obtain an ownership interest in water pollution control facilities and/or to defray a part of the payments made by a public body to a service provider under a service agreement entered into pursuant to RCW 70.150.060, within the purposes of this chapter and for related administrative expenses. No more than three percent of the moneys deposited in the account may be used by the department to pay for the administration of the grant and loan program authorized by this chapter.

(3) The department shall present a progress report each biennium on the use of moneys from the account to the chairs of the committees on ways and means of the senate and house of representatives, including one copy to the staff of each of the committees.

Sec. 62. RCW 70.164.030 and 1987 c 36 s 3 are each amended to read as follows:

~~((1))~~ The low-income weatherization assistance account is created in the state treasury. All moneys from the money distributed to the state pursuant to *Exxon v. United States*, 561 F.Supp. 816 (1983), affirmed 773 F.2d 1240 (1985), or any other oil overcharge settlements or judgments distributed by the federal government, that are allocated to the low-income weatherization assistance account shall be deposited in the account. The department may accept such gifts, grants, and endowments from public or private sources as may be made from time to time, in trust or otherwise, and shall deposit such funds in the account. Any moneys received from sponsor match payments shall be deposited in the account. The legislature may also appropriate moneys to the account. Moneys in the account shall be spent pursuant to appropriation and only for the purposes and in the manner provided in RCW 70.164.040. Any moneys appropriated that are not spent by the department shall return to the account.

~~((2) Notwithstanding RCW 43.84.090, all earnings of investments of balances in the low-income weatherization assistance account shall be credited to the account.))~~

Sec. 63. RCW 79.90.555 and 1987 c 259 s 2 are each amended to read as follows:

The aquatic land dredged material disposal site account is hereby established in the state treasury. The account shall consist of funds appropriated to the account; funds transferred or paid to the account pursuant to settlements; court or administrative agency orders or judgments; gifts and grants to the account; and all funds received by the department of natural resources from users of aquatic land dredged material disposal sites. After appropriation, moneys in the fund may be spent only for the management and environmental monitoring of aquatic land dredged material disposal sites. The account is subject to the allotment procedure provided under chapter 43.88 RCW. ~~((Notwithstanding RCW~~

~~43.84.090, all earnings of investments of balances in the account shall be credited to the account.)~~

Sec. 64. RCW 70.94.483 and 1990 c 128 s 5 are each amended to read as follows:

(1) The wood stove education and enforcement account is hereby created in the ~~((general fund))~~ state treasury. Money placed in the account shall include all money received under subsection (2) of this section and any other money appropriated by the legislature. Money in the account shall be spent for the purposes of the wood stove education program established under RCW 70.94.480 and for enforcement of the wood stove program, and shall be subject to legislative appropriation.

(2) The department of ecology, with the advice of the advisory committee, shall set a flat fee, not to exceed fifteen dollars, on the retail sale, as defined in RCW 82.04.050, of each solid fuel burning device, excepting masonry fireplaces~~((, after January 1, 1988))~~. The fee shall be imposed upon the consumer and shall not be subject to the retail sales tax provisions of chapters 82.08 and 82.12 RCW. The fee may be adjusted annually above fifteen dollars according to changes in the consumer price index ~~((after January 1, 1989))~~. The fee shall be collected by the department of revenue in conjunction with the retail sales tax under chapter 82.08 RCW. If the seller fails to collect the fee herein imposed or fails to remit the fee to the department of revenue in the manner prescribed in chapter 82.08 RCW, the seller shall be personally liable to the state for the amount of the fee. The collection provisions of chapter 82.32 RCW shall apply. The department of revenue shall deposit fees collected under this section in the wood stove education and enforcement account.

Sec. 65. RCW 70.94.483 and 1991 c 199 s 505 are each amended to read as follows:

(1) The wood stove education and enforcement account is hereby created in the ~~((general fund))~~ state treasury. Money placed in the account shall include all money received under subsection (2) of this section and any other money appropriated by the legislature. Money in the account shall be spent for the purposes of the wood stove education program established under RCW 70.94.480 and for enforcement of the wood stove program, and shall be subject to legislative appropriation.

(2) The department of ecology, with the advice of the advisory committee, shall set a flat fee of thirty dollars, on the retail sale, as defined in RCW 82.04.050, of each solid fuel burning device after January 1, 1992. The fee shall be imposed upon the consumer and shall not be subject to the retail sales tax provisions of chapters 82.08 and 82.12 RCW. The fee may be adjusted annually above thirty dollars to account for inflation as determined by the state office of the economic and revenue forecast council. The fee shall be collected by the department of revenue in conjunction with the retail sales tax under chapter 82.08 RCW. If the seller fails to collect the fee herein imposed or fails to remit the

fee to the department of revenue in the manner prescribed in chapter 82.08 RCW, the seller shall be personally liable to the state for the amount of the fee. The collection provisions of chapter 82.32 RCW shall apply. The department of revenue shall deposit fees collected under this section in the wood stove education and enforcement account.

Sec. 66. RCW 47.78.010 and 1990 c 43 s 47 are each amended to read as follows:

There is hereby established in the state treasury the high capacity transportation account. Money in the account shall be used, after appropriation, for local high capacity transportation purposes including rail freight. ~~((All earnings of investments of any balances in the high capacity transportation account shall be credited to the account except as provided in RCW 43.84.090 and 43.84.092.))~~

Sec. 67. RCW 22.09.411 and 1987 c 509 s 8 are each amended to read as follows:

(1) There is hereby established a fund to be known as the grain indemnity fund. The grain indemnity fund shall consist of assessments remitted by licensees pursuant to the provisions of RCW 22.09.416 through 22.09.426 ~~((and any interest or earnings on the fund balance))~~.

(2) All assessments shall be paid to the department and shall be deposited in the grain indemnity fund. The state treasurer shall be the custodian of the grain indemnity fund. Disbursements shall be on authorization of the director. No appropriation is required for disbursements from this fund.

(3) The grain indemnity fund shall be used exclusively for purposes of paying claimants pursuant to this chapter, and paying necessary expenses of administering the grain indemnity fund, provided however, that moneys equivalent to one-half of the interest ((accumulated)) earned by the fund for deposit to the general fund may be paid to the department to defray costs of administering the warehouse audit program. The state of Washington shall not be liable for any claims presented against the fund.

Sec. 68. RCW 70.47.030 and 1987 1st ex.s. c 5 s 5 are each amended to read as follows:

The basic health plan trust account is hereby established in the state treasury. All funds appropriated for this chapter shall be deposited in the basic health plan trust account and may be expended without further appropriation. Disbursements from other moneys in the account shall be made pursuant to appropriation and upon warrants drawn by the Washington basic health plan administrator. Moneys in the account shall be used exclusively for the purposes of this chapter, including payments to participating managed health care systems on behalf of enrollees in the plan and payment of costs of administering the plan. ~~((The earnings on any surplus balances in the basic health plan trust account shall be credited to the account, notwithstanding RCW 43.84.090. After January 1, 1988,))~~ The administrator shall not expend or encumber for an ensuing fiscal

period amounts exceeding ninety percent of the amounts anticipated to accrue in the account during the fiscal period.

Sec. 69. RCW 70.105D.070 and 1989 c 2 s 7 are each amended to read as follows:

(1) The state toxics control account and the local toxics control account are hereby created in the state treasury.

(2) The following moneys shall be deposited into the state toxics control account: (a) Those revenues which are raised by the tax imposed under RCW 82.21.030 and which are attributable to that portion of the rate equal to thirty-three one-hundredths of one percent; (b) the costs of remedial actions recovered under this chapter or chapter 70.105A RCW (~~after March 1, 1989~~); (c) penalties collected or recovered under this chapter; and (d) any other money appropriated or transferred to the account by the legislature. Moneys in the account may be used only to carry out the purposes of this chapter, including but not limited to the following activities:

(i) The state's responsibility for hazardous waste planning, management, regulation, enforcement, technical assistance, and public education required under chapter 70.105 RCW;

(ii) The state's responsibility for solid waste planning, management, regulation, enforcement, technical assistance, and public education required under chapter 70.95 RCW;

(iii) The hazardous waste cleanup program required under this chapter;

(iv) State matching funds required under the federal cleanup law;

(v) Financial assistance for local programs in accordance with RCW 70.95.130, 70.95.140, 70.95.220, 70.95.230, 70.95.530, 70.105.220, 70.105.225, 70.105.235, and 70.105.260;

(vi) State government programs for the safe reduction, recycling, or disposal of hazardous wastes from households, small businesses, and agriculture;

(vii) Hazardous materials emergency response training;

(viii) Water and environmental health protection and monitoring programs;

(ix) Programs authorized under chapter 70.146 RCW;

(x) A public participation program, including regional citizen advisory committees;

(xi) Public funding to assist potentially liable persons to pay for the costs of remedial action in compliance with cleanup standards under RCW 70.105D.-030(2)(d) but only when the amount and terms of such funding are established under a settlement agreement under RCW 70.105D.040(4) and when the director has found that the funding will achieve both (A) a substantially more expeditious or enhanced cleanup than would otherwise occur, and (B) the prevention or mitigation of unfair economic hardship; and

(xii) Development and demonstration of alternative management technologies designed to carry out the top two hazardous waste management priorities of RCW 70.105.150.

(3) The following moneys shall be deposited into the local toxics control account: Those revenues which are raised by the tax imposed under RCW 82.21.030 and which are attributable to that portion of the rate equal to thirty-seven one-hundredths of one percent. Moneys deposited in the local toxics control account shall be used by the department for grants to local governments for the following purposes in descending order of priority: (a) Remedial actions; (b) hazardous waste plans and programs under RCW 70.105.220, 70.105.225, 70.105.235, and 70.105.260; and (c) solid waste plans and programs under RCW 70.95.130, 70.95.140, 70.95.220, and 70.95.230. Funds for plans and programs shall be allocated consistent with the priorities and matching requirements established in chapters 70.105 and 70.95 RCW.

(4) Except for unanticipated receipts under RCW 43.79.260 through 43.79.282, moneys in the state and local toxics control accounts may be spent only after appropriation by statute. ~~((All earnings from investment of balances in the accounts, except as provided in RCW 43.84.090, shall be credited to the accounts.))~~

(5) One percent of the moneys deposited into the state and local toxics control accounts shall be allocated only for public participation grants to persons who may be adversely affected by a release or threatened release of a hazardous substance and to not-for-profit public interest organizations. The primary purpose of these grants is to facilitate the participation by persons and organizations in the investigation and remedying of releases or threatened releases of hazardous substances and to implement the state's solid and hazardous waste management priorities. No grant may exceed fifty thousand dollars though it may be renewed annually. Moneys appropriated for public participation from either account which are not expended at the close of any biennium shall revert to the state toxics control account.

(6) No moneys deposited into either the state or local toxics control account may be used for solid waste incinerator feasibility studies, construction, maintenance, or operation.

(7) The department shall adopt rules for grant issuance and performance.

Sec. 70. RCW 2.14.070 and 1988 c 109 s 18 are each amended to read as follows:

The judicial retirement administrative account is created in the state treasury. All expenses of the administrator for the courts under this chapter, including staffing and administrative expenses, shall be paid out of the administrative account. ~~((Notwithstanding RCW 43.84.090, all earnings of investments of balances in the administrative account shall be credited to this account.))~~ Any excess ~~((of earnings of investments of balances credited to))~~ balance of this account over administrative expenses disbursed from this account shall be ~~((expended))~~ transferred to the principal account. Any deficiency in the administrative account caused by an excess of administrative expenses disbursed from this account over ~~((earnings of investments of balances credited to))~~ the

excess balance of this account shall be transferred to this account from the principal account.

Sec. 71. RCW 70.170.080 and 1989 1st ex.s. c 9 s 508 are each amended to read as follows:

The basic expenses for the hospital data collection and reporting activities of this chapter shall be financed by an assessment against hospitals of no more than four one-hundredths of one percent of each hospital's gross operating costs, to be levied and collected from and after that date, upon which the similar assessment levied under chapter 70.39 RCW is terminated, for the provision of hospital services for its last fiscal year ending on or before June 30th of the preceding calendar year. Budgetary requirements in excess of that limit must be financed by a general fund appropriation by the legislature. All moneys collected under this section shall be deposited by the state treasurer in the hospital data collection account which is hereby created in the state treasury. ~~((All earnings on investments of balances in the hospital data collection account shall be credited to the general fund.))~~ The department may also charge, receive, and dispense funds or authorize any contractor or outside sponsor to charge for and reimburse the costs associated with special studies as specified in RCW 70.170.050.

Any amounts raised by the collection of assessments from hospitals provided for in this section which are not required to meet appropriations in the budget act for the current fiscal year shall be available to the department in succeeding years.

Sec. 72. RCW 90.76.100 and 1989 c 346 s 11 are each amended to read as follows:

The underground storage tank account is created in the state treasury. Money in the account may only be spent, subject to legislative appropriation, for the administration and enforcement of the underground storage tank program established under this chapter. The account shall contain:

- (1) All fees collected under RCW 90.76.090; and
- (2) All fines or penalties collected under RCW 90.76.080 ~~((and~~
- (3) ~~Any interest earned on the account, subject to RCW 43.84.090)).~~

Sec. 73. RCW 70.95.800 and 1989 c 431 s 90 are each amended to read as follows:

The solid waste management account is created in the state treasury. Moneys in the account may only be spent after appropriation. Expenditures from the account may only be used to carry out the purposes of this act. ~~((All earnings from the investment of balances in the solid waste management account except as provided in RCW 43.84.090, shall be deposited into the solid waste management account.))~~

Sec. 74. RCW 59.21.050 and 1991 c 327 s 12 are each amended to read as follows:

(1) The mobile home park relocation fund is created in the custody of the state treasurer. All legislative appropriations for mobile home relocation assistance, receipts from fees collected under this chapter, and amounts required to be paid by park-owners to low-income park tenants when there are insufficient moneys in the fund shall be deposited into the fund. Expenditures from the fund may be used only for relocation assistance under RCW 59.21.020, or transfer to the mobile home park purchase fund under subsection (2) of this section. Only the director of community development or the director's designee may authorize expenditures from the fund. All relocation payments to low-income park tenants, including those due from the park-owner shall be made from the fund. The fund is subject to allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures.

(2) ~~((The state treasurer shall maintain the fund and shall invest the fund moneys. Moneys earned on these investments shall be deposited in the fund and shall be used for the same purposes as other fund moneys.))~~ Unexpended and unencumbered moneys that remain in the fund at the end of the fiscal year do not revert to the state general fund but remain in the fund, separately accounted for, as a contingency reserve, or if the director determines at the end of any fiscal year beginning after December 31, 1991, that the fund contains a surplus over the projected amount needed for relocation during the upcoming year(s), any surplus may be transferred to the mobile home park purchase fund created by chapter 59.22 RCW. However, the director may cause any uncommitted funds in the mobile home park purchase fund which were transferred from the mobile home park relocation fund to be transferred back to the mobile home park relocation fund if that fund cannot otherwise meet its current obligations.

(3) A low-income park tenant who is entitled to relocation assistance under this chapter is entitled to payment only after submitting an application which includes: (a) A copy of the notice from the park-owner that the tenancy is terminated due to closure of the park; (b) a copy of the rental agreement currently in force; and (c) a copy of the contract entered into for the purpose of relocating the mobile home, which includes the date of relocation.

(4) The director may adopt rules for the administration of the fund.

Sec. 75. RCW 70.95E.080 and 1990 c 114 s 18 are each amended to read as follows:

The hazardous waste assistance account is hereby created in the state treasury. The following moneys shall be deposited into the hazardous waste assistance account:

(1) Those revenues which are raised by the fees imposed under RCW 70.95E.020 and 70.95E.030;

(2) Penalties and surcharges collected under chapter 70.95C RCW and this chapter; and

(3) Any other moneys appropriated or transferred to the account by the legislature. ~~((All earnings from investment of balances in the hazardous waste~~

~~assistance account, except as provided in RCW 43.84.090, shall be credited to the hazardous waste assistance account.))~~ Moneys in the hazardous waste assistance account may be spent only for the purposes of this chapter following legislative appropriation.

Sec. 76. RCW 28B.30.741 and 1969 ex.s. c 223 s 28B.30.741 are each amended to read as follows:

All moneys received from the lease or rental of lands set apart by the enabling act for a scientific school; all interest or income arising from the proceeds of the sale of such lands or of the timber, fallen timber, stone, gravel or other valuable material thereon, except for investment income derived pursuant to RCW 43.84.080 and, less the allocation to the state investment board expense account pursuant to RCW 43.33A.160; and all moneys received as interest on deferred payments on contracts for the sale of such lands shall be deposited in the "Washington State University bond retirement fund" to be expended for the purposes set forth in RCW 28B.30.740.

Sec. 77. RCW 28B.30.742 and 1969 ex.s. c 223 s 28B.30.742 are each amended to read as follows:

Whenever federal law shall permit(~~, but in no event prior to July 1, 1967,)~~) all moneys received from the lease or rental of lands set apart by the enabling act for an agricultural college, all interest or income arising from the proceeds of the sale of such lands or of the timber, fallen timber, stone, gravel or other valuable material thereon, except for investment income derived pursuant to RCW 43.84.080 and, less the allocation to the state investment board expense account pursuant to RCW 43.33A.160; and all moneys received as interest on deferred payments on contracts for the sale of such lands shall be deposited in the Washington State University bond retirement fund to be expended for the purposes set forth in RCW 28B.30.740.

Sec. 78. RCW 28B.20.810 and 1969 ex.s. c 223 s 28B.20.810 are each amended to read as follows:

The board of regents of the University of Washington is empowered to authorize from time to time the transfer from the state university permanent fund to be held in reserve in the bond retirement fund created by RCW 28B.20.720 any unobligated funds and investments derived from lands set apart for the support of the university by chapter 91, Laws of 1903 and section 9, chapter 122, Laws of 1893, to the extent required to comply with bond covenants regarding principal and interest payments and reserve requirements for bonds payable out of the bond retirement fund up to a total amount of five million dollars, and to transfer any or all of said unobligated funds and investments in excess of five million dollars to the university building account created by RCW 43.79.330(22). Any funds transferred to the bond retirement fund pursuant to this section shall be replaced by moneys first available out of the moneys required to be deposited in such fund pursuant to RCW 28B.20.800. The board is further empowered to direct the state finance committee to convert any investments in such permanent

fund acquired with funds derived from such lands into cash or obligations of or guaranteed by the United States of America prior to the transfer of such funds and investments to such reserve account or building account.

~~((All interest earned on and profits derived from the sale of any investments of money in such University of Washington bond retirement fund shall be deposited in and become a part of such fund.))~~

NEW SECTION. Sec. 79. A new section is added to chapter 43.63A RCW to read as follows:

The state fire service training center bond retirement account of 1977 is hereby reestablished as an account within the treasury for the purpose of the payment of the principal of and interest on the bonds authorized to be issued pursuant to chapter 349, Laws of 1977 ex. sess., or chapter 470, Laws of 1985 or, if the legislature so determines, for any bonds and notes hereafter authorized and issued for the commission for vocational education or the statutory successor to its powers and duties involving the state fire training center.

The state finance committee, on or before June 30th of each year, shall certify to the state treasurer the amount required in the next succeeding twelve months for the payment of the principal of and the interest coming due on such bonds. The state treasurer shall withdraw from any general state revenues received in the state treasury and deposit in the state general obligation bond retirement fund such amounts and at such times as are required by the bond proceedings.

Sec. 80. RCW 28B.14C.060 and 1977 ex.s. c 354 s 6 are each amended to read as follows:

There is hereby created in the state treasury the institutions of higher education refunding bond retirement fund of 1977, which fund shall be devoted to the payment of principal of, interest on and redemption premium, if any, on the bonds authorized to be issued pursuant to this chapter.

The state finance committee shall, on or before June 30 of each year, certify to the state treasurer the amount needed in the next succeeding twelve months to pay the installments of principal of and interest on the refunding bonds coming due in such period. The state treasurer shall, not less than thirty days prior to the due date of each installment, withdraw from any general state revenues received in the state treasury an amount equal to the amount certified by the state finance committee as being required to pay such installment; shall deposit such amount in the institutions of higher education refunding bond retirement fund of 1977; and shall apply in a timely manner the funds so deposited to the payment of the installment due on the bonds.

~~((Moneys in the said bond retirement fund may be invested as determined by the state finance committee. Any interest and profits derived from such interim investment shall be deposited into the said bond retirement fund.))~~

Sec. 81. RCW 43.79A.020 and 1984 c 7 s 47 are each amended to read as follows:

There is created a trust fund outside the state treasury to be known as the "treasurer's trust fund." All nontreasury trust funds which are in the custody of the state treasurer on April 10, 1973, shall be placed in the treasurer's trust fund and be subject to the terms of this chapter. Funds of the state department of transportation shall be placed in the treasurer's trust fund only if mutually agreed to by the state treasurer and the department. In order to assure an orderly transition to a centralized management system, the state treasurer may place each of such trust funds in the treasurer's trust fund at such times as he deems advisable. Except for department of transportation trust funds, all such funds shall be incorporated in the treasurer's trust fund by June 30, 1975. Other funds in the custody of state officials or state agencies may, upon their request, be established as accounts in the treasurer's trust fund with the discretionary concurrence of the state treasurer. All income received from the treasurer's trust fund investments shall be deposited in the investment income account pursuant to RCW 43.79A.040.

Sec. 82. RCW 43.79A.040 and 1973 1st ex.s. c 15 s 4 are each amended to read as follows:

(1) Money in the treasurer's trust fund may be deposited, invested and reinvested by the state treasurer in accordance with RCW 43.84.080 in the same manner and to the same extent as if the money were in the state treasury.

(2) All income received from investment of the treasurer's trust fund shall be set aside in an account in the treasury trust fund to be known as the investment income account. ~~((On or before July 20 of each year))~~ Monthly, the state treasurer shall distribute ~~((all money in))~~ the earnings credited to the investment income account ~~((in the following manner. Twenty percent to the treasurer's service fund in the state treasury to help defray the costs of managing the treasurer's trust fund. The remaining eighty percent shall be divided among the various agency accounts from which such investments were made, in proportion to the respective balances thereof))~~ to the state general fund except:

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The American Indian scholarship endowment fund, the energy account, the game farm alternative account, and the self-insurance revolving fund. However, the earnings to be distributed shall first be reduced by the allocation to the state treasurer's service account pursuant to RCW 43.08.190.

(b) The following accounts and funds shall receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The advanced right of way revolving fund, the federal narcotics asset forfeitures account, the ferry system account, the ferry system insurance claim reserve account, the ferry system operation and maintenance account, the ferry system revenue account, the ferry system revenue bond account, the high occupancy vehicle account, and the local rail service assistance account.

(3) In conformance with Article II, section 37 of the state Constitution, no trust accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

Sec. 83. RCW 43.08.190 and 1985 c 405 s 506 are each amended to read as follows:

There is hereby created a fund within the state treasury to be known as the "state treasurer's service fund". Such fund shall be used solely for the payment of costs and expenses incurred in the operation and administration of the state treasurer's office.

~~((The office of financial management may direct the state treasurer to transfer to the general fund an amount not to exceed two million dollars from the state treasurer's service fund for the 1983-85 fiscal biennium.))~~ Moneys shall be allocated monthly and placed in the state treasurer's service fund equivalent to a maximum of one percent of the trust and treasury average daily cash balances from the earnings generated under the authority of RCW 43.79A.040 and 43.84.080 other than earnings generated from investment of balances in funds and accounts specified in RCW 43.79.040(2)(b) or 43.84.092(2)(b). The allocation shall precede the distribution of the remaining earnings as prescribed under RCW 43.79A.040 and 43.84.092. The state treasurer shall establish a uniform allocation rate based on the appropriations for the treasurer's office.

Sec. 84. RCW 90.48.390 and 1991 c 200 s 815 are each amended to read as follows:

The coastal protection fund is established to be used by the department as a revolving fund for carrying out the purposes of restoration of natural resources under this chapter and chapter 90.56 RCW. To this fund there shall be credited penalties, fees, damages, charges received pursuant to the provisions of this chapter and chapter 90.56 RCW, compensation for damages received under this chapter and chapter 90.56 RCW, and an amount equivalent to one cent per gallon from each marine use refund claim under RCW 82.36.330.

Moneys in the fund not needed currently to meet the obligations of the department in the exercise of its powers, duties, and functions under RCW 90.48.142, 90.48.366, 90.48.367, and 90.48.368 shall be deposited with the state treasurer to the credit of the fund ~~((and may be invested in such manner as is provided for by law. Interest received on such investment shall be credited to the fund)).~~

Sec. 85. RCW 28C.10.082 and 1987 c 459 s 2 are each amended to read as follows:

The tuition recovery fund is hereby established in the custody of the state treasurer. The agency shall deposit in the fund all moneys received under RCW 28C.10.084. Moneys in the fund may be spent only for the purposes under RCW 28C.10.084. Disbursements from the fund shall be on authorization of the agency. The fund is subject to the allotment procedure provided under chapter

43.88 RCW, but no appropriation is required for disbursements. ~~((All earnings of investments of such balances shall be credited to the tuition recovery fund.))~~

Sec. 86. RCW 43.250.030 and 1990 c 106 s 2 are each amended to read as follows:

There is created a trust fund ~~((in the state treasury))~~ to be known as the public funds investment account. The account is to be separately accounted for and invested by the state treasurer. All moneys remitted under this chapter shall be deposited in this account. ~~((The))~~ All earnings on any balances in the public funds investment account, less moneys for administration pursuant to RCW 43.250.060, shall be credited to the public funds investment account ~~((notwithstanding RCW 43.84.090)).~~

Sec. 87. RCW 43.185.030 and 1991 c 356 s 3 are each amended to read as follows:

There is hereby created ~~((a fund))~~ in the ~~((office of the treasurer))~~ state treasury an account to be known as the Washington housing trust fund. The housing trust fund shall include revenue from the sources established by this chapter, appropriations by the legislature, private contributions, repayment of loans, and all other sources.

Sec. 88. RCW 28B.10.882 and 1987 c 147 s 3 are each amended to read as follows:

Funds appropriated by the legislature for the graduate fellowship program shall be deposited in the graduate fellowship trust fund. ~~((All moneys deposited in the fund shall be invested by the state treasurer. Notwithstanding RCW 43.84.090, all earnings of investments of balances in the fund shall be credited to the fund.))~~ At the request of the higher education coordinating board under RCW 28B.10.884, the treasurer shall release the state matching funds to the designated institution's local endowment fund. No appropriation is required for expenditures from the fund.

Sec. 89. RCW 59.22.030 and 1987 c 482 s 4 are each amended to read as follows:

The mobile home park purchase ~~((fund))~~ account is hereby created ~~((and shall be maintained))~~ in the ~~((office of the treasurer))~~ state treasury. The purpose of this ~~((fund))~~ account is to provide loans according to the provisions of this chapter and for related administrative costs of the department. The ~~((fund))~~ account shall include appropriations, loan repayments, ~~((interest.))~~ and any other money from private sources made available to the state for the purposes of this chapter. Owners of mobile home parks shall not be assessed for the purposes of this ~~((fund))~~ account.

Sec. 90. RCW 70.148.020 and 1991 c 4 s 7 are each amended to read as follows:

(1) The pollution liability insurance program trust account is established in the custody of the state treasurer. All funds appropriated for this chapter and all premiums collected for reinsurance shall be deposited in the account. Expendi-

tures from the account shall be used exclusively for the purposes of this chapter including payment of costs of administering the pollution liability insurance and underground storage tank community assistance programs. The account is subject to allotment procedures under chapter 43.88 RCW. Expenditures for payment of the costs of administering the program may be made only after appropriation by statute. No appropriation is required for other expenditures from the account. ~~((The earnings on any surplus balances in the pollution liability insurance program trust account shall be credited to the account notwithstanding RCW 43.84.090.))~~

(2) Each calendar quarter, the director shall report to the insurance commissioner and the chairs of the senate ways and means, senate financial institutions, house of representatives revenue, and house of representatives financial institutions committees, the loss and surplus reserves required for the calendar quarter. The director shall notify the department of revenue of this amount by the fifteenth day of each calendar quarter.

(3) Each calendar quarter the director shall report to the chairs of the senate ways and means, senate financial institutions, house of representatives revenue, and house of representatives financial institutions and insurance committees, the amount of reserves necessary to fund commitments made to provide financial assistance under section 2, chapter 4, Laws of 1991, to the extent that the financial assistance reserves do not jeopardize the operations and liabilities of the pollution liability insurance program. The director shall notify the department of revenue of this amount by the fifteenth day of each calendar quarter. The director may immediately establish an initial financial assistance reserve of five million dollars from available revenues. The director may not expend more than fifteen million dollars for the financial assistance program.

Sec. 91. RCW 4.92.220 and 1989 c 419 s 5 are each amended to read as follows:

(1) A risk management account is hereby created in the treasury to be an appropriated account used exclusively for the payment of costs related to:

(a) The administration of liability, property and vehicle claims, including investigation, claim processing, negotiation and settlement, and other expenses relating to settlements and judgments against the state not otherwise budgeted; and

(b) Purchase of liability and property insurance, including catastrophic insurance, subject to policy conditions and limitations determined by the risk manager.

(2) ~~((Earnings on the account's assets shall be credited to the account, notwithstanding RCW 43.84.090.~~

~~(3))~~ The risk management account shall be financed through a combination of direct appropriations and assessments to state agencies.

Sec. 92. RCW 4.92.130 and 1989 c 419 s 4 are each amended to read as follows:

A liability account in the custody of the treasurer is hereby created as a nonappropriated account to be used solely and exclusively for the payment of liability settlements and judgments against the state under 42 U.S.C. Sec. 1981 et seq. or for the tortious conduct of its officers, employees, and volunteers.

(1) The purpose of the liability account is to: (a) Expeditiously pay legal liabilities of the state resulting from tortious conduct; (b) promote risk control through a cost allocation system which recognizes agency loss experience, levels of self-retention, and levels of risk exposure; and (c) establish an actuarially sound system to pay incurred losses, within defined limits.

(2) The liability account shall be used to pay claims for injury and property damages exclusive of legal defense costs and agency-retained expenses otherwise budgeted.

(3) No money shall be paid from the liability account unless all proceeds available to the claimant from any valid and collectible liability insurance shall have been exhausted and unless:

(a) The claim shall have been reduced to final judgment in a court of competent jurisdiction; or

(b) The claim has been approved for payment.

(4) ~~((Earnings on the account's assets shall be credited to the account, notwithstanding RCW 43.84.090.~~

~~(5))~~ (5) The liability account shall be financed through annual premiums assessed to state agencies, based on sound actuarial principles, and shall be for liability coverage in excess of agency-budgeted self-retention levels.

~~((6))~~ (6) Annual premium levels shall be determined by the risk manager, with the consultation and advice of the risk management advisory committee and concurrence from the office of financial management. An actuarial study shall be conducted to assist in determining the appropriate level of funding.

~~((7))~~ (7) Disbursements from the liability account shall be made to the claimant, or to the clerk of the court for judgments, upon written request to the state treasurer from the risk manager.

~~((8))~~ (8) The director of the office of financial management may direct agencies to transfer moneys from other funds and accounts to the liability account if premiums are delinquent.

~~((9))~~ (9) The liability account shall not exceed fifty percent of the actuarial value of the outstanding liability as determined annually by the office of risk management. If the account exceeds the maximum amount specified in this section, premiums may be adjusted by the office of risk management in order to maintain the account balance at the maximum limits. If, after adjustment of premiums, the account balance remains above the limits specified, the excess amount will be prorated back to the appropriate funds.

Sec. 93. RCW 43.84.051 and 1965 ex.s. c 104 s 5 are each amended to read as follows:

It shall be the duty of the state treasurer to collect the interest, or other income on, and the principal of the securities held in his or her custody pursuant to RCW 43.84.041 as the said sums become due and payable, and to pay the same when so collected into the respective funds to which the principal and interest shall accrue, less the allocation to the state treasurer's service account pursuant to RCW 43.08.190 and the state investment board expense account pursuant to RCW 43.33A.160.

Sec. 94. RCW 43.79.130 and 1965 c 8 s 43.79.130 are each amended to read as follows:

There shall be in the state treasury a permanent and irreducible fund known as the "agricultural permanent fund," into which shall be paid all moneys derived from the sale of lands set apart by the enabling act or otherwise for an agricultural college. The income derived from investments pursuant to RCW 43.84.080 shall be credited to the Washington State University building account less the allocation to the state treasurer's service account pursuant to RCW 43.08.190.

Sec. 95. RCW 28B.35.751 and 1977 ex.s. c 169 s 87 are each amended to read as follows:

All moneys received from the lease or rental of lands set apart by the enabling act for state normal schools purposes; all interest or income arising from the proceeds of the sale of such lands or of the timber, fallen timber, stone, gravel, or other valuable material thereon, less the allocation to the state treasurer's service account pursuant to RCW 43.08.190 and the state investment board expense account pursuant to RCW 43.33A.160; and all moneys received as interest on deferred payments on contracts for the sale of such lands, shall from time to time be paid into the state treasury and credited to the Eastern Washington University, Central Washington University, Western Washington University and The Evergreen State College capital projects accounts as herein provided to be expended for capital projects, and bond retirement purposes as set forth in RCW 28B.35.750, as now or hereafter amended. Eastern Washington University, Central Washington University, Western Washington University, and The Evergreen State College shall be credited with one-fourth of the total amount: PROVIDED, That Eastern Washington University, Central Washington University and Western Washington University shall each be credited with one-third of the total amount for so long as there remain unpaid and outstanding any bonds which are payable in whole or in part out of the moneys, interest or income described in this section.

Sec. 96. RCW 43.79.110 and 1965 c 8 s 43.79.110 are each amended to read as follows:

There shall be in the state treasury a permanent and irreducible fund known as the "scientific permanent fund," into which shall be paid all moneys derived from the sale of lands set apart by the enabling act or otherwise for a scientific school. The income derived from investments pursuant to RCW 43.84.080 shall

be credited to the Washington State University building account less the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

Sec. 97. RCW 28B.20.800 and 1969 ex.s. c 223 s 28B.20.800 are each amended to read as follows:

All moneys hereafter received from the lease or rental of lands set apart for the University of Washington by chapter 91, Laws of 1903 and section 9, chapter 122, Laws of 1893, and all interest or income arising from the proceeds of the sale of such land, less the allocation to the state treasurer's service account pursuant to RCW 43.08.190 and the state investment board expense account pursuant to RCW 43.33A.160, and all proceeds from the sale of timber, fallen timber, stone, gravel, or other valuable material and all other receipts therefrom shall be deposited to the credit of the "University of Washington bond retirement fund" to be expended for the purposes set forth in RCW 28B.20.720. All proceeds of sale of such lands, exclusive of ~~((interest))~~ investment income, shall be deposited to the credit of the state university permanent fund, shall be retained therein and shall not be transferred to any other fund or account. All interest earned or income received from the investment of the money in the state university permanent fund shall be deposited to the credit of the University of Washington bond retirement fund less the allocations to the state treasurer's service fund pursuant to RCW 43.08.190 and the state investment board expense account pursuant to RCW 43.33A.160.

As a part of the contract of sale of bonds payable out of the University of Washington bond retirement fund, the board of regents of the University of Washington may covenant that all moneys derived from the above provided sources, which are required to be paid into the bond retirement fund, shall continue to be paid into such bond retirement fund for as long as any of such bonds are outstanding.

Sec. 98. RCW 41.24.030 and 1989 c 194 s 1 and 1989 c 91 s 1 are each reenacted and amended to read as follows:

There is created in the state treasury a trust fund for the benefit of the fire fighters of the state covered by this chapter, which shall be designated the volunteer fire fighters' relief and pension fund and shall consist of:

(1) All bequests, fees, gifts, emoluments, or donations given or paid to the fund.

(2) An annual fee for each member of its fire department to be paid by each municipal corporation for the purpose of affording the members of its fire department with protection from death or disability as herein provided as follows:

(a) Ten dollars for each volunteer or part-paid member of its fire department;

(b) A sum equal to one and one-half of one percent of the annual salary attached to the rank of each full-paid member of its fire department, prorated for 1970 on the basis of services prior to March 1, 1970.

(3) Where a municipal corporation has elected to make available to the members of its fire department the retirement provisions as herein provided, an annual fee of thirty dollars for each of its fire fighters electing to enroll therein, ten dollars of which shall be paid by the municipality and twenty dollars of which shall be paid by the fire fighter.

(4) Forty percent of all moneys received by the state from taxes on fire insurance premiums shall be paid into the state treasury and credited to the fund.

(5) The state investment board, upon request of the state treasurer shall have full power to invest or reinvest such portion of the amounts credited to the fund as is not, in the judgment of the treasurer, required to meet current withdrawals. Such investments shall be made in the manner prescribed by RCW 43.84.150 and not otherwise.

(6) All bonds or other obligations purchased according to subsection (5) of this section shall be forthwith placed in the custody of the state treasurer, and he shall collect the principal thereof and interest thereon when due.

The state investment board may sell any of the bonds or obligations so acquired and the proceeds thereof shall be paid to the state treasurer.

The interest and proceeds from the sale and redemption of any bonds or other obligations held by the fund and invested by the state investment board shall be credited to and form a part of the fund, less the allocation to the state investment board expense account pursuant to RCW 43.33A.160.

All amounts credited to the fund shall be available for making the payments required by this chapter.

The state treasurer shall make an annual report showing the condition of the fund.

Sec. 99. RCW 28B.10.868 and 1987 c 8 s 3 are each amended to read as follows:

Funds appropriated by the legislature for the distinguished professorship program shall be deposited in the distinguished professorship trust fund. (~~All moneys deposited in the fund shall be invested by the state treasurer. Notwithstanding RCW 43.84.090, all earnings of investments of balances of the fund shall be credited to the fund.~~) At the request of the higher education coordinating board under RCW 28B.10.870, the treasurer shall release the state matching funds to the designated institution's local endowment fund. No appropriation is required for expenditures from the fund.

Sec. 100. RCW 41.05.120 and 1988 c 107 s 10 are each amended to read as follows:

(1) The state employees' insurance account is hereby established in the custody of the state treasurer, to be used by the administrator for the deposit of contributions, reserves, dividends, and refunds, and for payment of premiums for employee insurance benefit contracts. Moneys from the account shall be disbursed by the state treasurer by warrants on vouchers duly authorized by the

administrator. (~~Notwithstanding RCW 43.84.090, all earnings of investments of balances in the account shall be credited to the account.~~)

(2) The state treasurer and the state investment board may invest moneys in the state employees' insurance account. All such investments shall be in accordance with RCW 43.84.080 or 43.84.150, whichever is applicable. The administrator shall determine whether the state treasurer or the state investment board or both shall invest moneys in the state employees' insurance account.

Sec. 101. RCW 41.04.260 and 1987 c 475 s 11 and 1987 c 121 s 1 are each reenacted and amended to read as follows:

(1) There is hereby created a committee for deferred compensation to be composed of five members appointed by the governor, one of whom shall be a representative of an employee association or union certified as an exclusive representative of at least one bargaining unit of classified employees, one who shall be a representative of either a credit union, savings and loan association, mutual savings bank or bank, one who possesses expertise in the area of insurance or investment of public funds, one who shall be the state attorney general or his designee, and one additional member selected by the governor. The committee shall serve without compensation but shall receive travel expenses as provided for in RCW 43.03.050 and 43.03.060 as now existing or hereafter amended.

(2) The deferred compensation principal account is hereby created in the state treasury. Any deficiency in the deferred compensation administrative account caused by an excess of administrative expenses disbursed from that account over earnings of investments of balances credited to that account shall be (~~transferred~~) eliminated by transferring moneys to that account from the deferred compensation principal account.

The amount of compensation deferred by employees under agreements entered into under the authority contained in RCW 41.04.250 shall be paid into the deferred compensation principal account and shall be sufficient to cover costs of administration and staffing in addition to such other amounts as determined by this committee. The deferred compensation principal account shall be used to carry out the purposes of RCW 41.04.250. All eligible state employees shall be given the opportunity to participate in agreements entered into by the committee under RCW 41.04.250. State agencies shall cooperate with the committee in providing employees with the opportunity to participate. Any county, municipality, or other subdivision of the state may elect to participate in any agreements entered into by the committee under RCW 41.04.250, including the making of payments therefrom to the employees participating in a deferred compensation plan upon their separation from state or other qualifying service. Accordingly, the deferred compensation principal account shall be considered to be a public pension or retirement fund within the meaning of Article XXIX, section 1 of the state Constitution, for the purpose of determining eligible investments and deposits of the moneys therein. All moneys in the deferred

compensation principal account, all property and rights purchased therewith, and all income attributable thereto, shall remain (until made available to the participating employee or other beneficiary) solely the money, property, and rights of the state and participating counties, municipalities and subdivisions (without being restricted to the provision of benefits under the plan) subject only to the claims of the state's and participating jurisdictions' general creditors. Participating jurisdictions shall each retain property rights separately.

(3) The state investment board, at the request of the deferred compensation committee, is authorized to invest moneys in the deferred compensation principal account in accordance with RCW 43.84.150. Except as provided in RCW 43.33A.160, one hundred percent of all earnings from these investments shall accrue directly to the deferred compensation principal account. ~~((The earnings on any surplus balances in the deferred compensation principal account shall be credited to the deferred compensation principal account, notwithstanding RCW 43.84.090.))~~

(4) The deferred compensation administrative account is hereby created in the state treasury. All expenses of the committee including staffing and administrative expenses shall be paid out of the deferred compensation administrative account. ~~((Notwithstanding RCW 43.84.090, all earnings of investments of balances in the deferred compensation administrative account shall be credited to this account.))~~ Any excess of earnings of investments of balances credited to this account over administrative expenses disbursed from this account shall be ~~((expended))~~ transferred to the deferred compensation principal account. Any deficiency in the deferred compensation administrative account caused by an excess of administrative expenses disbursed from this account over earnings of investments of balances credited to this account shall be transferred to this account from the deferred compensation principal account.

(5) In addition to the duties specified in this section and RCW 41.04.250, the deferred compensation committee shall administer the salary reduction plan established in RCW 41.04.600 through 41.04.645.

(6) The deferred compensation committee shall keep or cause to be kept full and adequate accounts and records of the assets, obligations, transactions, and affairs of any deferred compensation plans created under RCW 41.04.250 through 41.04.260.

The deferred compensation committee shall file an annual report of the financial condition, transactions, and affairs of the deferred compensation plans under the committee's jurisdiction. A copy of the annual report shall be filed with the speaker of the house of representatives, the president of the senate, the governor, and the state auditor.

(7) Members of the deferred compensation committee shall be deemed to stand in a fiduciary relationship to the employees participating in the deferred compensation plans created under RCW 41.04.250 through 41.04.260 and shall discharge the duties of their respective positions in good faith and with that

diligence, care, and skill which ordinary prudent persons would exercise under similar circumstances in like positions.

(8) The committee may adopt rules necessary to carry out the purposes of RCW 41.04.250 and 41.04.260.

Sec. 102. RCW 90.50A.020 and 1988 c 284 s 3 are each amended to read as follows:

(1) The water pollution control revolving fund is hereby established in the custody of the state treasurer. Moneys in this fund are not subject to legislative appropriation. Moneys in the fund may be spent only in a manner consistent with this chapter.

(2) The water pollution control revolving fund shall consist of:

(a) All capitalization grants provided by the federal government under the federal water quality act of 1987;

(b) All state matching funds appropriated or authorized by the legislature;

(c) Any other revenues derived from gifts or bequests pledged to the state for the purpose of providing financial assistance for water pollution control projects;

(d) All repayments of moneys borrowed from the fund;

(e) All interest payments made by borrowers from the fund;

(f) Any other fee or charge levied in conjunction with administration of the fund; and

(g) Any new funds as a result of leveraging.

~~((3) The state treasurer may invest and reinvest moneys in the water pollution control revolving fund in the manner provided by law. All earnings from such investment and reinvestment shall be credited to the water pollution control revolving fund.))~~

Sec. 103. RCW 2.14.080 and 1989 c 139 s 3 are each amended to read as follows:

(1) The administrator for the courts shall:

(a) Deposit or invest the contributions under RCW 2.14.090 in a credit union, savings and loan association, bank, or mutual savings bank;

(b) Purchase life insurance, shares of an investment company, or fixed and/or variable annuity contracts from any insurance company or investment company licensed to contract business in this state; or

(c) Invest in any of the class of investments described in RCW 43.84.150.

(2) The state investment board or the committee for deferred compensation, at the request of the administrator for the courts, may invest moneys in the principal account. Moneys invested by the investment board shall be invested in accordance with RCW 43.84.150. Moneys invested by the committee for deferred compensation shall be invested in accordance with RCW 41.04.250. Except as provided in RCW 43.33A.160 or as necessary to pay a pro rata share of expenses incurred by the committee for deferred compensation, one hundred percent of all earnings from these investments, exclusive of investment income

pursuant to RCW 43.84.080, shall accrue directly to the principal account. ~~((The earnings on any surplus balances in the principal account shall be credited to the principal account, notwithstanding RCW 43.84.090.))~~

Sec. 104. RCW 46.68.210 and 1990 c 42 s 411 are each amended to read as follows:

(1) The Puyallup tribal settlement account is hereby created in the motor vehicle fund. All moneys designated by the "Agreement between the Puyallup Tribe of Indians, local governments in Pierce county, the state of Washington, the United States of America, and certain private property owners," dated August 27, 1988, (the "agreement") for use by the department of transportation on the Blair project as described in the agreement shall be deposited into the account, including but not limited to federal appropriations for the Blair project, and appropriations contained in section 34, chapter 6, Laws of 1989 1st ex. sess. and section 709, chapter 19, Laws of 1989 1st ex. sess.

(2) All moneys deposited into the account shall be expended by the department of transportation pursuant to appropriation solely for the Blair project as described in the agreement.

~~((3) All earnings of investments of balances in the account shall be credited to the account.))~~

Sec. 105. RCW 81.100.070 and 1990 c 43 s 18 are each amended to read as follows:

Funds collected by the department of revenue or other entity under RCW 81.100.030, or by the department of licensing under RCW 81.100.060, less the deduction for collection expenses, shall be deposited in the high occupancy vehicle account hereby created in the custody of the state treasurer. On the first day of the months of January, April, July, and October of each year, the state treasurer shall distribute the funds in the account to the counties on whose behalf the funds were received. The state treasurer shall make the distribution under this section without appropriation. ~~((All earnings of investments of balances in this account shall be credited to this account except as provided in RCW 43.84.090 and 43.84.092.))~~

Sec. 106. RCW 28B.20.468 and 1990 c 282 s 4 are each amended to read as follows:

The Warren G. Magnuson institute trust fund is hereby established. The trust fund shall be administered by the state treasurer. Funds appropriated by the legislature for the trust fund shall be deposited into the trust fund. ~~((All moneys deposited in the trust fund shall be invested by the state treasurer. Notwithstanding RCW 43.84.090, all earnings of investments of balances of the trust fund shall be credited to the fund.))~~ At the request of the board of regents of the University of Washington, and when conditions set forth in RCW 28B.20.470 are met, the treasurer shall release state matching moneys in the fund to the University of Washington's local endowment fund. No appropriation is required for expenditures from the trust fund.

Sec. 107. RCW 28B.108.050 and 1990 c 287 s 6 are each amended to read as follows:

The American Indian endowed scholarship trust fund is established. The trust fund shall be administered by the state treasurer. Funds appropriated by the legislature for the trust fund shall be deposited into the fund. ~~((All moneys deposited in the fund shall be invested by the state treasurer. Notwithstanding RCW 43.84.090, all earnings of investments of balances of the trust fund shall be credited to the fund.))~~ At the request of the higher education coordinating board, and when conditions set forth in RCW 28B.108.070 are met, the treasurer shall deposit state matching moneys in the trust fund into the American Indian endowment fund. No appropriation is required for expenditures from the trust fund.

Sec. 108. RCW 28B.50.837 and 1990 c 29 s 2 are each amended to read as follows:

(1) The Washington community college exceptional faculty awards program is established. The program shall be administered by the state board for community college education. The community college faculty awards trust fund hereby created shall be administered by the state treasurer.

(2) Funds appropriated by the legislature for the community college exceptional faculty awards program shall be deposited in the community college faculty awards trust fund. ~~((All moneys deposited in the fund shall be invested by the state treasurer. Notwithstanding RCW 43.84.090, all earnings of investments of balances in the fund shall be credited to the fund.))~~ At the request of the state board for community college education, the treasurer shall release the state matching funds to the designated institution's local endowment fund. No appropriation is necessary for the expenditure of moneys from the fund.

Sec. 109. RCW 28B.50.837 and 1991 c 238 s 63 are each amended to read as follows:

(1) The Washington community and technical college exceptional faculty awards program is established. The program shall be administered by the college board. The college faculty awards trust fund hereby created shall be administered by the state treasurer.

(2) Funds appropriated by the legislature for the community and technical college exceptional faculty awards program shall be deposited in the college faculty awards trust fund. ~~((All moneys deposited in the fund shall be invested by the state treasurer. Notwithstanding RCW 43.84.090, all earnings of investments of balances in the fund shall be credited to the fund.))~~ At the request of the college board, the treasurer shall release the state matching funds to the designated institution's local endowment fund. No appropriation is necessary for the expenditure of moneys from the fund.

Sec. 110. RCW 28B.108.060 and 1990 c 287 s 7 are each amended to read as follows:

The American Indian scholarship endowment fund is established. The endowment fund shall be administered by the state treasurer. Moneys received from the higher education coordinating board, private donations, state matching moneys, and funds received from any other source may be deposited into the endowment fund. ~~((All moneys deposited in the endowment fund shall be invested by the state treasurer. Notwithstanding RCW 43.84.090, all earnings of investments of balances of the endowment fund shall be credited to the endowment fund.))~~ At the request of the higher education coordinating board, the treasurer shall release earnings from the endowment fund to the board for scholarships. No appropriation is required for expenditures from the endowment fund.

The principal of the endowment fund shall not be invaded. The earnings on the fund shall be used solely for the purposes set forth in RCW 28B.108.040.

Sec. 111. RCW 41.48.065 and 1983 1st ex.s. c 6 s 1 are each amended to read as follows:

There is hereby established a separate fund in the custody of the state treasurer to be known as the OASI revolving fund. The fund shall consist of all moneys designated for deposit in the fund ~~((and the interest earnings therefrom))~~. The OASI revolving fund shall be used exclusively for the purpose of this section. Withdrawals from the fund shall be made for the payment of amounts the state may be obligated to pay or forfeit by reason of any failure of any public agency to pay assessments on contributions or interest assessments required under the federal-state agreement under this chapter or federal regulations.

The treasurer of the state shall be ex officio treasurer and custodian of the fund and shall administer the fund in accordance with this chapter and the directions of the governor and shall pay all amounts drawn upon it in accordance with this section and with the regulations the governor may prescribe under this section.

Sec. 112. RCW 41.48.060 and 1973 c 126 s 14 are each amended to read as follows:

(1) There is hereby established a special ~~((fund))~~ account in the state treasury to be known as the OASI contribution ~~((fund. All interest earnings presently in and all interest earnings accruing to this fund in accordance with RCW 39.58.120 shall be deposited in the state's general fund))~~ account. Such ~~((fund))~~ account shall consist of and there shall be deposited in such ~~((fund))~~ account: (a) All contributions and penalties collected under RCW 41.48.040 and 41.48.050; (b) all moneys appropriated thereto under this chapter; (c) any property or securities belonging to the ~~((fund))~~ account; and (d) all sums recovered upon the bond of the custodian or otherwise for losses sustained by the ~~((fund))~~ account and all other moneys received for the ~~((fund))~~ account from any other source. All moneys in the ~~((fund))~~ account shall be mingled and undivided. Subject to the provisions of this chapter, the governor is vested with full power, authority and jurisdiction over the ~~((fund))~~ account, including all

moneys and property or securities belonging thereto, and may perform any and all acts whether or not specifically designated, which are necessary to the administration thereof and are consistent with the provisions of this chapter.

(2) The OASI contribution (~~((fund))~~) account shall be established and held separate and apart from any other funds of the state and shall be used and administered exclusively for the purpose of this chapter. Withdrawals from such (~~((fund))~~) account shall be made for, and solely for (a) payment of amounts required to be paid to the secretary of the treasury pursuant to an agreement entered into under RCW 41.48.030; (b) payment of refunds provided for in RCW 41.48.040(3); and (c) refunds of overpayments, not otherwise adjustable, made by a political subdivision or instrumentality.

(3) From the OASI contribution (~~((fund))~~) account the custodian of the fund shall pay to the secretary of the treasury such amounts and at such time or times as may be directed by the governor in accordance with any agreement entered into under RCW 41.48.030 and the social security act.

(4) The treasurer of the state shall be ex officio treasurer and custodian of the OASI contribution (~~((fund))~~) account and shall administer such (~~((fund))~~) account in accordance with the provisions of this chapter and the directions of the governor and shall pay all warrants drawn upon it in accordance with the provisions of this section and with the regulations as the governor may prescribe pursuant thereto.

Sec. 113. RCW 28A.520.020 and 1990 c 33 s 430 are each amended to read as follows:

(1) There shall be a fund known as the federal forest revolving (~~((fund))~~) account. The state treasurer, who shall be custodian of the revolving (~~((fund))~~) account, shall deposit into the revolving (~~((fund))~~) account the funds for each county received by the state in accordance with Title 16, section 500, United States Code. The state treasurer shall distribute these moneys to the counties according to the determined proportional area. The county legislative authority shall expend fifty percent of the money for the benefit of the public roads and other public purposes as authorized by federal statute or public schools of such county and not otherwise. Disbursements by the counties of the remaining fifty percent of the money shall be as authorized by the superintendent of public instruction, or the superintendent's designee, and shall occur in the manner provided in subsection (2) of this section.

(2) No later than thirty days following receipt of the funds from the federal government, the superintendent of public instruction shall apportion moneys distributed to counties for schools to public school districts in the respective counties in proportion to the number of full time equivalent students enrolled in each public school district to the number of full time equivalent students enrolled in public schools in the county. In apportioning these funds, the superintendent of public instruction shall utilize the October enrollment count.

(3) If the amount received by any public school district pursuant to subsection (2) of this section is less than the basic education allocation to which the district would otherwise be entitled, the superintendent of public instruction shall apportion to the district, in the manner provided by RCW 28A.510.250, an amount which shall be the difference between the amount received pursuant to subsection (2) of this section and the basic education allocation to which the district would otherwise be entitled.

(4) All federal forest funds shall be expended in accordance with the requirements of Title 16, section 500, United States Code, as now existing or hereafter amended.

Sec. 114. RCW 2.10.080 and 1981 c 3 s 22 are each amended to read as follows:

(1) The state treasurer shall be the custodian of all funds and securities of the retirement system. Disbursements from this fund shall be made by the state treasurer upon receipt of duly authorized vouchers.

(2) The state treasurer is hereby authorized and directed to deposit any portion of the funds of the retirement system not needed for immediate use in the same manner and subject to all the provisions of law with respect to the deposit of state funds by such treasurer(~~(, and)~~). All ((interest)) investment income earned by such portion of the retirement system's funds as may be deposited by the state treasurer in pursuance of authority herewith given shall be collected by him or her and placed to the credit of the retirement fund, less the allocation to the state investment board expense account pursuant to RCW 43.33A.160 and to the state treasurer's service fund pursuant to RCW 43.08.190.

(3) The state investment board established by RCW 43.33A.020 has full power to invest or reinvest the funds of this system in those classes of investments authorized by RCW 43.84.150.

(4) For the purpose of providing amounts to be used to defray the cost of administration, the judicial retirement board shall ascertain at the beginning of each biennium and request from the legislature an appropriation sufficient to cover estimated expenses for the said biennium.

Sec. 115. RCW 43.160.080 and 1987 c 422 s 6 are each amended to read as follows:

There shall be a fund known as the public facilities construction loan revolving (~~fund~~) account, which shall consist of all moneys collected under this chapter, except moneys of the board collected in connection with the issuance of industrial development revenue bonds, and any moneys appropriated to it by law: PROVIDED, That seventy-five percent of all principal and interest payments on loans made with the proceeds deposited in the (~~fund~~) account under section 901, chapter 57, Laws of 1983 1st ex. sess. shall be deposited in the general fund as reimbursement for debt service payments on the bonds authorized in RCW 43.83.184. The state treasurer shall be custodian of the revolving (~~fund~~) account. Disbursements from the revolving (~~fund~~) account shall be on

authorization of the board. In order to maintain an effective expenditure and revenue control, the public facilities construction loan revolving ~~((fund))~~ account shall be subject in all respects to chapter 43.88 RCW, but no appropriation is required to permit expenditures and payment of obligations from the ~~((fund-~~

~~Moneys in this fund not needed to meet the current expenses and obligations of the board shall be invested in the manner authorized for moneys in revolving funds. Any interest earned shall be deposited in this fund and shall be used for the purposes specified in this chapter. The state treasurer shall render reports to the board advising of the status of any funds invested, the market value of the assets as of the date the statement is rendered, and the income received from the investments during the period covered by the report))~~ account.

Sec. 116. RCW 74.18.230 and 1985 c 97 s 2 and 1985 c 57 s 72 are each renumbered and amended to read as follows:

(1) There is established in the state treasury an account known as the business enterprises revolving account.

(2) The net proceeds from any vending machine operation in a public building, other than an operation managed by a licensee, shall be made payable to the business enterprises revolving fund. Net proceeds, for purposes of this section, means the gross amount received less the costs of the operation, including a fair minimum return to the vending machine owner, which return shall not exceed a reasonable amount to be determined by the department.

(3) All moneys in the business enterprises revolving fund shall be expended only for development and expansion of locations, equipment, management services, and payments to licensees in the business enterprises program.

(4) The business enterprises program shall be supported by the business enterprises revolving fund and by income which may accrue to the department pursuant to the federal Randolph-Sheppard Act.

(5) Vocational rehabilitation funds may be spent in connection with the business enterprises program for training persons to become licensees and for other services that are required to complete an individual written rehabilitation program.

~~(((6) All earnings of investments of balances in the business enterprises revolving account shall be credited to the business enterprises revolving account.))~~

Sec. 117. RCW 28B.20.253 and 1975-'76 2nd ex.s. c 12 s 2 are each amended to read as follows:

(1) A self-insurance revolving fund in the custody of the treasurer is hereby created to be used solely and exclusively by the board of regents of the University of Washington for the following purposes:

(a) The payment of judgments against the university, its schools, colleges, departments, and hospitals and against its regents, officers, employees, agents, and students for whom the defense of an action, claim, or proceeding has been provided pursuant to RCW 28B.20.250.

(b) The payment of claims against the university, its schools, colleges, departments, and hospitals and against its regents, officers, employees, agents, and students for whom the defense of an action, claim, or proceeding has been provided pursuant to RCW 28B.20.250: PROVIDED, That payment of claims in excess of twenty-five hundred dollars must be approved by the state attorney general.

(c) For the cost of investigation, administration, and defense of actions, claims, or proceedings, and other purposes essential to its liability program.

(2) Said self-insurance revolving fund shall consist of periodic payments by the University of Washington from any source available to it in such amounts as are deemed reasonably necessary to maintain the fund at levels adequate to provide for the anticipated cost of payments of incurred claims and other costs to be charged against the fund.

(3) No money shall be paid from the self-insurance revolving fund unless first approved by the board of regents, and unless all proceeds available to the claimant from any valid and collectible liability insurance shall have been exhausted.

(4) The state investment board shall invest moneys in the self-insurance revolving fund. Moneys invested by the investment board shall be invested in accordance with RCW 43.84.150.

Sec. 118. RCW 79.71.090 and 1991 c 352 s 8 are each amended to read as follows:

There is hereby created the natural resources conservation areas stewardship account in the state treasury to ensure proper and continuing management of land acquired or designated pursuant to this chapter. Funds for the stewardship account shall be derived from appropriations of state general funds, federal funds, grants, donations, gifts, bond issue receipts, securities, and other monetary instruments of value. Income derived from the management of natural resources conservation areas shall also be deposited in this stewardship account. ~~((The state treasurer may not deduct a fee for managing the funds in the stewardship account.))~~

Appropriations from this account to the department shall be expended for no other purpose than the following: (1) To manage the areas approved by the legislature in fulfilling the purposes of this chapter; (2) to manage property acquired as natural area preserves under chapter 79.70 RCW; (3) to manage property transferred under the authority and appropriation provided by the legislature to be managed under chapter 79.70 RCW or this chapter or acquired under chapter 43.98A RCW; and (4) to pay for operating expenses for the natural heritage program under chapter 79.70 RCW.

Sec. 119. RCW 81.100.070 and 1990 c 43 s 18 are each amended to read as follows:

Funds collected by the department of revenue or other entity under RCW 81.100.030, or by the department of licensing under RCW 81.100.060, less the

deduction for collection expenses, shall be deposited in the high occupancy vehicle account hereby created in the custody of the state treasurer. On the first day of the months of January, April, July, and October of each year, the state treasurer shall distribute the funds in the account to the counties on whose behalf the funds were received. The state treasurer shall make the distribution under this section without appropriation. ~~((All earnings of investments of balances in this account shall be credited to this account except as provided in RCW 43.84.090 and 43.84.092.))~~

Sec. 120. RCW 47.76.160 and 1991 c 363 s 127 are each amended to read as follows:

(1) The essential rail banking account is created in the state treasury. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for the purposes specified in this section.

(2) Moneys in the account may be used by the department to:

(a) Purchase unused rail rights of way; or

(b) Provide up to eighty percent of the funding through loans to first class cities, port districts, counties, and county rail districts to purchase unused rail rights of way.

(3) Use of the moneys pursuant to subsection (2) of this section shall be for rights of way that meet the following criteria:

(a) The right of way has been identified, evaluated, and analyzed in the state rail plan prepared pursuant to this chapter;

(b) The right of way may be or has been abandoned;

(c) The right of way has potential for future rail service; and

(d) Reestablishment of rail service would benefit the state of Washington; and this benefit shall be based on the public and private costs and benefits of reestablishing the service compared with alternative service including necessary road improvement costs, or of taking no action.

Funds in the account may be expended for this purpose only with legislative appropriation. Funds for acquisition of any line shall be expended only after obtaining the approval of the legislative transportation committee. The department may also expend funds from the receipt of a donation of funds sufficient to cover the property acquisition and management costs. The department may receive donations of funds for this purpose, which shall be conditioned upon, and made in consideration for the repurchase rights contained in RCW 47.76.040. The department or the participating local jurisdiction shall be responsible for maintaining the right of way, including provisions for fire and weed control and for liability associated with ownership. Nothing in this section and in RCW 47.76.140 and 47.76.030 shall be interpreted or applied so as to impair the reversionary rights of abutting landowners, if any, without just compensation.

~~((4) All earnings of investments of balances in the essential rail banking account shall be credited to that account except as provided in RCW 43.84.090 and 43.84.092.))~~

Sec. 121. RCW 47.78.010 and 1990 c 43 s 47 are each amended to read as follows:

There is hereby established in the state treasury the high capacity transportation account. Money in the account shall be used, after appropriation, for local high capacity transportation purposes including rail freight. ~~((All earnings of investments of any balances in the high capacity transportation account shall be credited to the account except as provided in RCW 43.84.090 and 43.84.092.))~~

NEW SECTION. Sec. 122. The following acts or parts of acts are each repealed:

(1) RCW 43.84.090 and 1990 2nd ex.s. c 1 s 203, 1990 c 106 s 5, 1985 c 233 s 5, 1981 c 242 s 2, 1975-'76 2nd ex.s. c 123 s 1, 1969 c 50 s 1, 1967 c 66 s 1, 1965 ex.s. c 82 s 1, & 1965 c 8 s 43.84.090;

(2) RCW 43.185.040 and 1986 c 298 s 5;

(3) RCW 46.09.290 and 1986 c 206 s 14;

(4) RCW 70.48.120 and 1987 c 462 s 8, 1986 c 118 s 8, 1981 c 276 s 1, & 1977 ex.s. c 316 s 12;

(5) RCW 43.31.958 and 1985 c 57 s 31 & 1979 ex.s. c 260 s 2;

(6) RCW 43.99C.040 and 1985 c 57 s 55 & 1979 ex.s. c 221 s 7;

(7) RCW 27.60.060 and 1985 c 291 s 3, 1985 c 57 s 8, & 1984 c 120 s 2;

(8) RCW 28B.31.040 and 1985 c 57 s 14 & 1977 ex.s. c 344 s 4;

(9) RCW 75.48.030 and 1985 c 57 s 73, 1983 1st ex.s. c 46 s 163, & 1977 ex.s. c 308 s 3;

(10) RCW 28B.56.030 and 1985 c 57 s 17 & 1972 ex.s. c 133 s 3;

(11) RCW 43.83I.166 and 1985 c 57 s 50 & 1979 ex.s. c 224 s 4;

(12) RCW 36.22.180 and 1989 c 204 s 4;

(13) RCW 43.79.415 and 1974 ex.s. c 53 s 1 & 1973 1st ex.s. c 129 s 1;
and

(14) RCW 79.64.055 and 1967 ex.s. c 63 s 3.

***Sec. 123.** RCW 82.14.050 and 1991 1st ex.s. c . . . s 34 (section 34 of this act) are each amended to read as follows:

The counties, cities, and transportation authorities under RCW 82.14.045 and public facilities of districts under chapter 36.100 RCW shall contract, prior to the effective date of a resolution or ordinance imposing a sales and use tax, the administration and collection to the state department of revenue, which shall deduct a percentage amount, as provided by contract, not to exceed two percent of the taxes collected for administration and collection expenses incurred by the department. The remainder of any portion of any tax authorized by this chapter which is collected by the department of revenue shall be deposited by the state department of revenue in the local sales and use tax account hereby created in the state treasury. Moneys in the local sales and

use tax account may be spent only for distribution to counties, cities, transportation authorities, and public facilities districts imposing a sales and use tax. All administrative provisions in chapters 82.03, 82.08, 82.12, and 82.32 RCW, as they now exist or may hereafter be amended, shall, insofar as they are applicable to state sales and use taxes, be applicable to taxes imposed pursuant to this chapter. ((Except as provided in RCW 43.08.190,)) All earnings of investments of balances in the local sales and use tax account shall be credited to the local sales and use tax account and distributed to the counties, cities, transportation authorities, and public facilities districts monthly.

*Sec. 123 was vetoed, see message at end of chapter.

*Sec. 124. RCW 28B.30.730 and 1991 1st ex.s. c . . . s 50 (section 50 of this act) are each amended to read as follows:

For the purpose of financing the cost of any projects, the board is hereby authorized to adopt the resolution or resolutions and prepare all other documents necessary for the issuance, sale and delivery of the bonds or any part thereof at such time or times as it shall deem necessary and advisable. Said bonds:

(1) Shall not constitute

(a) An obligation, either general or special, of the state; or

(b) A general obligation of Washington State University or of the board;

(2) Shall be

(a) Either registered or in coupon form; and

(b) Issued in denominations of not less than one hundred dollars; and

(c) Fully negotiable instruments under the laws of this state; and

(d) Signed on behalf of the university by the president of the board, attested by the secretary or the treasurer of the board, have the seal of the university impressed thereon or a facsimile of such seal printed or lithographed in the bottom border thereof, and the coupons attached thereto shall be signed with the facsimile signatures of such president and secretary;

(3) Shall state

(a) The date of issue; and

(b) The series of the issue and be consecutively numbered within the series; and

(c) That the bond is payable both principal and interest solely out of the bond retirement fund;

(4) Each series of bonds shall bear interest, payable either annually or semiannually, as the board may determine;

(5) Shall be payable both principal and interest out of the bond retirement fund;

(6) Shall be payable at such times over a period of not to exceed forty years from date of issuance, at such place or places, and with such reserved rights of prior redemption, as the board may prescribe;

(7) *Shall be sold in such manner and at such price as the board may prescribe;*

(8) *Shall be issued under and subject to such terms, conditions and covenants providing for the payment of the principal thereof and interest thereon and such other terms, conditions, covenants and protective provisions safeguarding such payment, not inconsistent with RCW 28B.30.700 through 28B.30.780, and as found to be necessary by the board for the most advantageous sale thereof, which may include but not be limited to:*

(a) *A covenant that the building fees shall be established, maintained and collected in such amounts that will provide money sufficient to pay the principal of and interest on all bonds payable out of the bond retirement account, to set aside and maintain the reserves required to secure the payment of such principal and interest, and to maintain any coverage which may be required over such principal and interest;*

(b) *A covenant that a reserve account shall be created in the bond retirement fund to secure the payment of the principal of and interest on all bonds issued and a provision made that certain amounts be set aside and maintained therein;*

(c) *A covenant that sufficient moneys may be transferred from the Washington State University building account to the bond retirement account when ordered by the board of regents in the event there is ever an insufficient amount of money in the bond retirement account to pay any installment of interest or principal and interest coming due on the bonds or any of them;*

(d) *A covenant fixing conditions under which bonds on a parity with any bonds outstanding may be issued.*

The proceeds of the sale of all bonds shall be deposited in the state treasury to the credit of the Washington State University building account and shall be used solely for paying the costs of the projects. The Washington State University building account shall be credited with the investment income derived pursuant to RCW 43.84.080 on the investible balances of scientific permanent fund and agricultural permanent fund(~~(, less the allocation to the state treasurers' service account pursuant to RCW 43.08.190)).~~)

*Sec. 124 was vetoed, see message at end of chapter.

*Sec. 125. RCW 43.84.092 and 1991 1st ex.s. c . . . s 57 (section 57 of this act) are each amended to read as follows:

(1) *All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.*

(2) *Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit ~~((the general fund with all the earnings credited to the treasury income account except~~*

~~(a))~~ *the ((following)) various accounts and funds ((shall receive)) in the state treasury with eighty percent of their proportionate share of earnings*

~~based upon each account's and fund's average daily balance for the period((
 The capitol building construction account, the Cedar River channel construction
 and operation account, the Central Washington University capital projects
 account, the charitable, educational, penal and reformatory institutions
 account, the common school construction fund, the county criminal justice
 assistance account, the county sales and use tax equalization account, the
 deferred compensation administrative account, the deferred compensation
 principal account, the department of retirement systems expense account, the
 Eastern Washington University capital projects account, the federal forest
 revolving account, the industrial insurance premium refund account, the
 judges' retirement account, the judicial retirement administrative account, the
 judicial retirement principal account, the local leasehold excise tax account,
 the local sales and use tax account, the medical aid account, the municipal
 criminal justice assistance account, the municipal sales and use tax equaliza-
 tion account, the natural resources deposit account, the perpetual surveillance
 and maintenance account, the public employees' retirement system plan I
 account, the public employees' retirement system plan II account, the public
 service revolving fund, the Puyallup tribal settlement account, the resource
 management cost account, the site closure account, the special wildlife
 account, the state employees' insurance account, the state employees'
 insurance reserve account, the state investment board expense account, the
 state investment board commingled trust fund accounts, the supplemental
 pension account, the teachers' retirement system plan I account, the teachers'
 retirement system plan II account, the University of Washington bond
 retirement fund, the University of Washington building account, the volunteer
 fire fighters' relief and pension principal account, the volunteer fire fighters'
 relief and pension administrative account, the Washington judicial retirement
 system account, the Washington law enforcement officers' and fire fighters'
 system plan I retirement account, the Washington law enforcement officers'
 and fire fighters' system plan II retirement account, the Washington state
 patrol retirement account, the Washington State University building account,
 the Washington State University bond retirement fund, and the Western
 Washington University capital projects account. Earnings derived from
 investing balances of the agricultural permanent fund, the normal school
 permanent fund, the permanent common school fund, the scientific permanent
 fund, and the state university permanent fund shall be allocated to their
 respective beneficiary accounts. All earnings to be distributed under this
 subsection (2)(a) shall first be reduced by the allocation to the state treasurer's
 service account pursuant to RCW 43.08.190.~~

~~(b) The following accounts and funds shall receive eighty percent of their
 proportionate share of earnings based upon each account's or fund's average
 daily balance for the period: The central Puget Sound public transportation
 account, the city hardship assistance account, the county arterial preservation
 account, the economic development account, the essential rail assistance~~

~~account, the essential rail banking account, the ferry bond retirement fund, the grade crossing protective fund, the high capacity transportation account, the highway bond retirement fund, the highway construction stabilization account, the highway safety account, the motor vehicle fund, the motorecycle safety education account, the pilotage account, the public transportation systems account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the recreational vehicle account, the rural arterial trust account, the special category C account, the state patrol highway account, the transfer relief account, the transportation capital facilities account, the transportation equipment fund, the transportation fund, the transportation improvement account, and the urban arterial trust account))~~ and shall credit the general fund with the remaining twenty percent except:

(a) The following funds and accounts shall receive one hundred percent of their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The aquatic land dredged material disposal site account; the basic health plan trust account; the business enterprises revolving account; the coastal protection fund; the deferred compensation administrative account; the deferred compensation principal account; the grain indemnity fund; the institutions of higher education refunding bond retirement fund of 1977; the judicial retirement administrative account; the landowner contingency forest fire suppression account; the liability account; the low-income weatherization assistance account; the OASI revolving fund; the principal account; the public facilities construction loan revolving account; the Puyallup tribal settlement account; the risk management account; the state and local improvements revolving account; Waste Disposal Facilities, 1980; the state employees' insurance account; the state investment board expense account; the tuition recovery fund; and the University of Washington bond retirement fund.

(b) The general fund shall receive one hundred percent of the proportionate share of earnings of the following accounts and funds based upon each account's and fund's average daily balance for the period: The aeronautics account; the agency payroll revolving fund; the aircraft search and rescue, safety, and education account; the architects' license account; the archives and record management account; the budget stabilization account; the certified public accountants' account; the charitable, educational, penal and reformatory institutions account; the 1975 community college capital construction account; the community college capital projects account; the county sales and use tax equalization account; the death investigations' account; the flood control assistance account; the geothermal account; the health professions account; the hospital commission; the hospital data collection account; the industrial insurance premium refund account; the institutional impact account; the litter control account; the marine fuel tax refund account; the medical disciplinary account; the motor transport account; the municipal sales and use tax equalization account; the outdoor recreation account; the parkland

acquisition account; the professional engineers' account; the public safety and education account; the snowmobile account; the special fund salary and insurance contribution increase revolving fund; the special fund semimonthly payroll revolving fund; the special grass seed burning research account; the surveys and maps account; the state building construction account; the state capitol historical association museum account; the state capitol vehicle parking account; the state educational grant account; the state higher education construction account; the state school equalization fund; the timber tax distribution account; the trust land purchase account; and the winter recreational program account.

(c) The state treasurer's service fund shall receive eighty percent of the proportionate share of earnings of the following funds and accounts based upon each account's and fund's average daily balance for the period and the general fund shall receive the remaining twenty percent: The federal forest revolving fund; the liquor excise tax fund; the treasury income account; the suspense account; the undistributed receipts account; the state payroll revolving account; the agency vendor payment revolving fund; and the local leasehold excise tax account.

(3) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

*Sec. 125 was vetoed, see message at end of chapter.

*Sec. 126. RCW 28A.515.320 and 1991 1st ex.s. c . . . s 58 (section 58 of this act) are each amended to read as follows:

The common school construction fund is to be used exclusively for the purpose of financing the construction of facilities for the common schools. The sources of said fund shall be: (1) Those proceeds derived from sale or appropriation of timber and other crops from school and state land other than those granted for specific purposes; (2) the interest accruing on the permanent common school fund (~~less the allocations to the state treasurer's service account pursuant to RCW 43.08.190 and the state investment board expense account pursuant to RCW 43.33A.160~~) together with all rentals and other revenue derived therefrom and from land and other property devoted to the permanent common school fund; (3) all moneys received by the state from the United States under the provisions of section 191, Title 30, United State Code, Annotated, and under section 810, chapter 12, Title 16, (Conservation), United States Code, Annotated, except moneys received before June 30, 2001, and when thirty megawatts of geothermal power is certified as commercially available by the receiving utilities and the state energy office, eighty percent of such moneys, under the Geothermal Steam Act of 1970 pursuant to RCW 43.140.030; and (4) such other sources as the legislature may direct. That portion of the common school construction fund derived from interest on the permanent common school fund may be used to retire such bonds as may be

authorized by law for the purpose of financing the construction of facilities for the common schools.

The interest accruing on the permanent common school fund (~~less the allocation to the state treasurer's service account pursuant to RCW 43.08.190 and the state investment board expense account pursuant to RCW 43.33A.160~~) together with all rentals and other revenues accruing thereto pursuant to subsection (2) of this section prior to July 1, 1967, shall be exclusively applied to the current use of the common schools.

To the extent that the moneys in the common school construction fund are in excess of the amount necessary to allow fulfillment of the purpose of said fund, the excess shall be available for deposit to the credit of the permanent common school fund or available for the current use of the common schools, as the legislature may direct. Any money from the common school construction fund which is made available for the current use of the common schools shall be restored to the fund by appropriation, including interest income foregone, before the end of the next fiscal biennium following such use.

**Sec. 126 was vetoed, see message at end of chapter.*

**Sec. 127. RCW 43.200.080 and 1991 1st ex.s. c . . . s 60 (section 60 of this act) are each amended to read as follows:*

The director of ecology shall, in addition to the powers and duties otherwise imposed by law, have the following special powers and duties:

(1) To fulfill the responsibilities of the state under the lease between the state of Washington and the federal government executed September 10, 1964, covering one thousand acres of land lying within the Hanford reservation near Richland, Washington. The department of ecology may sublease to private or public entities all or a portion of the land for specific purposes or activities which are determined, after public hearing, to be in agreement with the terms of the lease and in the best interests of the citizens of the state consistent with any criteria that may be developed as a requirement by the legislature;

(2) To assume the responsibilities of the state under the perpetual care agreement between the state of Washington and the federal government executed July 29, 1965 and the sublease between the state of Washington and the site operator of the Hanford low-level radioactive waste disposal facility. In order to finance perpetual surveillance and maintenance under the agreement and ensure site closure under the sublease, the department of ecology shall impose and collect fees from parties holding radioactive materials for waste management purposes. The fees shall be established by rule adopted under chapter 34.05 RCW and shall be an amount determined by the department of ecology to be necessary to defray the estimated liability of the state. Such fees shall reflect equity between the disposal facilities of this and other states. A site closure account and a perpetual surveillance and maintenance account is hereby created in the state treasury. The site closure account shall be exclusively available to reimburse, to the extent that moneys

are available in the account, the site operator for its costs plus a reasonable profit as agreed by the operator and the state, or to reimburse the state licensing agency and any agencies under contract to the state licensing agency for their costs in final closure and decommissioning of the Hanford low-level radioactive waste disposal facility. If a balance remains in the account after satisfactory performance of closure and decommissioning, this balance shall be transferred to the perpetual surveillance and maintenance account. The perpetual surveillance and maintenance account shall be used exclusively by the state to meet post-closure surveillance and maintenance costs, or for otherwise satisfying surveillance and maintenance obligations. Appropriations are required to permit expenditures and payment of obligations from the site closure account and the perpetual surveillance and maintenance account. All moneys, including earnings from the investment of balances in the site closure and the perpetual surveillance and maintenance account(~~(, less the allocation to the state treasurer's service account, pursuant to RCW 43.08.190 accruing under the authority of this section)~~) shall be directed to the site closure account until December 31, 1992. Thereafter receipts including earnings from the investment of balances in the site closure and the perpetual surveillance and maintenance account(~~(, less the allocation to the state treasurer's service account, pursuant to RCW 43.08.190)~~) shall be directed to the site closure account and the perpetual surveillance and maintenance account as specified by the department. Additional moneys specifically appropriated by the legislature or received from any public or private source may be placed in the site closure account and the perpetual surveillance and maintenance account;

(3) To assure maintenance of such insurance coverage by state licensees, lessees, or sublessees as will adequately, in the opinion of the director, protect the citizens of the state against nuclear accidents or incidents that may occur on privately or state-controlled nuclear facilities;

(4) To institute a user permit system and issue site use permits, consistent with regulatory practices, for generators, packagers, or brokers using the Hanford low-level radioactive waste disposal facility. The costs of administering the user permit system shall be borne by the applicants for site use permits. The site use permit fee shall be set at a level that is sufficient to fund completely the executive and legislative participation in activities related to the Northwest Interstate Compact on Low-Level Radioactive Waste Management;

(5) To make application for or otherwise pursue any federal funds to which the state may be eligible, through the federal resource conservation and recovery act or any other federal programs, for the management, treatment or disposal, and any remedial actions, of wastes that are both radioactive and hazardous at all Hanford low-level radioactive waste disposal facilities; and

(6) To develop contingency plans for duties and options for the department and other state agencies related to the Hanford low-level radioactive waste disposal facility based on various projections of annual levels of waste disposal. These plans shall include an analysis of expected revenue to the state in

various taxes and funds related to low-level radioactive waste disposal and the resulting implications that any increase or decrease in revenue may have on state agency duties or responsibilities. The plans shall be updated annually. The department shall report annually on the plans and on the balances in the site closure and perpetual surveillance accounts to the energy and utilities committees of the senate and the house of representatives.

*Sec. 127 was vetoed, see message at end of chapter.

**Sec. 128. RCW 28B.30.741 and 1991 1st ex.s. c . . . s 76 (section 76 of this act) are each amended to read as follows:*

All moneys received from the lease or rental of lands set apart by the enabling act for a scientific school; all interest or income arising from the proceeds of the sale of such lands or of the timber, fallen timber, stone, gravel or other valuable material thereon(~~(, except for investment income derived pursuant to RCW 43.84.080 and, less the allocation to the state investment board expense account pursuant to RCW 43.33A.160)~~); and all moneys received as interest on deferred payments on contracts for the sale of such lands shall be deposited in the "Washington State University bond retirement fund" to be expended for the purposes set forth in RCW 28B.30.740.

*Sec. 128 was vetoed, see message at end of chapter.

**Sec. 129. RCW 28B.30.742 and 1991 1st ex.s. c . . . s 77 (section 77 of this act) are each amended to read as follows:*

Whenever federal law shall permit all moneys received from the lease or rental of lands set apart by the enabling act for an agricultural college, all interest or income arising from the proceeds of the sale of such lands or of the timber, fallen timber, stone, gravel or other valuable material thereon(~~(, except for investment income derived pursuant to RCW 43.84.080 and, less the allocation to the state investment board expense account pursuant to RCW 43.33A.160)~~); and all moneys received as interest on deferred payments on contracts for the sale of such lands shall be deposited in the Washington State University bond retirement fund to be expended for the purposes set forth in RCW 28B.30.740.

*Sec. 129 was vetoed, see message at end of chapter.

**Sec. 130. RCW 43.79A.040 and 1991 1st ex.s. c . . . s 82 (section 82 of this act) are each amended to read as follows:*

(1) Money in the treasurer's trust fund may be deposited, invested and reinvested by the state treasurer in accordance with RCW 43.84.080 in the same manner and to the same extent as if the money were in the state treasury.

(2) All income received from investment of the treasurer's trust fund shall be set aside in an account in the treasury trust fund to be known as the investment income account. Monthly, the state treasurer shall distribute the earnings credited to the investment income account (~~(to the state general fund except:~~

~~(a) The following). The state treasurer shall credit the various accounts and funds (shall receive) with eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: (The American Indian scholarship endowment fund, the energy account, the game farm alternative account, and the self-insurance revolving fund. However, the earnings to be distributed shall first be reduced by the allocation to the state treasurer's service account pursuant to RCW 43.08.190.~~

~~(b) The following accounts and funds shall receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The advanced right of way revolving fund, the federal narcotics asset forfeitures account, the ferry system account, the ferry system insurance claim reserve account, the ferry system operation and maintenance account, the ferry system revenue account, the ferry system revenue bond account, the ferry system revolving account, the high occupancy vehicle account, and the local rail service assistance account) and shall credit the general fund with the remaining twenty percent, except that the following accounts and funds shall receive one hundred percent of their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The American Indian endowed scholarship trust fund; the American Indian scholarship endowment fund; the mobile home park relocation fund; the pollution liability insurance program trust account; the unemployment compensation fund; the Warren G. Magnuson institute trust fund; the Washington community college faculty awards trust fund; the Washington distinguished professorship trust fund; the Washington graduate fellowship trust fund; and the water pollution control revolving fund.~~

(3) In conformance with Article II, section 37 of the state Constitution, no trust accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

*Sec. 130 was vetoed, see message at end of chapter.

*Sec. 131. RCW 43.08.190 and 1991 1st ex.s. c . . . s 83 (section 83 of this act) are each amended to read as follows:

There is hereby created a fund within the state treasury to be known as the "state treasurer's service fund". Such fund shall be used solely for the payment of costs and expenses incurred in the operation and administration of the state treasurer's office.

~~((Moneys shall be allocated monthly and placed in the state treasurer's service fund equivalent to a maximum of one percent of the trust and treasury average daily cash balances from the earnings generated under the authority of RCW 43.79A.040 and 43.84.080 other than earnings generated from investment of balances in funds and accounts specified in RCW 43.79.040(2)(b) or 43.84.092(2)(b). The allocation shall precede the distribution of the remaining earnings as prescribed under RCW 43.79A.040 and 43.84.092. The~~

~~state treasurer shall establish a uniform allocation rate based on the appropriations for the treasurer's office.)~~

*Sec. 131 was vetoed, see message at end of chapter.

***Sec. 132. RCW 43.84.051 and 1991 1st ex.s. c . . . s 93 (section 93 of this act) are each amended to read as follows:**

It shall be the duty of the state treasurer to collect the interest, or other income on, and the principal of the securities held in his or her custody pursuant to RCW 43.84.041 as the said sums become due and payable, and to pay the same when so collected into the respective funds to which the principal and interest shall accrue(~~(, less the allocation to the state treasurer's service account pursuant to RCW 43.08.190 and the state investment board expense account pursuant to RCW 43.33A.160)).~~)

*Sec. 132 was vetoed, see message at end of chapter.

***Sec. 133. RCW 43.79.130 and 1991 1st ex.s. c . . . s 94 (section 94 of this act) are each amended to read as follows:**

There shall be in the state treasury a permanent and irreducible fund known as the "agricultural permanent fund," into which shall be paid all moneys derived from the sale of lands set apart by the enabling act or otherwise for an agricultural college. The income derived from investments pursuant to RCW 43.84.080 shall be credited to the Washington State University building account (~~(less the allocation to the state treasurer's service account pursuant to RCW 43.08.190)).~~)

*Sec. 133 was vetoed, see message at end of chapter.

***Sec. 134. RCW 28B.35.751 and 1991 1st ex.s. c . . . s 95 (section 95 of this act) are each amended to read as follows:**

All moneys received from the lease or rental of lands set apart by the enabling act for state normal schools purposes; all interest or income arising from the proceeds of the sale of such lands or of the timber, fallen timber, stone, gravel, or other valuable material thereon(~~(, less the allocation to the state treasurer's service account pursuant to RCW 43.08.190 and the state investment board expense account pursuant to RCW 43.33A.160)); and all moneys received as interest on deferred payments on contracts for the sale of such lands, shall from time to time be paid into the state treasury and credited to the Eastern Washington University, Central Washington University, Western Washington University and The Evergreen State College capital projects accounts as herein provided to be expended for capital projects, and bond retirement purposes as set forth in RCW 28B.35.750, as now or hereafter amended. Eastern Washington University, Central Washington University, Western Washington University, and The Evergreen State College shall be credited with one-fourth of the total amount: PROVIDED, That Eastern Washington University, Central Washington University and Western Washington University shall each be credited with one-third of the total amount for so~~

long as there remain unpaid and outstanding any bonds which are payable in whole or in part out of the moneys, interest or income described in this section.

**Sec. 134 was vetoed, see message at end of chapter.*

**Sec. 135. RCW 43.79.110 and 1991 1st ex.s. c . . . s 96 (section 96 of this act) are each amended to read as follows:*

There shall be in the state treasury a permanent and irreducible fund known as the "scientific permanent fund," into which shall be paid all moneys derived from the sale of lands set apart by the enabling act or otherwise for a scientific school. The income derived from investments pursuant to RCW 43.84.080 shall be credited to the Washington State University building account (~~less the allocation to the state treasurer's service fund pursuant to RCW 43.08.190~~).

**Sec. 135 was vetoed, see message at end of chapter.*

**Sec. 136. RCW 28B.20.800 and 1991 1st ex.s. c . . . s 97 (section 97 of this act) are each amended to read as follows:*

All moneys hereafter received from the lease or rental of lands set apart for the University of Washington by chapter 91, Laws of 1903 and section 9, chapter 122, Laws of 1893, and all interest or income arising from the proceeds of the sale of such land (~~(less the allocation to the state treasurer's service account pursuant to RCW 43.08.190 and the state investment board expense account pursuant to RCW 43.33A.160)~~) and all proceeds from the sale of timber, fallen timber, stone, gravel, or other valuable material and all other receipts therefrom shall be deposited to the credit of the "University of Washington bond retirement fund" to be expended for the purposes set forth in RCW 28B.20.720. All proceeds of sale of such lands, exclusive of investment income, shall be deposited to the credit of the state university permanent fund, shall be retained therein and shall not be transferred to any other fund or account. All interest earned or income received from the investment of the money in the state university permanent fund shall be deposited to the credit of the University of Washington bond retirement fund (~~(less the allocations to the state treasurer's service fund pursuant to RCW 43.08.190 and the state investment board expense account pursuant to RCW 43.33A.160)~~).

As a part of the contract of sale of bonds payable out of the University of Washington bond retirement fund, the board of regents of the University of Washington may covenant that all moneys derived from the above provided sources, which are required to be paid into the bond retirement fund, shall continue to be paid into such bond retirement fund for as long as any of such bonds are outstanding.

**Sec. 136 was vetoed, see message at end of chapter.*

**Sec. 137. RCW 41.24.030 and 1991 1st ex.s. c . . . s 98 (section 98 of this act) are each amended to read as follows:*

There is created in the state treasury a trust fund for the benefit of the fire fighters of the state covered by this chapter, which shall be designated the volunteer fire fighters' relief and pension fund and shall consist of:

(1) All bequests, fees, gifts, emoluments, or donations given or paid to the fund.

(2) An annual fee for each member of its fire department to be paid by each municipal corporation for the purpose of affording the members of its fire department with protection from death or disability as herein provided as follows:

(a) Ten dollars for each volunteer or part-paid member of its fire department;

(b) A sum equal to one and one-half of one percent of the annual salary attached to the rank of each full-paid member of its fire department, prorated for 1970 on the basis of services prior to March 1, 1970.

(3) Where a municipal corporation has elected to make available to the members of its fire department the retirement provisions as herein provided, an annual fee of thirty dollars for each of its fire fighters electing to enroll therein, ten dollars of which shall be paid by the municipality and twenty dollars of which shall be paid by the fire fighter.

(4) Forty percent of all moneys received by the state from taxes on fire insurance premiums shall be paid into the state treasury and credited to the fund.

(5) The state investment board, upon request of the state treasurer shall have full power to invest or reinvest such portion of the amounts credited to the fund as is not, in the judgment of the treasurer, required to meet current withdrawals. Such investments shall be made in the manner prescribed by RCW 43.84.150 and not otherwise.

(6) All bonds or other obligations purchased according to subsection (5) of this section shall be forthwith placed in the custody of the state treasurer, and he shall collect the principal thereof and interest thereon when due.

The state investment board may sell any of the bonds or obligations so acquired and the proceeds thereof shall be paid to the state treasurer.

The interest and proceeds from the sale and redemption of any bonds or other obligations held by the fund and invested by the state investment board shall be credited to and form a part of the fund (~~less the allocation to the state investment board expense account pursuant to RCW 43.33A.160~~).

All amounts credited to the fund shall be available for making the payments required by this chapter.

The state treasurer shall make an annual report showing the condition of the fund.

**Sec. 137 was vetoed, see message at end of chapter.*

**Sec. 138. RCW 2.14.080 and 1991 1st ex.s. c . . . s 103 (section 103 of this act) are each amended to read as follows:*

(1) The administrator for the courts shall:

(a) Deposit or invest the contributions under RCW 2.14.090 in a credit union, savings and loan association, bank, or mutual savings bank;

(b) Purchase life insurance, shares of an investment company, or fixed and/or variable annuity contracts from any insurance company or investment company licensed to contract business in this state; or

(c) Invest in any of the class of investments described in RCW 43.84.150.

(2) The state investment board or the committee for deferred compensation, at the request of the administrator for the courts, may invest moneys in the principal account. Moneys invested by the investment board shall be invested in accordance with RCW 43.84.150. Moneys invested by the committee for deferred compensation shall be invested in accordance with RCW 41.04.250. Except as provided in RCW 43.33A.160 or as necessary to pay a pro rata share of expenses incurred by the committee for deferred compensation, one hundred percent of all earnings from these investments(~~(, exclusive of investment income pursuant to RCW 43.84.080,))~~) shall accrue directly to the principal account.

*Sec. 138 was vetoed, see message at end of chapter.

**Sec. 139. RCW 2.10.080 and 1991 1st ex.s. c . . . s 114 (section 114 of this act) are each amended to read as follows:*

(1) The state treasurer shall be the custodian of all funds and securities of the retirement system. Disbursements from this fund shall be made by the state treasurer upon receipt of duly authorized vouchers.

(2) The state treasurer is hereby authorized and directed to deposit any portion of the funds of the retirement system not needed for immediate use in the same manner and subject to all the provisions of law with respect to the deposit of state funds by such treasurer. All investment income earned by such portion of the retirement system's funds as may be deposited by the state treasurer in pursuance of authority herewith given shall be collected by him or her and placed to the credit of the retirement fund(~~(, less the allocation to the state investment board expense account pursuant to RCW 43.33A.160 and to the state treasurer's service fund pursuant to RCW 43.08.190)).~~)

(3) The state investment board established by RCW 43.33A.020 has full power to invest or reinvest the funds of this system in those classes of investments authorized by RCW 43.84.150.

(4) For the purpose of providing amounts to be used to defray the cost of administration, the judicial retirement board shall ascertain at the beginning of each biennium and request from the legislature an appropriation sufficient to cover estimated expenses for the said biennium.

*Sec. 139 was vetoed, see message at end of chapter.

NEW SECTION. Sec. 140. 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. 141. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions.

(1) On or before June 30, 1991, the balances remaining in the local jail improvement and construction account, the 1979 handicapped facilities construction account, the salmon enhancement construction account, the community college capital improvements accounts, and the fisheries capital projects account shall be transferred to the state building construction account and the balance remaining in the Washington State University construction account shall be transferred to the Washington State University building account.

(2) Except for subsection (1) of this section, sections 1 through 47, 49 through 64, 66 through 108, and 110 through 122 of this act shall take effect July 1, 1991, but shall not be effective for earnings on balances prior to July 1, 1991, regardless of when a distribution is made.

(3) Sections 48 and 109 of this act shall take effect September 1, 1991.

(4) Section 65 of this act shall take effect January 1, 1992.

(5) Sections 123 through 139 of this act shall take effect July 1, 1993, and shall be effective for earnings on balances beginning July 1, 1993, regardless of when a distribution is made.

NEW SECTION. Sec. 142. (1) Sections 47 and 108 of this act shall expire September 1, 1991.

(2) Section 64 of this act shall expire January 1, 1992.

Passed the House June 28, 1991.

Passed the Senate June 28, 1991.

Approved by the Governor June 30, 1991, with the exception of certain items which were vetoed.

Filed in Office of Secretary of State June 30, 1991.

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

"I am returning herewith, without my approval as to sections 123 through 139, Reengrossed Substitute House Bill No. 1058, entitled:

"AN ACT relating to treasurer-managed funds and accounts."

Sections 123-139 effectively negate the deposit interest changes contained in the rest of the bill by restoring existing RCW language at the end of the 1991-93 Biennium. Reengrossed Substitute House Bill No. 1058 was designed to improve consistency in the disposition of interest earnings for Treasury accounts and it makes little sense to abandon this more uniform approach after just two years.

Reengrossed Substitute House Bill No. 1058 also has budget implications by providing additional state General Fund revenue in support of the 1991-93 Omnibus Appropriations Act. These revenues are integral to the statewide balance of revenues and expenditures, and their elimination would unquestionably pose a significant problem to the 1993-95 budget.

The Legislature has the opportunity to reconsider enacted legislation at any time. I can't condone the administrative and budget upheaval that would be created by an automatic reversal of the deposit interest changes that were the original intention of Reengrossed Substitute House Bill No. 1058.

With the exception of sections 123 through 139, Reengrossed Substitute House Bill No. 1058 is approved."

CHAPTER 14

[Engrossed Substitute House Bill 1427]

CAPITAL BUDGET FOR PERIOD ENDING JUNE 30, 1993

Effective Date: 6/30/91

AN ACT Adopting the capital budget; amending RCW 43.168.110; amending section 208, chapter 12, Laws of 1989 1st ex. sess. (uncodified); making appropriations and authorizing expenditures for the capital improvements; and declaring an emergency.

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

NEW SECTION. Sec. 1. A capital budget is hereby adopted and, subject to the provisions set forth in this act, the several dollar amounts hereinafter specified, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be incurred for capital projects during the period ending June 30, 1993, out of the several funds specified in this act.

NEW SECTION. Sec. 2. As used in this act, the following phrases have the following meanings:

"CEP & RI Acct" means Charitable, Educational, Penal, and Reformatory Institutions Account;

"CWU Cap Proj Acct" means Central Washington University Capital Projects Account;

"Cap Bldg Constr Acct" means Capitol Building Construction Account;

"Cap Purch & Dev Acct" means Capitol Purchase and Development Account;

"Capital improvements" or "capital projects" means acquisition of sites, easements, rights of way, or improvements thereon and appurtenances thereto, construction and initial equipment, reconstruction, demolition, or major alterations of new or presently owned capital assets;

"Common School Constr Fund" means Common School Construction Fund;

"Common School Reimb Constr Acct" means Common School Reimbursable Construction Account;

"Drug Enf & Ed Acct" means Drug Enforcement and Education Account;

"DSHS Constr Acct" means State Social and Health Services Construction Account;

"Energy Eff Constr Acct" means Energy Efficiency Construction Account;

"Energy Eff Svcs Acct" means Energy Efficiency Services Account;

"ESS Rail Assis Acct" means Essential Rail Assistance Account;

"ESS Rail Bank Acct" means Essential Rail Bank Account;

"EWU Cap Proj Acct" means Eastern Washington University Capital Projects Account;

"East Cap Constr Acct" means East Capitol Construction Account;

"East Cap Devel Acct" means East Campus Development Account;

"Fish Cap Proj Acct" means Fisheries Capital Projects Account;

"For Dev Acct" means Forest Development Account;

"Game Spec Wildlife Acct" means Game Special Wildlife Account;

"H Ed Constr Acct" means Higher Education Construction Account 1979;

"H Ed Reimb Constr Acct" means Higher Education Reimbursable Construction Account;

"H Ed Reimb S/T bonds Acct" means Higher Education Reimbursable Short-Term Bonds Account;

"Hndcp Fac Constr Acct" means Handicapped Facilities Construction Account;

"L & I Constr Acct" means Labor and Industries Construction Account;

"LIRA" means State and Local Improvement Revolving Account;

"LIRA, DSHS Fac" means Local Improvements Revolving Account—Department of Social and Health Services Facilities;

"LIRA, Public Rec Fac" means State and Local Improvement Revolving Account—Public Recreation Facilities;

"LIRA, Waste Disp Fac" means State and Local Improvement Revolving Account—Waste Disposal Facilities;

"LIRA, Waste Fac 1980" means State and Local Improvement Revolving Account—Waste Disposal Facilities 1980;

"LIRA, Water Sup Fac" means State and Local Improvement Revolving Account—Water supply facilities;

"Lapse" or "revert" means the amount shall return to an unappropriated status;

"Local Jail Imp & Constr Acct" means Local Jail Improvement and Construction Account;

"ORA" means Outdoor Recreation Account;

"ORV" means off road vehicle;

"Provided solely" means the specified amount may be spent only for the specified purpose. Unless otherwise specifically authorized in this act, any portion of an amount provided solely for a specified purpose which is unnecessary to fulfill the specified purpose shall lapse;

"Pub Fac Constr Loan Rev Acct" means Public Facility Construction Loan Revolving Account;

"Public Safety and Education Acct" means Public Safety and Education Account;

"Res Mgmt Cost Acct" means Resource Management Cost Account;

"Sal Enhmt Constr Acct" means Salmon Enhancement Construction Account;

"St Bldg Constr Acct" means State Building Construction Account;

"St Fac Renew Acct" means State Facilities Renewal Account;

"St H Ed Constr Acct" means State Higher Education Construction Account;

"State Emerg Water Proj Rev" means Emergency Water Project Revolving Account—State;

"TESC Cap Proj Acct" means The Evergreen State College Capital Projects Account;

"UW Bldg Acct" means University of Washington Building Account;

"Unemp Comp Admin Acct" means Unemployment Compensation Administration Account;

"WA St Dev Loan Acct" means Washington State Development Loan Account;

"Wildlife Reimb Constr Acct" means Wildlife Reimbursable Construction Account;

"WSP Constr Acct" means Washington State Patrol Construction Account;

"WSP Highway Acct" means Washington State Patrol Highway Account;

"WSU Bldg Acct" means Washington State University Building Account;

"WWU Cap Proj Acct" means Western Washington University Capital Projects Account.

Numbers shown in parentheses refer to project identifier codes established by the office of financial management.

**PART 1
GENERAL GOVERNMENT**

NEW SECTION. Sec. 3. FOR THE OFFICE OF THE SECRETARY OF STATE

- (1) Northwest Washington Regional Branch Archives: To design and construct the northwest Washington regional branch archives (90-1-003)

Reappropriation:

St Bldg Constr Acct \$	2,839,000
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Appropriation:

St Bldg Constr Acct \$	360,000
Prior Biennia (Expenditures) \$	200,000
Future Biennia (Projected Costs)	..... \$	0
TOTAL	..... \$	3,399,000

- (2) Olympia Archives Building: To acquire and install moveable shelving in the Olympia archives building (92-2-005)

Appropriation:

St Bldg Constr Acct	..... \$	60,800
Prior Biennia (Expenditures)	..... \$	0
Future Biennia (Projected Costs)	..... \$	0
TOTAL	..... \$	60,800

- (3) Birch Bay: To replace the roof and doors at the Birch Bay essential storage site (92-3-003)

Appropriation:

St Bldg Constr Acct	\$	22,200
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	22,200

- (4) Puget Sound Regional Branch Archives: To preplan renovations and begin initial repair of a building adjacent to the existing Puget Sound branch archives (92-5-002)

Appropriation:

St Bldg Constr Acct	\$	52,400
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	500,000
TOTAL	\$	552,400

NEW SECTION. Sec. 4. FOR THE COURT OF APPEALS

Washington State Court of Appeals Courthouse, Spokane: To upgrade the heating-ventilation-air conditioning system and convert a supply room into a secure vault for storage of court records and evidence

Appropriation:

St Bldg Constr Acct	\$	236,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	236,000

***NEW SECTION. Sec. 5. FOR THE OFFICE OF THE ADMINISTRATOR FOR THE COURTS**

- (1) *Olympia eastside building repair: To replace the heating, ventilation, and air conditioning system*

Appropriation:

St Bldg Constr Acct	\$	150,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	150,000

*Sec. 5 was vetoed, see message at end of chapter.

***NEW SECTION. Sec. 6. FOR THE OFFICE OF FINANCIAL MANAGEMENT**

(1) Local jail facilities (88-2-001)

Reappropriation:

St Bldg Constr Acct	\$	308,000
Prior Biennia (Expenditures)	\$	2,692,000
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	3,000,000

(2) For environmental cleanup related to underground storage tanks

The appropriation in this subsection is subject to the following conditions and limitations:

(a) The moneys provided in this subsection shall be allocated to the agencies and institutions of the state for environmental cleanup projects related to underground storage tanks.

(b) No moneys appropriated in this subsection or in any subsection specifically referencing this subsection may be expended unless the office of financial management, in consultation with the department of general administration, has reviewed and approved the cost estimates for the project. Projects to replace underground storage tanks shall conform with guidelines to minimize the risk of environmental contamination and reduce unnecessary duplication of tanks. The guidelines shall be adopted by the department of general administration and shall provide for consideration of environmental risks associated with tank installations, interagency agreements for sharing fueling facilities, and the feasibility of alternative fueling systems.

Appropriation:

St Bldg Constr Acct	\$	3,729,000
CEP & RI Acct	\$	390,000
For Dev Acct	\$	37,000
Res Mgmt Cost Acct	\$	118,000
Subtotal Appropriation	\$	4,274,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	4,274,000

(3) For asbestos removal or abatement projects

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

(a) The moneys provided in this subsection shall be allocated to agencies and institutions of the state for asbestos removal or abatement projects.

(b) No moneys appropriated in this subsection or in any subsection specifically referencing this subsection may be expended unless the project is required by (i) state law and approved by the office of financial management; (ii) an order of a court of competent jurisdiction; or (iii) federal law or regulation. The office of financial management shall approve the expenditure of moneys under this subsection only to the extent that the asbestos removal or abatement is incidental to, and necessitated by, a renovation, remodel, or other capital project. In all cases, only the minimum amount of asbestos work necessary to complete the improvement shall be approved. Asbestos removal or abatement shall not occur independently of other capital improvements except as provided under (i), (ii), or (iii) of this subsection.

(c) Moneys may be allocated for an asbestos removal or abatement project only to the extent that the project is necessary to eliminate or reduce a hazard to human health and the project is completed in compliance with asbestos project standards adopted by the department of general administration. The department of general administration shall adopt standards to restrict the amount of asbestos removal to the minimum amount necessary.

(d) Subsections (3) (b) and (c) of this section do not apply to moneys reappropriated in this act for projects for which, before the effective date of this act, the design has been completed, bids have been requested, or a contract has been entered into.

Reappropriation:	
St Bldg Constr Acct	\$ 4,919,000
CEP & RI Acct	\$ 25,000
Subtotal Reappropriation	\$ 4,944,000
Appropriation:	
St Bldg Constr Acct	\$ 9,588,000
CEP & RI Acct	\$ 540,000
Subtotal Appropriation	\$ 10,128,000
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs)	\$ 0
TOTAL	\$ 14,448,000

(4) Higher education: Branch campuses site acquisition and development (90-5-002)

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

(a) The appropriations in this subsection are provided solely for the acquisition of land and/or construction of facilities for branch campuses recommended by the higher education coordinating board, and shall be allocated to appropriate public institutions of higher education upon approval of the board.

(b) Allocations from the appropriation in this subsection for land acquisition in the Spokane area shall be subject to the provisions of chapter 205, Laws of 1991 (House Bill No. 2198) and approval by the higher education coordinating board.

(c) No facility may be constructed on the Spokane riverfront property, other than the Spokane Intercollegiate Research and Technology Institute (SIRTI) building, until a master plan for facilities that incorporates the SIRTI building and provides for maximum joint use of facilities, is completed by the joint center board and approved by the higher education coordinating board.

(d) The appropriation in this subsection shall not be expended for land acquisition in the Spokane area until an environmental study has been completed that indicates the property is free of toxic substances.

(e) Any allocations made from the appropriation in this subsection for construction projects costing more than \$4,000,000 shall not be expended on design documents or construction until project preplanning documents have been reviewed and approved by the

office of financial management under section 59 of this act.

Reappropriation:

St Bldg Constr Acct \$ 31,301,667

Appropriation:

St Bldg Constr Acct \$ 31,000,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 109,000,000

TOTAL \$ 171,301,667

- (5) Capital plan improvements: To develop state-wide capital cost standards, planning guidelines and policies, and internal rent strategies

Appropriation:

St Bldg Constr Acct \$ 282,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 282,000

*Sec. 6 was partially vetoed, see message at end of chapter.

NEW SECTION. Sec. 7. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

- (1) Life and safety projects: To improve life and safety deficiencies and correct code violations on the capitol campus (88-1-006)

Reappropriation:

Cap Bldg Constr Acct \$ 23,000

Prior Biennia (Expenditures) \$ 90,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 113,000

- (2) Minor works: To complete minor works and other projects, including inadequate building systems (88-2-008), Northern State facility repairs (90-1-012), boiler plant structural repairs (90-1-016), building exterior repairs (90-2-006), mechanical system repairs (90-2-009), and building interior repairs (90-2-010)

Reappropriation:

St Bldg Constr Acct \$ 2,621,000

Prior Biennia (Expenditures) \$ 6,178,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 8,799,000

- (3) Capitol Campus minor works: To complete minor works and other projects on the Capitol Campus, including boiler plant structural repairs (88-1-003), sidewalk and street repairs (90-2-005), building exterior repairs (90-2-006), and Capitol Lake shoreline repairs (90-3-013)

Reappropriation:

Cap Bldg Constr Acct	\$	1,278,000
Prior Biennia (Expenditures)	\$	1,587,000
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	2,865,000

- (4) Burien criminal justice training center: To complete renovations to the Burien criminal justice training center (90-3-025)

Reappropriation:

St Bldg Constr Acct	\$	5,000,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	5,000,000

- (5) Natural Resources Building: To complete construction of the Natural Resources Building (90-5-003)

Reappropriation:

East Cap Constr Acct	\$	45,400,000
Prior Biennia (Expenditures)	\$	27,600,000
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	73,000,000

- (6) Remodel of the John A. Cherberg Building (88-2-040)

The reappropriation in this subsection is subject to the following conditions and limitations: The project shall include review and development of program requirements for current and future facilities needs, including furnishings and equipment, for the Washington State Senate whose offices are currently located in the Institutions, Legislative, and John A. Cherberg Buildings. The project shall also include review and redesign, as necessary, of the proposed John A. Cherberg Building remodel, including construction and the acquisition of all furnishings and equipment required.

Reappropriation:

St Bldg Constr Acct	\$	3,000,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	3,000,000

- (7) Northern State Multi-Service Center: To complete the design for and to construct a sixteen-bed evaluation and treatment facility at the Northern State Multi-Service Center to provide care for the mentally ill consistent with chapter 71.24 RCW (90-5-027)

The reappropriation in this subsection is subject to the following conditions and limitations:

(a) No moneys from this reappropriation may be expended for construction until the department secures a lease with a county or a group of counties for use of the facility. The lease shall provide for payment to the department for all operations and management costs associated with the facility and a space rental charge. In establishing the space rental charge, the department shall consider fair market rent or lease rates charged for comparable facilities used by regional support networks.

(b) No moneys from this reappropriation may be expended for furnishings or equipment with a useful life expectancy of less than twenty years.

Reappropriation:

St Bldg Constr Acct	\$	1,700,000
Prior Biennia (Expenditures)	\$	50,000
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	1,750,000

- (8) Olympia Archives Storage Building: To complete design and construction of the archives storage building at Olympia Airdustrial Park (90-4-024)

Reappropriation:

St Bldg Constr Acct	\$	1,800,000
Appropriation:		
St Bldg Constr Acct	\$	671,000
Prior Biennia (Expenditures)	\$	215,000
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	2,686,000

- (9) Small and emergency repairs: For unexpected small and emergency repairs on the Capitol Campus, and at

other general administration facilities throughout the state (92-1-001) (92-2-002)

Appropriation:

Cap Bldg Constr Acct	\$	645,000
St Bldg Constr Acct	\$	261,000
Subtotal Appropriation	\$	906,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	2,571,000
TOTAL	\$	3,477,000

- (10) Underground storage tanks: To remove and replace underground storage tanks on the Capitol Campus and at the Northern State multi-service center (92-1-005)

The appropriation in this subsection may be expended only after compliance with section 6(2) of this act.

Appropriation:

St Bldg Constr Acct	\$	140,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	1,371,000
TOTAL	\$	1,511,000

- (11) Highway-Licenses Building: To complete the design for and to renovate the Highway-Licenses Building on the Capitol Campus (88-5-011) (92-2-003)

The new appropriation in this subsection is subject to the following conditions and limitations:

(a) No moneys may be spent for construction until the department of general administration develops a space rental charge to be assessed to agencies occupying the building being renovated with this appropriation. The space rental charge shall be sufficient to fully reimburse the annual debt service costs of the new appropriation in this subsection, and shall be assessed until the department has developed and implemented space rental charges for facilities owned by the department on a state-wide basis.

(b) No moneys may be spent until preplanning documents have been reviewed and approved by the office of financial management under section 59 of this act.

(c) \$133,000 is provided solely to plan for and manage the temporary relocation and housing of tenants of the building renovated with this appropriation.

Reappropriation:

Cap Purch & Dev Acct \$ 150,000

Appropriation:

St Bldg Constr Acct \$ 22,438,000

Prior Biennia (Expenditures) \$ 350,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 22,938,000

- (12) General Administration Building: To preplan renovation of the General Administration Building (92-2-005)

Appropriation:

Cap Bldg Constr Acct \$ 1,200,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 22,101,000

TOTAL \$ 23,301,000

- (13) Minor works preplanning: To develop preplans and studies of minor works projects on the Capitol Campus (92-2-026)

Appropriation:

Cap Bldg Constr Acct \$ 750,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 750,000

- (14) Capitol Lake: To develop a dredging plan and dredge Capitol Lake, to repair lake dam gates, and to repair shoreline areas damaged by erosion (92-2-015) (92-3-019)

\$200,000 of the appropriation in this subsection is provided solely to develop a management plan and to implement projects to reduce sedimentation and other pollution in the Deschutes river watershed. Eligible projects shall include, but are not limited to, stream corridor conservation, bank stabilization, agricultural soil conservation, silvicultural soil conservation, and sedimentation and pollution monitoring. When implementing this subsection, the department shall coordinate with the departments of natural resources, ecology, fisheries, wildlife, and transportation, and with affected local governments and Indian tribes.

Appropriation:

St Bldg Constr Acct	\$	3,125,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	3,125,000

- (15) Minor works: For minor works, repair, and improvement projects on the Capitol Campus and at other facilities owned by the department, including campus high voltage loop improvements, plaza garage elevator repairs, Capitol Campus control system improvements, Governor's Mansion structural repairs, utilities and grounds improvements, interior and exterior building repairs, and building mechanical and electrical system improvements (92-2-008) (92-2-009) (92-2-013) (92-2-014) (92-2-016) (92-2-017) (92-2-018) (92-2-020) (92-2-024)

Appropriation:

Cap Bldg Constr Acct	\$	7,889,000
St Bldg Constr Acct	\$	2,595,000
Subtotal Appropriation	\$	10,484,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	13,188,000
TOTAL	\$	23,672,000

- (16) Northern State facility repairs: To repair the boiler and steam distribution system, trim trees, and repair roofing at the Northern State multi-service center (92-2-021);

Appropriation:

CEP & RI Acct	\$	280,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	1,278,000
TOTAL	\$	1,558,000

- (17) State facilities planning: To develop designs and plans to accommodate agency housing needs in Thurston county (92-5-100) (92-5-101) (92-5-108) (92-5-102)

Of the appropriation in this subsection:

- (a) \$750,000 is provided solely to develop master plans for satellite campuses to be located in the cities of Lacey and Tumwater;
- (b) \$300,000 is provided solely to develop a facility implementation strategy for Thurston county. The

implementation strategy shall include, but not be limited to, identification of agency space requirements and opportunities for co-location with other agencies, and an organizational process for developing specific project proposals and establishing implementation time-lines;

(c) \$250,000 is provided solely to develop a master plan for light industrial facility needs in Thurston county; and

(d) \$200,000 is provided solely for a geotechnical and hydrological survey of the Capitol Campus.

The master plans and implementation strategy developed under this subsection shall incorporate transportation management and housing density principles designed to reduce commuter congestion and reliance on single-occupancy automobiles.

Appropriation:

St Bldg Constr Acct	\$	1,500,000
Prior Biennia (Expenditures)	\$	500,000
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	2,000,000

- (18) Thurston county landbank: To purchase, option, or otherwise control real property adjacent to the department of ecology in the city of Lacey for future state facilities (92-5-000)

Appropriation:

St Bldg Constr Acct	\$	8,000,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	8,000,000

- (19) Heritage Park: To acquire property and begin planning for a park between the Capitol Campus and Budd Inlet (92-5-105)

The appropriation in this subsection may not be spent to acquire the property parcel located in Olympia south of Seventh Avenue and approximately two and seven-tenths acres in size if such property parcel is sold to a party other than the state after January 1, 1991, and the state's acquisition price is substantially greater than the acquisition price paid by the other party.

The department shall report to the fiscal committees of the house of representatives and the senate by December 15, 1991, on the status of property acquisitions and plans for the park. The report shall also describe the status of any projects being developed by local governments or other state agencies that affect the design or development of the park. Any expenditure made under this appropriation shall conform to the capital campus master plan,

Appropriation:

St Bldg Constr Acct	\$	6,700,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	13,800,000
TOTAL	\$	20,500,000

- (20) Condition assessment: To develop a prototype condition assessment methodology, assess the condition of facilities owned by the department of general administration, and prepare a facility maintenance strategy that emphasizes preventative maintenance (92-2-007)

The appropriations in this subsection may not be spent until a detailed scope of work consistent with the recommendations of the capital forum has been reviewed and approved by the office of financial management.

Appropriation:

Cap Bldg Constr Acct	\$	591,000
St Bldg Constr Acct	\$	500,000
Subtotal Appropriation	\$	1,091,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	1,091,000

- (21) Ventilation system repair: John L. O'Brien Building

To replace existing heating, ventilation, and air conditioning system

Appropriation:

St Bldg Constr Acct	\$	650,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	650,000

NEW SECTION. Sec. 8. FOR THE MILITARY DEPARTMENT

- (1) **Minor works:** For minor works, repair, and improvement projects, including roof repair, exterior painting, facility upgrades, renovating heating, ventilation, and air conditioning systems, grounds and roads improvements, and support of federal construction projects (86-1-005) (86-1-006) (88-3-006) (88-3-007) (88-3-004) (86-2-004)

Reappropriation:	
St Bldg Constr Acct	\$ 438,000
Appropriation:	
St Bldg Constr Acct	\$ 2,291,000
General Fund—Federal	\$ 1,125,000
Subtotal Appropriation	\$ 3,416,000
Prior Biennia (Expenditures)	\$ 6,355,000
Future Biennia (Projected Costs)	\$ 8,691,000
TOTAL	\$ 18,900,000

- (2) **Life and safety code compliance:** To improve life and safety deficiencies and correct code violations at armories throughout the state (88-1-005)

Reappropriation:	
St Bldg Constr Acct	\$ 303,000
Appropriation:	
St Bldg Constr Acct	\$ 485,000
Prior Biennia (Expenditures)	\$ 497,000
Future Biennia (Projected Costs)	\$ 1,535,000
TOTAL	\$ 2,820,000

- (3) **Underground storage tanks:** To remove underground storage tanks and remediate contaminated soils (88-1-008)

Appropriation:	
St Bldg Constr Acct	\$ 270,000
Prior Biennia (Expenditures)	\$ 550,000
Future Biennia (Projected Costs)	\$ 373,000
TOTAL	\$ 1,193,000

- (4) Buckley Armory: To construct an armory in the city of Buckley (90-2-011)

Appropriation:	
General Fund-Federal	\$ 1,728,000
St Bldg Constr Acct	\$ 1,127,000
Subtotal Appropriation	\$ 2,855,000
Prior Biennia (Expenditures)	\$ 163,000
Future Biennia (Projected Costs)	\$ 0
TOTAL	\$ 3,018,000

- (5) Grandview Armory: To construct an armory in the city of Grandview (88-2-013)

Appropriation:	
General Fund-Federal	\$ 1,602,000
St Bldg Constr Acct	\$ 1,102,000
Subtotal Appropriation	\$ 2,704,000
Prior Biennia (Expenditures)	\$ 155,000
Future Biennia (Projected Costs)	\$ 0
TOTAL	\$ 2,859,000

- (6) Moses Lake: To construct an armory in the city of Moses Lake (90-2-013)

Appropriation:	
General Fund-Federal	\$ 1,804,000
St Bldg Constr Acct	\$ 1,206,000
Subtotal Appropriation	\$ 3,010,000
Prior Biennia (Expenditures)	\$ 170,000
Future Biennia (Projected Costs)	\$ 0
TOTAL	\$ 3,180,000

NEW SECTION. Sec. 9. FOR THE LIQUOR CONTROL BOARD

- (1) Preplanning liquor distribution center with materials handling system (92-1-001)

Appropriation:	
Liquor Revolving Acct	\$ 120,000
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs)	\$ 0
TOTAL	\$ 120,000

**PART 2
HUMAN RESOURCES**

NEW SECTION. Sec. 10. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

For the purposes of this section, "capital cost" means land acquisition and project design and construction. All projects funded in this section, except those under subsection (5) of this section, shall comply with section 54 of this act.

(1) Development loan fund (88-2-002)

The appropriation in this subsection shall be used for loans in timber-dependent communities as defined in Engrossed Substitute House Bill No. 1341.

Appropriation:

WA St Dev Loan Acct	\$	2,000,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	2,000,000

(2) Grays Harbor dredging (88-3-006)

The appropriation in this subsection is subject to the following conditions and limitations:

(a) The appropriation is provided solely for the state's share of costs for Grays Harbor dredging, dike construction, bridge relocation, and related expenses.

(b) Expenditure of moneys from this appropriation is contingent on the authorization of \$40,000,000 and an initial appropriation of at least \$13,000,000 from the United States army corps of engineers and the authorization of at least \$10,000,000 from the local government for the project. Up to \$3,500,000 of the local government contribution for the first year on the project may be composed of property, easements, rent adjustments, and other expenditures specifically for the purposes of this appropriation if approved by the army corps of engineers. State funds shall be disbursed at a rate not to exceed one dollar for every four dollars of federal funds expended by the army corps of engineers and one dollar from other nonstate sources.

(c) Expenditure of moneys from this appropriation is contingent on a cost-sharing arrangement and the execution of a local cooperation agreement between

the Port of Grays Harbor and the army corps of engineers pursuant to Public Law 99-662, the federal water resources development act of 1986, whereby the corps of engineers will construct the project as authorized by that federal act.

(d) The Port of Grays Harbor shall make the best possible effort to acquire additional project funding from nonstate public grants and/or other governmental sources other than those in (b) of this subsection. Any money, up to \$10,000,000 provided from such sources other than those in (b) of this subsection, shall be used to reimburse or replace state building construction account money. In the event the project cost is reduced, any resulting reduction or reimbursement of nonfederal costs realized by the Port of Grays Harbor shall be shared proportionally with the state.

Reappropriation:

St Bldg Constr Acct	\$	6,840,318
Prior Biennia (Expenditures)	\$	3,159,682
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	10,000,000

- (3) Housing capital programs: To construct, acquire, and rehabilitate low-income housing (88-5-015)

The appropriation in this subsection is subject to the following conditions and limitations:

(a) \$8,000,000 is provided solely for the affordable housing program. The department may not approve a request for assistance under this subsection for projects located in cities and counties that do not have an affordable housing needs assessment approved by the department. The department shall by rule establish the content of the affordable housing needs assessment and criteria for the approval of the affordable housing needs assessment.

(b) \$8,000,000 is provided solely for the low-income weatherization program under chapter 70.164 RCW.

(c) \$34,000,000 is provided solely for the housing assistance program. Effective July 1, 1992, the department may not approve loan or grant requests for projects under this subsection that are inconsistent with the city's or county's and state's comprehensive housing affordability strategy, as required under Title I,

section 105, of the National Affordable Housing Act of 1990.

(d) The Washington housing trust fund appropriation is provided solely for the department to contract with the University of Washington college of architecture for: (i) A study of regulatory impediments to affordable housing; (ii) a study on various innovative design techniques that can be used to increase housing density; (iii) a recommendation to the legislature for a new building code and associated regulations that will substantially reduce the cost of housing. No indirect costs of the contracting agent may be paid from this appropriation.

Reappropriation:	
St Bldg Constr Acct	\$ 10,000,000
Appropriation:	
St Bldg Constr Acct	\$ 50,000,000
Washington Housing Trust Fund	\$ 150,000
Subtotal Appropriation	\$ 50,149,500
Prior Biennia (Expenditures)	\$ 8,000,000
Future Biennia (Projected Costs)	\$ 100,000,000
TOTAL	\$ 168,149,500

(4) Columbia county courthouse (89-4-004)

The appropriations in this subsection are provided solely to repair and restore the Columbia county courthouse and shall be matched by at least \$100,000 in private donations and local funds from Columbia county.

Reappropriation:	
St Bldg Constr Acct	\$ 600,000
Appropriation:	
St Bldg Constr Acct	\$ 60,000
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs)	\$ 0
TOTAL	\$ 660,000

(5) Public works trust fund (90-2-001)

\$7,000,000 of the appropriation in this subsection is provided solely for the purposes of chapter 314, Laws of 1991, (Engrossed Substitute House Bill No. 1341, timber-dependent communities).

Reappropriation:

Public Works Assist \$ 85,734,000

Appropriation:

Public Works Assist \$ 88,491,000

Prior Biennia (Expenditures) \$ 54,534,447

Future Biennia (Projected Costs) \$ 231,877,000

TOTAL \$ 460,636,447

(6) Seventh Street Hoquiam Theatre (90-2-008)

Reappropriation:

St Bldg Constr Acct \$ 250,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 250,000

(7) Tall ships tourist attraction: To design and construct a tall ship tourist attraction

The reappropriation in this subsection is subject to the following conditions and limitations:

(a) The reappropriation is provided solely to contract with the Grays Harbor Historical Seaport Authority to design and construct a tall ship tourist attraction.

(b) The reappropriation shall be matched by at least \$513,105 from nonstate sources provided solely for capital costs of the project. The match may include cash and in-kind contributions, but may not include cash or in-kind contributions used to match other state moneys provided to the Grays Harbor Historical Seaport Authority.

(c) The department shall ensure that the state's interest is protected by requiring that if the tall ship tourist attraction is sold or its use is changed, the Grays Harbor Historical Seaport Authority shall return to the state of Washington an amount equal to the state's total contribution to the project.

Reappropriation:

St Bldg Constr Acct	\$	513,105
Prior Biennia (Expenditures)	\$	486,895
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	1,000,000

- (8) Port of Klickitat dredge spoils: For site preparation and transport and deposit of Columbia river dredge spoils (90-2-013)

The reappropriation in this subsection is subject to the following conditions and limitations:

(a) The port of Klickitat shall sign an agreement to repay the reappropriation plus simple interest at three percent in eight annual installments beginning July 1, 1993; and

(b) Expenditure of money from this reappropriation is contingent on at least \$300,000 from port district funds being provided for the project.

Reappropriation:

St Bldg Constr Acct	\$	250,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	250,000

- (9) Historic community theaters (90-5-014)

The reappropriation in this subsection is provided solely for grants to preserve historic community theatres. No portion of the reappropriation in this subsection may be spent unless an equal amount from non-state sources is provided for the same purposes. No more than \$50,000 of the reappropriation shall be expended for renovation of the Admiral Theatre in west Seattle.

Reappropriation:

St Bldg Constr Acct	\$	250,000
Prior Biennia (Expenditures)	\$	250,000
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	500,000

- (10) Emergency management building minor works
(92-2-009)

Appropriation:

St Bldg Constr Acct	\$	180,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	180,000

- (11) Columbia river dredging: For completing a study on the feasibility of deepening the navigation channel from Astoria to Vancouver (92-5-006)

Expenditure of this appropriation is contingent on \$1,200,000 from the federal government and \$600,000 from the state of Oregon being appropriated for the same purpose.

Appropriation:

St Bldg Constr Acct	\$	600,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	600,000

- (12) Building for the arts: For grants to local performing arts and art museum organizations for facility improvements or additions (92-5-100)

The appropriation in this subsection is subject to the following conditions and limitations:

(a) Grants are limited to the following projects:

	Estimated Total Capital Cost	State Grant	State Portion
Seattle Children's Theatre	\$ 8,000,000	\$ 1,200,000	15%
Admiral Theatre (Bremerton)	\$ 4,261,000	\$ 639,000	15%
Spokane Symphony	\$ 1,500,000	\$ 225,000	15%
Pacific Northwest Ballet	\$ 7,500,000	\$ 1,125,000	15%
Seattle Symphony	\$ 54,000,000	\$ 8,100,000	15%
Seattle Repertory Theatre	\$ 4,000,000	\$ 600,000	15%
Intiman Theatre	\$ 800,000	\$ 120,000	15%
Broadway Theatre District (Tacoma)	\$ 8,400,000	\$ 1,260,000	15%
Allied Arts of Yakima	\$ 500,000	\$ 75,000	15%
Spokane Art School	\$ 454,000	\$ 68,000	15%
Seattle Art Museum	\$ 4,862,500	\$ 729,000	15%
Total	\$ 94,277,500	\$ 14,141,000	

(b) The state grant may provide no more than fifteen percent of the estimated total capital cost or actual total capital cost of the project, whichever is less. The remaining portions of project capital costs shall be a match from nonstate sources. The match may include cash and land value.

(c) State funding shall be distributed to projects in the order in which matching requirements have been met.

Appropriation:

St Bldg Constr Acct	\$	10,738,900
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	3,402,100
TOTAL	\$	14,141,000

- (13) Columbia Gorge interpretive center: For construction of a facility in Stevenson with exhibits, classrooms, and a research library (92-5-101)

The appropriation in this subsection shall be matched by at least \$5,000,000 from nonstate sources provided for capital costs of the project. The match may include cash, land value, and other in-kind contributions.

Appropriation:

St Bldg Constr Acct	\$	5,000,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	5,000,000

- (14) Seattle Center redevelopment: For upgrading the Coliseum, the International Fountain mall, Memorial Stadium, the Center House, the Pacific Arts Center, the Opera House, and central plant; converting the north-west rooms to a conference and exhibit facility; adding parking; renovating and developing open space areas; making improvements to mechanical, electrical, and other high-priority building systems; and making general improvements to the site, including signs, fountains, portable stages, and fencing

The appropriation in this subsection shall be matched by moneys from nonstate sources sufficient to pay at least seventy-five percent of the total capital costs of these projects.

Appropriation:

St Bldg Constr Acct	\$	8,500,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	8,500,000

- (15) Spokane Food Bank: For construction of a freezer/ cooler

Appropriation:

St Bldg Constr Acct	\$	125,000
Prior Biennia (Expenditures)	\$	150,000
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	275,000

- (16) Carolyn Downs Family Medical Center: To construct a new medical facility on the Odessa Brown Children's Clinic campus

The appropriation in this subsection shall be matched by at least \$2,050,000 provided from nonstate sources for capital costs of this project.

Appropriation:

St Bldg Constr Acct	\$	500,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	500,000

- (17) Nordic Heritage Museum: For building acquisition and improvements (90-2-007)

The reappropriation in this section is contingent on the expenditure for the same purpose of at least two dollars from nonstate sources for each dollar spent from this reappropriation.

Reappropriation:

St Bldg Constr Acct	\$	200,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	200,000

- (18) Thorp Grist Mill: Restoration (90-5-010)

The reappropriation in this section is contingent on the expenditure for the same purpose of at least two dollars from nonstate sources for each dollar spent from this reappropriation.

Reappropriation:

St Bldg Constr Acct	\$	10,000
Prior Biennia (Expenditures)	\$	20,000
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	30,000

(19) Bremerton naval heritage redevelopment project

The reappropriation in this section is subject to the following conditions and limitations:

(a) This reappropriation is provided solely for capital improvements to the naval destroyer U.S.S. Turner Joy, in conjunction with the Bremerton naval heritage redevelopment project.

(b) No portion of this reappropriation may be expended unless an equal amount from nonstate and nonfederal sources is expended for the same purpose.

(c) Prior to the expenditure of this reappropriation, the recipient of the grant shall prepare and submit to the director of community development, for the director's approval, a financial plan that identifies the revenue sources for the completion of the project and for the long-term operation of the project.

Reappropriation:

St Bldg Constr Acct	\$	190,000
Prior Biennia (Expenditures)	\$	66,000
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	256,000

(20) Marine science center construction

The reappropriation in this section is subject to the following conditions and limitations:

(a) This reappropriation is provided solely for a grant to the city of Poulsbo for construction of a marine science center to be operated by educational service district no. 114.

(b) Expenditure of this reappropriation is contingent on site acquisition and at least \$300,000 of construction costs contributed from nonstate sources.

Reappropriation:

St Bldg Constr Acct	\$	498,000
Prior Biennia (Expenditures)	\$	2,500
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	500,000

(21) A Contemporary Theater (90-1-006)

The reappropriation in this section is subject to the following conditions and limitations:

(a) This reappropriation is provided solely for the construction of a new theater in Seattle.

(b) No portion of this reappropriation may be expended unless at least \$9,000,000 from nonstate sources, including the value of land, is provided for the same purpose.

Reappropriation:

St Bldg Constr Acct	\$	1,000,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	1,000,000

(22) Liberty Theater: To restore and rehabilitate Liberty Theater in Walla Walla

The reappropriation in this section is subject to the following conditions and limitations:

(a) Expenditure of moneys from this reappropriation is contingent on the expenditure for the same purpose of at least one dollar from nonstate sources, including in-kind contributions, for each four dollars spent from this reappropriation.

(b) The reappropriation is provided solely for a grant to a nonprofit corporation for rehabilitation and restoration of the historic Liberty Theater building in Walla Walla.

(c) The owner of the building shall grant to the state an historic preservation easement prior to the expenditure of any funds from this reappropriation.

(d) The nonprofit corporation shall submit to the director of community development, for the director's approval, a financial plan for the long-term operation of the building.

Reappropriation:

St Bldg Constr Acct	\$	200,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	200,000

- (23) Yakima county: For construction and expansion of jail facilities in Yakima county

The reappropriation in this subsection may not exceed eighty percent of the total capital cost of the project. The remaining portion of project capital costs shall be a match from nonstate sources.

Reappropriation:

St Bldg Constr Acct	\$	2,400,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	2,400,000

- (24) Resource Center for the Handicapped: To acquire the building in which the center currently operates

The appropriation in this subsection is subject to the following conditions and limitations:

(a) The appropriation may be used only to purchase the facility declared surplus by the Shoreline school district in which the center operates a program as of the effective date of this section; and

(b) No expenditure shall be made until an equal amount of private, nongovernmental moneys dedicated to the purchase of the facility have been raised.

Appropriation:

St Bldg Constr Acct	\$	1,500,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	1,500,000

- (25) Columbia river waterfront: Planning and coordinating existing and future land use, park, transportation, historical, and utility improvements along the shoreline of the Columbia river between the flushing channel and the Interstate 205 bridge

The appropriation in this subsection shall be matched by at least \$100,000 from nonstate sources provided for the same purpose.

Appropriation:

St Bldg Constr Acct	\$	100,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	100,000

- (26) Asian Resource Center: To construct an Asian Resource Center in Seattle

This appropriation shall be matched by at least \$600,000 in cash provided from nonstate sources.

Appropriation:

St Bldg Constr Acct	\$	150,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL		150,000

- (27) Pike Place Market: For a grant to the city of Seattle (the "city") for the Pike Place Market preservation and development authority (the "authority") to acquire the interests of what is known as the urban group partnerships (the "partnerships") in eleven properties located in the Pike Place Market historical district (the "district")

(a) No portion of the appropriation in this subsection may be expended until the city certifies to the department that:

(i) The settlement proposal agreement dated June 6, 1991, concerning the properties in the district is confirmed, including but not limited to provisions that:

(A) The partnerships will receive not more than a total of \$2,250,000 under the agreement;

(B) All rights, clear title, and interest in the market property will be relinquished by the partnerships and conveyed to the authority; and

(C) All pending litigation and related disputes will be dismissed with prejudice or otherwise finally resolved;

(ii) The city has amended the authority's charter to preclude any future sales of interests in authority properties in the district that could result in loss of authority management responsibilities;

(iii) The authority has executed and recorded a conservation easement, which has been approved by the department, providing protection for the character-defining features of the district. The term of the easement shall extend until the year 2012 or until the bonds sold to provide for this appropriation are retired, whichever is later. The easement shall inure to the benefit of the state.

(b) The appropriation in this subsection shall be matched by at least \$750,000 provided from nonstate sources for the same purpose as this appropriation.

Appropriation:

St Bldg Constr Acct	\$	1,500,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	1,500,000

- (28) Keyport Naval Undersea Museum: To complete an auditorium in the museum

Appropriation:

St Bldg Constr Acct	\$	300,000
Prior Biennia (Expenditures)	\$	500,000
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	800,000

- (29) Marcus Whitman Statue: To provide a duplicate casting of the official statue of Marcus Whitman and to erect this statue in Walla Walla county

Appropriation:

St Bldg Constr Acct	\$	53,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	53,000

- (30) Mystic Lake flood assistance: For mitigation of development-induced flooding of the lake

Appropriation:

St Bldg Constr Acct	\$	53,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	53,000

- (31) Maritime Museum: For exhibit, architecture, and facility planning for a maritime museum on the Seattle waterfront

Appropriation:

St Bldg Constr Acct	\$	200,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	200,000

(32) Tacoma educational enrichment center

The appropriation in this subsection shall be matched by a contribution of at least \$2,200,000 provided from the Tacoma school district or other local government entity for capital costs of this project. The appropriation in this subsection is provided to the Tacoma school district for a facility to be operated under contract by the metropolitan park district of Tacoma. No funds may be expended until a facility plan has been jointly approved by the Tacoma school district and the metropolitan park district.

Appropriation:

St Bldg Constr Acct	\$	2,200,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	2,200,000

(33) Meeker Mansion: For acquisition of property adjacent to the Ezra Meeker mansion in Puyallup

The appropriation in this subsection is subject to the following conditions and limitations:

(a) The appropriation shall be matched by at least \$200,000 provided from the Ezra Meeker Historical Society for land acquisition and development.

(b) None of the appropriation may be spent until the Ezra Meeker Historical Society demonstrates to the satisfaction of the department that it will be able to raise \$200,000 through pledges and contributions.

(c) The department shall consult with the Washington State Historical Society before expending any portion of this appropriation.

Appropriation:

St Bldg Constr Acct	\$	200,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	200,000

(34) Almira and Coulee-Hartline school districts: To make improvements to the Coulee-Hartline facility needed for a cooperative high school program with the Almira school district

The appropriation in this subsection is subject to the following conditions and limitations:

(a) No moneys may be expended until the boards of directors of the two school districts have provided to the department written confirmation that the moneys will be used solely to upgrade the Hartline facility for the purpose of implementing a cooperative high school district under chapter 28A.340 RCW;

(b) The appropriation shall be matched by at least \$100,000 provided by the Almira and Coulee-Hartline school districts for capital costs of the project.

Appropriation:

St Bldg Constr Acct	\$	240,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	240,000

- (35) Yakima criminal justice facility: For a grant to the city of Yakima for the construction of a new criminal justice facility

The appropriation in this subsection is subject to the following conditions and limitations:

(a) Before receiving the grant, the city shall demonstrate to the satisfaction of the department an ability to complete the construction of the facility and fund its operation.

(b) The grant may not exceed sixty-six percent of the total project capital costs as determined by the department. The remaining portion of project capital costs shall be a match provided from nonstate sources.

Appropriation:

St Bldg Constr Acct	\$	3,000,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	3,000,000

- (36) Bonney Lake Park: For a grant to the city of Bonney Lake for the acquisition and development of such facilities as it deems necessary for a park at Bonney Lake

The appropriation in this subsection shall be matched by at least \$35,000 from nonstate sources provided for the same purpose.

Appropriation:

St Bldg Constr Acct	\$	35,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	35,000

- (37) Snohomish county drainage district number 6: To purchase drainage district number 6 and construct a cross-levee on it, in order to decrease damaging flooding of adjacent lands and to reestablish wetlands

The appropriation in this subsection shall be matched by at least \$585,000 provided from nonstate sources for capital costs of this project.

Appropriation:

St Bldg Constr Acct	\$	350,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	350,000

- (38) Tears of Joy Theatre: For construction of an international puppetry center in Vancouver

The appropriation in this subsection shall be matched by at least \$1,950,000 from nonstate sources provided for capital costs of the project. The match may include cash, land value, and other in-kind contributions.

Appropriation:

St Bldg Constr Acct	\$	1,950,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	1,950,000

- (39) Flood control structures: Repair of damage from November 1990 floods

The appropriation in this subsection is provided solely for the local share of matching funds required for federal assistance to repair flood control structures damaged in the November 1990 floods. Local govern-

ment jurisdictions in the following counties may receive up to 36.5% of the required local match, or the amount listed below, whichever is less:

Chelan county	\$ 48,707
Clallam county	7,954
Grays Harbor county	2,755
Island county	656
Jefferson county	4,647
King county	209,337
Kitsap county	9,737
Kittitas county	30,914
Lewis county	14,802
Mason county	1,732
Pacific county	3,528
Pierce county	65,671
San Juan county	492
Skagit county	416,903
Snohomish county	188,005
Whatcom county	229,160
TOTAL	1,235,000

Appropriation:

St Bldg Constr Acct	..... \$	1,235,000
Prior Biennia (Expenditures)	..... \$	0
Future Biennia (Projected Costs)	..... \$	0
TOTAL	..... \$	1,235,000

Sec. 11. 1989 1st ex.s. c 12 s 208 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Spokane public facilities (89-5-005)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is provided solely for the purposes of RCW 36.100.030 and 36.100.060.

(2) ~~(If the appropriation in this section is not expended by December 31, 1991, the appropriation in this section shall lapse)~~ Any moneys from this appropriation that are not expended by the Spokane public facilities district by June 30, 1993, shall be returned to the department of community development and shall lapse.

(3) This appropriation shall lapse if an appropriation is enacted for the same purpose in Substitute Senate Bill No. 6074 prior to June 30, 1989.

St Bldg Constr Acct	Reappropriation 500,000	Appropriation
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u> 500,000

NEW SECTION. Sec. 12. FOR THE DEPARTMENT OF LABOR AND INDUSTRIES

- (1) Design and construct new agency headquarters in Olympia and Tumwater (90-4-004)

Reappropriation:

L & I Constr Acct	\$ 44,700,000
Prior Biennia (Expenditures)	\$ 18,300,000
Future Biennia (Projected Costs)	\$ 0
TOTAL	\$ 63,000,000

NEW SECTION. Sec. 13. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

- (1) Rainier: Renovate Evergreen Center (79-1-017)

Reappropriation:

St Bldg Constr Acct	\$ 200,000
DSHS Constr Acct	\$ 119,477
Subtotal Reappropriation	\$ 319,477
Prior Biennia (Expenditures)	\$ 4,230,523
Future Biennia (Projected Costs)	\$ 0
TOTAL	\$ 4,550,000

- (2) Referendum 37: For handicapped facilities construction pursuant to chapter 43.99C RCW (79-3-001)

\$9,529 of the appropriation may be used by Yakima county for improvements at the Community Center for the Deaf to permit increased service level to handicapped clients. This amount may be expended only if the final application for the project is submitted to the department by December 31, 1991, and approved by March 31, 1992.

Reappropriation:

Hndcp Fac Constr Acct	\$ 253,531
Prior Biennia (Expenditures)	\$ 33,371
Future Biennia (Projected Costs)	\$ 0
TOTAL	\$ 286,902

(3)	Child study center: Construct high school on the grounds of Western State Hospital (88-1-318)		
	Reappropriation:		
	St Bldg Constr Acct	\$	130,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	130,000
(4)	Western State Hospital: Sanitary sewer (88-2-400)		
	Reappropriation:		
	St Bldg Constr Acct	\$	200,000
	Prior Biennia (Expenditures)	\$	2,109,238
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	2,309,238
(5)	Echo Glen: Renovate eleven living units at Echo Glen Children's Center (90-1-210)		
	Reappropriation:		
	St Bldg Constr Acct	\$	2,600,000
	Prior Biennia (Expenditures)	\$	364,000
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	2,964,000
(6)	Emergency capital repairs (90-1-007)		
	Reappropriation:		
	CEP & RI Acct	\$	25,000
	Prior Biennia (Expenditures)	\$	444,578
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	469,578
(7)	Western State Hospital: Ward renovations, phase 4 (90-1-312)		
	Reappropriation:		
	St Bldg Constr Acct	\$	6,000,000
	Prior Biennia (Expenditures)	\$	192,000
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	6,192,000
(8)	Eastern State Hospital: Ward renovations, phase 2 (90-1-339)		
	Reappropriation:		
	St Bldg Constr Acct	\$	2,000,000
	Prior Biennia (Expenditures)	\$	2,510,400
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	4,510,400

- (9) Minor capital renewal: Utilities and facilities (90-2-001), roads and grounds (90-2-002), roofs (90-2-003), fire and safety (90-1-004), and hazardous substances (90-1-005)

Reappropriation:

CEP & RI Acct	\$	850,000
St Bldg Constr Acct	\$	450,000
Subtotal Reappropriation	\$	1,300,000
Prior Biennia (Expenditures)	\$	2,633,393
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	4,733,725

- (10) Small repairs and improvements (90-2-008)

Reappropriation:

CEP & RI Acct	\$	50,000
Prior Biennia (Expenditures)	\$	140,000
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	190,000

- (11) Minor projects: Bureau of alcohol (90-2-010)

Reappropriation:

CEP & RI Acct	\$	350,000
Prior Biennia (Expenditures)	\$	92,400
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	442,400

- (12) Minor projects: Juvenile rehabilitation division (90-2-020)

Reappropriation:

CEP & RI Acct	\$	200,000
St Bldg Constr Acct	\$	25,000
Subtotal Reappropriation	\$	225,000
Prior Biennia (Expenditures)	\$	285,781
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	510,781

- (13) Minor projects: Mental health division (90-2-030) and (90-2-032)

Reappropriation:

St Bldg Constr Acct	\$	200,000
CEP & RI Acct	\$	65,000
Subtotal Appropriation	\$	265,000
Prior Biennia (Expenditures)	\$	460,000
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	725,000

(14) Snohomish county: Mental health evaluation and treatment facility (90-2-033)

The reappropriation in this subsection is subject to the following conditions and limitations:

(a) The reappropriation is provided solely for a mental health evaluation and treatment facility in Snohomish county.

(b) No moneys from the reappropriation may be expended until the department enters into an agreement with Snohomish county or a group of counties for the facility. The payments under the agreement shall be either at least equal to the facility component of the state average rate-per-patient day paid by the department to community mental health providers for comparable services, or at least equal to the amount of this reappropriation amortized over fifteen years.

(c) No moneys from the reappropriation may be expended before adoption of a plan to provide mental health services through a regional support network as required by chapter 205, Laws of 1989.

(d) Other counties or regions that adopt plans for mental health services as required by chapter 205, Laws of 1989, shall be eligible for application to the state for future evaluation and treatment facility moneys under the same conditions as are provided in subsections (a) and (b) of this subsection, as long as no applicant receives appropriated moneys from state sources exceeding one million dollars.

Reappropriation:

St Bldg Constr Acct	\$	800,000
Prior Biennia (Expenditures)	\$	200,000
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	1,000,000

(15) Minor projects: Developmental disabilities division (90-2-040)

Reappropriation:

St Bldg Constr Acct	\$	250,000
Prior Biennia (Expenditures)	\$	484,222
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	734,222

(16) Minor capital renewal, mental health (90-2-060)

Reappropriation:

St Bldg Constr Acct	\$	500,000
Prior Biennia (Expenditures)	\$	500,000
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	1,000,000

(17) Child care facilities (90-2-300)

Reappropriation:

St Bldg Constr Acct	\$	350,000
Prior Biennia (Expenditures)	\$	250,000
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	600,000

(18) Eastern State: Electrical distribution system (90-2-345)

Reappropriation:

St Bldg Constr Acct	\$	600,000
Prior Biennia (Expenditures)	\$	771,600
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	1,371,600

(19) Lakeland Village: Steam plant replacement (90-2-425)

Reappropriation:

St Bldg Constr Acct	\$	3,000,000
Prior Biennia (Expenditures)	\$	1,063,000
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	4,063,000

(20) Preplanning (90-4-009)

The new appropriation in this subsection is provided solely for preplanning activities for the Administration Building at Lakeland Village, the security housing and treatment unit at Green Hill, and the vocational educational and administration buildings at Maple Lane.

Reappropriation:

CEP & RI Acct	\$	50,000
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Appropriation:

CEP & RI Acct	\$	273,300
Prior Biennia (Expenditures)	\$	141,400
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	464,700

(21) Maple Lane: To add twenty-four new level 2 security beds (90-5-001)

Reappropriation:

St Bldg Constr Acct	\$	1,100,000
Prior Biennia (Expenditures)	\$	156,000
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	1,256,000

(22) Echo Glen: Perimeter fence (90-5-002)

Reappropriation:

St Bldg Constr Acct	\$	850,000
Prior Biennia (Expenditures)	\$	106,000
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	956,000

(23) Fircrest: Food bank facility (90-5-011)

Reappropriation:

St Bldg Constr Acct	\$	700,000
Prior Biennia (Expenditures)	\$	88,000
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	788,000

(24) Minor capital renewal fire safety (92-1-004), utilities and facilities (92-2-001), roads and grounds (92-2-002), and roofs (92-2-003)

Appropriation:

CEP & RI Acct	\$	3,284,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	7,136,000
TOTAL	\$	10,420,000

(25) Environmental: For minor works projects, including asbestos abatement, PCBs and other hazardous substances, and for planning functions pertaining to environmental/capital proposals (92-1-005)

Appropriation:

CEP & RI Acct	\$	359,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	664,000
TOTAL	\$	1,023,000

(26) Emergency and unanticipated projects: For emergency and unanticipated repairs to equipment, facilities, and infrastructures at state institutions (92-1-007)

Appropriation:

CEP & RI Acct	\$	250,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	538,100
TOTAL	\$	788,100

- (27) Underground storage tanks: To test, replace, and/or remove underground storage tanks state-wide (92-1-060)

Appropriation:

CEP & RI Acct	\$	145,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	618,000
TOTAL	\$	673,000

- (28) Western State Hospital: To complete phase 5 of 7 phases, including ward renovations, hospital administration and support spaces, and patient treatment areas (92-1-314)

The appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 59 of this act.

Appropriation:

St Bldg Constr Acct	\$	13,669,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	13,669,000

- (29) Eastern State Hospital: To complete phase 3 of 5 phases, including ward treatment areas, hospital support space, and necessary utilities (92-1-340)

The appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 59 of this act.

Appropriation:

St Bldg Constr Acct	\$	7,578,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	7,578,000

- (30) Small works: For miscellaneous projects under \$25,000 each at the various institutions (92-2-008)

Appropriation:

CEP & RI Acct	\$	192,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	430,500
TOTAL	\$	622,500

<p>(31) Minor projects, alcohol and substance abuse division: For miscellaneous minor repairs, safety, and electrical repairs at Northern State Hospital (92-2-010)</p>	<p>Appropriation: CEP & RI Acct \$ 300,000 Prior Biennia (Expenditures) \$ 0 Future Biennia (Projected Costs) \$ 0 <hr/> TOTAL \$ 300,000</p>
<p>(32) Minor projects, juvenile rehabilitation division: For the upgrade of the water supply, sewer treatment, and security (92-2-020)</p>	<p>Appropriation: CEP & RI Acct \$ 957,500 Prior Biennia (Expenditures) \$ 0 Future Biennia (Projected Costs) \$ 1,849,731 <hr/> TOTAL \$ 2,807,231</p>
<p>(33) Minor projects, mental health division: For minor projects including storm sewer, electrical system, air conditioning, food distribution system, loading dock cover, and new parking lots at Western State Hospital; administration renovation, window security screens, outdoor recreation restrooms at Eastern State Hospital; cemetery fence and kitchen improvements at the Portal facility (92-2-030)</p>	<p>Appropriation: CEP & RI Acct \$ 1,317,200 Prior Biennia (Expenditures) \$ 0 Future Biennia (Projected Costs) \$ 2,656,600 <hr/> TOTAL \$ 3,973,800</p>
<p>(34) Minor projects, developmental disabilities division: For minor projects, including the "Y" Building renova- tion at Fircrest; replacement of living unit floors at Lakeland Village, a state-wide facilities and land use plan; renovation of bathroom and kitchen floors at Rainier School; and added support space and play- ground expansion at Yakima Valley School (92-2-040)</p>	<p>Appropriation: CEP & RI Acct \$ 912,400 Prior Biennia (Expenditures) \$ 0 Future Biennia (Projected Costs) \$ 1,472,000 <hr/> TOTAL \$ 2,384,400</p>

- (35) Maple Lane: To add sixty-four new level 1 security beds (92-2-225)

The appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 59 of this act.

Appropriation:

St Bldg Constr Acct	\$	6,715,800
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	<u>0</u>
TOTAL	\$	6,715,800

- (36) Maple Lane: To add forty-seven new level 2 security beds (92-2-230)

The appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 59 of this act.

Appropriation:

St Bldg Constr Acct	\$	3,107,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	<u>0</u>
TOTAL	\$	3,107,000

- (37) Child study: For construction of a new education center (high school) at the child study and treatment center (92-2-319)

Appropriation:

St Bldg Constr Acct	\$	2,642,300
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	<u>0</u>
TOTAL	\$	2,642,300

- (38) Maintenance management: For completion of the maintenance management system at Medical Lake and Olympia (92-3-050)

Appropriation:

CEP & RI Acct	\$	292,800
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	<u>473,500</u>
TOTAL	\$	766,300

- (39) Resource conservation: For energy and water conservation projects (92-4-006)

Appropriation:

CEP & RI Acct	\$	561,100
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	442,600
TOTAL	\$	1,003,700

- (40) Child care facilities for state employees, including higher education employees (92-4-050)

Appropriation:

St Bldg Constr Acct	\$	2,500,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	2,500,000

- (41) Washington Institute for Mental Illness Research at Western State Hospital

Appropriation:

CEP & RI Acct	\$	700,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	700,000

NEW SECTION. Sec. 14. FOR THE DEPARTMENT OF HEALTH

- (1) Referendum 38: Water bonds (86-2-099)

Reappropriation:

Improv-Water Supply	\$	6,100,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	6,100,000

- (2) Implementation of 1980 master plan: For the design and construction of phase 1 of the public health laboratory expansion (92-2-001)

Appropriation:

St Bldg Constr Acct	\$	1,200,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	18,500,000
TOTAL	\$	19,700,000

(3)	Consolidated request: Emergency repairs (92-2-002)		
	Appropriation:		
	CEP & RI Acct	\$	49,560
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	<u>49,560</u>
(4)	Vaccine storage: For installation of a walk-in refrigeration and cold-storage unit (92-2-003)		
	Appropriation:		
	CEP & RI Acct	\$	89,922
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	<u>89,922</u>
(5)	Consolidated request: Small repairs and improvements (92-2-004)		
	Appropriation:		
	CEP & RI Acct	\$	49,560
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	<u>49,560</u>
(6)	Lab improvement: Pesticide and newborn screening (92-2-005)		
	Appropriation:		
	CEP & RI Acct	\$	297,124
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	<u>297,124</u>
(7)	Fume hood addition or replacement: For addition or replacement of the fume hood in the radiation chemistry lab (92-2-007)		
	Appropriation:		
	CEP & RI Acct	\$	176,208
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	<u>176,208</u>

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- (8) Autoclave and sterilizing oven replacement: For replacement of aging equipment at the public health laboratory (92-2-008)

Appropriation:

CEP & RI Acct	\$	92,509
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	92,509

- (9) Energy management system, phase 3 (92-4-006)

Appropriation:

CEP & RI Acct	\$	99,117
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	99,117

***NEW SECTION. Sec. 15. FOR THE DEPARTMENT OF VETERANS' AFFAIRS**

- (1) Minor works—Building improvements, phase 2: To complete minor works and other projects, including food service renovation (phase 2) and window replacement at the soldiers' home (90-2-008)

Reappropriation:

CEP & RI Acct	\$	105,000
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Appropriation:

CEP & RI Acct	\$	435,570
Prior Biennia (Expenditures)	\$	289,440
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	830,010

- (2) Minor works—Roads, walkways, and grounds: To complete minor works and other projects, including widening roadway at the veterans' home, improving and repairing roads, parking lots, and walkways at the veterans' home, and soldiers' home, and installing outdoor lighting at the soldiers' home (90-1-005)

Reappropriation:

CEP & RI Acct	\$	50,000
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Appropriation:

CEP & RI Acct	\$	304,129
Prior Biennia (Expenditures)	\$	100,000
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	454,129

- (3) Building 9: To complete air quality improvements (phase 2), including window replacement in building 9 at the soldiers' home (90-1-009)

Reappropriation:

CEP & RI Acct \$ 281,000

Appropriation:

CEP & RI Acct \$ 277,951

Prior Biennia (Expenditures) \$ 313,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 871,951

- (4) *Design and renovate Garfield barracks (90-5-012)*

The appropriation in this subsection is contingent on the office of financial management reporting to the legislature on the costs of constructing, maintaining, and operating the facility funded by the appropriation, compared to the cost of reimbursing Medicaid-certified nursing homes for the same services. In addition, the appropriation in this subsection may not be expended until the department has sought Medicaid certification for its existing facilities and has reported the results of these efforts to the legislature. Further, the appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 59 of this act.

Appropriation:

CEP & RI Acct-Federal \$ 2,878,000

CEP & RI Acct \$ 1,550,000

Subtotal Appropriation \$ 4,428,000

Prior Biennia (Expenditures) \$ 35,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 4,463,000

- (5) Minor works: To upgrade underground storage tanks to meet federal requirements (92-1-001)

Appropriation:

CEP & RI Acct \$ 60,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 353,784

TOTAL \$ 413,784

- (6) Minor project: For asbestos removal projects (phase 2) at the veterans' and soldiers' homes (92-1-003)
- Reappropriation:**
- | | |
|--|-------------------|
| CEP & RI Acct | \$ 90,000 |
| Prior Biennia (Expenditures) | \$ 235,000 |
| Future Biennia (Projected Costs) | \$ 600,000 |
| TOTAL | \$ 925,000 |
- (7) Contingency for emergency repairs (92-2-002)
- Appropriation:**
- | | |
|--|-------------------|
| CEP & RI Acct | \$ 150,000 |
| Prior Biennia (Expenditures) | \$ 0 |
| Future Biennia (Projected Costs) | \$ 0 |
| TOTAL | \$ 150,000 |
- (8) Minor works—Mechanical: For minor projects, including air handling, steam radiator replacement, and heat exchanger replacement at the veterans' and soldiers' homes (92-2-006)
- Appropriation:**
- | | |
|--|-------------------|
| CEP & RI Acct | \$ 307,282 |
| Prior Biennia (Expenditures) | \$ 0 |
| Future Biennia (Projected Costs) | \$ 0 |
| TOTAL | \$ 307,282 |
- (9) Minor works—Building repairs: For minor projects, including replacing the nurses' call system, replacing automatic doors, and replacing floor tiles at the veterans' and soldiers' homes (92-2-007)
- Appropriation:**
- | | |
|--|-------------------|
| CEP & RI Acct | \$ 121,111 |
| Prior Biennia (Expenditures) | \$ 0 |
| Future Biennia (Projected Costs) | \$ 0 |
| TOTAL | \$ 121,111 |
- (10) Minor works—Building improvements, phase 2: Minor projects (phase 2), including expansion of the maintenance building, renovation of the commissary, and improvement of the laundry cart storage area (92-2-008)
- Appropriation:**
- | | |
|--|-------------------|
| CEP & RI Acct | \$ 299,592 |
| Prior Biennia (Expenditures) | \$ 88,000 |
| Future Biennia (Projected Costs) | \$ 0 |
| TOTAL | \$ 387,592 |

- (11) Minor works: For building feasibility studies, including the food service area at the soldiers' home, and the Chilson Hall/Roosevelt Barracks connection (92-2-011)

Appropriation:

CEP & RI Acct	\$	13,414
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	145,605
TOTAL	\$	159,019

- (12) Steam distribution study (92-2-024)

Reappropriation:

CEP & RI Acct	\$	22,200
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Appropriation:

CEP & RI Acct	\$	3,409
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	1,117,406
TOTAL	\$	1,143,015

- (13) Minor works—Building exteriors: For minor works, including roof repair/replacement and stucco repair (92-3-004)

Appropriation:

CEP & RI Acct	\$	134,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	134,000

- (14) Minor works: Covered walkway (92-5-008)

Appropriation:

CEP & RI Acct	\$	38,038
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	38,038

- (15) Preplanning for an Eastern Washington Veteran's Health Service Center including site analysis for potential sites, basic facility design, cost estimates, analysis of client workload and service needs, and analysis of the facility organization and operation (92-5-022)

In assessing the need for a facility the preplan shall recognize that the mission of the Eastern Washington Veteran's Health Service Center will be to focus on rehabilitation of veterans in order to enable them to return to independent living in their communi-

ties. The analysis of client workload and service needs shall examine the following options:

- (a) Treatment and therapy for veterans suffering from substance abuse diseases;
- (b) Rehabilitation and therapy that, upon completion, allow veterans to return to or remain in the home or an alternative community living situation;
- (c) Alzheimers disease care;
- (d) Outpatient service for community-based eligible veterans such as post-trauma stress disorder;
- (e) Assisted living;
- (f) Temporary living quarters for homeless veterans;
- (g) Adult daycare;
- (h) Referral and coordination of services for veterans in their communities; and
- (i) Residential nursing care for functionally disabled veterans.

Appropriation:

CEP & RI Acct	\$	148,492
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	148,492

(16) Minor projects: Utilities and energy sewer project and the soldiers' home (90-4-006)

Reappropriation:

CEP & RI Acct	\$	80,000
Prior Biennia (Expenditures)	\$	464,000
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	544,000

*Sec. 15 was partially vetoed, see message at end of chapter.

NEW SECTION. Sec. 16. FOR THE DEPARTMENT OF CORRECTIONS

The appropriations in this section are subject to the following condition and limitation: The department shall, to the extent possible, employ inmate labor in the construction of projects where such employment use will save money.

- (1) Washington State Reformatory: Continuation of cell-block renovations, and expansion of the industries and production areas and the gym (83-3-048)

The new appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 59 of this act.

Reappropriation:	
St Bldg Constr Acct	\$ 1,800,000
Appropriation:	
St Bldg Constr Acct	\$ 9,687,000
Prior Biennia (Expenditures)	\$ 19,513,213
Future Biennia (Projected Costs)	\$ 9,281,500
TOTAL	\$ 40,281,713

- (2) Washington State Penitentiary: For improving security facilities and utilities (83-3-052)

The new appropriation in this subsection is provided solely to renovate perimeter walls and towers.

Reappropriation:	
St Bldg Constr Acct	\$ 1,300,000
Appropriation:	
St Bldg Constr Acct	\$ 1,609,000
Prior Biennia (Expenditures)	\$ 11,536,721
Future Biennia (Projected Costs)	\$ 4,274,000
TOTAL	\$ 18,719,721

- (3) McNeil Island Corrections Center: For replacement of water mains; installation of new telephone switch gear; purchase of an underwater power cable for emergency use; replacement of overhead power lines and poles; and projects related to regulation of the landfill (86-1-002)

Reappropriation:	
St Bldg Constr Acct	\$ 4,800,000
Appropriation:	
St Bldg Constr Acct	\$ 3,230,500
Prior Biennia (Expenditures)	\$ 2,084,319
Future Biennia (Projected Costs)	\$ 4,780,000
TOTAL	\$ 14,894,819

- (4) McNeil Island Corrections Center: For repairs of roads and sea walls (86-1-004)
- | | |
|--|----------------------|
| Reappropriation: | |
| St Bldg Constr Acct | \$ 700,000 |
| Appropriation: | |
| St Bldg Constr Acct | \$ 1,922,500 |
| Prior Biennia (Expenditures) | \$ 5,400,879 |
| Future Biennia (Projected Costs) | \$ 3,737,000 |
| TOTAL | \$ 11,760,379 |
- (5) McNeil Island Corrections Center: For repair of island homes, replacement of the emergency generator, and fire and safety improvements to institutional buildings (86-1-008)
- | | |
|--|----------------------|
| Reappropriation: | |
| St Bldg Constr Acct | \$ 2,100,000 |
| Appropriation: | |
| St Bldg Constr Acct | \$ 2,040,000 |
| Prior Biennia (Expenditures) | \$ 6,084,008 |
| Future Biennia (Projected Costs) | \$ 3,805,000 |
| TOTAL | \$ 14,029,008 |
- (6) State-wide wastewater system improvements: For improvements to the laboratory at the wastewater facilities at the Monroe Reformatory; for upgrades of the sewage pumping system at Twin rivers Correctional Center; and for renovation of sewer lines at several facilities (88-1-017)
- | | |
|--|---------------------|
| Reappropriation: | |
| St Bldg Constr Acct | \$ 450,000 |
| Appropriation: | |
| St Bldg Constr Acct | \$ 2,298,000 |
| Prior Biennia (Expenditures) | \$ 863,000 |
| Future Biennia (Projected Costs) | \$ 0 |
| TOTAL | \$ 3,611,000 |
- (7) State-wide water system improvements: To construct a new 120,000-gallon reservoir at Twin rivers Correctional Center; to upgrade storage tanks at the Washington Correctional Center at Shelton and the Larch Correctional Center; to drill a new well at Clearwater/Olympic Correctional Center; to increase reservoir capacity at Cedar Creek Correctional Center; and to upgrade water treatment and storage at the Washington State Reformatory Honor Farm (88-1-018)

Reappropriation:	
St Bldg Constr Acct	\$ 900,000
Appropriation:	
St Bldg Constr Acct	\$ 1,731,000
Prior Biennia (Expenditures)	\$ 461,000
Future Biennia (Projected Costs)	\$ 0
TOTAL	\$ 3,092,000

- (8) McNeil Island Corrections Center: Continue major renovation and expansion of the McNeil Island Correction Center (88-2-003)

The new appropriation in this subsection shall be not expended until project preplanning documents have been reviewed and approved by the office of financial management under section 59 of this act.

Reappropriation:	
St Bldg Constr Acct	\$ 27,000,000
Appropriation:	
St Bldg Constr Acct	\$ 37,126,000
Prior Biennia (Expenditures)	\$ 5,012,222
Future Biennia (Projected Costs)	\$ 12,708,000
TOTAL	\$ 81,846,222

- (9) Work and training release relocation and expansion: To relocate and expand the work release facility currently located at Western State Hospital

No portion of this appropriation may be expended to purchase land until the department conducts a life-cycle cost analysis for the operating and capital costs of a facility to be located on the land and reports the results of the analysis to the fiscal committees of the legislature.

Reappropriation:	
St Bldg Constr Acct	\$ 4,000,000
Prior Biennia (Expenditures)	\$ 415,400
Future Biennia (Projected Costs)	\$ 0
TOTAL	\$ 4,415,400

- (10) Washington Corrections Center for Women: For major renovation of existing facilities, including construction of thirty-bed special needs unit (88-2-006)

The new appropriation in this subsection shall be not expended until project preplanning documents have

been reviewed and approved by the office of financial management under section 59 of this act.

Reappropriation:

St Bldg Constr Acct \$	900,000
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Appropriation:

St Bldg Constr Acct \$	3,388,000
Prior Biennia (Expenditures) \$	715,000
Future Biennia (Projected Costs)	..... \$	7,709,000
TOTAL	..... \$	12,712,000

(11) Hazardous materials management (90-1-004)

Reappropriation:

St Bldg Constr Acct	..... \$	200,000
Prior Biennia (Expenditures)	..... \$	79,000
Future Biennia (Projected Costs)	..... \$	0
TOTAL	..... \$	279,000

(12) Washington Corrections Center/Washington Corrections Center for Women: Perimeter security upgrade (90-1-007)

Reappropriation:

St Bldg Constr Acct	..... \$	600,000
Prior Biennia (Expenditures)	..... \$	1,052,000
Future Biennia (Projected Costs)	..... \$	1,183,000
TOTAL	..... \$	2,835,000

(13) State-wide minor projects (90-1-009)

Reappropriation:

CEP & RI Acct	..... \$	900,000
St Bldg Constr Acct	..... \$	2,700,000
Subtotal Reappropriation	.... \$	2,200,000
Prior Biennia (Expenditures)	..... \$	1,749,000
Future Biennia (Projected Costs)	..... \$	0
TOTAL	..... \$	5,349,000

(14) State-wide small repairs and improvements (90-1-010)

Reappropriation:

St Bldg Constr Acct	..... \$	300,000
Prior Biennia (Expenditures)	..... \$	456,000
Future Biennia (Projected Costs)	..... \$	0
TOTAL	..... \$	756,000

(15) State-wide emergency repair projects (90-1-013)

Reappropriation:

CEP & RI Acct	\$	150,000
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Appropriation:

CEP & RI Acct	\$	750,000
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Prior Biennia (Expenditures)	\$	600,000
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Future Biennia (Projected Costs)	\$	750,000
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TOTAL	\$	2,250,000
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(16) New facilities: To design and construct a new 1,024-bed medium-security prison, and four minimum-security correctional facilities, for a total of 2,424 new beds (90-2-001)

The new appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 59 of this act.

Reappropriation:

St Bldg Constr Acct	\$	51,550,000
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Drug Enf & Ed Acct	\$	5,900,000
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Subtotal Reappropriation	\$	57,450,000
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Appropriation:

St Bldg Constr Acct	\$	96,036,000
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Prior Biennia (Expenditures)	\$	3,038,000
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Future Biennia (Projected Costs)	\$	0
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TOTAL	\$	156,524,000
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(17) Washington State Penitentiary: For minimum security unit double bunking (90-2-003)

Reappropriation:

St Bldg Constr Acct	\$	1,050,000
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Prior Biennia (Expenditures)	\$	160,000
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Future Biennia (Projected Costs)	\$	0
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TOTAL	\$	1,210,000
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(18) Twin rivers Corrections Center: Double bunking (90-2-004)

Reappropriation:

St Bldg Constr Acct	\$	2,500,000
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Prior Biennia (Expenditures)	\$	481,000
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Future Biennia (Projected Costs)	\$	0
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TOTAL	\$	2,981,000
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(19)	Washington State Penitentiary: Medium-security complex double bunking (90-2-005)	<p>Reappropriation:</p> <p> St Bldg Constr Acct \$ 1,000,000</p> <p> Prior Biennia (Expenditures) \$ 128,000</p> <p> Future Biennia (Projected Costs) \$ 0</p> <p> TOTAL \$ 1,128,000</p>
(20)	Clearwater/Olympic Corrections Center: 100-bed expansion (90-2-006)	<p>Reappropriation:</p> <p> St Bldg Constr Acct \$ 1,200,000</p> <p> Prior Biennia (Expenditures) \$ 538,000</p> <p> Future Biennia (Projected Costs) \$ 0</p> <p> TOTAL \$ 1,738,000</p>
(21)	Cedar Creek Corrections Center: 100-bed expansion (90-2-007)	<p>Reappropriation:</p> <p> St Bldg Constr Acct \$ 1,450,000</p> <p> Prior Biennia (Expenditures) \$ 187,000</p> <p> Future Biennia (Projected Costs) \$ 0</p> <p> TOTAL \$ 1,637,000</p>
(22)	Washington State Penitentiary: Expand medium-security complex industries building (90-2-016)	<p>Reappropriation:</p> <p> St Bldg Constr Acct \$ 1,100,000</p> <p> Prior Biennia (Expenditures) \$ 113,000</p> <p> Future Biennia (Projected Costs) \$ 0</p> <p> TOTAL \$ 1,213,000</p>
(23)	State-wide roof repair: For reroofing projects at the Corrections Center at Shelton, Cedar Creek Corrections Center, Indian Ridge Corrections Center, Clearwater/Olympic Corrections Center, Monroe Reformatory, and the Treatment Center for Women at Purdy facilities (90-3-011)	<p>Reappropriation:</p> <p> St Bldg Constr Acct \$ 150,000</p> <p>Appropriation:</p> <p> St Bldg Constr Acct \$ 2,631,000</p> <p> Prior Biennia (Expenditures) \$ 1,350,000</p> <p> Future Biennia (Projected Costs) \$ 0</p> <p> TOTAL \$ 4,131,000</p>

- (24) Clallam Bay Corrections Center: To expand program space and add three hundred forty-nine beds (90-5-026)

Reappropriation:

St Bldg Constr Acct	\$ 23,000,000
Prior Biennia (Expenditures)	\$ 2,301,000
Future Biennia (Projected Costs)	\$ 0
TOTAL	\$ 25,301,000

- (25) Camp labor pool funds (90-5-031)

Moneys from the reappropriation in this subsection shall [be] made available to the department for expanded capacity projects in the event inmate labor cannot be employed.

Reappropriation:

St Bldg Constr Acct	\$ 229,000
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs)	\$ 0
TOTAL	\$ 229,000

- (26) Underground storage tanks: To test, replace, and/or remove underground storage tanks state-wide (92-1-002)

Appropriation:

St Bldg Constr Acct	\$ 300,000
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs)	\$ 1,000,000
TOTAL	\$ 1,300,000

- (27) State-wide minor projects: For projects less than \$500,000 pertaining to life safety/code compliance, property protection, or essential program support (92-1-012)

Appropriation:

St Bldg Constr Acct	\$ 7,500,000
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs)	\$ 4,976,000
TOTAL	\$ 12,476,000

- (28) State-wide small repairs and improvements: For miscellaneous state-wide projects, each under \$25,000 (92-1-013)

Appropriation:

St Bldg Constr Acct	\$	497,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	497,000

- (29) Washington Corrections Center: To retrofit the boiler at Shelton (92-1-026)

In retrofitting the boiler, the department shall consider using wood pellets or natural gas, whichever is the more economically competitive, as the primary fuel source for the boiler.

Appropriation:

St Bldg Constr Acct	\$	2,164,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	2,164,000

- (30) Washington State Penitentiary: To add space for recreation, legal libraries, medical/dental unit, property and a clothing room at medium-security facilities (92-2-021)

Appropriation:

St Bldg Constr Acct	\$	1,443,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	1,443,000

- (31) Washington State Penitentiary: To add space to the current gym, and upgrade systems for heating, ventilation, and air conditioning, fire protection, lighting, and electricity (92-2-022)

Appropriation:

St Bldg Constr Acct	\$	888,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	888,000

- (32) Washington Corrections Center: For installation of a new underground steam distribution/condensation return system (92-2-028)

Appropriation:

St Bldg Constr Acct	\$	729,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	729,000

- (33) Washington State Reformatory: For initiation of a feasibility study for relocation of program and living space at the honor farm (92-2-029)

Appropriation:

St Bldg Constr Acct	\$	230,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	1,000,000
TOTAL	\$	1,230,000

- (34) Washington State Reformatory: Restoration and repair of perimeter walls (92-2-031)

Appropriation:

St Bldg Constr Acct	\$	1,084,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	1,084,000

- (35) Pilot preventive maintenance program: For computer hardware and software for a computer-based preventative maintenance system (92-4-033)

The appropriation in this subsection is subject to the following conditions and limitations: The department of corrections shall, every six months, submit a progress report on this project to the department of general administration, the office of financial management, the senate committee on ways and means, and the house of representatives committee on capital facilities and financing.

Appropriation:

St Bldg Constr Acct	\$	325,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	325,000

- (36) Cedar Creek Corrections Center upgrade: Core facilities improvements and dormitory expansion (92-2-024)

Appropriation:

St Bldg Constr Acct	\$	1,426,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	1,426,000

**PART 3
NATURAL RESOURCES**

**NEW SECTION. Sec. 17. FOR THE WASHINGTON STATE
ENERGY OFFICE**

- (1) Energy partnership: Conservation capital projects for schools and state government facilities (92-1-001)

Reappropriation:

St Bldg Constr Acct	\$	1,729,400
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Appropriation:

Energy Eff Constr Acct	\$	15,000,000
Prior Biennia (Expenditures)	\$	217,000
Future Biennia (Projected Costs)	\$	331,000,000
TOTAL	\$	347,946,400

- (2) Energy partnership services: For project start-up

Appropriation:

Energy Eff Svcs Acct	\$	3,050,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	3,050,000

NEW SECTION. Sec. 18. FOR THE DEPARTMENT OF ECOLOGY

- (1) Referendum 26: Waste disposal facilities (74-5-004)

Reappropriation:

LIRA, Waste Disp Fac	\$	15,660,673
Prior Biennia (Expenditures)	\$	8,093,028
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	23,753,701

- (2) Referendum 38: Water supply facilities (74-5-006)

Reappropriation:

LIRA, Water Sup Fac	\$	26,744,618
Prior Biennia (Expenditures)	\$	2,466,576
Future Biennia (Projected Costs)	\$	29,763,000
TOTAL	\$	58,974,194

- (3) State emergency water project revolving account
(76-5-003)

Reappropriation:

Emergency Water Proj \$ 7,599,337

Appropriation:

Emergency Water Proj \$ 1,343,929

Prior Biennia (Expenditures) \$ 16,586,284

Future Biennia (Projected Costs) \$ 224,761

TOTAL \$ 25,754,311

- (4) Referendum 39: Waste disposal facilities 1980 bond
issue (82-5-005)

No expenditure from the reappropriation in this subsection shall be made for any grant valued over fifty million dollars to a city or county for solid waste disposal facilities unless the following conditions are met:

(a) The city or county agrees to comply with all the terms of the grant contract between the city or county and the department of ecology;

(b) The city or county agrees to implement curb-side collection of recyclable materials as prescribed in the grant contract; and

(c) The city or county does not begin actual construction of the solid waste disposal facility until it has obtained a permit for prevention of significant deterioration as required by the federal clean air act.

Reappropriation:

LIRA, Waste Disp Fac \$ 61,598,000

Prior Biennia (Expenditures) \$ 401,402,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 463,000,000

(5) Water quality account (86-5-007)

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

(a) In awarding grants, extending grant payments, or making loans from these appropriations for facilities that discharge directly into marine waters, the department shall:

(i) Give first priority to secondary wastewater treatment facilities that are mandated by both federal and state law;

(ii) Give second priority to projects that reduce combined sewer overflows; and

(iii) Encourage economies that are derived from any simultaneous projects that achieve the purposes of both (a) and (b) of this subsection.

(b) The following limitations shall apply to the department's total distribution of funds appropriated under this section:

(i) Not more than fifty percent for water pollution control facilities that discharge directly into marine waters;

(ii) Not more than twenty percent for water pollution control activities that prevent or mitigate pollution of underground waters and facilities that protect federally designated sole source aquifers with at least two-thirds for the Spokane-Rathdrum Prairie aquifer;

(iii) Not more than ten percent for water pollution control activities that protect freshwater lakes and rivers including but not limited to Lake Chelan and the Yakima and Columbia rivers;

(iv) No more than ten percent for activities that control nonpoint source water pollution;

(v) Ten percent and such sums as may be remaining from the categories specified in (i) through (iv) of this subsection for water pollution control activities or facilities as determined by the department.

(c) In determining compliance schedules for the greatest reasonable reduction of combined sewer overflows, the department shall consider the amount of grant or loan moneys available to assist local governments in the planning, design, acquisition, construction, and improvement of combined sewer overflow facilities.

(d) \$330,000 of the water quality account appropriation is provided solely for the department to evaluate water quality, solid and hazardous waste, and toxics cleanup needs of the state. The amount provided in this subsection represents the water quality account share of funding the evaluation. The department shall include in the evaluation information regarding existing needs and recommendations on how to address those needs within existing state financial assistance programs. The department shall also evaluate long-range financial options which take into account local financial resources. The evaluation shall be done in coordination with the state agency coordinating council established in Engrossed Substitute House Bill No. 1025 (Growth Management Strategies). If the bill is not enacted by July 31, 1991, the director of the department shall coordinate with the department of community development, the department of health, and the Puget Sound water quality authority as well as with other appropriate state and local agencies. By November 1, 1991, the department shall submit to the chairs of the house capital facilities and financing committee and the senate ways and means committee, a detailed work plan, budget, and schedule for completion of the evaluation.

Reappropriation:	
Water Quality Acct	\$ 134,422,504
Appropriation:	
Water Quality Acct	\$ 85,607,310
Prior Biennia (Expenditures)	\$ 53,036,533
Future Biennia (Projected Costs)	\$ 157,835,000
TOTAL	\$ 430,901,347

(6) Nisqually River Interpretive Center

Appropriation:	
St Bldg Constr Acct	\$ 150,000
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs)	\$ 0
TOTAL	\$ 150,000

(7) Local toxics control account (88-5-008)

\$270,000 of the new appropriation in this subsection is provided solely for the evaluation required in subsection (5)(d) of this section.

\$300,000 of the new appropriation in this subsection is provided solely for a pilot grant program to address remedial actions involving the contamination of drinking water supplies from hazardous substances. The pilot grant program is limited to remedial action where a responsible party has not been identified or held responsible. The department may establish an appropriate local match requirement for the pilot grant program. The department shall report to the appropriate committees of the legislature regarding the state-wide need for programs to clean up drinking water supplies contaminated by hazardous substances. This report shall be consolidated into the evaluation required in subsection (5)(d) of this section.

Reappropriation:

Local Toxics Control \$ 27,653,297

Appropriation:

Local Toxics Control \$ 59,183,607

Prior Biennia (Expenditures) \$ 18,467,142

Future Biennia (Projected Costs) \$ 106,984,641

TOTAL \$ 212,288,687

(8) Methow Basin water conservation

This appropriation in this subsection shall be used to fund water use efficiency improvements in this Methow Basin, including the installation of headworks, weirs, and fish screens on existing irrigation diversions, metering of miscellaneous water uses, and lining of irrigation canals and ditches in identified high priority irrigation systems.

Appropriation:

St Bldg Constr Acct \$ 400,000

LIRA, Water Sup Fac \$ 800,000

Subtotal Appropriation \$ 1,200,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,200,000

***NEW SECTION. Sec. 19. FOR THE STATE PARKS AND RECREATION COMMISSION**

- (1) State-wide: Water supply facilities (86-1-002)

Reappropriation:

St Bldg Constr Acct	\$	30,000
Prior Biennia (Expenditures)	\$	1,035,000
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	1,065,000

- (2) Sewer Facilities: To complete sewer projects including state-wide projects (86-1-003 and 88-1-008), Camp Wooten sewer system renovation (89-1-122), and Ocean City municipal sewer connection (88-1-010)

Reappropriation:

LIRA, Waste Fac 1980	\$	352,400
ORA-Federal	\$	20,007
ORA-State	\$	22,000
St Bldg Constr Acct	\$	145,000
Subtotal Reappropriation	\$	539,407
Prior Biennia (Expenditures)	\$	756,764
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	1,296,171

- (3) State-wide boating projects: To complete boating projects, including boating improvements (86-3-005), boating pumpout facilities (88-1-009), boating traffic control (88-1-013), boating facilities (88-2-011 and 88-2-012), and boating and marine construction (89-2-106)

Reappropriation:

ORA-Federal	\$	36,700
ORA-State	\$	727,500
St Bldg Constr Acct	\$	402,000
Subtotal Reappropriation	\$	1,166,200
Prior Biennia (Expenditures)	\$	886,074
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	2,052,274

- (4) State-wide: Landscape repairs (86-1-026)

Reappropriation:

St Bldg Constr Acct	\$	10,000
Prior Biennia (Expenditures)	\$	70,689
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	80,689

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- (5) West Hylebos: Acquisition and development
(86-4-013)

Reappropriation:	
St Bldg Constr Acct	\$ 190,000
Prior Biennia (Expenditures)	\$ 5,498
Future Biennia (Projected Costs)	\$ 0
TOTAL	\$ 195,498

- (6) Moran: Mt. Lake civilian conservation corps buildings
renovation (87-1-049) and renovate mountain lake dam
(89-1-110)

Reappropriation:	
St Bldg Constr Acct	\$ 180,000
Prior Biennia (Expenditures)	\$ 161,265
Future Biennia (Projected Costs)	\$ 0
TOTAL	\$ 341,265

- (7) Flaming Geyser: Bridge relocation, phase 2 (87-2-029)

Reappropriation:	
St Bldg Constr Acct	\$ 279,000
ORA-Federal	\$ 170,000
ORA-State	\$ 158,000
Subtotal Reappropriation	\$ 607,000
Prior Biennia (Expenditures)	\$ 622,000
Future Biennia (Projected Costs)	\$ 0
TOTAL	\$ 1,229,000

- (8) Auburn game farm: Development (87-3-012)

Reappropriation:	
St Bldg Constr Acct	\$ 235,000
Prior Biennia (Expenditures)	\$ 271,085
Future Biennia (Projected Costs)	\$ 0
TOTAL	\$ 526,085

- (9) Green river gorge: Phased acquisition (87-5-010)

Reappropriation:	
St Bldg Constr Acct	\$ 140,000
Prior Biennia (Expenditures)	\$ 123,000
Future Biennia (Projected Costs)	\$ 0
TOTAL	\$ 263,000

- (10) Potable water supply: To complete potable water supply projects, including state-wide projects (88-1-003)

Reappropriation:

St Bldg Constr Acct	\$	150,000
Improv-Water Supply	\$	100,000
Subtotal Reappropriation	\$	250,000
Prior Biennia (Expenditures)	\$	672,305
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	922,305

- (11) Saint Edward: Light entrance trail and comfort station (88-1-041)

Reappropriation:

St Bldg Constr Acct	\$	210,000
Prior Biennia (Expenditures)	\$	12,000
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	222,000

- (12) State-wide: Park facility renovation (88-2-025)

Reappropriation:

St Bldg Constr Acct	\$	30,000
Prior Biennia (Expenditures)	\$	226,146
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	256,146

- (13) Camp Wooten: Comfort station (88-2-041)

Reappropriation:

St Bldg Constr Acct	\$	50,000
Prior Biennia (Expenditures)	\$	107,000
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	157,000

- (14) Camano Island: Point Lowell road relocation (88-3-043)

Reappropriation:

Motor Vehicle Acct	\$	280,000
St Bldg Constr Acct	\$	100,000
Subtotal Reappropriation	\$	380,000
Prior Biennia (Expenditures)	\$	141,000
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	521,000

(15) Maryhill: Development (88-5-035)

Not more than \$75,000 of the appropriation in this subsection may be used to contract with the department of community development to conduct archeological and cultural resource studies in connection with the development of property along the Columbia river.

Reappropriation:

St Bldg Constr Acct	\$	930,000
Prior Biennia (Expenditures)	\$	146,000
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	1,076,000

(16) Fort Worden: Thirty-unit campground and conference center (88-5-056)

Reappropriation:

St Bldg Constr Acct	\$	10,000
Prior Biennia (Expenditures)	\$	370,000
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	380,000

(17) Ocean beaches: Acquisition of ocean beaches (88-5-036)

Reappropriation:

St Bldg Constr Acct	\$	430,000
Prior Biennia (Expenditures)	\$	24,503
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	454,503

(18) Crystal Falls: Acquisition and development (88-5-057)

Reappropriation:

St Bldg Constr Acct	\$	25,000
Prior Biennia (Expenditures)	\$	3,799
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	28,799

(19) Blake Island: Fire protection system (89-1-050)

Reappropriation:

St Bldg Constr Acct	\$	108,000
Prior Biennia (Expenditures)	\$	10,000
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	118,000

(20)	State-wide: Water supply and irrigation (89-1-101)		
	Reappropriation:		
	St Bldg Constr Acct	\$	190,000
	Prior Biennia (Expenditures)	\$	85,000
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	275,000
(21)	State-wide: Sanitary facilities (89-1-102)		
	Reappropriation:		
	St Bldg Constr Acct	\$	150,000
	Prior Biennia (Expenditures)	\$	2,000
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	152,000
(22)	Electrical code compliance: To complete electrical code compliance projects (89-1-103)		
	Reappropriation:		
	St Bldg Constr Acct	\$	140,000
	ORA-State	\$	45,000
	Subtotal Reappropriation	\$	185,000
	Prior Biennia (Expenditures)	\$	109,700
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	394,700
(23)	State-wide: Compliance with safe drinking water act (89-1-116)		
	Reappropriation:		
	St Bldg Constr Acct	\$	280,000
	Prior Biennia (Expenditures)	\$	161,000
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	441,000
(24)	Sacajawea: Modify river floats (89-1-129)		
	Reappropriation:		
	ORA-State	\$	190,000
	Prior Biennia (Expenditures)	\$	2,000
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	192,000
(25)	General construction: To complete state-wide general construction projects (89-2-107 and 89-2-109)		
	Reappropriation:		
	St Bldg Constr Acct	\$	595,000
	Prior Biennia (Expenditures)	\$	179,000
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	774,000

(26)	Westhaven: Comfort station replacement (89-2-119)		
	Reappropriation:		
	St Bldg Constr Acct	\$	400,000
	Prior Biennia (Expenditures)	\$	23,000
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	423,000
(27)	Lake Sammamish: Boat launch repairs (89-2-139)		
	Reappropriation:		
	ORA-State	\$	100,000
	Prior Biennia (Expenditures)	\$	14,000
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	114,000
(28)	State-wide: Site and environmental protection (89-3-104)		
	Reappropriation:		
	St Bldg Constr Acct	\$	280,000
	Prior Biennia (Expenditures)	\$	20,000
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	300,000
(29)	State-wide: Weatherproofing (89-3-108)		
	Reappropriation:		
	St Bldg Constr Acct	\$	85,000
	Prior Biennia (Expenditures)	\$	82,000
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	167,000
(30)	Fort Worden: Rebuild boat launch breakwater (89-3-135)		
	Reappropriation:		
	ORA-State	\$	300,000
	Prior Biennia (Expenditures)	\$	15,000
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	315,000
(31)	Larrabee: Development (89-5-002)		
	Reappropriation:		
	St Bldg Constr Acct	\$	320,000
	ORA-Federal	\$	140,540
	Subtotal Reappropriation	\$	460,540
	Prior Biennia (Expenditures)	\$	20,350
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	480,890

- (32) Acquisition projects: To complete acquisition projects, including state-wide acquisition (89-3-105), Spokane Centennial Trail acquisition and initial development (89-5-112), Fort Casey—Keystone spit acquisition, phase 2 (89-5-113), and Belfair acquisition, phase 2 (89-5-114)

Reappropriation:

General Fund-Federal	\$	3,500,000
St Bldg Constr Acct	\$	172,000
ORA-Federal	\$	<u>249,000</u>
Subtotal Reappropriation	\$	3,921,000
Prior Biennia (Expenditures)	\$	4,372,000
Future Biennia (Projected Costs)	\$	<u>0</u>
TOTAL	\$	8,283,000

- (33) Fort Canby: Initial development, Beard's Hollow (89-5-115)

Reappropriation:

St Bldg Constr Acct	\$	275,000
Prior Biennia (Expenditures)	\$	14,000
Future Biennia (Projected Costs)	\$	<u>0</u>
TOTAL	\$	289,000

- (34) Ocean beaches access: Comfort station and parking areas (89-5-120)

Reappropriation:

St Bldg Constr Acct	\$	300,000
ORA-Federal	\$	<u>316,000</u>
Subtotal Reappropriation	\$	616,000
Prior Biennia (Expenditures)	\$	42,000
Future Biennia (Projected Costs)	\$	<u>0</u>
TOTAL	\$	658,000

- (35) Spokane Centennial Trail: Initial development, the islands (89-5-166)

Reappropriation:

St Bldg Constr Acct	\$	233,000
Prior Biennia (Expenditures)	\$	17,000
Future Biennia (Projected Costs)	\$	<u>0</u>
TOTAL	\$	250,000

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- (36) Ohme Gardens: Acquisition, safety, and irrigation
(89-5-169)

The appropriation in this subsection is subject to the following conditions and limitations: This property shall be operated by Chelan county at county expense.

Reappropriation:

St Bldg Constr Acct	\$	765,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	765,000

- (37) Snohomish county: Snohomish Centennial Trail
(89-5-170)

Reappropriation:

St Bldg Constr Acct	\$	852,000
Prior Biennia (Expenditures)	\$	248,000
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	1,100,000

- (38) Dougs Beach: Initial development, windsurfing access
(90-1-171)

Reappropriation:

St Bldg Constr Acct	\$	120,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	120,000

- (39) State-wide: Omnibus facility contingency (90-2-002)

Appropriation:

St Bldg Constr Acct	\$	239,400
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	1,232,000
TOTAL	\$	1,471,400

- (40) State-wide: Underground storage tank, environmental compliance, phase 1 (90-2-003)

Appropriation:

St Bldg Constr Acct	\$	1,900,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	6,000,000
TOTAL	\$	7,900,000

- (41) State-wide: Emergency and unforeseen needs
(91-1-001)

Appropriation:

St Bldg Constr Acct	\$	350,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	700,000
TOTAL	\$	1,050,000

- (42) Iron Horse: John Wayne Trail, tunnel (91-1-005)

Reappropriation:

St Bldg Constr Acct	\$	185,000
Prior Biennia (Expenditures)	\$	11,000
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	196,000

- (43) Colville Tribes Interpretive Center (90-5-172)

Reappropriation:

State General Fund	\$	25,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	25,000

- (44) Iron Horse: Acquisition and trail safety (91-1-006)

Reappropriation:

Trust Land Purchase Acct	\$	18,000
Prior Biennia (Expenditures)	\$	182,000
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	200,000

- (45) State-wide: Omnibus minor projects, utilities
(91-2-004) and general construction (91-2-005)

Appropriation:

St Bldg Constr Acct	\$	3,736,300
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	6,698,000
TOTAL	\$	10,434,300

- (46) Deception Pass: Renovate park sewer system, phase 1
construction (91-2-006)

Appropriation:

St Bldg Constr Acct	\$	968,500
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	968,500

(47) Triton Cove: Renovation (91-2-008)

Appropriation:

ORA-State	\$	582,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	582,000

(48) State-wide: Omnibus minor works, boating and marine construction (91-2-009)

Appropriation:

ORA-State	\$	379,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	2,000,000
TOTAL	\$	2,379,000

(49) Yakima: Acquisition, phased project (91-5-028)

Appropriation:

ORA-Federal	\$	152,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	152,000

(50) Haley property: Initial development (91-5-030)

Appropriation:

ORA-Federal	\$	500,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	500,000

(51) Rasar: Initial development (91-5-032)

Appropriation:

ORA-Federal	\$	500,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	500,000

(52) Colbert House: Acquisition of two lots, renovation and preservation (91-5-052)

Appropriation:

ORA-Federal	\$	57,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	57,000

(53) Lake Isabella: Acquisition, phase 2 (91-5-065)

Appropriation:

ORA-Federal	\$	335,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	335,000

(54) Ocean beaches: Ocean beach access development
(91-5-069 and 91-5-076)

Appropriation:

ORA-Federal	\$	381,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	381,000

(55) Steamboat Rock: Random camp area, Jones Bay
(95-2-182)

Reappropriation:

St Bldg Constr Acct	\$	143,000
Prior Biennia (Expenditures)	\$	8,000
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	151,000

(56) Iron Goat Trail: For the department to contract with a nonprofit organization to develop hiking trails on the abandoned Great Northern Railway crossing the Cascade mountains at Stevens Pass

The appropriation in this subsection shall be matched by \$180,000 of nonstate sources of in-kind donations and cash.

Appropriation:

St Bldg Constr Acct	\$	30,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	30,000

(57) Saltwater State Park: For flood control improvements to McSorley creek

Appropriation:

St Bldg Constr Acct	\$	497,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	497,000

- (58) Omnibus facility contingency: For storm damage repair caused by November and December, 1990 storms, and January, 1991 storms (90-1-001)

Appropriation:

St Bldg Constr Acct	\$	360,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	700,000
TOTAL	\$	1,060,000

- (59) St. Edward: New gutters and drops

Appropriation:

St Bldg Constr Acct	\$	26,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	26,000

- (60) St. Edward: Gym renovation and parking expansion

Appropriation:

St Bldg Constr Acct	\$	665,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	665,000

- (61) Lewis and Clark state park: For planning an equestrian center at the park

Appropriation:

St Bldg Constr Acct	\$	200,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	200,000

- (62) *Olmstead Park: The revenues generated from the lease of state lands at Olmstead Park shall be expended exclusively for the purposes of improvements to Olmstead Park.*

*Sec. 19 was partially vetoed, see message at end of chapter.

***NEW SECTION. Sec. 20. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**

(1) Grants to public agencies (90-2-001)

Reappropriation:

St Bldg Constr Acct	\$	498,000
ORA-Federal	\$	637,000
ORA-State	\$	1,911,000
Firearms Range Acct	\$	405,000
Subtotal Reappropriation	\$	3,451,000
Prior Biennia (Expenditures)	\$	6,254,000
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	9,705,000

(2) Wildlife conservation and recreation (90-5-002)

Reappropriation:

ORA-State	\$	22,000,000
Habitat Conservation Acct	\$	21,830,000
Subtotal Reappropriation	\$	43,830,000
Prior Biennia (Expenditures)	\$	9,170,000
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	53,000,000

(3) Grants to public agencies (92-2-001)

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

(a) \$10,400,000 of the state building and construction account appropriation in this subsection is provided solely for matching grants to local governments for projects contained in the governor's Washington wildlife and recreation submittal list from categories designated for local governments. The committee shall require a match of at least fifty percent.

(b) \$138,000 of the state outdoor recreation account may be used for additional program staff for administration.

Appropriation:

ORA-Federal	\$	2,000,000
ORA-State	\$	7,738,000
Firearms Range Acct	\$	222,000
St Bldg Constr Acct	\$	<u>10,400,000</u>
Subtotal Appropriation	\$	20,360,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	<u>21,764,000</u>
TOTAL	\$	42,124,000

(4) Washington wildlife and recreation program

(a) One-half of the appropriation in this subsection shall be deposited into and is hereby appropriated from the habitat conservation account and one-half shall be deposited into and is hereby appropriated from the state outdoor recreation account, for the Washington wildlife and recreation program, as established under chapter 43.98A RCW.

(b) All land acquired by a state agency with mon-
eys from this appropriation shall comply with class A,
B, and C weed control provisions of chapter 17.10
RCW.

(c) The following projects are deleted from the
approved list of projects established under chapter
43.98A RCW:

(i) Hatten-Tracy rock acquisitions (project
#925033)

(ii) Yakima river canyon acquisition (project
#925055)

(iii) Okanogan sharp-tailed grouse habitat (project
#925040)

(iv) Southeast Washington critical habitat acquisi-
tion (project #925042)

(v) Esquaztel coulee acquisition (project #935064)

Appropriation:

St Bldg Constr Acct	\$	50,000,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	<u>105,000,000</u>
TOTAL	\$	155,000,000

- (5) *Clear Creek dam: To rebuild the dam according to plans approved by the United States bureau of reclamation*

The appropriation in this subsection is contingent on at least \$3,250,000 being provided from federal and local sources.

Appropriation:

<i>St Bldg Constr Acct</i>	\$	1,750,000
<i>Prior Biennia (Expenditures)</i>	\$	0
<i>Future Biennia (Projected Costs)</i>	\$	0
TOTAL	\$	<u>1,750,000</u>

*Sec. 20 was partially vetoed, see message at end of chapter.

NEW SECTION. Sec. 21. FOR THE DEPARTMENT OF TRADE AND ECONOMIC DEVELOPMENT

- (1) Community economic revitalization board (86-1-001)

\$2,000,000 of the state building and construction account appropriation and the entire public facility construction loan revolving account appropriation in this subsection are provided solely for communities defined as timber-dependent under chapter 314, Laws of 1991 (Engrossed Substitute House Bill No. 1341). In allocating these funds, the community economic revitalization board shall give priority to communities experiencing high unemployment or high timber unemployment.

Appropriation:

Pub Fac Constr Loan Rev Acct ..	\$	2,000,000
St Bldg Constr Acct	\$	<u>6,000,000</u>
Subtotal Appropriation	\$	8,000,000
Prior Biennia (Expenditures)	\$	7,429,000
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	<u>15,429,000</u>

- (2) Mt. St. Helens road and visitor center (90-5-002)

The appropriation in this subsection shall not exceed twenty-five percent of the total project cost and is contingent on a contribution of at least \$300,000 by Cowlitz county for the project.

Reappropriation:

St Bldg Constr Acct	\$	3,700,000
Prior Biennia (Expenditures)	\$	1,900,000
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	5,600,000

(3) Agricultural complex: Yakima (89-2-005)

The appropriation in this subsection is contingent on a contribution of an equal amount of funds from nonstate sources.

Reappropriation:

St Bldg Constr Acct	\$	843,000
Prior Biennia (Expenditures)	\$	3,157,000
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	4,000,000

(4) Washington Technology Center (88-1-003)

The appropriation in this subsection is provided solely for transfer to and administration by the University of Washington.

Reappropriation:

St Bldg Constr Acct	\$	2,950,000
Prior Biennia (Expenditures)	\$	12,852,000
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	15,802,000

(5) Community economic revitalization board: For the unexpended balance of projects approved by the board during the 1989-91 biennium from the public facility construction loan revolving account, which was a nonappropriated fund at the time the projects were approved.

Appropriation:

Pub Fac Constr Loan Rev Acct ..	\$	2,972,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	2,972,000

(6) Port infrastructure development projects

The appropriation in this subsection is provided solely for the port of Grays Harbor for paving an existing cargo storage yard and construction of a cargo storage facility. This appropriation is subject to a favorable review by the department of a proposal prepared by the port of Grays Harbor describing how

this project will: (a) Have a high probability of success using standard economic principles; (b) provide long-term economic benefits to the community; (c) include local participation; and (d) be consistent with the community's economic strategy and goals.

Appropriation:

St Bldg Constr Acct	\$	4,600,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	<u>4,600,000</u>

(7) Economic assessment study for timber-dependent ports

The appropriation in this subsection is provided solely for the department to contract for an economic assessment study of timber-dependent ports, limited to the ports of Grays Harbor, Port Angeles, and Longview. The study shall include the following:

- (a) A review and examination of the comparative advantage of each port's geographic and regional characteristics, and the characteristics of the three-port region, focusing on current and potential markets for exports and imports;
- (b) identification of specific diversification opportunities for the three-port region, including possibilities for expansion of nonlog export activities and opportunities;
- (c) identification of actions that each port can undertake to increase and develop business opportunities compatible with regional port resources and goals;
- (d) recommendations for long-term strategies for the three-port region focusing on market development, facilities development, and operations and financial requirements;
- (e) strategies to enhance cooperation in future development that would allow each of the three ports to diversify in areas that would complement each other, including an analysis of recent, present, or potential competition among the ports; and
- (f) joint marketing strategies and joint capital facilities planning.

Appropriation:

Pub Fac Constr Loan Rev Acct	\$	150,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	<u>150,000</u>

NEW SECTION. Sec. 22. FOR THE STATE CONSERVATION COMMISSION

(1) Water quality account (90-2-001)

Reappropriation:	
Water Quality Acct	\$ 430,000
Appropriation:	
Water Quality Acct	\$ 2,140,000
Prior Biennia (Expenditures)	\$ 1,994,000
Future Biennia (Projected Costs)	\$ 3,946,000
TOTAL	\$ 8,510,000

NEW SECTION. Sec. 23. FOR THE DEPARTMENT OF FISHERIES

(1) Habitat: Salmon enhancement program (77-5-005)

Reappropriation:	
St Bldg Constr Acct	\$ 15,000
Appropriation:	
St Bldg Constr Acct	\$ 1,235,000
Prior Biennia (Expenditures)	\$ 906,000
Future Biennia (Projected Costs)	\$ 2,400,000
TOTAL	\$ 4,556,000

(2) Hood Canal Bridge: Public fishing access (79-2-011)

Reappropriation:	
St Bldg Constr Acct	\$ 30,000
Prior Biennia (Expenditures)	\$ 22,000
Future Biennia (Projected Costs)	\$ 0
TOTAL	\$ 52,000

(3) Safety, health, and code compliance (86-1-020)

\$1,239,000 of the appropriation in this subsection is provided solely for pollution abatement programs at state salmon hatcheries necessary to meet requirements of state and federal clean water legislation.

Reappropriation:	
St Bldg Constr Acct	\$ 300,000
Appropriation:	
St Bldg Constr Acct	\$ 1,589,000
Prior Biennia (Expenditures)	\$ 559,000
Future Biennia (Projected Costs)	\$ 1,800,000
TOTAL	\$ 4,248,000

(4)	Towhead Island public access renovation (86-3-028)		
	Reappropriation:		
	ORA-Federal	\$	20,000
	ORA-State	\$	<u>170,000</u>
	Subtotal Reappropriation	\$	190,000
	Prior Biennia (Expenditures)	\$	21,000
	Future Biennia (Projected Costs)	\$	<u>0</u>
	TOTAL	\$	211,000
(5)	Knappton boat launch (86-3-038)		
	Reappropriation:		
	ORA-Federal	\$	43,000
	Prior Biennia (Expenditures)	\$	11,000
	Future Biennia (Projected Costs)	\$	<u>0</u>
	TOTAL	\$	54,000
(6)	McAllister: Improvements (88-2-003)		
	Reappropriation:		
	St Bldg Constr Acct	\$	50,000
	Prior Biennia (Expenditures)	\$	126,999
	Future Biennia (Projected Costs)	\$	<u>0</u>
	TOTAL	\$	176,999
(7)	Clam and oyster beach (88-5-002)		
	Reappropriation:		
	St Bldg Constr Acct	\$	1,000,000
	Prior Biennia (Expenditures)	\$	1,123,156
	Future Biennia (Projected Costs)	\$	<u>1,200,000</u>
	TOTAL	\$	3,323,156
(8)	Fish protection facilities (88-5-012)		
	Reappropriation:		
	St Bldg Constr Acct	\$	30,000
	Appropriation:		
	St Bldg Constr Acct	\$	445,000
	Prior Biennia (Expenditures)	\$	221,100
	Future Biennia (Projected Costs)	\$	<u>600,000</u>
	TOTAL	\$	1,296,100

(9) Coast and Puget Sound salmon enhancement
(88-5-016)**Reappropriation:**

Salmon Enhancement Acct	\$	608,320
St Bldg Constr Acct	\$	2,500,000
Subtotal Reappropriation	\$	3,108,320
Prior Biennia (Expenditures)	\$	1,353,517
Future Biennia (Projected Costs)	\$	3,750,000
TOTAL	\$	8,211,837

(10) Shorefishing access (88-5-018)

Reappropriation:

St Bldg Constr Acct	\$	550,000
Prior Biennia (Expenditures)	\$	521,946
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	1,071,946

(11) South Sound net pen support (90-2-007)

Reappropriation:

St Bldg Constr Acct	\$	175,000
Prior Biennia (Expenditures)	\$	168,000
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	343,000

(12) Humptulips: Upgrade intake dam (90-2-010)

Reappropriation:

St Bldg Constr Acct	\$	30,000
Prior Biennia (Expenditures)	\$	183,100
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	213,100

(13) Minor works projects: To complete minor works projects, including salmon culture minor works (90-2-011), field services minor works (90-2-015), and salmon culture minor capital projects (90-2-017)

Reappropriation:

St Bldg Constr Acct	\$	340,000
Appropriation:		
St Bldg Constr Acct	\$	1,467,300
Prior Biennia (Expenditures)	\$	1,218,700
Future Biennia (Projected Costs)	\$	2,950,000
TOTAL	\$	5,976,000

(14) George Adams: Water supply (90-2-019)

Reappropriation:

St Bldg Constr Acct	\$	175,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	175,000

(15) Ilwaco boat access expansion (90-2-023)

Reappropriation:

ORA-State	\$	300,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	300,000

(16) Bonneville pool boat access (90-2-028)

Reappropriation:

ORA-State	\$	100,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	100,000

(17) Hood Canal boat access development (86-3-035)

The appropriations in this section are subject to the following conditions and limitations: If not expended by June 30, 1992, the appropriation in this section shall lapse.

Reappropriation:

ORA-Federal	\$	30,000
ORA-State	\$	270,000
Subtotal Reappropriation	\$	300,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	300,000

(18) Habitat management shop building (90-2-012)

Reappropriation:

St Bldg Constr Acct	\$	200,000
Prior Biennia (Expenditures)	\$	235,000
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	435,000

(19) Shellfish surveys and Point Whitney repairs (90-3-013)

Appropriation:

St Bldg Constr Acct	\$	100,000
Prior Biennia (Expenditures)	\$	175,000
Future Biennia (Projected Costs)	\$	250,000
TOTAL	\$	525,000

(20) Property acquisition: To complete acquisition projects, including property acquisition project (90-3-009) and Strait of Juan de Fuca shoreline acquisition (90-5-025)

Reappropriation:

ORA-State	\$	350,000
St Bldg Constr Acct	\$	80,000
Subtotal Reappropriation	\$	430,000
Prior Biennia (Expenditures)	\$	400,000
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	830,000

(21) Kingston boat launch (90-5-027)

Reappropriation:

ORA-State	\$	100,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	100,000

(22) Fuel tanks: Code compliance program (92-1-002)

Appropriation:

St Bldg Constr Acct	\$	225,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	600,000
TOTAL	\$	825,000

(23) Repair and replace fishing reef buoys (92-1-003)

Appropriation:

St Bldg Constr Acct	\$	75,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	100,000
TOTAL	\$	175,000

(24) Develop pathogen-free water and isolation incubation systems (92-2-005)

Appropriation:

St Bldg Constr Acct	\$	500,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	500,000

- (25) Minter Creek hatchery: Reconstruction, phase 1
(92-2-016)

Appropriation:

St Bldg Constr Acct	\$	3,300,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	800,000
TOTAL	\$	4,100,000

- (26) Willapa interpretive center (92-2-020)

Appropriation:

St Bldg Constr Acct	\$	300,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	300,000

- (27) Construct and remodel coastal field station (92-3-009)

Appropriation:

St Bldg Constr Acct	\$	750,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	750,000

- (28) Water access and development (92-3-030)

Appropriation:

ORA-State	\$	1,250,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	1,250,000

- (29) Toutle river hatchery: For an engineering study to determine the cost and feasibility of reconstructing the hatchery

Appropriation:

St Bldg Constr Acct	\$	75,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	75,000

***NEW SECTION. Sec. 24. FOR THE DEPARTMENT OF WILDLIFE**

- (1) Satsop river acquisition and development (86-2-029)

Reappropriation:

ORA-State	\$	55,254
Prior Biennia (Expenditures)	\$	17,796
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	73,050

(2)	Mineral Lake: Site improvements (86-3-028)		
	Reappropriation:		
	ORA-State	\$	4,397
	Prior Biennia (Expenditures)	\$	35,949
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	40,346
(3)	Aberdeen fish hatchery expansion (89-5-017)		
	Reappropriation:		
	Game Spec Wildlife Acct	\$	8,699
	Prior Biennia (Expenditures)	\$	731,301
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	740,000
(4)	Health, safety, and code compliance (90-1-001)		
	Reappropriation:		
	St Bldg Constr Acct	\$	262,484
	Prior Biennia (Expenditures)	\$	337,516
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	600,000
(5)	Minor repairs: To complete minor works and emergency repairs, including public fishing access minor works repair (90-1-014) and emergency repair and replacement (90-2-002)		
	Reappropriation:		
	Wildlife Account-Federal	\$	40,000
	Wildlife Account-State	\$	32,000
	Subtotal Reappropriation	\$	72,000
	Prior Biennia (Expenditures)	\$	1,103,000
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	1,174,990
(6)	Hatchery renovation and improvement (90-2-004)		
	Reappropriation:		
	St Bldg Constr Acct	\$	335,000
	Wildlife Account-Federal	\$	200,000
	Wildlife Account-State	\$	150,000
	Subtotal Reappropriation	\$	685,000
	Prior Biennia (Expenditures)	\$	2,565,000
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	3,250,000

- (7) Public fishing access: To complete public fishing access projects, including redevelopment of public fishing access sites (90-2-007) and development of public fishing access sites (90-2-008)

Reappropriation:

St Bldg Constr Acct	\$	288,000
ORA-State	\$	<u>936,000</u>
Subtotal Reappropriation	\$	1,224,000
Prior Biennia (Expenditures)	\$	332,000
Future Biennia (Projected Costs)	\$	<u>0</u>
TOTAL	\$	1,556,000

- (8) Wildlife area repair and development (90-2-016)

Reappropriation:

Wildlife Account-Federal	\$	45,000
Wildlife Account-State	\$	<u>65,000</u>
Subtotal Reappropriation	\$	110,000
Prior Biennia (Expenditures)	\$	200,000
Future Biennia (Projected Costs)	\$	<u>0</u>
TOTAL	\$	310,000

- (9) Office repairs: To complete office repairs projects, including office repairs and improvements (90-2-020) and regional offices facility relocation (90-2-021)

There shall be no expenditure of moneys from the reappropriation in this subsection for the expansion, renovation, or remodeling of facilities in Olympia, except for remodeling the Olympia warehouse.

Reappropriation:

Wildlife Account-State	\$	1,905,717
Prior Biennia (Expenditures)	\$	284,283
Future Biennia (Projected Costs)	\$	<u>0</u>
TOTAL	\$	2,190,000

- (10) State-wide fencing repair and replacement (90-3-015)

Reappropriation:

Wildlife Account-State	\$	141,000
Prior Biennia (Expenditures)	\$	627,000
Future Biennia (Projected Costs)	\$	<u>0</u>
TOTAL	\$	768,000

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(11) Migratory waterfowl habitat acquisition (90-5-005)

Reappropriation:	
Wildlife Account-State	\$ 200,000
Prior Biennia (Expenditures)	\$ 150,000
Future Biennia (Projected Costs)	\$ 0
TOTAL	\$ 350,000

(12) Acquisition of critical water access (90-5-009)

Reappropriation:	
ORA-State	\$ 17,619
Wildlife Account-Federal	\$ 100,000
Subtotal Reappropriation	\$ 117,619
Prior Biennia (Expenditures)	\$ 2,631
Future Biennia (Projected Costs)	\$ 0
TOTAL	\$ 120,250

(13) Puyallup tribal settlement (90-5-100)

Reappropriation:	
St Bldg Constr Acct	\$ 794,500
Prior Biennia (Expenditures)	\$ 5,500
Future Biennia (Projected Costs)	\$ 0
TOTAL	\$ 800,000

(14) Health, safety, and code compliance (92-1-001)

Appropriation:	
St Bldg Constr Acct	\$ 500,000
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs)	\$ 1,200,000
TOTAL	\$ 1,700,000

(15) Public fishing access minor works repair (92-1-004)

Appropriation:	
Wildlife Account-Federal	\$ 300,000
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs)	\$ 650,000
TOTAL	\$ 950,000

(16) Public access toilet replacement (92-1-005)

Appropriation:	
Wildlife Account-Federal	\$ 200,000
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs)	\$ 600,000
TOTAL	\$ 800,000

- (17) Repair projects: Wildlife area repair and development projects (92-2-007 and 92-2-023), emergency repair and facility small repair and replacement (92-2-002 and 92-2-003)

Appropriation:

St Bldg Constr Acct	\$	150,000
Wildlife Account-Federal	\$	50,000
Wildlife Reimb Constr Acct	\$	<u>1,002,000</u>
Subtotal Appropriation	\$	1,202,000
Prior Biennia (Expenditures)	\$	250,000
Future Biennia (Projected Costs)	\$	<u>2,241,000</u>
TOTAL	\$	3,693,000

- (18) Hatcheries: Hatchery renovation and improvement (92-2-009 and 92-2-025)

\$900,000 of these appropriations shall be spent solely for pollution abatement programs at state game fish hatcheries necessary to meet requirements of state and federal clean water legislation.

Appropriation:

St Bldg Constr Acct	\$	1,045,600
Wildlife Account-Federal	\$	1,000,000
Wildlife Reimb Constr Acct	\$	<u>1,258,400</u>
Subtotal Appropriation	\$	3,304,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	<u>11,740,000</u>
TOTAL	\$	15,044,000

- (19) Mitigation and dedicated funding projects (92-2-011)

Appropriation:

Wildlife Account-Federal	\$	3,100,000
Wildlife Account-Private/Local	\$	4,850,000
Game Spec Wildlife Acct	\$	<u>50,000</u>
Subtotal Appropriation	\$	8,000,000
Prior Biennia (Expenditures)	\$	769,000
Future Biennia (Projected Costs)	\$	<u>16,000,000</u>
TOTAL	\$	24,769,000

(20) Acquisition, development, and redevelopment
(92-2-015)

Appropriation:	
ORA-State	\$ 694,000
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs)	\$ 1,750,000
TOTAL	\$ 2,444,000

(21) State-wide fencing repair and replacement (92-3-006)

Appropriation:	
St Bldg Constr Acct	\$ 75,000
Wildlife Account-State	\$ 425,000
Subtotal Appropriation	\$ 500,000
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs)	\$ 1,000,000
TOTAL	\$ 1,500,000

(22) Skagit wildlife area dike repair (92-3-008)

Appropriation:	
St Bldg Constr Acct	\$ 26,250
Wildlife Reimb Constr Acct	\$ 145,000
Subtotal Appropriation	\$ 171,250
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs)	\$ 0
TOTAL	\$ 171,250

(23) Migratory waterfowl habitat: Acquisition project
(92-5-012) and habitat development (92-5-013)

Appropriation:	
Wildlife Account-State	\$ 700,000
Prior Biennia (Expenditures)	\$ 450,000
Future Biennia (Projected Costs)	\$ 1,400,000
TOTAL	\$ 2,550,000

(24) Acquisition of wildlife habitat surplus property
(92-5-014)

\$750,000 of the appropriation in this subsection may not be expended without first selling state-owned land of equal or greater value.

Appropriation:	
Wildlife Account-State	\$ 1,000,000
Prior Biennia (Expenditures)	\$ 600,000
Future Biennia (Projected Costs)	\$ 2,000,000
TOTAL	\$ 3,600,000

- (25) Acquisition and development of recreation sites at
Luhrs Landing nature trail (92-5-016)

Appropriation:

St Bldg Constr Acct	\$	450,000
Prior Biennia (Expenditures)	\$	294,000
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	744,000

- (26) Habitat enhancement fund (92-5-022)

Appropriation:

Wildlife Account-Private/Local ..	\$	500,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	1,000,000
TOTAL	\$	1,500,000

- (27) Grandy Creek hatchery (92-5-024)

Expenditure of the appropriation in this subsection is contingent on an in-kind match of dollars or services from nonstate sources equal to at least \$200,000.

Appropriation:

St Bldg Constr Acct	\$	4,684,166
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	4,684,166

*Sec. 24 was partially vetoed, see message at end of chapter.

NEW SECTION. Sec. 25. FOR THE DEPARTMENT OF NATURAL RESOURCES

- (1) Aquatic land enhancement (86-3-020)

Reappropriation:

Aquatic Lands Acct	\$	3,924,000
Prior Biennia (Expenditures)	\$	301,000
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	4,225,000

- (2) Natural area preserves—Property purchases
(88-02-061)

This appropriation is provided solely for the purpose of purchasing property or a less-than-fee interest in property under chapter 79.70 RCW. Moneys from this appropriation may not be expended unless for every two dollars to be expended from this appropriation at least one dollar is spent from privately raised funds, contributions of real property or interest in real

property, or services necessary to achieve the purpose of this subsection.

Reappropriation:

Conservation Area Acct	\$	280,000
Prior Biennia (Expenditures)	\$	5,191,000
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	5,471,000

- (3) Woodard Bay natural resource conservation area fencing development (90-3-103)

Reappropriation:

St Bldg Constr Acct	\$	170,000
Prior Biennia (Expenditures)	\$	100,000
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	270,000

- (4) Dishman Hills protection development (90-3-104)

Reappropriation:

St Bldg Constr Acct	\$	70,000
Prior Biennia (Expenditures)	\$	50,000
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	120,000

- (5) Natural area preserves management (90-3-105)

Reappropriation:

St Bldg Constr Acct	\$	55,000
Prior Biennia (Expenditures)	\$	95,000
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	150,000

- (6) Construct and improve recreation sites (90-5-201)

Reappropriation:

St Bldg Constr Acct	\$	170,000
Prior Biennia (Expenditures)	\$	320,000
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	490,000

- (7) Seattle waterfront, phase 1 development (90-5-202)

Reappropriation:

ORA-State	\$	749,000
Prior Biennia (Expenditures)	\$	1,000
Future Biennia (Projected Costs)	\$	750,000
TOTAL	\$	1,500,000

(8) Woodard Bay health and safety development
(90-5-203)

Reappropriation:	
St Bldg Constr Acct	\$ 70,000
Prior Biennia (Expenditures)	\$ 200,000
Future Biennia (Projected Costs)	\$ 0
TOTAL	\$ 270,000

(9) Long Lake, phase 2 development (90-5-204)

Reappropriation:	
ORV Acct	\$ 140,000
ORA-State	\$ 140,000
Subtotal Reappropriation	\$ 280,000
Prior Biennia (Expenditures)	\$ 185,000
Future Biennia (Projected Costs)	\$ 0
TOTAL	\$ 465,000

(10) Underground storage tanks (92-1-103)

Appropriation:	
Forest Development Acct	\$ 147,000
Res Mgmt Cost Acct	\$ 472,000
St Bldg Constr Acct	\$ 181,000
Subtotal Appropriation	\$ 800,000
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs)	\$ 1,960,000
TOTAL	\$ 2,760,000

(11) State-wide emergency repairs (92-1-104)

Appropriation:	
Forest Development Acct	\$ 14,300
Res Mgmt Cost Acct	\$ 53,700
St Bldg Constr Acct	\$ 32,000
Subtotal Appropriation	\$ 100,000
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs)	\$ 200,000
TOTAL	\$ 300,000

(12) Environmental protection (92-1-105)

Appropriation:

Forest Development Acct	\$	113,200
Res Mgmt Cost Acct	\$	232,800
St Bldg Constr Acct	\$	<u>154,000</u>
Subtotal Appropriation	\$	500,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	<u>607,700</u>
TOTAL	\$	1,107,700

(13) Office expansion: To complete office expansion projects, including design and construction for expanding the southwest region office (92-1-106), and design and construction for expanding the northwest region office (92-1-102)

Appropriation:

Forest Development Acct	\$	479,300
Res Mgmt Cost Acct	\$	599,800
St Bldg Constr Acct	\$	<u>471,000</u>
Subtotal Appropriation	\$	1,550,100
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	<u>0</u>
TOTAL	\$	1,548,100

(14) Minor works: Building and compound (92-1-107)

Appropriation:

Forest Development Acct	\$	111,700
Res Mgmt Cost Acct	\$	215,200
St Bldg Constr Acct	\$	<u>158,500</u>
Subtotal Appropriation	\$	485,400
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	<u>2,333,400</u>
TOTAL	\$	2,818,800

(15) Facilities: Small repairs and improvements (92-1-108)

Appropriation:

Forest Development Acct	\$	21,800
Res Mgmt Cost Acct	\$	53,300
St Bldg Constr Acct	\$	<u>25,000</u>
Subtotal Appropriation	\$	100,100
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	<u>194,000</u>
TOTAL	\$	294,100

(16) Emergency repairs recreation sites (92-1-206)

Appropriation:

St Bldg Constr Acct	\$	100,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	200,000
TOTAL	\$	300,000

(17) Environmental clean-up: Trust and forest board lands (92-1-404)

Appropriation:

Forest Development Acct	\$	150,000
Res Mgmt Cost Acct	\$	350,000
Subtotal Appropriation	\$	500,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	1,000,000
TOTAL	\$	1,500,000

(18) Right of way acquisitions (92-2-401)

Appropriation:

Forest Development Acct	\$	200,000
Res Mgmt Cost Acct	\$	590,000
Subtotal Appropriation	\$	790,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	1,035,000
TOTAL	\$	1,825,000

(19) Regional seedling cold storage (92-2-406)

Appropriation:

Forest Development Acct	\$	165,000
Res Mgmt Cost Acct	\$	202,000
Subtotal Appropriation	\$	367,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	367,000
TOTAL	\$	734,000

(20) Real estate property, small repairs and improvements (92-2-407)

Appropriation:

Res Mgmt Cost Acct	\$	390,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	780,000
TOTAL	\$	1,170,000

(21) Communication site repair and replacement (92-2-408)

Appropriation:

Forest Development Acct	\$	66,000
Res Mgmt Cost Acct	\$	<u>264,000</u>
Subtotal Appropriation	\$	330,000
Prior Biennia (Expenditures)	\$	150,000
Future Biennia (Projected Costs)	\$	<u>600,000</u>
TOTAL	\$	1,080,000

(22) Irrigation pipeline replacement (92-2-409)

Appropriation:

Res Mgmt Cost Acct	\$	595,000
Prior Biennia (Expenditures)	\$	532,000
Future Biennia (Projected Costs)	\$	<u>600,000</u>
TOTAL	\$	1,727,000

(23) Roads and bridges (92-2-801)

Appropriation:

ORV Acct	\$	74,000
Forest Development Acct	\$	90,000
Res Mgmt Cost Acct	\$	<u>200,000</u>
Subtotal Appropriation	\$	364,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	<u>4,236,000</u>
TOTAL	\$	4,600,000

(24) Natural area preserves protection (92-3-202)

Appropriation:

St Bldg Constr Acct	\$	119,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	<u>300,000</u>
TOTAL	\$	419,000

(25) Commercial development, local improvement district
(92-3-402)

Appropriation:

Res Mgmt Cost Acct	\$	910,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	<u>1,820,000</u>
TOTAL	\$	2,730,000

(26) Emergency repairs: Irrigation (92-3-405)		
	Appropriation:	
	Res Mgmt Cost Acct	\$ 200,000
	Prior Biennia (Expenditures)	0
	Future Biennia (Projected Costs)	\$ 400,000
	TOTAL	\$ 600,000
(27) Aquatic land enhancement grants (92-3-501)		
	Appropriation:	
	Aquatic Lands Acct	\$ 3,020,000
	Prior Biennia (Expenditures)	0
	Future Biennia (Projected Costs)	\$ 6,040,000
	TOTAL	\$ 9,060,000
(28) Land bank (92-4-403)		
	Appropriation:	
	Res Mgmt Cost Acct	\$ 18,000,000
	Prior Biennia (Expenditures)	12,000,000
	Future Biennia (Projected Costs)	\$ 36,000,000
	TOTAL	\$ 66,000,000
(29) Irrigation development (92-2-410)		
	Appropriation:	
	Res Mgmt Cost Acct	\$ 609,000
	Prior Biennia (Expenditures)	0
	Future Biennia (Projected Costs)	\$ 2,167,000
	TOTAL	\$ 3,776,000
(30) Construct and improve recreation sites (92-5-201)		
	Appropriation:	
	ORV Acct	\$ 325,000
	St Bldg Constr Acct	400,000
	ORA-State	\$ 450,000
	Subtotal Appropriation	\$ 1,175,000
	Prior Biennia (Expenditures)	0
	Future Biennia (Projected Costs)	\$ 1,600,000
	TOTAL	\$ 2,775,000
(31) Cedar river dredging: For dredging of the delta where the Cedar river flows into Lake Washington, for the purpose of flood control and improved safety at Renton airport		

The appropriation in this subsection is contingent upon a match of at least \$500,000 from nonstate sources. This appropriation does not imply any future state

commitment to development, flood control or similar activities on the Cedar river.

Appropriation:

St Bldg Constr Acct	\$	800,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	800,000

- (32) Mountains to Sound: For acquisition of forest land on Rattlesnake Ridge across Interstate 90 from the Mount Si natural resources conservation area, that when connected with other publicly owned land will help create a continuous green belt or corridor and recreation area from Snoqualmie Pass to the Puget Sound

The appropriation in this subsection shall be matched by \$3,500,000 in cash, land or other consideration from other sources provided for the same purpose. The acquired forest land shall be managed consistent with the purposes of chapter 79.71 RCW.

Appropriation:

St Bldg Constr Acct	\$	1,000,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	1,000,000

- (33) Garfield county antenna tower

The department of natural resources shall lease property to the Garfield county sheriff's office at not more than \$160 per month, to enable the sheriff to operate an antenna tower on the property.

NEW SECTION. Sec. 26. FOR THE PARKS AND RECREATION COMMISSION: TIMBERLAND PURCHASES AND COMMON SCHOOL PURCHASES

The appropriation in this section is subject to the following conditions and limitations:

- (1) This appropriation is provided to the state parks and recreation commission ("commission") solely to acquire trust lands that have been identified by the department of natural resources ("department") as appropriate for state park use and development. Except as specifically otherwise provided in this section, the commission shall acquire the following parcels:

- (a) Lord Hill, in Snohomish county, west of Monroe;

(b) Beacon Rock, in Skamania county, adjacent to Beacon Rock State Park;

(c) Larrabee Addition, (1 and 2) in Whatcom county, northeast of Larrabee State Park and Chuckanut Mountain;

(d) South Whidbey, in Island county, adjacent to South Whidbey State Park;

(e) Wallace Falls Addition, in Snohomish county, adjacent to Wallace Falls State Park;

(f) Soleduck corridor, in Clallam county, on the Soleduck river at Sappho;

(g) Dugualia Bay property, in Island county, on the northeast shore of Whidbey Island;

(h) Rasar property, in Skagit county, west of Birdsvew, near the Skagit river;

(i) Wallace Falls Addition (Northwest) property, in Snohomish county, adjacent to the northwestern side of the designated park property;

(j) Wallace Falls Addition (Southwest) property, in Snohomish county, adjacent to the southwestern side of Wallace Falls State Park;

(k) Hoypus Hill in Island county south of Hoypus Point Natural Forest Area at Deception Pass State Park;

(l) Lake Easton in Easton in Kittitas county west of Lake Easton State park near the town of Easton;

(m) Diamond Point, in Clallam county, on the Strait of Juan de Fuca; and

(n) Skykomish river property, along Highway 2, near Index.

(2) The commission may expend moneys from this appropriation for acquisition of the Skykomish river property under subsection (1)(n) of this section only to the extent that moneys remain available after the commission has made all reasonable efforts to acquire the other properties identified in this subsection.

(3) To achieve the purposes of this section, intergrant exchanges between common school trust lands and parcels of noncommon school trust lands shall occur on an equal-value basis.

(4) Proceeds from the transfer of the timber shall be deposited by the department in the same manner as timber revenues from other common school trust lands.

No deduction may be made for the resource management cost account under RCW 79.64.040. The proceeds from the transfer of the land shall be used by the department to acquire timber land of equal value to be managed as common school trust land and to maintain a sustainable yield.

(5) The department shall attempt to maintain an aggregate ratio of approximately 85:15 timber-to-land value in these transactions. If the aggregate value of timber-to-land varies by more than plus or minus five percent of that ratio, individual land acquisitions may be dropped in order to maintain the approximate ratio.

(6) It is the intent of the legislature that, insofar as feasible, the full parcels identified in subsection (1) of this section be acquired for park purposes. However, to the extent authorized by the commission, the boundaries of the Diamond Point property under subsection (1)(m) of this section may vary from the property boundaries as described in the joint study conducted by the commission and the department under section 4, chapter 163, Laws of 1985.

Appropriation:

St Bldg Constr Acct	\$	50,000,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	50,000,000

NEW SECTION. Sec. 27. FOR THE STATE CONVENTION AND TRADE CENTER

(1) Project reserves and contingencies (89-5-001)

Reappropriation:

State Convention and Trade Center		
Acct	\$	1,430,734
Prior Biennia (Expenditures)	\$	1,569,266
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	3,000,000

- (2) Conversion of retail space to meeting rooms
(89-5-002)

Reappropriation:

State Convention and Trade Center

Acct	\$	3,500,000
Prior Biennia (Expenditures)	\$	1,697,364
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	5,197,364

- (3) Expansion of the 900 level (89-5-003)

Reappropriation:

State Convention and Trade Center

Acct	\$	3,500,000
Prior Biennia (Expenditures)	\$	5,316,580
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	8,816,580

- (4) Eagles Building and exterior cleanup (89-5-005)

Reappropriation:

State Convention and Trade Center

Acct	\$	287,000
Prior Biennia (Expenditures)	\$	13,000
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	300,000

- (5) Develop low-income housing (90-5-001)

Reappropriation:

State Convention and Trade Center

Acct	\$	650,000
Prior Biennia (Expenditures)	\$	150,000
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	800,000

**PART 4
TRANSPORTATION**

NEW SECTION. Sec. 28. FOR THE DEPARTMENT OF TRANSPORTATION

- (1) Acquisition of dredge spoils sites (83-1-001)

Reappropriation:

St Bldg Constr Acct	\$	200,000
Prior Biennia (Expenditures)	\$	3,277,162
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	3,477,162

(2) Toutle river retention dam (87-1-001)

Reappropriation:

St Bldg Constr Acct	..... \$	500,000
Prior Biennia (Expenditures)	..... \$	10,722,118
Future Biennia (Projected Costs)	..... \$	<u>0</u>
TOTAL	..... \$	11,222,118

(3) Essential rail assistance (90-1-001)

The reappropriation in this subsection is provided solely for distribution to county rail districts and port districts for capital expenditures for the purposes of acquiring, maintaining, or improving branch lines as authorized by chapter 47.76 RCW. The reappropriation in this subsection shall not be used for operating expenses of rail systems, programs, or services.

Reappropriation:

ESS Rail Assis Acct	..... \$	1,000,000
Prior Biennia (Expenditures)	..... \$	200,000
Future Biennia (Projected Costs)	..... \$	<u>2,000,000</u>
TOTAL	..... \$	3,200,000

(4) Essential rail banking (90-1-002)

(a) The reappropriation in this subsection is provided solely for the purchase of unused rail rights of way as authorized by chapter 47.76 RCW and shall not be used for operating expenses of rail systems, programs, or services.

(b) Expenditures shall not be made until the department consults with the chairs and ranking minority members of the house of representatives and senate transportation committees, house of representatives capital facilities committee, and senate ways and means committee, concerning specific railroad rights of way that the department proposes to acquire or assist local governments in acquiring, and as required by chapter 43, Laws of 1990.

(c) The appropriation in this subsection is provided solely to acquire the Stampede Pass rail line and right of way and is subject to the following conditions and limitations:

(i) The department of transportation is directed to negotiate an agreement with the city of Tacoma for the purchase by one or both parties of the rail line and right of way in anticipation of the carrier filing for

abandonment. The department shall reimburse the state building construction account with moneys received under the agreement from the city of Tacoma and the reimbursed moneys shall lapse. The amount to be paid by the city of Tacoma under the agreement shall represent the value of that portion of the rail line and right of way lying within the city's Green river watershed, as determined by appraisal by the department.

(ii) The department shall not expend this appropriation unless the carrier has filed for abandonment or the department and the carrier have agreed on a purchase price prior to an abandonment filing.

(iii) If the filing of an abandonment application by the carrier precedes the execution of an agreement between the department and the city of Tacoma, the department is directed to purchase the rail line on behalf of the state's and city of Tacoma's interest.

(iv) It is the intent of the legislature that, when Interstate Commerce Commission regulations allow, the department shall sell an interest or fee title to the city of Tacoma for that portion of the rail line and right of way lying with the city's Green river watershed. The first \$2,100,000 of the proceeds from the sale shall be deposited in the state building construction account and any additional amount shall be deposited one-third in the essential rail banking account and two-thirds in the state motor vehicle fund. The agreement shall ensure that joint corridor use requirements of the state and the city are met including the protection of the Green river watershed.

(v) This appropriation is contingent upon an appropriation of an additional \$2,000,000 being provided in the omnibus transportation appropriations act, Reengrossed Substitute House Bill No. 1231 for the department of transportation to acquire the Stampede Pass rail line and/or right of way.

(vi) This appropriation shall not be used for operating expenses of rail systems, programs, or services.

Reappropriation:

ESS Rail Bank Acct \$ 1,100,000

Appropriation:

St Bldg Constr Acct \$ 2,100,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,200,000

NEW SECTION. Sec. 29. FOR THE WASHINGTON STATE PATROL

- (1) Crime laboratory, Tacoma: To design and construct a new eight thousand-square foot crime lab facility in Tacoma, to be co-located with the Washington State Patrol/Department of Licensing District headquarters (92-1-008)

The appropriation in this section shall not be expended for consolidation of laboratory services currently being performed in the Kelso and Kennewick crime laboratories.

Appropriation:

St Bldg Constr Acct \$ 2,017,000

Prior Biennia (Expenditures) \$ 20,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,037,000

- (2) Spokane crime laboratory: For safety enhancements (92-1-008)

Appropriation:

St Bldg Constr Acct \$ 192,000

Prior Biennia (Expenditures) \$ 4,500

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 196,500

- (3) Headquarters: Design a new headquarters facility in Olympia (90-2-040)

Appropriation:

WSP Highway Acct \$ 3,400,000

Prior Biennia (Expenditures) \$ 250,000

Future Biennia (Projected Costs) \$ 45,323,000

TOTAL \$ 48,973,000

(4) Everett district headquarters—Crime laboratory (90-2-018)

Reappropriation:

St Bldg Constr Acct	\$	455,000
Prior Biennia (Expenditures)	\$	15,000
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	470,000

**PART 5
EDUCATION**

***NEW SECTION. Sec. 30. FOR THE STATE BOARD OF EDUCATION**

The appropriations in subsections (1) through (9) of this section are subject to the following condition and limitation: Total cash disbursed from the common school construction fund may not exceed the available cash balance.

(1) Public school building construction (79-3-002)

Reappropriation:

Common School Constr Fund ...	\$	500
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	500

(2) Public school building construction (83-3-001)

Reappropriation:

Common School Constr Fund ...	\$	110,000
Prior Biennia (Expenditures)	\$	490,000
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	600,000

(3) Public school building construction (86-4-001)

Reappropriation:

Common School Constr Fund ...	\$	1,100,000
Prior Biennia (Expenditures)	\$	1,400,000
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	2,500,000

(4) Public school building construction (86-4-008)

Reappropriation:

Common School Constr Fund ...	\$	70,000
Prior Biennia (Expenditures)	\$	75,298
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	145,298

(5) Public school building construction (88-2-001)

Reappropriation:

Common School Constr Fund . . . \$	4,000,000
Prior Biennia (Expenditures) \$	61,328,022
Future Biennia (Projected Costs) \$	<u>0</u>
TOTAL \$	65,328,022

(6) Public school building construction (89-2-004)

Reappropriation:

Common School Constr Fund . . . \$	80,000
Prior Biennia (Expenditures) \$	2,920,000
Future Biennia (Projected Costs) \$	<u>0</u>
TOTAL \$	3,000,000

(7) Public school building construction (90-2-001)

Reappropriation:

Common School Constr Fund . . . \$	156,000,000
Prior Biennia (Expenditures) \$	252,527,000
Future Biennia (Projected Costs) \$	<u>0</u>
TOTAL \$	408,527,000

(8) Public school building construction (91-2-001)

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

- (a) A maximum of \$1,200,000 may be spent for state administration of school construction funding.
- (b) A maximum of \$225,000 may be expended for two full-time equivalent field staff with construction/architectural experience to assist in evaluating project requests and reviewing information reported by school districts.
- (c) A maximum of \$100,000 may be expended for development of a new priority system pursuant to (f) of this subsection.

(d) Funding for common school construction and modernization is provided for projects approved for state assistance by the state board as of January 26, 1991. Of the funds available for obligation by the state board after state administration costs and after the costs incurred under (b) and (c) of this subsection, fifty-eight percent is provided solely for approved new construction projects to serve unhoused students, four percent is provided solely for approved condemnation projects, and thirty-four percent is provided solely for

approved modernization projects. The remaining funds shall be allocated at the discretion of the state board.

(e) Projects approved for state assistance by the state board after January 26, 1991, pursuant to WAC 180-25-040, shall be placed on a new priority system developed by the state board pursuant to (f) of this subsection.

(f)(i) The state board shall develop a new priority system for allocating state assistance for school construction and modernization projects. The priority system shall include evaluation of projects according to objective criteria established by the state board and a process for review of data submitted by school districts. In developing the system and the criteria, the state board shall consider the following factors: Type of space requested; current space availability, age, and condition; cost benefit considerations of new construction as compared to modernization; impacts of maintenance on the condition of facilities; impacts of delay of receipt of state assistance; and short and long-range demographic projections.

(ii) The state board shall present a progress report and implementation plan to the governor and the appropriate fiscal committees of the legislature by February 15, 1992.

(g) The common school reimbursable construction account appropriation in this section serves as compensation to the common school construction fund for any obligation owed the fund as a result of vocational technical institutes being transferred from the authority of a local school district and the superintendent of public instruction to the state board for community and technical colleges as directed by chapter 238, Laws of 1991 (Engrossed Substitute Senate Bill No. 5184, workforce training and education).

Appropriation:

Common School Constr Fund . . .	\$	135,500,000
Common School Reimb Constr		
Acct	\$	<u>120,000,000</u>
Subtotal Appropriation	\$	255,500,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	<u>350,000,000</u>
TOTAL	\$	605,500,000

(9) Public school building construction (91-2-001)

The appropriation in this subsection is subject to the following conditions and limitations:

(a) This appropriation is subject to all conditions and limitations contained in subsection (8) of this section.

(b) The department of natural resources shall by September 1, 1991, adopt rules to replace the rules adopted by the governor's office to implement the federal forest resources conservation and shortage relief act of 1990. The rules proposed to be adopted by the department shall: (i) Carry out the federal law; (ii) minimize economic impact on the state trusts; (iii) provide a fair system to all elements of the timber industry, treating all elements with equity; (iv) provide for and allow the largest number of bidders for state timber.

(c) The department of revenue and the department of natural resources shall jointly prepare an enforcement plan for the federal forest resources conservation and shortage relief act.

(d) The department of natural resources and the department of revenue shall report to the legislature quarterly beginning July 1, 1991, on the impact of the federal forest resources conservation and shortage relief act of 1990 on the state trust land. The department of natural resources and the department of revenue shall as part of the quarterly report recommend interim measures to reduce the negative impacts of the federal act.

(e) The department of natural resources and the department of revenue shall jointly prepare a cost estimate of carrying out the federal forest resources conservation and shortage relief act of 1990 and shall submit a report to the legislature with this cost estimate by December 1, 1991.

Appropriation:

Common School Constr Fund . . . \$	21,000,000
Prior Biennia (Expenditures) \$	0
Future Biennia (Projected Costs) \$	0
TOTAL \$	<u>21,000,000</u>

*Sec. 30 was partially vetoed, see message at end of chapter.

NEW SECTION. Sec. 31. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

When the transfer of the vocational-technical institutes to the jurisdiction of the state board for community and technical colleges under chapter 238, Laws of 1991 (En-grossed Substitute Senate Bill No. 5184, workforce training and education) takes effect, remaining balances in the appropriations in this section shall be transferred to the state board for community and technical colleges.

- (1) Clover Park Vocational Technical Institute business education complex renovation (91-2-001)

Appropriation:

St Bldg Constr Acct	\$	2,500,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	2,500,000

- (2) Bellingham Vocational Technical Institute student services and administration offices renovation (91-3-002)

Appropriation:

St Bldg Constr Acct	\$	1,612,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	1,612,000

- (3) Lake Washington Vocational Technical Institute: For the administrative addition, classroom space, and aerospace laboratory

Expenditures from the appropriation in this subsection shall be reduced by any amount spent for the same purpose from the common school construction fund.

Appropriation:

St Bldg Constr Acct	\$	5,800,000
Prior Biennia (Expenditures)	\$	4,316,645
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	10,116,645

- (4) Renton Vocational Technical Institute: For a business technology building

Expenditures from the appropriation in this subsection shall be reduced by any amount spent for the same purpose from the common school construction fund.

Appropriation:

St Bldg Constr Acct	\$	3,985,000
Prior Biennia (Expenditures)	\$	443,000
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	4,428,000

NEW SECTION. Sec. 32. FOR THE STATE SCHOOL FOR THE BLIND

- (1) Demolish Richardson Hall (92-1-001)

Appropriation:

St Bldg Constr Acct	\$	255,149
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	255,149

- (2) Demolish museum building (92-1-002)

Appropriation:

St Bldg Constr Acct	\$	255,149
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	255,149

- (3) Elevator in administration building (92-1-003)

Appropriation:

St Bldg Constr Acct	\$	384,461
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	384,461

- (4) Automatic door: Kennedy Building (92-1-007)

Appropriation:

St Bldg Constr Acct	\$	36,020
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	36,020

(5)	Reroof Ahlsten Cottage (92-2-004)		
	Appropriation:		
	St Bldg Constr Acct	\$	209,488
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	209,488
(6)	Irwin School electrical and communications upgrade (92-2-005)		
	Appropriation:		
	St Bldg Constr Acct	\$	92,141
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	92,141
(7)	Swimming pool renovation (92-2-006)		
	Appropriation:		
	St Bldg Constr Acct	\$	162,990
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	162,990
(8)	Reroof Kennedy Building (92-2-008)		
	Appropriation:		
	St Bldg Constr Acct	\$	369,791
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	369,791

NEW SECTION. Sec. 33. FOR THE STATE SCHOOL FOR THE DEAF

(1)	Building reroof: Devine High School (92-2-001)		
	Appropriation:		
	St Bldg Constr Acct	\$	581,119
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	581,119
(2)	Building reroof: Northrup Elementary School (92-2-002)		
	Appropriation:		
	St Bldg Constr Acct	\$	218,182
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	218,182

NEW SECTION. Sec. 34. FOR THE UNIVERSITY OF WASHINGTON

(1) Safety: Fire code, PCB, and life safety (86-1-001)	
Reappropriation:	
UW Bldg Acct	\$ 6,890,000
Prior Biennia (Expenditures)	\$ 2,298,000
Future Biennia (Projected Costs)	\$ 0
TOTAL	\$ 9,188,000
(2) Safety: Asbestos removal (86-1-002)	
Reappropriation:	
UW Bldg Acct	\$ 4,967,000
Prior Biennia (Expenditures)	\$ 600,000
Future Biennia (Projected Costs)	\$ 0
TOTAL	\$ 5,500,000
(3) Minor works: Building renewal (86-1-004)	
Reappropriation:	
UW Bldg Acct	\$ 6,200,000
Prior Biennia (Expenditures)	\$ 5,983,000
Future Biennia (Projected Costs)	\$ 0
TOTAL	\$ 12,183,000
(4) Health Science Center G Court, H Wing, and I Court addition (86-2-021) and H Wing renovation (88-2-015)	
Reappropriation:	
St Bldg Constr Acct	\$ 43,508,000
UW Bldg Acct	\$ 3,500,000
Subtotal Reappropriation	\$ 47,008,000
Prior Biennia (Expenditures)	\$ 7,856,000
Future Biennia (Projected Costs)	\$ 0
TOTAL	\$ 54,864,000
(5) Minor works: Program renewal (86-3-005)	
The reappropriations in this subsection are provided solely for minor repairs, fixtures, and improvements to state buildings and facilities and shall not be used for computer equipment, land acquisition, or for other expenses that normally would be funded from the state operating budget.	
Reappropriation:	
UW Bldg Acct	\$ 3,800,000
Prior Biennia (Expenditures)	\$ 9,540,000
Future Biennia (Projected Costs)	\$ 0
TOTAL	\$ 13,340,000

- (6) Power plant boiler: To replace boiler number four with a gas and oil fixed boiler, including upgrades in the central heating plant (88-2-022)

The appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 59 of this act.

Reappropriation:

St Bldg Constr Acct	\$	360,000
UW Bldg Acct	\$	240,000
Subtotal Reappropriation	\$	600,000

Appropriation:

St Bldg Constr Acct	\$	19,872,000
Prior Biennia (Expenditures)	\$	468,495
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	20,340,495

- (7) K Wing addition (90-1-001)

The reappropriation in this subsection is provided from the proceeds of state general obligation bonds reimbursed from university indirect cost revenues from federal research grants and contracts pursuant to RCW 43.99H.020(18).

Reappropriation:

H Ed Constr Acct	\$	45,000,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	45,000,000

- (8) Emergency power generation (90-2-001)

Reappropriation:

St Bldg Constr Acct	\$	10,500,000
Prior Biennia (Expenditures)	\$	610,000
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	11,110,000

- (9) Physics: To construct and equip a new building for the physics and astronomy departments (90-2-009)

The project funded by the appropriations in this subsection shall be constructed on campus. The new appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 59 of this act.

Reappropriation:	
St Bldg Constr Acct	\$ 4,000,000
Appropriation:	
H Ed Reimb Constr Acct	\$ 64,786,000
Prior Biennia (Expenditures)	\$ 3,778,000
Future Biennia (Projected Costs)	\$ 0
TOTAL	\$ 72,564,000

- (10) Chemistry I: Design and construction (90-2-011)

The project funded by the reappropriation in this subsection shall be constructed on campus.

Reappropriation:	
St Bldg Constr Acct	\$ 37,200,000
Prior Biennia (Expenditures)	\$ 1,952,000
Future Biennia (Projected Costs)	\$ 0
TOTAL	\$ 39,152,000

- (11) Electrical engineering and computer science building: To complete the design of a replacement building for the departments of electrical engineering and computer science and engineering (90-2-013) (92-2-024)

The project funded by the appropriations in this subsection shall be constructed on campus. Other than for preplanning, the reappropriation shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 59 of this act.

Reappropriation:	
St Bldg Constr Acct	\$ 3,450,000
Appropriation:	
St Bldg Constr Acct	\$ 1,147,000
Subtotal Appropriation	\$ 5,597,000
Prior Biennia (Expenditures)	\$ 661,000
Future Biennia (Projected Costs)	\$ 93,500,000
TOTAL	\$ 98,758,000

- (12) Electrical distribution system (88-1-011), power plant chiller (88-1-012), power plant stack replacement (88-1-023)

Reappropriation:

St Bldg Constr Acct	..... \$	830,000
UW Bldg Acct	..... \$	770,000
Subtotal Reappropriation	.... \$	1,600,000
Prior Biennia (Expenditures)	..... \$	7,539,000
Future Biennia (Projected Costs)	..... \$	0
TOTAL	..... \$	9,139,000

- (13) Safety: Fire code, PCB, and life safety projects including: Cleanup of asbestos, compliance with federal regulations for PCB removal and contaminated soil, and life safety and fire code regulations (92-1-004)

Appropriation:

St Bldg Constr Acct	..... \$	10,640,000
Prior Biennia (Expenditures)	..... \$	0
Future Biennia (Projected Costs)	..... \$	33,333,000
TOTAL	..... \$	43,973,000

- (14) Minor capital renewal: To complete minor projects costing under \$500,000 that renew or bring campus facilities into code compliance (92-1-005)

The appropriations in this subsection are provided solely for minor repairs, fixtures, and improvements to state buildings and facilities and shall not be used for computer equipment, land acquisition, or for other expenses that normally would be funded from the state operating budget.

Appropriation:

St Bldg Constr Acct	..... \$	3,525,000
UW Bldg Acct	..... \$	5,000,000
Subtotal Appropriation	.... \$	8,525,000
Prior Biennia (Expenditures)	..... \$	0
Future Biennia (Projected Costs)	..... \$	40,200,000
TOTAL	..... \$	48,725,000

(15) Communications Building Renovation (88-2-014)

Reappropriation:

St Bldg Constr Acct	\$	2,015,000
UW Bldg Acct	\$	1,167,000
Subtotal Reappropriation	\$	3,182,000
Prior Biennia (Expenditures)	\$	3,555,000
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	6,737,000

(16) Nuclear reactor decommission: To design the removal and decontamination of the nuclear reactor on campus (92-1-022)

Appropriation:

St Bldg Constr Acct	\$	235,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	2,488,000
TOTAL	\$	2,723,000

(17) Kincaid basement: To build twenty-two thousand-square feet of basement space between the Kincaid Building and the new Physics Building (92-2-002)

Appropriation:

St Bldg Constr Acct	\$	3,314,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	3,314,000

(18) Physics Hall renovation, program: To complete the design for renovation of the existing Physics Hall (92-2-008)

The appropriation in this subsection shall not be expended on design documents until project preplanning documents have been reviewed and approved by the office of financial management under section 59 of this act.

Appropriation:

St Bldg Constr Acct	\$	2,543,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	37,800,000
TOTAL	\$	40,343,000

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- (19) Chiller addition: To add one central power plant chiller unit (92-2-009)

Appropriation:

St Bldg Constr Acct	\$	2,459,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	2,459,000

- (20) Data communications: To complete several data communications projects involving infrastructure, wiring, and building modifications (92-2-010)

Appropriation:

St Bldg Constr Acct	\$	2,700,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	2,700,000

- (21) Electrical distribution: To upgrade the campus electrical distribution (92-2-012)

Appropriation:

St Bldg Constr Acct	\$	1,300,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	1,300,000

- (22) Other utility projects: To remove and decontaminate underground storage tanks and other repair projects (92-2-013)

The appropriation in this subsection may be expended only after compliance with section 6(2) of this act.

Appropriation:

St Bldg Constr Acct	\$	460,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	20,000,000
TOTAL	\$	20,460,000

- (23) Comparative medicine facility: To construct an animal laboratory facility (92-2-017)

Appropriation:

St Bldg Constr Acct	\$	700,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	700,000

- (24) Minor capital improvements: To complete minor remodeling projects costing under \$500,000 that improve space usage and make repairs for specific campus programs or buildings (92-3-006)

The appropriations in this subsection are provided solely for minor repairs, fixtures, and improvements to state buildings and facilities and shall not be used for computer equipment, land acquisition, or for other expenses that normally would be funded from the state operating budget.

Appropriation:

St Bldg Constr Acct	\$	5,703,000
UW Bldg Acct	\$	5,000,000
Subtotal Appropriation	\$	10,703,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	40,250,000
TOTAL	\$	50,953,000

- (25) Parrington Hall exterior: To repair the exterior of Parrington Hall (92-3-018)

Appropriation:

UW Bldg Acct	\$	1,759,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	1,759,000

- (26) Meany Hall exterior renovation: To replace the leaking exterior of Meany Hall (92-3-019)

The appropriation in this subsection shall not be expended for design documents until project preplanning documents have been reviewed and approved by the office of financial management under section 59 of this act.

Appropriation:

UW Bldg Acct	\$	7,238,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	7,238,000

- (27) Denny Hall exterior repair: To repair and seismically improve the exterior of Denny Hall (92-3-020)

Reappropriation:

St Bldg Constr Acct \$ 215,000

Appropriation:

UW Bldg Acct \$ 1,670,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,885,000

- (28) Fisheries II/utilities: To prepare plans for extending the utilities infrastructure to the west campus, constructing a new fisheries building, and replacing the facility for police and custodial units (92-2-027)

The appropriation in this subsection shall not be expended on design documents until project preplanning documents have been reviewed and approved by the office of financial management under section 59 of this act.

Appropriation:

State Bldg Constr Acct \$ 1,850,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 91,528,000

TOTAL \$ 93,378,000

- (29) Olympic Natural Resources Center

The appropriation in this subsection shall not be expended for design documents until project preplanning documents have been reviewed and approved by the office of financial management under section 59 of this act.

Appropriation:

St Bldg Constr Acct \$ 5,675,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 5,675,000

- (30) Employee day care facility—Preplanning

The appropriation in this subsection is provided solely for the purpose of acquiring, preparing a site for meeting the needs identified in the November 1987 child-care study conducted for the higher education coordinating board. In acquiring a site, the University shall make every effort to locate the child-care facility

within a two-mile radius of the main Seattle campus and shall give a high priority to the use of buildings owned, but not used by, the Seattle school district.

Appropriation:

St Bldg Constr Acct	\$	150,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	150,000

NEW SECTION. Sec. 35. FOR WASHINGTON STATE UNIVERSITY

- (1) Science Hall renewal, phase 2 (86-1-006)

Reappropriation:

H Ed Constr Acct	\$	400,000
Prior Biennia (Expenditures)	\$	10,804,000
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	11,204,000

- (2) Minor capital improvements (90-1-001)

The reappropriation in this subsection is provided solely for minor repairs, fixtures, and improvements to state buildings and facilities and shall not be used for computer equipment, land acquisition, or for other expenses that normally would be funded from the state operating budget.

Reappropriation:

WSU Bldg Acct	\$	1,788,000
Prior Biennia (Expenditures)	\$	3,212,000
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	5,000,000

- (3) Minor capital renewal (90-1-002)

The reappropriation in this subsection is provided solely for minor repairs, fixtures, and improvements to state buildings and facilities and shall not be used for computer equipment, land acquisition, or for other expenses that normally would be funded from the state operating budget.

Reappropriation:

St Bldg Constr Acct	\$	1,950,000
Prior Biennia (Expenditures)	\$	3,050,000
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	5,000,000

- (4) Washington higher education telecommunications system: To convert one of two analog channels to digital (90-2-021)

Any expenditure under this reappropriation shall be consistent with the plan being developed by the department of information services for the 1991 legislative session for the cost-effective, incremental implementation of a coordinated state-wide video telecommunications system.

Reappropriation:

WSU Bldg Acct	\$	2,700,000
Prior Biennia (Expenditures)	\$	55,000
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	2,755,000

- (5) Land acquisition (Branch Campus) (90-5-002)

Reappropriation:

St Bldg Constr Acct	\$	250,000
Prior Biennia (Expenditures)	\$	1,095,333
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	1,345,333

- (6) Tri-Cities University Center (90-5-901)

Reappropriation:

St Bldg Constr Acct	\$	2,850,000
Prior Biennia (Expenditures)	\$	9,548,000
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	12,398,000

- (7) Minor capital improvements: To complete minor remodeling projects costing under \$500,000 that improve space usage and make repairs for specific campus programs or buildings (92-1-001)

The appropriation in this subsection is provided solely for minor repairs, fixtures, and improvements to state buildings and facilities and shall not be used for computer equipment, land acquisition, or for other expenses that normally would be funded from the state operating budget.

Appropriation:

WSU Bldg Acct	\$	6,500,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	21,300,000
TOTAL	\$	27,800,000

- (8) Expansion of east campus substation: To provide an additional 15,000 KVA electrical power capacity to the existing east campus substation (92-1-015)

Reappropriation:	
WSU Bldg Acct	\$ 525,100
Appropriation:	
WSU Bldg Acct	\$ 670,000
Prior Biennia (Expenditures)	\$ 7,900
Future Biennia (Projected Costs)	\$ 0
TOTAL	\$ 1,203,000

- (9) Smith Gym electrical system replacement: To replace the entire building-wide electrical system (92-1-017)

Reappropriation:	
WSU Bldg Acct	\$ 638,300
Appropriation:	
WSU Bldg Acct	\$ 542,000
Prior Biennia (Expenditures)	\$ 9,700
Future Biennia (Projected Costs)	\$ 0
TOTAL	\$ 1,190,000

- (10) Hazardous, pathological, and radioactive waste handling facilities: To provide centralized facilities to prepare, package, and ship biomedical, pathological, hazardous, low-level, and nonradioactive waste (92-1-019)

The appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 59 of this act.

Reappropriation:	
WSU Bldg Acct	\$ 21,700
Appropriation:	
St Bldg Constr Acct	\$ 1,343,000
Prior Biennia (Expenditures)	\$ 130,300
Future Biennia (Projected Costs)	\$ 5,570,000
TOTAL	\$ 7,065,000

- (11) Asbestos removal: To remove asbestos contaminated fireproofing from the roof beams and support structures of the Coliseum (92-1-020)

The appropriation in this subsection may be expended only after compliance with section 6(3) of this act.

Appropriation:

WSU Bldg Acct	\$	1,513,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	1,513,000

- (12) Fulmer Hall: To design renovations of Fulmer Hall Annex to meet fire, safety, and handicap access code requirements and to make changes in functional use of space (92-1-023)

The appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 59 of this act.

Appropriation:

St Bldg Constr Acct	\$	957,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	7,943,000
TOTAL	\$	8,900,000

- (13) Nuclear radiation center study (92-1-025)

Reappropriation:

WSU Bldg Acct	\$	13,400
Prior Biennia (Expenditures)	\$	39,600
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	53,000

- (14) Minor capital renewal: To complete minor projects costing under \$500,000 that renew or bring campus facilities into code compliance (92-2-002)

The appropriation in this subsection is provided solely for minor repairs, fixtures, and improvements to state buildings and facilities and shall not be used for computer equipment, land acquisition, or for other expenses that normally would be funded from the state operating budget.

Appropriation:

St Bldg Constr Acct	\$	5,500,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	5,500,000

- (15) Preplanning: To complete preplanning documents for the following projects: Engineering teaching-research building, animal sciences laboratory building, Thompson Hall renewal, Heald Hall renewal, Holland Library renewal, Bohler Gym addition/renewal, Kimbrough Hall addition, and classroom auditorium building (92-2-003)

The preplanning document shall include but not be limited to projected workload, site conditions, user requirements, current space available, and an overall budget and cost estimate breakdown in a form prescribed by the office of financial management.

Appropriation:

WSU Bldg Acct	\$ 869,000
Prior Biennia (Expenditures)	0
Future Biennia (Projected Costs)	0
TOTAL	869,000

- (16) Holland Library addition: To furnish and equip the library addition (92-2-012)

Reappropriation:

St Bldg Constr Acct	\$ 29,500,000
WSU Bldg Acct	48,600
Subtotal Reappropriation	29,548,600

Appropriation:

St Bldg Constr Acct	\$ 2,580,000
Prior Biennia (Expenditures)	4,992,400
Future Biennia (Projected Costs)	0
TOTAL	37,121,000

- (17) Veterinary teaching hospital: To construct and furnish a new teaching hospital for the department of veterinary medicine and surgery (92-2-013)

The appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 59 of this act.

Reappropriation:

St Bldg Constr Acct	\$	970,000
WSU Bldg Acct	\$	110,000
Subtotal Reappropriation	\$	1,080,000

Appropriation:

H Ed Reimb Constr Acct	\$	26,835,000
Prior Biennia (Expenditures)	\$	747,000
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	28,662,000

- (18) Child care facility: To design, construct, and furnish a child care facility by remodeling the vacated Rogers-Orton Dining Hall (92-2-014)

Appropriation:

St Bldg Constr Acct	\$	2,171,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	2,171,000

- (19) Carpenter Hall completion (renewal): To complete the renovation of Carpenter Hall (92-2-016)

Reappropriation:

H Ed Constr Acct	\$	500,000
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Appropriation:

WSU Bldg Acct	\$	810,000
Prior Biennia (Expenditures)	\$	6,289,715
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	7,599,715

- (20) Communication infrastructure renewal: To design and construct university-wide communications facilities for telephone, computer, and audio-visual services (92-2-018)

The appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 59 of this act.

Appropriation:

St Bldg Constr Acct	\$	10,000,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	10,000,000

- (21) Todd Hall renewal: To renovate the entire building, including upgrading electrical and other building-wide systems, modernizing and refurbishing of classrooms and offices (92-2-021)

The appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 59 of this act.

Reappropriation:

WSU Bldg Acct \$ 37,000

Appropriation:

St Bldg Constr Acct \$ 1,143,000

Prior Biennia (Expenditures) \$ 145,000

Future Biennia (Projected Costs) \$ 14,795,000

TOTAL \$ 16,120,000

- (22) Student services addition: To design and construct a building for consolidated student service functions (92-2-027)

The appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 59 of this act.

Appropriation:

St Bldg Constr Acct \$ 15,000,000

WSU Bldg Acct \$ 967,000

Subtotal Appropriation \$ 15,967,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 15,967,000

- (23) Records, maintenance materials storage, and recycling, phase 1: To construct a storage structure for inactive records, physical plant storage, and recycling storage (92-2-028)

Appropriation:

WSU Bldg Acct \$ 1,761,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,761,000

- (24) **WHETS expansion:** To add a fourth channel to the network that serves the Tri-Cities, Spokane, and Vancouver branch campuses, to add two classrooms in Pullman, Tri-Cities, and Vancouver, to add one classroom in Spokane, and to extend the network and add one classroom at the Tree Fruit Research and Extension Center in Wenatchee (92-2-908)

Any extension of educational telecommunications to the Wenatchee area shall be planned to allow for the possible future participation of multiple higher education institutions, especially those having direct program responsibility for the Wenatchee area. Implementation plans shall be approved by the higher education coordinating board, in conjunction with the department of information services.

Appropriation:

WSU Bldg Acct	\$	2,321,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	2,321,000

- (25) **Dairy and forage facility:** To design and construct a facility that includes a new dairy center and milking parlor, a freestall building, and offices and classrooms (92-3-024)

Appropriation:

WSU Bldg Acct	\$	2,714,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	2,714,000

- (26) **Chilled water storage facility:** To design and construct a 2,820,000-gallon chilled water storage tank (92-4-022)

Appropriation:

St Bldg Constr Acct	\$	2,850,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	2,850,000

NEW SECTION. Sec. 36. FOR EASTERN WASHINGTON UNIVERSITY

- (1) **Math, science, and technology:** To design the remodeling of Sutton Hall for offices and classroom space (81-2-002)

The appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 59 of this act.

Reappropriation:

St Bldg Constr Acct \$ 141,000

Appropriation:

St Bldg Constr Acct \$ 150,000

Prior Biennia (Expenditures) \$ 91,000

Future Biennia (Projected Costs) \$ 4,850,000

TOTAL \$ 5,232,000

- (2) **Science building addition and heating, ventilation, and air conditioning:** To complete the remodeling of the existing science building (83-1-001)

The appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 59 of this act.

Reappropriation:

St Bldg Constr Acct \$ 7,000,000

Appropriation:

St Bldg Constr Acct \$ 7,780,000

Prior Biennia (Expenditures) \$ 6,255,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 21,035,000

- (3) **Electrical system renewal (86-1-002)**

Reappropriation:

St Bldg Constr Acct \$ 890,000

Prior Biennia (Expenditures) \$ 1,894,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,784,000

- (4) Roof replacement: To replace roofs for the following buildings: Science, physical education activities, music, radio television center, theater, and Reid school (86-1-003)

Reappropriation:

St Bldg Constr Acct	\$	213,000
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Appropriation:

EWU Cap Proj Acct	\$	1,000,000
Prior Biennia (Expenditures)	\$	985,000
Future Biennia (Projected Costs)	\$	1,500,000
TOTAL	\$	3,698,000

- (5) Minor capital improvements (86-1-010)

The reappropriation in this subsection is provided solely for minor repairs, fixtures, and improvements to state buildings and facilities and shall not be used for computer equipment, land acquisition, or for other expenses that normally would be funded from the state operating budget.

Reappropriation:

EWU Cap Proj Acct	\$	1,100,000
Prior Biennia (Expenditures)	\$	3,363,000
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	4,463,000

- (6) Small repairs projects (86-1-011)

Reappropriation:

EWU Cap Proj Acct	\$	422,000
Prior Biennia (Expenditures)	\$	1,107,000
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	1,529,000

- (7) Energy conservation (86-2-006)

Reappropriation:

St H Ed Constr Acct	\$	200,000
Prior Biennia (Expenditures)	\$	554,000
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	754,000

- (8) Life and safety code compliance, asbestos: To continue removal of asbestos on a phased basis (88-1-001)

The appropriation in this subsection may be expended only after compliance with section 6(3) of this act.

	Appropriation:		
	EWU Cap Proj Acct	\$	850,000
	Prior Biennia (Expenditures)	\$	1,283,000
	Future Biennia (Projected Costs)	\$	<u>2,500,000</u>
	TOTAL	\$	4,633,000
(9)	Fire suppression: To install fire suppression systems throughout the campus (88-1-005)		
	Reappropriation:		
	St Bldg Constr Acct	\$	30,000
	Appropriation:		
	EWU Cap Proj Acct	\$	850,000
	Prior Biennia (Expenditures)	\$	496,000
	Future Biennia (Projected Costs)	\$	<u>1,700,000</u>
	TOTAL	\$	3,076,000
(10)	Telecommunications, cable replacement: To replace the existing system with a complete data/video network (90-2-004)		
	Reappropriation:		
	EWU Cap Proj Acct	\$	850,000
	Appropriation:		
	St Bldg Constr Acct	\$	2,000,000
	Prior Biennia (Expenditures)	\$	230,000
	Future Biennia (Projected Costs)	\$	<u>1,000,000</u>
	TOTAL	\$	4,080,000
(11)	Seventh Street replacement (90-3-001)		
	Reappropriation:		
	EWU Cap Proj Acct	\$	338,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	<u>0</u>
	TOTAL	\$	338,000
(12)	Minor capital renewal (90-3-002)		
	Reappropriation:		
	EWU Cap Proj Acct	\$	1,150,000
	Prior Biennia (Expenditures)	\$	17,000
	Future Biennia (Projected Costs)	\$	<u>0</u>
	TOTAL	\$	1,167,000

- (13) Kennedy Library addition and heating, ventilation, and air conditioning (90-5-003)

Reappropriation:

EWU Cap Proj Acct	\$	56,000
Prior Biennia (Expenditures)	\$	109,000
Future Biennia (Projected Costs)	\$	<u>1,200,000</u>
TOTAL	\$	1,365,000

- (14) Minor capital improvements: To complete minor remodeling projects costing under \$500,000 that improve space usage and make repairs for specific campus programs or buildings (92-1-001)

The appropriation in this subsection is provided solely for minor repairs, fixtures, and improvements to state buildings and facilities and shall not be used for computer equipment, land acquisition, or for other expenses that normally would be funded from the state operating budget, except that \$125,000 may be used to acquire property from the Department of Natural Resources.

Appropriation:

EWU Cap Proj Acct	\$	2,200,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	<u>4,400,000</u>
TOTAL	\$	6,600,000

- (15) Small repair projects: To complete small repair projects costing less than \$25,000 (92-1-002)

Appropriation:

EWU Cap Proj Acct	\$	1,000,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	<u>2,000,000</u>
TOTAL	\$	3,000,000

- (16) Underground storage tanks, code compliance: To remove and/or replace underground storage tanks under EPA requirements (92-1-003)

The appropriation in this subsection may be expended only after compliance with section 6(2) of this act.

Appropriation:

EWU Cap Proj Acct	\$	250,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	250,000

- (17) Minor capital renewal: To complete minor projects costing under \$500,000 that renew or bring campus facilities into code compliance (92-3-004)

The appropriation in this subsection is provided solely for minor repairs, fixtures, and improvements to state buildings and facilities and shall not be used for computer equipment, land acquisition, or for other expenses that normally would be funded from the state operating budget.

Appropriation:

St Bldg Constr Acct	\$	2,000,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	3,000,000
TOTAL	\$	5,000,000

- (18) Eastern Washington University Spokane Center: To provide fire egress and remodel the interior areas

Appropriation:

EWU Cap Proj Acct	\$	1,200,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	1,200,000

NEW SECTION. Sec. 37. FOR CENTRAL WASHINGTON UNIVERSITY

- (1) Handicap modifications (88-1-007)

Reappropriation:

CWU Cap Proj Acct	\$	150,000
Prior Biennia (Expenditures)	\$	565,000
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	715,000

- (2) Psychology animal research facility (90-1-060)

Reappropriation:

St Bldg Constr Acct	\$	1,700,000
Prior Biennia (Expenditures)	\$	447,000
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	2,147,000

(3) Telecommunications system, phase 2 (90-2-003)

Reappropriation:

CWU Cap Proj Acct	\$	1,182,000
Prior Biennia (Expenditures)	\$	261,600
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	1,443,600

(4) Shaw/Smyser Hall remodel (90-2-005)

The appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 59 of this act.

Reappropriation:

St Bldg Constr Acct	\$	2,406,000
CWU Cap Proj Acct	\$	950,000
Subtotal Reappropriation ...	\$	3,356,000

Appropriation:

H Ed Reimb Constr Acct	\$	7,027,000
Prior Biennia (Expenditures)	\$	349,900
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	10,732,900

(5) Life and safety: To complete minor projects that correct code violations and hazards (92-1-030)

Reappropriation:

St Bldg Constr Acct	\$	700,000
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Appropriation:

CWU Cap Proj Acct	\$	500,000
Prior Biennia (Expenditures)	\$	1,989,482
Future Biennia (Projected Costs)	\$	1,000,000
TOTAL	\$	4,189,482

(6) Asbestos and PCB abatement: To remove asbestos and PCB contaminated materials and replace with nonhazardous materials (92-1-040)

The appropriation in this subsection may be expended only after compliance with section 6(3) of this act.

Appropriation:

CWU Cap Proj Acct	\$	750,000
Prior Biennia (Expenditures)	\$	500,000
Future Biennia (Projected Costs)	\$	350,000
TOTAL	\$	1,600,000

- (7) Barge Hall renovation: To complete the construction phase of the Barge Hall renovation (92-2-001)

The appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 59 of this act.

Reappropriation:

St Bldg Constr Acct \$ 150,000

Appropriation:

St Bldg Constr Acct \$ 10,465,000

Prior Biennia (Expenditures) \$ 450,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 11,065,000

- (8) Dean Science Building remodel and annex construction: To complete program preplanning documents for remodeling Dean Science Building and constructing an annex (92-2-002)

Any preplanning documents developed using the appropriation in this subsection are subject to review by the office of financial management under section 59 of this act.

Appropriation:

St Bldg Constr Acct \$ 193,500

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 17,608,000

TOTAL \$ 17,801,500

- (9) Chilled water expansion: To extend the cooling system to additional buildings (92-2-004)

Appropriation:

St Bldg Constr Acct \$ 800,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 1,600,000

TOTAL \$ 2,400,000

- (10) Minor capital projects: To complete minor projects costing under \$500,000 that renew campus facilities or remodel specific areas (92-2-050)

The appropriation in this subsection is provided solely for minor repairs, fixtures, and improvements to state buildings and facilities and shall not be used for computer equipment, land acquisition, or for other

expenses that normally would be funded from the state operating budget.

Reappropriation:

CWU Cap Proj Acct \$ 2,113,000

Appropriation:

CWU Cap Proj Acct \$ 3,791,000

Prior Biennia (Expenditures) \$ 3,673,000

Future Biennia (Projected Costs) \$ 6,978,000

TOTAL \$ 16,555,000

- (11) Electrical cable replacement: To partially replace the underground high voltage system (92-3-003)

Appropriation:

CWU Cap Proj Acct \$ 800,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 1,700,000

TOTAL \$ 2,500,000

- (12) Nicholson Pavilion and athletic facilities remodel: To upgrade the pavilion's skylight, pool, gymnasium floor, locker rooms, and field and track surfaces

Appropriation:

CWU Cap Proj Acct \$ 1,170,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,170,000

- (13) Steamline phase II: To combine energy-related projects

Reappropriation:

CWU Cap Proj Acct \$ 828,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 828,000

NEW SECTION. Sec. 38. FOR THE EVERGREEN STATE COLLEGE

- (1) Failed systems (90-2-001)

Reappropriation:

St Bldg Constr Acct \$ 331,800

Prior Biennia (Expenditures) \$ 212,270

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 544,070

- (2) Failed systems: Exterior building reseal and campus activity building settling and deck recaulk

Reappropriation:

St Bldg Constr Acct	\$	53,000
Prior Biennia (Expenditures)	\$	192,000
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	245,000

- (3) Lab annex remodel, metal and wood support shops: To provide a consolidated wood/metal studio in the visual arts program area (90-5-008)

Appropriation:

St Bldg Constr Acct	\$	972,100
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	972,100

- (4) Life and safety and code compliance: To complete minor projects that correct code violations and hazards (92-1-001)

Appropriation:

St Bldg Constr Acct	\$	1,766,500
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	1,766,500

- (5) Underground storage tank replacement, phase 1: To replace six single-wall tanks with four double-wall lined tanks (92-1-003)

The appropriation in this subsection may be expended only after compliance with section 6(2) of this act.

Appropriation:

St Bldg Constr Acct	\$	120,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	120,000

- (6) Minor works, failed systems: To complete minor projects costing under \$500,000 that renew or bring campus facilities into code compliance (92-2-004)

Appropriation:

St Bldg Constr Acct	\$	967,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	967,000

- (7) Minor works, academics and program support: To complete minor remodeling projects costing under \$500,000 that improve space usage and make repairs for specific campus programs or buildings (92-2-009)

Appropriation:

St Bldg Constr Acct	\$	956,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	956,000

- (8) Small repairs and improvements: To complete small repair projects costing less than \$25,000 (92-2-010)

Appropriation:

TESC Cap Proj Acct	\$	185,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	185,000

- (9) Emergency repairs: To repair unforeseen breakdowns in building and utility systems (92-2-011)

Appropriation:

TESC Cap Proj Acct	\$	162,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	162,000

- (10) Heat, ventilation, and air conditioning repairs: To identify and repair problems in the heating, ventilation, and air conditioning systems in five buildings (92-3-006)

Appropriation:

St Bldg Constr Acct	\$	430,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	430,000

NEW SECTION. Sec. 39. FOR WESTERN WASHINGTON UNIVERSITY

- (1) Construct and equip science facility, phase 1 (90-1-001)

Reappropriation:

St Bldg Constr Acct	\$	20,300,000
Prior Biennia (Expenditures)	\$	1,630,700
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	21,930,700

- (2) Science facility, phase 2 (design) (90-1-005)

Reappropriation:

St Bldg Constr Acct	\$	780,000
Prior Biennia (Expenditures)	\$	107,300
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	887,300

- (3) Institute of Wildlife Toxicology (90-2-003)

Reappropriation:

WWU Cap Proj Acct	\$	744,000
Prior Biennia (Expenditures)	\$	756,000
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	1,500,000

- (4) Construct and equip science facility, phase 2: To construct a new science building for biology, including classrooms, laboratories, and faculty offices (92-1-007)

The appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 59 of this act.

Appropriation:

St Bldg Constr Acct	\$	21,374,300
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	21,374,300

- (5) Science facility, phase 3: To complete the design for a new science building for the science education program, including lecture halls for all university science programs (92-1-008)

The appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 59 of this act.

Appropriation:

St Bldg Constr Acct	\$	707,500
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	9,371,400
TOTAL	\$	10,078,900

- (6) Minor works capital projects: To complete minor projects costing under \$500,000 that renew campus facilities or remodel specific areas (92-1-022)

The appropriation in this subsection is provided solely for minor repairs, fixtures, and improvements to state buildings and facilities and shall not be used for computer equipment, land acquisition, or for other expenses that normally would be funded from the state operating budget.

Reappropriation:

WWU Cap Proj Acct	\$	2,500,000
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Appropriation:

WWU Cap Proj Acct	\$	7,500,000
Prior Biennia (Expenditures)	\$	7,807,465
Future Biennia (Projected Costs)	\$	12,000,000
TOTAL	\$	29,807,465

- (7) Land acquisition: To acquire additional land on the northern and southern campus boundaries and moorage facilities at Shannon Point Marine Center (92-3-021)

Appropriation:

St Bldg Constr Acct	\$	1,450,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	1,450,000

NEW SECTION. Sec. 40. FOR THE STATE LIBRARY

- (1) Library for the blind and physically handicapped planning (90-5-001)

The reappropriation in this section is provided solely to develop a plan for an alternative facility for the library for the blind and physically handicapped. The plan may anticipate that the state will contribute funds for a building to be owned and managed by the city of Seattle, in exchange for permanent rent-free space for library services for the blind and physically handicapped. The department of general administration, in cooperation with the state library, shall provide

support for an analysis of facilities options and development of construction plans by the city of Seattle and the Seattle public library. The plan developed under this section shall include the recommendations of the department of general administration and the state library with respect to state participation in the project. If appropriate, the analysis may include consideration of alternatives to construction of a city-owned building, such as the purchase or lease of an existing facility. The plan shall address the interests of both the city and the state, how the facility will be used and managed, costs, and timing of the project. The plan shall be submitted to the governor and the legislature by December 1, 1991.

Reappropriation:

General Fund-State	\$	75,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	75,000

NEW SECTION. Sec. 41. FOR THE WASHINGTON STATE HISTORICAL SOCIETY

(1) **Union Station:** To design and construct a new exhibit center at Union Station (90-5-005)

(a) The Washington state historical society shall report to the appropriate committees of the legislature by November 1, 1992, on its plans to phase in installation of exhibitry and on its efforts to secure additional funding from nonstate sources for exhibitry and other components of the project.

(b) It is the intent of the legislature: That a portion of exhibitry costs be used to fulfill the requirement under section 48 of this act that one-half percent of construction costs be used for artwork; that the total state contribution for the design and construction of the new exhibit center not exceed \$28,800,000; and that, in addition, at least \$7,000,000 of the design and construction cost be paid from nonstate sources, for a total project cost of at least \$35,800,000.

Reappropriation:

St Bldg Constr Acct	\$	2,955,000
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Appropriation:

St Bldg Constr Acct	\$	610,000
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Prior Biennia (Expenditures)	\$	125,000
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Future Biennia (Projected Costs)	\$	25,110,000
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TOTAL	\$	28,800,000
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- (2) Correction of code violations: To extend the existing fire sprinkler system to the entire building and to install smoke and ionization detectors throughout the museum building (92-1-001)

Appropriation:

St Bldg Constr Acct	\$	250,849
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Prior Biennia (Expenditures)	\$	0
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Future Biennia (Projected Costs)	\$	0
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TOTAL	\$	250,849
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- (3) Minor works for building repairs and educational and archeological collections

The appropriation in this subsection is subject to the following conditions and limitations: \$222,424 is provided solely to repair the interior and exterior of the museum building.

Appropriation:

St Bldg Constr Acct	\$	472,424
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Prior Biennia (Expenditures)	\$	0
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Future Biennia (Projected Costs)	\$	0
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TOTAL	\$	472,424
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- (4) Museum interior remodeling (88-3-004)

Reappropriation:

St Bldg Constr Acct	\$	35,000
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Prior Biennia (Expenditures)	\$	2,207,000
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Future Biennia (Projected Costs)	\$	0
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TOTAL	\$	2,242,000
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NEW SECTION. Sec. 42. FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY

- (1) To complete restoration of interior rooms, the conservatory, the veranda, and the exterior of the Campbell House (86-1-002)

Appropriation:

St Bldg Constr Acct	\$	746,211
Prior Biennia (Expenditures)	\$	542,832
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	1,289,043

- (2) Cheney Cowles Museum: For an energy-efficient boiler system, a temperature/humidity system for the entire museum, and a clean-air filtration system (92-2-001)

Appropriation:

St Bldg Constr Acct	\$	424,279
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	424,279

- (3) Cheney Cowles Museum: To replace outdated museum lighting (92-2-002)

Appropriation:

St Bldg Constr Acct	\$	56,727
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	56,727

NEW SECTION. Sec. 43. FOR THE STATE CAPITOL HISTORICAL ASSOCIATION

- (1) For replacement of building systems and for maintenance and improvements to the interior or exterior of the Lord Mansion and the Carriage House (92-1-003)

Reappropriation:

St Bldg Constr Acct	\$	10,600
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Appropriation:

St Bldg Constr Acct	\$	99,510
Prior Biennia (Expenditures)	\$	16,400
Future Biennia (Projected Costs)	\$	10,500
TOTAL	\$	137,010

NEW SECTION. Sec. 44. FOR THE COMMUNITY COLLEGE SYSTEM

- (1) Extension facility (Puyallup) (86-3-021)

Reappropriation:

St Bldg Constr Acct	\$	99,211
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Prior Biennia (Expenditures)	\$	5,276,789
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	5,376,000

- (2) Tech building and remodeling (Skagit Valley)
(86-3-022)

Reappropriation:

St Bldg Constr Acct	..... \$	30,085
Prior Biennia (Expenditures)	..... \$	3,369,915
Future Biennia (Projected Costs)	..... \$	0
TOTAL	..... \$	3,400,000

- (3) Heavy equipment building (South Seattle) (86-3-026)

Reappropriation:

St Bldg Constr Acct	..... \$	17,901
Prior Biennia (Expenditures)	..... \$	4,429,099
Future Biennia (Projected Costs)	..... \$	0
TOTAL	..... \$	4,447,000

- (4) Minor works (RMI) (88-2-001)

Reappropriation:

St Bldg Constr Acct	..... \$	114,174
Prior Biennia (Expenditures)	..... \$	3,385,826
Future Biennia (Projected Costs)	..... \$	0
TOTAL	..... \$	3,500,000

- (5) Repairs, exterior walls (88-3-003)

Reappropriation:

St Bldg Constr Acct	..... \$	218,614
Prior Biennia (Expenditures)	..... \$	4,045,386
Future Biennia (Projected Costs)	..... \$	0
TOTAL	..... \$	4,264,000

- (6) Repairs, mechanical, heating, ventilation, and air conditioning (88-3-004)

Reappropriation:

St Bldg Constr Acct	..... \$	500,121
Prior Biennia (Expenditures)	..... \$	3,574,879
Future Biennia (Projected Costs)	..... \$	0
TOTAL	..... \$	4,075,000

- (7) Minor improvements (88-3-005)

Reappropriation:

St Bldg Constr Acct	..... \$	781,756
Prior Biennia (Expenditures)	..... \$	12,982,244
Future Biennia (Projected Costs)	..... \$	0
TOTAL	..... \$	13,764,000

(8) Repairs, electrical (88-3-006)	
Reappropriation:	
St Bldg Constr Acct	\$ 114,986
Prior Biennia (Expenditures)	\$ 1,277,014
Future Biennia (Projected Costs)	\$ 0
TOTAL	\$ 1,392,000
(9) Sites and interiors (88-3-007)	
Reappropriation:	
St Bldg Constr Acct	\$ 168,312
Prior Biennia (Expenditures)	\$ 1,757,688
Future Biennia (Projected Costs)	\$ 0
TOTAL	\$ 1,926,000
(10) Agri Tech building (Walla Walla) (88-3-008)	
Reappropriation:	
St Bldg Constr Acct	\$ 1,000,539
Prior Biennia (Expenditures)	\$ 2,114,461
Future Biennia (Projected Costs)	\$ 0
TOTAL	\$ 3,115,000
(11) Plan, and construct library-student center (86-2-031)	
Reappropriation:	
St Bldg Constr Acct	\$ 328,911
Prior Biennia (Expenditures)	\$ 7,662,089
Future Biennia (Projected Costs)	\$ 0
TOTAL	\$ 7,991,000
(12) Vocational shop (Wenatchee) (88-3-010)	
Reappropriation:	
St Bldg Constr Acct	\$ 613,953
Prior Biennia (Expenditures)	\$ 341,047
Future Biennia (Projected Costs)	\$ 0
TOTAL	\$ 955,000
(13) Computer facility (Edmonds) (88-3-011)	
Reappropriation:	
St Bldg Constr Acct	\$ 14,934
Prior Biennia (Expenditures)	\$ 3,820,066
Future Biennia (Projected Costs)	\$ 0
TOTAL	\$ 3,835,000

(14) Learning resource center (Clark) (88-3-012)

Reappropriation:

St Bldg Constr Acct	..... \$	620,017
Prior Biennia (Expenditures)	..... \$	5,759,983
Future Biennia (Projected Costs)	..... \$	0
TOTAL	..... \$	6,380,000

(15) Extension center (Yakima Valley) (88-3-013)

Reappropriation:

St Bldg Constr Acct	..... \$	107,068
Prior Biennia (Expenditures)	..... \$	1,588,932
Future Biennia (Projected Costs)	..... \$	0
TOTAL	..... \$	1,691,000

(16) Math and science building (Spokane Falls) (88-3-015)

Reappropriation:

St Bldg Constr Acct	..... \$	779,618
Prior Biennia (Expenditures)	..... \$	4,970,382
Future Biennia (Projected Costs)	..... \$	0
TOTAL	..... \$	5,750,000

(17) Learning resource center (Spokane) (88-3-016)

Reappropriation:

St Bldg Constr Acct	..... \$	588,025
Prior Biennia (Expenditures)	..... \$	4,946,975
Future Biennia (Projected Costs)	..... \$	0
TOTAL	..... \$	5,535,000

(18) Preplanning for 1989-93 major projects (88-4-014)

Reappropriation:

St Bldg Constr Acct	..... \$	48,852
Prior Biennia (Expenditures)	..... \$	448,148
Future Biennia (Projected Costs)	..... \$	0
TOTAL	..... \$	497,000

- (19) Construct: Whidbey learning resource center: To house library and media services, computer science and office occupations programs, classrooms, and offices at Skagit Valley's Whidbey branch (Skagit Valley) (88-5-020)

Reappropriation:

St Bldg Constr Acct \$ 66,117

Appropriation:

St Bldg Constr Acct \$ 2,123,000

Prior Biennia (Expenditures) \$ 41,883

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,231,000

- (20) Construct: A combination science, physical education, and instruction building (South Puget Sound) (88-5-021)

Appropriation:

St Bldg Constr Acct \$ 5,998,000

Prior Biennia (Expenditures) \$ 256,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 6,254,000

- (21) Construct: Early childhood education facility of eight thousand square feet (Shoreline) (88-5-022)

Reappropriation:

St Bldg Constr Acct \$ 20,747

Appropriation:

St Bldg Constr Acct \$ 1,307,000

Prior Biennia (Expenditures) \$ 57,253

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,385,000

- (22) Construct: Library addition and remodel to reconfigure the library building and add ten thousand four hundred seventy-five square feet (Columbia Basin) (88-5-023)

Reappropriation:

St Bldg Constr Acct \$ 77,194

Appropriation:

St Bldg Constr Acct \$ 1,972,000

Prior Biennia (Expenditures) \$ 35,806

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,085,000

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- (23) Construct: Vocational shops for diesel, automotive, and woodworking classes (Centralia) (88-5-024)
- | | |
|--|---------------------|
| Reappropriation: | |
| St Bldg Constr Acct | \$ 49,234 |
| Appropriation: | |
| St Bldg Constr Acct | \$ 2,025,000 |
| Prior Biennia (Expenditures) | \$ 45,766 |
| Future Biennia (Projected Costs) | \$ 0 |
| TOTAL | \$ 2,120,000 |
- (24) Construct: Learning research center addition and remodel to add seven thousand two hundred square feet for information technology, media production, offices, and work areas (Tacoma) (88-5-025)
- | | |
|--|---------------------|
| Reappropriation: | |
| St Bldg Constr Acct | \$ 76,722 |
| Appropriation: | |
| St Bldg Constr Acct | \$ 1,746,000 |
| Prior Biennia (Expenditures) | \$ 13,278 |
| Future Biennia (Projected Costs) | \$ 0 |
| TOTAL | \$ 1,836,000 |
- (25) Construct: Vocational food addition to add twelve thousand two hundred fifty square feet to the student center for expansion of the food service program areas (Lower Columbia) (88-5-026)
- | | |
|--|---------------------|
| Reappropriation: | |
| St Bldg Constr Acct | \$ 138,067 |
| Appropriation: | |
| St Bldg Constr Acct | \$ 2,902,000 |
| Prior Biennia (Expenditures) | \$ 1,933 |
| Future Biennia (Projected Costs) | \$ 0 |
| TOTAL | \$ 3,042,000 |
- (26) Construct: Business Education Building to house office technology labs, computer labs, and related support activities (Spokane) (88-5-027)
- | | |
|--|---------------------|
| Reappropriation: | |
| St Bldg Constr Acct | \$ 33,714 |
| Appropriation: | |
| St Bldg Constr Acct | \$ 6,311,000 |
| Prior Biennia (Expenditures) | \$ 211,286 |
| Future Biennia (Projected Costs) | \$ 0 |
| TOTAL | \$ 6,556,000 |

(27) Construct: Student activity and physical education facility (Seattle Central) (88-5-028)		
	Reappropriation:	
	St Bldg Constr Acct	\$ 148,348
	Appropriation:	
	St Bldg Constr Acct	\$ 11,080,000
	Prior Biennia (Expenditures)	\$ 251,652
	Future Biennia (Projected Costs)	\$ 0
	TOTAL	\$ 11,480,000
(28) Washington State University education center (Clark) (89-5-019)		
	Reappropriation:	
	St Bldg Constr Acct	\$ 12,793
	Prior Biennia (Expenditures)	\$ 1,787,207
	Future Biennia (Projected Costs)	\$ 0
	TOTAL	\$ 1,800,000
(29) Multipurpose child care center (Everett) (89-5-020)		
	Reappropriation:	
	St Bldg Constr Acct	\$ 20,055
	Prior Biennia (Expenditures)	\$ 465,533
	Future Biennia (Projected Costs)	\$ 0
	TOTAL	\$ 485,588
(30) Fire and security repairs (90-1-004)		
	Reappropriation:	
	St Bldg Constr Acct	\$ 499,132
	Prior Biennia (Expenditures)	\$ 448,478
	Future Biennia (Projected Costs)	\$ 0
	TOTAL	\$ 947,610
(31) Roof and structural repairs (90-2-002)		
	Reappropriation:	
	St Bldg Constr Acct	\$ 1,336,671
	Prior Biennia (Expenditures)	\$ 2,321,329
	Future Biennia (Projected Costs)	\$ 0
	TOTAL	\$ 3,658,000
(32) Heating, ventilation, and air conditioning mechanical repairs (90-2-003)		
	Reappropriation:	
	St Bldg Constr Acct	\$ 1,412,452
	Prior Biennia (Expenditures)	\$ 1,560,378
	Future Biennia (Projected Costs)	\$ 0
	TOTAL	\$ 2,972,830

(33) Electrical repairs (90-2-005)

Reappropriation:

St Bldg Constr Acct	..... \$	126,639
Prior Biennia (Expenditures)	..... \$	244,601
Future Biennia (Projected Costs)	..... \$	0
TOTAL	..... \$	371,240

(34) Small repairs and improvements (90-3-001)

Reappropriation:

St Bldg Constr Acct	..... \$	1,338,574
Prior Biennia (Expenditures)	..... \$	2,861,426
Future Biennia (Projected Costs)	..... \$	0
TOTAL	..... \$	4,200,000

(35) Learning assistance resource center (Centralia)
(90-3-006)

Reappropriation:

St Bldg Constr Acct	..... \$	66,076
Prior Biennia (Expenditures)	..... \$	4,147,924
Future Biennia (Projected Costs)	..... \$	0
TOTAL	..... \$	4,214,000

(36) Facility repairs (90-3-007)

The reappropriation in this subsection is provided solely for minor repairs, fixtures, and improvements to state buildings and facilities and shall not be used for computer equipment or for other expenses that normally would be funded from the state operating budget.

Reappropriation:

St Bldg Constr Acct	..... \$	740,342
Prior Biennia (Expenditures)	..... \$	3,107,838
Future Biennia (Projected Costs)	..... \$	0
TOTAL	..... \$	3,848,180

(37) Technology laboratories (Highline) (90-3-023)

Reappropriation:

St Bldg Constr Acct	..... \$	554,817
Prior Biennia (Expenditures)	..... \$	2,213,183
Future Biennia (Projected Costs)	..... \$	0
TOTAL	..... \$	2,768,000

(38) Minor improvements (90-5-009)

The reappropriation in this subsection is provided solely for minor repairs, fixtures, and improvements to state buildings and facilities and shall not be used for computer equipment, land acquisition, or for other expenses that normally would be funded from the state operating budget.

Reappropriation:	
St Bldg Constr Acct	\$ 4,454,434
Prior Biennia (Expenditures)	\$ 8,838,506
Future Biennia (Projected Costs)	\$ 0
TOTAL	\$ 13,292,940

(39) Design: Technology center (Whatcom) (90-5-010)

The new appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 59 of this act.

Reappropriation:	
St Bldg Constr Acct	\$ 34,750
Appropriation:	
St Bldg Constr Acct	\$ 249,000
Prior Biennia (Expenditures)	\$ 28,250
Future Biennia (Projected Costs)	\$ 6,378,000
TOTAL	\$ 6,690,000

(40) Design: Physical education facility (North Seattle) (90-5-011)

The appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 59 of this act.

Appropriation:	
St Bldg Constr Acct	\$ 202,000
Prior Biennia (Expenditures)	\$ 45,000
Future Biennia (Projected Costs)	\$ 6,940,000
TOTAL	\$ 7,187,000

(41) Design: Applied arts building (Spokane Falls) (90-5-012)

The new appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 59 of this act.

Reappropriation:	
St Bldg Constr Acct	\$ 33,157
Appropriation:	
St Bldg Constr Acct	\$ 280,000
Prior Biennia (Expenditures)	\$ 34,843
Future Biennia (Projected Costs)	\$ 5,213,000
TOTAL	<u>\$ 5,561,000</u>

(42) Design: Industrial tech building (Spokane) (90-5-013)

The new appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 59 of this act.

Reappropriation:	
St Bldg Constr Acct	\$ 9,076
Appropriation:	
St Bldg Constr Acct	\$ 298,000
Prior Biennia (Expenditures)	\$ 54,924
Future Biennia (Projected Costs)	\$ 6,536,000
TOTAL	<u>\$ 6,898,000</u>

(43) Design: Vocational art facility (Shoreline) (90-5-014)

Reappropriation:	
St Bldg Constr Acct	\$ 22,407
Appropriation:	
St Bldg Constr Acct	\$ 157,000
Prior Biennia (Expenditures)	\$ 28,593
Future Biennia (Projected Costs)	\$ 2,785,000
TOTAL	<u>\$ 2,993,000</u>

(44) Design: Business education building (Clark) (90-5-015)

The new appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 59 of this act.

Reappropriation:	
St Bldg Constr Acct	\$ 33,280
Appropriation:	
St Bldg Constr Acct	\$ 305,000
Prior Biennia (Expenditures)	\$ 39,720
Future Biennia (Projected Costs)	\$ 5,725,000
TOTAL	<u>\$ 6,103,000</u>

(45) Design: Student center (South Seattle) (90-5-016)

The new appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 59 of this act.

Reappropriation:	
St Bldg Constr Acct	\$ 5,117
Appropriation:	
St Bldg Constr Acct	\$ 258,000
Prior Biennia (Expenditures)	\$ 53,883
Future Biennia (Projected Costs)	\$ 4,276,000
TOTAL	\$ 4,593,000

(46) Design: Library addition (Skagit Valley) (90-5-017)

Appropriation:	
St Bldg Constr Acct	\$ 116,000
Prior Biennia (Expenditures)	\$ 44,000
Future Biennia (Projected Costs)	\$ 1,896,000
TOTAL	\$ 2,056,000

(47) Acquisition: Purchase land for staff and student parking (Olympic) (92-1-601)

Appropriation:	
St Bldg Constr Acct	\$ 105,000
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs)	\$ 0
TOTAL	\$ 105,000

(48) Acquisition: Purchase a two thousand four hundred-square-foot child care facility (Centralia) (92-1-602)

Appropriation:	
St Bldg Constr Acct	\$ 78,000
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs)	\$ 0
TOTAL	\$ 78,000

(49) Acquisition: Purchase 1.76 acres and a five thousand seven hundred five-square-foot fire station for fire science training and additional college parking (Spokane) (92-1-603)

Appropriation:	
St Bldg Constr Acct	\$ 498,000
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs)	\$ 0
TOTAL	\$ 498,000

- (50) Acquisition: Purchase auto shop that is currently being leased (Olympic) (92-1-604)

Appropriation:

St Bldg Constr Acct	..... \$	700,000
Prior Biennia (Expenditures)	..... \$	0
Future Biennia (Projected Costs)	..... \$	0
TOTAL	..... \$	700,000

- (51) Acquisition: Purchase 1.4 acres and an eight thousand-square-foot graphic arts facility currently being leased for the Whidbey branch (Skagit Valley) (92-1-605)

Appropriation:

St Bldg Constr Acct	..... \$	280,000
Prior Biennia (Expenditures)	..... \$	0
Future Biennia (Projected Costs)	..... \$	0
TOTAL	..... \$	280,000

- (52) Acquisition: Purchase a fourteen thousand six hundred three-square-foot vocational facility adjacent to the college that is currently being leased (Whatcom) (92-1-606)

Appropriation:

St Bldg Constr Acct	..... \$	1,893,000
Prior Biennia (Expenditures)	..... \$	0
Future Biennia (Projected Costs)	..... \$	0
TOTAL	..... \$	1,893,000

- (53) Underground tank repairs: To remove sixty-five underground storage tanks and any contaminated soil (92-2-102)

The appropriation in this subsection may be expended only after compliance with section 6(2) of this act.

Appropriation:

St Bldg Constr Acct	..... \$	650,000
Prior Biennia (Expenditures)	..... \$	0
Future Biennia (Projected Costs)	..... \$	0
TOTAL	..... \$	650,000

- (54) Life safety code repairs: To pay local improvement district assessments and make improvements to meet handicap and safety regulations (92-2-103)

Appropriation:

St Bldg Constr Acct	\$	1,172,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	1,172,000

- (55) Roof repairs: To replace or repair roofs at seventeen campuses (92-2-104)

Appropriation:

St Bldg Constr Acct	\$	7,457,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	7,457,000

- (56) Exterior and structural repairs: To repair structural or exterior problems at seven campuses (92-2-105)

Appropriation:

St Bldg Constr Acct	\$	817,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	817,000

- (57) Heating, ventilation, and air conditioning repairs: To repair or replace HVAC systems on ten campuses (92-2-106)

Appropriation:

St Bldg Constr Acct	\$	3,074,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	3,074,000

- (58) Electrical repairs: To repair or replace electrical wiring and equipment on twelve campuses (92-2-107)

Appropriation:

St Bldg Constr Acct	\$	2,307,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	2,307,000

- (59) Mechanical repairs: To repair or replace mechanical system components on eleven campuses (92-2-108)

Appropriation:

St Bldg Constr Acct	\$	2,508,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	2,508,000

- (60) Fire and security repairs: To repair or improve fire and security systems on four campuses (92-2-109)

Appropriation:

St Bldg Constr Acct	\$	692,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	692,000

- (61) Interior repairs: To repair or replace interior surfaces and equipment on twelve campuses (92-2-110)

Appropriation:

St Bldg Constr Acct	\$	1,440,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	1,440,000

- (62) Site repairs: To provide site improvements on eleven campuses (92-2-111)

Appropriation:

St Bldg Constr Acct	\$	1,329,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	1,329,000

- (63) Small repairs and improvements: To provide funds for each community college to make unforeseen repairs (92-5-001)

\$45,000, or as much thereof as may be necessary, of the appropriation in this subsection is provided for an evaluation of the physical condition of the Seattle Vocational Institute formerly the Washington Institute of Applied Technology (WIAT) facility.

Appropriation:

St Bldg Constr Acct	\$	6,256,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	6,256,000

- (64) Minor improvements: To complete fifty-seven minor improvement projects costing less than \$500,000 each (92-5-200)

The appropriation in this subsection is provided solely for minor repairs, fixtures, and improvements to state buildings and facilities and shall not be used for computer equipment, land acquisition, or for other

expenses that normally would be funded from the state operating budget.

Appropriation:

St Bldg Constr Acct	\$	16,930,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	16,930,000

(65) Preplan: Puyallup, phase 2 (Pierce) (92-5-501)

Any preplanning documents developed using the appropriation in this subsection are subject to review by the office of financial management under section 59 of this act.

Appropriation:

St Bldg Constr Acct	\$	57,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	9,653,000
TOTAL	\$	9,710,000

(66) Preplan: Vocational building (Skagit Valley) (92-5-502)

Appropriation:

St Bldg Constr Acct	\$	25,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	2,116,000
TOTAL	\$	2,141,000

(67) Preplan: Learning resource center, arts, and student center (Whatcom) (92-5-503)

Any preplanning documents developed using the appropriation in this subsection are subject to review by the office of financial management under section 59 of this act.

Appropriation:

St Bldg Constr Acct	\$	45,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	6,942,000
TOTAL	\$	6,987,000

(68) Preplan: Office and instructional building (Edmonds) (92-5-504)

Any preplanning documents developed using the appropriation in this subsection are subject to review by the office of financial management under section 59 of this act.

Appropriation:

St Bldg Constr Acct	\$	58,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	8,485,000
TOTAL	\$	8,543,000

- (69) Preplan: Technical skills facility (South Puget Sound)
(92-5-505)

Any preplanning documents developed using the appropriation in this subsection are subject to review by the office of financial management under section 59 of this act.

Appropriation:

St Bldg Constr Acct	\$	42,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	5,849,000
TOTAL	\$	5,891,000

- (70) Preplan: Learning resource center and technical facility (Green river) (92-5-506)

Any preplanning documents developed using the appropriation in this subsection are subject to review by the office of financial management under section 59 of this act.

Appropriation:

St Bldg Constr Acct	\$	58,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	10,462,000
TOTAL	\$	10,520,000

- (71) Preplan: New Campus One (92-5-701)

Appropriation:

St Bldg Constr Acct	\$	300,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	14,800,000
TOTAL	\$	15,100,000

- (72) Pool repairs (Pierce)

Appropriation:

St Bldg Constr Acct	\$	600,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	600,000

NEW SECTION. Sec. 45. FOR THE HIGHER EDUCATION COORDINATING BOARD

- (1) Higher education facilities inventory: To develop, through use of existing institutional records and information systems, and implement, on a pilot demonstration basis at Western Washington University, a state-wide facilities inventory, measuring and describing the volume, condition, and use levels of classroom, research labs, teaching labs, office, and library space at the public institutions of higher education. The board shall consult with the office of financial management in developing the facilities inventory

Appropriation:

St Bldg Constr Acct	\$	120,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	300,000
TOTAL	\$	420,000

**PART 6
MISCELLANEOUS**

NEW SECTION. Sec. 46. The estimated general fund—state debt service costs related solely to the new capital appropriations within this act are \$26,220,000 during the 1991-93 fiscal period; \$146,400,000 during the 1993-95 fiscal period; and \$192,200,000 during the 1995-97 fiscal period.

NEW SECTION. Sec. 47. The following agencies may enter into financial contracts for the purpose indicated and in not more than the principal amounts indicated plus financing expenses and required reserves pursuant to chapter 39.94 RCW:

- (1) Department of Social and Health Services to:
 - (a) Lease a multi-service center in Benton county for \$2,592,450 during the 1991-93 biennium; and
 - (b) Lease a Spokane North Community Service Office for \$980,000 during the 1991-93 biennium.
- (2) Department of Corrections to:
 - (a) Lease-purchase a sixty-bed work-release facility in Benton county for \$1,186,850 during the 1991-93 biennium;
 - (b) Lease-purchase a forty-bed work-release facility in Longview for \$1,337,670 during the 1991-93 biennium;
 - (c) Lease-purchase twelve forty-bed work-release facilities in as-yet-undetermined locations state-wide for \$1,337,670 each, for a total of \$16,052,040 during the 1991-93 biennium;

(d) Lease-purchase a correctional industries building at Shelton for \$1,892,153 during the 1991-93 biennium; and

(e) Lease-purchase a four hundred-passenger ferry, used tugboat, and new vehicle barge at McNeil Island for \$1,760,963 during the 1991-93 biennium.

(3) State Board for Community College Education to:

(a) Lease-purchase a warehouse-type facility to house the electrician apprentice training program in Skagit county for an estimated cost of \$200,000 during the 1991-93 biennium;

(b) Lease-purchase a facility to house the cosmetology training program at Everett for \$60,000;

(c) Lease a facility to house the Bellevue Community College business office in Bellevue for \$120,000 during the 1991-93 biennium;

(d) Lease a facility for the Green River Community College education and training center in Kent for \$120,000 in the 1991-93 biennium;

(e) Lease-purchase office space for Edmonds Community College in Edmonds for \$280,000 during the 1991-93 biennium;

(f) Lease-purchase space to house Spokane Falls Community College's adult education programs in Spokane for \$300,000 during the 1991-93 biennium;

(g) Lease-purchase space to house plant services for Wenatchee Valley Community College in Wenatchee for \$96,000 during the 1991-93 biennium;

(h) Lease-purchase land in Bellingham for Whatcom Community College for \$450,000;

(i) Purchase a central storage facility for Spokane Community College for \$75,000;

(j) Purchase a hangar at Felts Field to house the aircraft mechanics' vocational training program for Spokane Community College for \$161,000; and

(k) Lease-purchase an auto technology training facility at Shoreline Community College for \$2,600,000.

(4) The Department of Ecology, to acquire, design, and construct a Thurston county headquarters for \$53,000,000.

(5) The Evergreen State College, to expand the college activities building for \$800,000. The financing contract shall be repaid through student activities fees.

(6) The Department of General Administration, to purchase or lease purchase office space to house the state board for community college education staff for \$1,400,000.

NEW SECTION. Sec. 48. FOR THE ARTS COMMISSION—ART WORK ALLOWANCE POOLING.

One-half of one percent of moneys appropriated in this act for original construction of school plant facilities is provided solely for the purposes of RCW 28A.335.210. One-half of one percent of moneys appropriated in this act for

original construction of any building by any college or university or for any major renovation or remodel work exceeding \$200,000 by any college or university is provided solely for the purposes of RCW 28B.17.027. One-half of one percent of moneys appropriated in this act for original construction of any other public building by a state agency as defined by RCW 43.17.200 is provided solely for the purposes of RCW 43.17.200.

NEW SECTION. Sec. 49. The amounts shown under the headings "Prior Biennia," "Future Biennia," and "Total" in this act are for informational purposes only and do not constitute legislative approval of these amounts.

NEW SECTION. Sec. 50. "Reappropriations" in this act are appropriations and, unless the context clearly provides otherwise, are subject to the relevant conditions and limitations applicable to appropriations. Reappropriations shall be limited to the unexpended balances remaining June 30, 1991, in the 1989-91 biennial appropriations for each project.

NEW SECTION. Sec. 51. To carry out the provisions of this act, the governor may assign responsibility for planning, engineering, construction, and other related activities to any appropriate agency.

NEW SECTION. Sec. 52. As part of the annual update to the State Facilities and Capital Plan, agencies shall provide information on lease development and lease purchase projects to the office of financial management.

NEW SECTION. Sec. 53. If any federal moneys appropriated by this act for capital projects are not received by the state, the department or agency to which the moneys were appropriated may replace the federal moneys available from private or local sources. No replacement may occur under this section without the prior approval of the director of financial management in consultation with the senate committee on ways and means and the house of representatives committee on capital facilities and financing.

NEW SECTION. Sec. 54. Unless otherwise stated, for all appropriations under this act that require a match of nonstate money or in-kind contributions, the following requirement, consistent with RCW 43.88.150, shall apply: Expenditure of state money shall be timed so that the state share of project expenditures never exceeds the intended state share of total project costs. This section shall not apply to section 12(5) of this act.

NEW SECTION. Sec. 55. Notwithstanding any other provisions of law, for the 1991-93 biennium, transfers of reimbursement by the state treasurer to the general fund from the community college capital projects account for debt service payments made under Title 28B RCW shall occur only after such debt service payment has been made and only to the extent that funds are actually available in the account. Any unpaid reimbursements shall be a continuing obligation against the community college capital projects account until paid. The

state board for community college education need not accumulate any specific balance in the community college capital projects account in anticipation of transfers to reimburse the general fund.

NEW SECTION. Sec. 56. Any capital improvements or capital project involving construction or major expansion of a state office facility, including district headquarters, detachment offices, and off-campus faculty offices, shall be reviewed by the department of general administration for possible consolidation and compliance with state office standards before allotment of funds. The intent of the requirement imposed by this section is to eliminate duplication and reduce total office space requirements where feasible, while ensuring proper service to the public.

NEW SECTION. Sec. 57. The governor, through the director of financial management, may authorize a transfer of appropriation authority provided for a capital project that is in excess of the amount required for the completion of such project to another capital project for which the appropriation is insufficient. No such transfer shall be used to expand the capacity of any facility beyond that intended by the legislature in making the appropriation. Such transfers may be effected only between capital appropriations to a specific department, commission, agency, or institution of higher education and only between capital projects that are funded from the same fund or account.

For purposes of this section, the governor may find that an amount is in excess of the amount required for the completion of a project only if (1) the project as defined in the notes to the budget document is substantially complete and there are funds remaining or (2) bids have been let on a project and it appears to a substantial certainty that the project as defined in the notes to the budget document can be completed within the biennium for less than the amount appropriated herein.

For the purposes of this section, the legislature intends that each project be defined as proposed to the legislature in the governor's budget document, unless it clearly appears from the legislative history that the legislature intended to define the scope of a project in a different way.

A report of any transfer effected under this section except emergency projects or any transfer under \$250,000 shall be filed with the legislative fiscal committees of the senate and house of representatives by the director of financial management at least thirty days before the date the transfer is effected, and shall report all transfers within thirty days from the date of transfer.

****Sec. 58. RCW 43.168.110 and 1985 c 164 s 11 are each amended to read as follows:***

There is established the Washington state development loan fund which shall be an account in the state treasury. All loan payments of principal and interest which are transferred under RCW 43.168.050 shall be deposited into

the account. Moneys in the account may be spent (~~(without)~~) only after legislative appropriation for loans under this chapter. (~~(However)~~) Any expenditures of these moneys shall conform to federal law.

*Sec. 58 was vetoed, see message at end of chapter.

NEW SECTION. Sec. 59. To ensure that major construction projects are carried out in accordance with legislative and executive intent, appropriations in this act referencing this section shall not be expended until the office of financial management has reviewed the agency's programmatic preplanning document and approved continuation of or made changes to the project. The program preplanning document shall include but not be limited to projected workload, site conditions, user requirements, current space available, and an overall budget and cost estimate breakdown in a form prescribed by the office of financial management. The office of financial management shall report to the house of representatives capital facilities committee, the senate ways and means committee, and the legislative transportation committee a listing of the program documents the office has reviewed and approved, changes made to the documents resulting from the review, and the estimated cost changes resulting from the review.

NEW SECTION. Sec. 60. The appropriations in sections 34 through 39 and 44 of this act are subject to the following requirements:

(1) Using a committee that includes one or more students, faculty, and staff with disabilities, each institution of higher education shall identify barriers to physical access on that institution's campuses.

(2) Beginning with its 1993-95 capital budget request, each institution shall incorporate into its capital budget process efforts to reduce physical barriers to access.

NEW SECTION. Sec. 61. The department of information services shall act as lead agency in coordinating video telecommunications services for state agencies. As lead agency, the department shall develop standards and common specifications for leased and purchased telecommunications equipment and assist state agencies in developing a video telecommunications expenditure plan. No agency may spend any portion of any appropriation in this act for new video telecommunication equipment, new video telecommunication transmission, or new video telecommunication programming, or for expanding current video telecommunication systems without first complying with chapter 43.105 RCW, including but not limited to RCW 43.105.041(2), and without first submitting a video telecommunications equipment expenditure plan, in accordance with the policies of the department of information services, for review and assessment by the department of information services under RCW 43.105.052. Before any such expenditure by a public school, a video telecommunications expenditure plan shall be approved by the superintendent of public instruction. The office of the

superintendent of public instruction shall submit the plans to the department of information services in a form prescribed by the department. The office of the superintendent of public instruction shall submit the plans to the department of information services in a form prescribed by the department. The office of the superintendent of public instruction shall coordinate the use of video telecommunications in public schools by providing educational information to local school districts and shall assist local school districts and educational service districts in telecommunications planning and curriculum development. Before any such expenditure by a public institution of postsecondary education, a telecommunications expenditure plan shall be approved by the higher education coordinating board. The higher education coordinating board shall coordinate the use of video telecommunications for instruction and instructional support in postsecondary education, including the review and approval of instructional telecommunications course offerings.

PART 7

SEVERABILITY AND EFFECTIVE DATE

NEW SECTION. Sec. 62. The appropriations contained in this act are maximum expenditure authorizations. Pursuant to RCW 43.88.037, moneys disbursed from the treasury on the basis of a formalized loan are to be recorded as loans receivable and not as expenditures for accounting purposes. To the extent that moneys are disbursed on a loan basis, the corresponding appropriation shall be reduced by the amount of loan moneys disbursed from the treasury during the 1991-93 biennium.

NEW SECTION. Sec. 63. 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. 64. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

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Passed the House June 29, 1991.

Passed the Senate June 28, 1991.

Approved by the Governor June 30, 1991, with the exception of certain items which were vetoed.

Filed in Office of Secretary of State June 30, 1991.

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

"I am returning herewith, without my approval as to sections 5, 6(3)(b), (4)(d), 15(4), 19(62), 20(5), 24(17) line 8, page 105, (18) line 25, page 105, (22), line 23, page 106, 30(9)(b)(c)(d)(e), and section 58 of Engrossed Substitute House Bill No. 1427, entitled:

"AN ACT Adopting the capital budget."

My reasons for vetoing these sections are as follows:

Section 5, page 7, Office of the Administrator for the Courts

Section 5 provides for the replacement of the heating-ventilation-air conditioning system in the Olympia eastside building. This building is leased by the state and therefore it would be inappropriate to use bond money to correct building deficiencies.

Section 6(3)(b), page 8 and page 9, Asbestos Removal or Abatement Projects

Subsection 3(b) provides funding to the Office of Financial Management to be allocated to agencies and institutions for asbestos removal or abatement projects with conditions and limitations. While I agree with the Legislature's concern that funding asbestos projects needs a statewide, comprehensive approach, this language is unduly restrictive and does not allow for emergency situations. The federal law requirement applies only to school districts through the Asbestos Hazard Emergency Response Act (AHERA) program and this provision may unduly impact those institutions such as Developmentally Disabled facilities that do not fall within the AHERA requirements. The requirements for evaluation of asbestos projects is more appropriately established through administrative rule.

Section 6(4)(d), page 10, Higher Education Branch Campuses Site Acquisition and Development (90-5-002)

Subsection 4 provides funding for the acquisition and development of sites for branch campuses with conditions and limitations. Subsection (d) requires that the appropriation not be expended for land in the Spokane area until an environmental study indicates the property is free of toxic substances. While I concur with the Legislature that property acquired by the state not contain substances which exceed state and federal toxic standards, it is unreasonable to establish a standard which prohibits the state from acquiring property until it is "totally" free of toxic substance, as such a certification may be impossible for any property.

Section 15(4), page 56, Garfield Barracks

This subsection directs the Office of Financial Management to report to the legislature on the costs of constructing, maintaining, and operating Garfield Barracks using federal Veterans' Affairs funds compared to the cost of using Medicaid Nursing Home funding. This subsection also indicates funds cannot be expended until the agency has sought Medicaid Certification for its existing facilities. The federal Veterans' Administration has indicated that federal funds will not be released for projects with these kinds of provisos. Additionally, to seek Medicaid Certification for the existing facilities before a study has been completed is inappropriate. I am directing the Department of Veterans' Affairs to complete the study of funding alternatives.

Section 19(62), page 89, Olmstead Park

This subsection provides for the revenues generated from the lease of state lands at the park to be used exclusively for the improvements of this park. This language is

unduly prescriptive and limits the Commission's discretion in efficiently administering the state park system.

Section 20(5), page 91, Clear Creek Dam

This subsection provides funding to rebuild the Clear Creek Dam in Yakima County. Although this project has strong local interest, because the benefits from the project are purely local they do not justify state funding. Given the limited nature of state capital dollars this project does not warrant a \$1.75 million commitment of state funds.

Section 24(17) line 8, page 105 (18), line 25, page 105, (22), line 23, page 106, Wildlife Reimbursable Bonds

These sections make appropriations for capital projects for the Department of Wildlife and are funded through reimbursable bonds backed by the State Wildlife Account. While use of such funding may be an acceptable policy, it cannot be decided without determining the future amount of General Fund which will be used to fund the Department. The Wildlife Department cannot commit to debt service until there is a resolution to provide sufficient General Fund financing for their operating budget. I am therefore vetoing the appropriations from the Wildlife Reimbursable Construction Account. The agency will scale back these capital projects and complete them to the extent possible within existing funds.

Section 30(9)(b)(c)(d)(e), page 127, Public School Building Construction

Section 30(9) provides funding for school construction subject to conditions. These conditions would effectively gut the log export restriction recently enacted by Congress and implemented by my office. I believe it is a cruel hoax to encourage the export of raw logs overseas at a time we are facing an extreme raw log shortage within our own state. Last month, a judge shut down virtually all new timber sales on Federal lands in Washington state. Consequently, the only supply of logs left for those federally dependent mills will be from state lands. This budget proviso attempts to take that supply away from these mills as well. If successfully implemented, this proviso would effectively snatch thousands of jobs from Washington forest products workers and send those jobs to Japan.

I am vetoing the proviso requiring the Department of Natural Resources to rewrite the rules adopted by my office to implement the state log export restriction. The rules currently in force prohibit the practice of substitution. Substitution is a practice carried out by the large landowning, log-exporting companies of exporting logs from their own lands overseas and then running the export restricted logs through their mills. This practice effectively negates the impact of the export restriction and results in the state subsidizing the big log-exporting companies.

The Department of Natural Resources opposes the substitution prohibition and has expressed a desire to write rules which would allow the big log exporting companies to buy export restricted state logs.

I am vetoing this proviso for three reasons: 1) An effective export restriction is needed during this time of log shortages. 2) Changing the rules will not save the common school construction fund money. It is a federal law which prohibits exports not the state rules. Gutting the rules will merely ensure that the beneficiaries of the law are the big log exporting companies rather than the small and medium sized domestic processors. 3) This proviso is not legal under Federal law. The Federal log export restriction gives the Governor or the legislature the authority to write rules implementing the federal log export restrictions. This federal authority can only be promulgated by the passage of specific authorizing legislation or by an issuance of rules by the Governor. Budget provisos are not a substitute for either of these actions.

Section 58, page 194 and 195, Development Loan Fund

This section amends the development loan fund statute to make principal and interest payments to the fund appropriated. The state appropriation of funds with federal status will not allow the program to comply with federal regulations.

With the exception of sections 5, 6(3)(b), (4)(d), 15(4), 19(62), 20(5), 24(17), line 8, page 105, (18), line 25, page 105, (22), line 23, page 106, 30(9)(b)(c)(d)(e), and section 58 of Engrossed Substitute House Bill No. 1427 is approved."

CHAPTER 15

[Engrossed Substitute House Bill 1231]

TRANSPORTATION BUDGET FOR PERIOD ENDING JUNE 30, 1993

Effective Date: 6/30/91

AN ACT Relating to transportation appropriations; amending RCW 46.68.110, 46.68.120, 47.76.040, 47.76.050, 47.76.060, 47.76.070, 47.76.080, 47.76.090, 46.61.165, and 81.104.100; adding a new section to chapter 46.68 RCW; creating new sections; and declaring an emergency.

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

NEW SECTION. Sec. 1. The transportation budget of the state is hereby adopted and, subject to the provisions hereinafter set forth, the several amounts hereinafter specified, or as much thereof as may be necessary to accomplish the purposes designated, are hereby appropriated from the several accounts and funds hereinafter named to the designated state agencies and offices for salaries, wages, and other expenses, for capital projects, and for other specified purposes, including the payment of any final judgments arising out of such activities, for the period ending June 30, 1993. No moneys are provided in this act for major relocation of the Washington state patrol or the department of licensing. Any bill enacted during the 1991 legislative sessions requiring expenditure from a transportation related fund or account that was not heard by either of the respective transportation committees is not funded in this act.

NEW SECTION. Sec. 2. FOR THE TRAFFIC SAFETY COMMISSION

Highway Safety Fund—State Appropriation	\$	398,000
Highway Safety Fund—Federal Appropriation	\$	4,887,000
TOTAL APPROPRIATION	\$	5,285,000

NEW SECTION. Sec. 3. FOR THE TRAFFIC SAFETY COMMISSION

The sum of \$900,000, or as much thereof as may be necessary, is appropriated from the public safety and education account to the traffic safety commission solely to continue the DWI task force program. This appropriation represents seventy-five percent of the requested \$1.2 million state funding. It is the intent of the legislature that the state funding will be reduced by \$300,000 per biennium until no state funds are required to support this program. It is also the intent of the legislature that the commission seek funding from sources other than the state.

NEW SECTION. Sec. 4. FOR THE BOARD OF PILOTAGE COMMISSIONERS

General Fund—Pilotage Account—State		
Appropriation	\$	185,000

No more than \$80,000 may be expended for attorney general fees.

NEW SECTION. Sec. 5. FOR THE COUNTY ROAD ADMINISTRATION BOARD

Motor Vehicle Fund—County Arterial Preservation		
Account—State Appropriation	\$	22,427,000
Motor Vehicle Fund—Rural Arterial Trust Account—		
State Appropriation	\$	37,413,000
Motor Vehicle Fund—State Appropriation	\$	1,190,000
TOTAL APPROPRIATION	\$	61,030,000

\$153,319 of the motor vehicle fund—county arterial preservation account—state appropriation and \$153,319 of the motor vehicle fund—rural arterial trust account—state appropriation, or as much thereof as may be necessary, are provided solely to provide transportation planning assistance to counties.

NEW SECTION. Sec. 6. FOR THE TRANSPORTATION IMPROVEMENT BOARD

Motor Vehicle Fund—Transportation Improvement		
Account—State Appropriation	\$	104,000,000
Motor Vehicle Fund—Urban Arterial Trust Account—		
State Appropriation	\$	51,848,000
TOTAL APPROPRIATION	\$	155,848,000

The legislative transportation committee shall evaluate methods to improve legislative oversight of transportation improvement account projects.

NEW SECTION. Sec. 7. FOR THE STATE PATROL—FIELD OPERATIONS BUREAU

Motor Vehicle Fund—State Patrol Highway Account—		
State Appropriation	\$	2,399,000

This appropriation is provided solely to fund the Safety Education Officer Program and enhancement in the Commercial Vehicle Weighing and Safety Inspection Program for fiscal year 1992.

NEW SECTION. Sec. 8. FOR THE STATE PATROL—FIELD OPERATIONS BUREAU

Motor Vehicle Fund—State Patrol Highway Account—		
State Appropriation	\$	131,301,000
Motor Vehicle Fund—State Patrol Highway Account—		
Federal Appropriation	\$	3,033,000
TOTAL APPROPRIATION	\$	134,334,000

The appropriations in this section are subject to the following conditions and limitations: Any user of Washington state patrol aircraft shall pay its pro rata share of all operating and maintenance costs including capitalization.

NEW SECTION. Sec. 9. FOR THE STATE PATROL—SUPPORT SERVICES BUREAU

Motor Vehicle Fund—State Patrol Highway Account—		
State Appropriation	\$	52,914,000

NEW SECTION. Sec. 10. FOR THE DEPARTMENT OF LICENSING—VEHICLE SERVICES

Motor Vehicle Fund—State Appropriation	\$	47,105,000
General Fund—Marine Fuel Tax Refund Account—		
State Appropriation	\$	25,000
General Fund—Wildlife Account—State Appropriation . .	\$	502,000
TOTAL APPROPRIATION	\$	47,632,000

The legislature recognizes the need to address issues remaining unresolved from the 1991 title and registration study required by the legislature and the governor. The intent of the legislature is to better align the fee structure with the costs associated with providing services for the state. Evidence from the 1991 study indicates inequities exist in cost recovery and/or profits realized between large and small county auditors and their subagents. Further, no policy exists regarding how counties treat excess revenues generated from providing this service. The Washington association of counties, the Washington association of county officials, representatives of the subagents, and the department of licensing, under the direction of the legislative transportation committee, shall report to the legislative transportation committee by December 1, 1991, their recommendations for resolving these policy issues and inequities.

NEW SECTION. Sec. 11. FOR THE DEPARTMENT OF LICENSING—DRIVER SERVICES

General Fund—Public Safety and Education Account—		
State Appropriation	\$	4,388,000
Highway Safety Fund—State Appropriation	\$	48,376,000
Highway Safety Fund—Motorcycle Safety Education		
Account—State Appropriation	\$	884,000
TOTAL APPROPRIATION	\$	53,648,000

NEW SECTION. Sec. 12. FOR THE DEPARTMENT OF LICENSING—MANAGEMENT OPERATIONS

General Fund—Wildlife Account—State Appropriation . .	\$	47,000
Highway Safety Fund—State Appropriation	\$	4,796,000
Highway Safety Fund—Motorcycle Safety Education		
Account—State Appropriation	\$	95,000
Motor Vehicle Fund—State Appropriation	\$	4,424,000
General Fund—Public Safety and Education Account—		
State Appropriation	\$	418,000
TOTAL APPROPRIATION	\$	9,780,000

NEW SECTION. Sec. 13. FOR THE DEPARTMENT OF LICENSING—INFORMATION SYSTEMS

General Fund—Wildlife Account—State Appropriation . .	\$	56,000
Highway Safety Fund—State Appropriation	\$	3,506,000
Highway Safety Fund—Motorcycle Safety Education		

Account—State Appropriation	\$	58,000
Motor Vehicle Fund—State Appropriation	\$	5,961,000
General Fund—Public Safety and Education Account—		
State Appropriation	\$	252,000
TOTAL APPROPRIATION	\$	9,833,000

The appropriation for the licensing application migration project (LAMP) is conditioned upon compliance with the provisions of section 54 of this act.

NEW SECTION. Sec. 14. FOR THE LEGISLATIVE TRANSPORTATION COMMITTEE

Motor Vehicle Fund—State Appropriation	\$	3,028,000
High Capacity Transportation Account—		
State Appropriation	\$	950,000
TOTAL APPROPRIATION	\$	3,978,000

(1) Of the high capacity transportation account appropriation provided for in this section, \$550,000 is a reappropriation for continuation of stage 1 of the public transportation study described in section 12(4), chapter 298, Laws of 1990, and \$400,000 is for a portion of the cost of stage 2.

(2) The appropriation provided for in section 41 of this act includes funds to carry out the studies described in section 12 (5) and (6), chapter 298, Laws of 1990: PROVIDED, That the completion dates for both studies shall be June 30, 1993.

(3) The committee is authorized to conduct performance analysis and other reviews of state transportation agencies and programs to ensure that the agencies and programs: (a) Are being conducted in accordance with legislative intent; (b) are being conducted in an efficient and effective manner; and (c) continue to serve their intended purposes. The findings and recommendations of any such reviews shall be reported to the legislature.

NEW SECTION. Sec. 15. FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY COMMITTEE

Motor Vehicle Fund—State Appropriation	\$	389,000
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NEW SECTION. Sec. 16. FOR THE MARINE EMPLOYEES COMMISSION

Motor Vehicle Fund—Puget Sound Ferry Operations		
Account—State Appropriation	\$	334,000

NEW SECTION. Sec. 17. FOR THE TRANSPORTATION COMMISSION

Transportation Fund—State Appropriation	\$	1,500,000
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NEW SECTION. Sec. 18. FOR THE AIR TRANSPORTATION COMMISSION

Transportation Fund—State Appropriation	\$	553,000
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NEW SECTION. Sec. 19. FOR THE OFFICE OF FINANCIAL MANAGEMENT

Motor Vehicle Fund—State Appropriation	\$	112,000
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The appropriation in this section is null and void if House Bill No. 2140 is not enacted by September 1, 1991.

NEW SECTION. Sec. 20. FOR THE WASHINGTON STATE ENERGY OFFICE

Motor Vehicle Fund—State Appropriation	\$	203,000
Transportation Fund—State Appropriation	\$	750,000
TOTAL APPROPRIATION	\$	953,000

NEW SECTION. Sec. 21. FOR THE DEPARTMENT OF AGRICULTURE

\$209,000, or as much thereof as is necessary, is appropriated from the motor vehicle fund—state solely for the motor fuel quality testing program. Annual reports shall be submitted to the legislative transportation committee commencing January 15, 1992.

NEW SECTION. Sec. 22. FOR THE DEPARTMENT OF TRANSPORTATION—HIGHWAY CONSTRUCTION—PROGRAM A

Motor Vehicle Fund—State Appropriation	\$	149,838,000
Motor Vehicle Fund—Federal Appropriation	\$	98,600,000
Motor Vehicle Fund—Local Appropriation	\$	2,000,000
TOTAL APPROPRIATION	\$	250,438,000

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

(1) The appropriations in this section are provided for the location, design, right of way, and construction of state highway projects designated as category "A" under RCW 47.05.030. It is the intent of the legislature that this appropriation does not commit the legislature to the transportation commission's proposed category "A" program update.

(2) The department shall study a highway heritage program to preserve Washington's unique scenic character along its highway corridors and provide travelers with a continuing opportunity to appreciate and obtain information regarding unique natural, cultural, and historic features that are near or accessible by highways.

The department shall:

(a) Work with the parks and recreation commission, the Washington state historical society, the department of trade and economic development, and cities and counties to identify projects, establish priorities for expenditures of funds under this program, and recommend a strategy for implementing an ongoing program and sources of funding;

(b) Work with public and private landowners, local governments, and private organizations and associations to propose actions to achieve the purposes of this

section without land acquisition, to the greatest extent possible, including coordination with local land use and open space plans, state agency programs relating to open space, conservation, urban forestry, and natural resources management;

(c) Study acquisition by purchase, gift, devise, bequest, grant, or exchange, title to or interest or right in real property adjacent to state highways to accomplish any of the following: Preserve natural beauty or viewpoints, preserve natural buffers between highways, or enhance the visual quality of entrances to cities or other land uses;

(d) Study provision of directional signs and signs with information regarding historical or cultural sites and significant natural features.

The department shall report its findings to the legislative transportation committee by December 1, 1992.

The appropriation to carry out the study in this subsection is provided in section 41 of this act and shall lapse unless \$10,000 is received from the department of trade and economic development by October 1, 1991.

(3) The department shall complete the six fish barrier removal projects identified as high priority by the department of fisheries. The department shall cooperate with the departments of fisheries and wildlife to identify, estimate costs of, and prioritize additional fish barrier removal projects on state highways.

NEW SECTION. Sec. 23. FOR THE DEPARTMENT OF TRANSPORTATION—HIGHWAY CONSTRUCTION—PROGRAM B

Motor Vehicle Fund—State Appropriation	\$	42,000,000
Motor Vehicle Fund—Federal Appropriation	\$	407,000,000
Motor Vehicle Fund—Local Appropriation	\$	8,000,000
TOTAL APPROPRIATION	\$	457,000,000

The appropriations in this section are provided for the location, design, right of way, and construction of state highway projects on the interstate system designated as category "B" under RCW 47.05.030. The appropriations in this section are subject to the following conditions and limitations:

(1) \$42,000,000 of the motor vehicle fund—state appropriation includes a maximum of \$32,000,000 in proceeds from the sale of bonds authorized by RCW 47.10.790 and 47.10.801: PROVIDED, That the transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(2) Should cash flow demands exceed the motor vehicle fund—federal appropriation, the motor vehicle fund—state appropriation is increased proportionally to provide matching state funds from the sale of bonds authorized by RCW 47.10.801 and 47.10.790 not to exceed \$10,000,000 and it is understood that the department shall seek authority to expend unanticipated receipts for the federal portion.

(3) It is further recognized that the department may make use of federal cash flow obligations on interstate construction contracts in order to complete the interstate highway system as expeditiously as possible.

(4) It is the intent of the legislature that the department shall place special emphasis on delivering the HOV projects contained in the document dated March, 1991, entitled "Puget Sound HOV Core Lane Needs: 2000". The department shall report progress on program delivery to the legislative transportation committee by November 1, 1991.

NEW SECTION. Sec. 24. Contained within the appropriations to the department of transportation, programs B and C, for HOV lanes, park and ride lots, and surveillance control and driver information systems that are components of the Puget Sound HOV core lane system are the following amounts: \$202,000,000 as requested by the department and the governor, and an additional \$15,000,000 provided by the legislature in section 67 of this act to expedite the completion of the system.

NEW SECTION. Sec. 25. FOR THE DEPARTMENT OF TRANSPORTATION—HIGHWAY CONSTRUCTION—PROGRAM C

Motor Vehicle Fund—State Appropriation	\$	66,800,000
Transportation Fund—State Appropriation	\$	119,000,000
Motor Vehicle Fund—Federal Appropriation	\$	16,000,000
Motor Vehicle Fund—Local Appropriation	\$	4,000,000
TOTAL APPROPRIATION	\$	205,800,000

The appropriations in this section are provided for the location, design, right of way acquisition, and construction of state highway projects designated as category "C" under RCW 47.05.030.

NEW SECTION. Sec. 26. FOR THE DEPARTMENT OF TRANSPORTATION—HIGHWAY CONSTRUCTION—PROGRAM C

Motor Vehicle Fund—Special Category C Account—		
State Appropriation	\$	27,000,000

The appropriation contained in this section is subject to the following conditions and limitations:

(1) By October 1, 1991, the department of transportation shall report to the legislative transportation committee on the various stages and funding assumptions on the first avenue south bridge, state route 18, and the north-south corridor in Spokane.

(2) Of the \$27,000,000 appropriation contained in this section: Up to \$12,000,000 is provided for SR 18, up to \$11,000,000 is provided for 1st avenue south bridge, and up to \$4,000,000 is provided for the north-south corridor in Spokane: PROVIDED, That the department may transfer moneys between projects after consultation with the legislative transportation committee.

NEW SECTION. Sec. 27. FOR THE DEPARTMENT OF TRANSPORTATION—HIGHWAY CONSTRUCTION—PROGRAM C

Motor Vehicle Fund—Puyallup Tribal Settlement		
Account—State Appropriation	\$	3,450,000
Motor Vehicle Fund—Puyallup Tribal Settlement		
Account—Federal Appropriation	\$	2,550,000
TOTAL APPROPRIATION	\$	6,000,000

NEW SECTION. Sec. 28. FOR THE DEPARTMENT OF TRANSPORTATION—HIGHWAY MANAGEMENT AND FACILITIES—PROGRAM D

Motor Vehicle Fund—State Appropriation	\$	39,302,000
Motor Vehicle Fund—Transportation Capital Facilities		
Account—State Appropriation	\$	33,149,000
TOTAL APPROPRIATION	\$	72,451,000

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

(1) \$1,700,000 of the transportation capital facilities account—state appropriation is contingent upon the sale of bonds authorized in RCW 47.02.120.

(2) The transportation capital facilities account—state appropriation will be funded by a state treasurer revenue transfer of \$31,449,000 from the motor vehicle fund to the transportation capital facilities account.

(3) No later than August, 1991, the department shall present a comprehensive plan to the legislative transportation committee for creation of an urban mobility office including recommendations on HOV programs, growth management, the freeway and arterial management effort (FAME), and other associated programs or activities. The plan shall include recommended methods for quantifying reductions in congestion.

NEW SECTION. Sec. 29. FOR THE DEPARTMENT OF TRANSPORTATION—AERONAUTICS—PROGRAM F

General Fund—Aeronautics Account—State Appropriation	\$	3,083,000
General Fund—Aeronautics Account—Federal		
Appropriation	\$	283,000
TOTAL APPROPRIATION	\$	3,366,000

The appropriations in this section are provided for management and support of the aeronautics division, state fund grants to local airports, development and maintenance of a state-wide airport system plan, maintenance of state-owned emergency airports, federal inspections, and the search and rescue program.

NEW SECTION. Sec. 30. FOR THE DEPARTMENT OF TRANSPORTATION—SEARCH AND RESCUE—PROGRAM F

General Fund—Search and Rescue Account—		
State Appropriation	\$	126,000

The appropriation in this section is provided for directing and conducting searches for missing, downed, overdue, or presumed downed general aviation aircraft; for safety and education activities necessary to insure safety of persons

operating or using aircraft; and for the Washington wing civil air patrol in accordance with RCW 47.68.370.

NEW SECTION. Sec. 31. FOR THE DEPARTMENT OF TRANSPORTATION—COMMUNITY ECONOMIC REVITALIZATION—PROGRAM G

Motor Vehicle Fund—Economic Development Account—

State Appropriation	\$	5,000,000
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The appropriation in this section is funded with the proceeds from the sale of bonds authorized by RCW 47.10.801 and is provided for improvements to the state highway system necessitated by planned economic development.

NEW SECTION. Sec. 32. FOR THE DEPARTMENT OF TRANSPORTATION—NONINTERSTATE BRIDGES—PROGRAM H

Motor Vehicle Fund—State Appropriation	\$	53,200,000
Motor Vehicle Fund—Federal Appropriation	\$	52,400,000
Motor Vehicle Fund—Local Appropriation	\$	1,000,000
TOTAL APPROPRIATION	\$	106,600,000

The appropriations in this section are provided to preserve the structural and operating integrity of existing bridges. It is the intent of the legislature that this appropriation does not commit the legislature to the transportation commission’s proposed twenty-year bridge program.

NEW SECTION. Sec. 33. FOR THE DEPARTMENT OF TRANSPORTATION—HIGHWAY MAINTENANCE AND OPERATIONS—PROGRAM M

Motor Vehicle Fund—State Appropriation	\$	215,160,000
Motor Vehicle Fund—Local Appropriation	\$	750,000
TOTAL APPROPRIATION	\$	215,910,000

The department shall place emphasis on the development and construction of rest areas. The department shall establish criteria for prioritizing rest area construction state-wide. The department shall report the criteria and priority array to the legislative transportation committee by August 1, 1991.

The department may, as part of its regular maintenance program, begin correcting existing fish passage barriers.

NEW SECTION. Sec. 34. FOR THE DEPARTMENT OF TRANSPORTATION—SALES AND SERVICES TO OTHERS—PROGRAM R

Motor Vehicle Fund—State Appropriation	\$	1,370,000
Motor Vehicle Fund—Federal Appropriation	\$	58,400,000
Motor Vehicle Fund—Local Appropriation	\$	8,483,000
TOTAL APPROPRIATION	\$	68,253,000

***NEW SECTION. Sec. 35. FOR THE DEPARTMENT OF TRANSPORTATION—TRANSPORTATION MANAGEMENT AND SUPPORT—PROGRAM S**

Transportation Fund—State Appropriation	\$	700,000
Motor Vehicle Fund—Puget Sound Capital Construction		
Account—State Appropriation	\$	465,000
Motor Vehicle Fund—Puget Sound Ferry Operations		
Account—State Appropriation	\$	885,000
Motor Vehicle Fund—State Appropriation	\$	33,770,000
TOTAL APPROPRIATION	\$	35,820,000

The appropriations in this section are subject to the following conditions and limitations: The legislature directs that a joint study be conducted by the office of financial management, the department of personnel, and the Washington state department of transportation to determine whether the current services rendered by the department of personnel on issues relating to employee recruitment, retention, education, and training are sufficient. Findings of the study shall be reported to the legislative transportation committee by December 1, 1991, and shall include but not be limited to recommendations as to who is responsible for performing these services.

*Sec. 35 was partially vetoed, see message at end of chapter.

***NEW SECTION. Sec. 36. FOR THE DEPARTMENT OF TRANSPORTATION—PLANNING, RESEARCH, AND PUBLIC TRANSPORTATION—PROGRAM T**

For public transportation and rail programs:

Transportation Fund—State Appropriation	\$	8,295,000
Transportation Fund—Federal/Local Appropriation	\$	5,518,000
High Capacity Transportation Account—		
State Appropriation	\$	15,640,000

For planning and research:

Motor Vehicle Fund—State Appropriation	\$	17,830,000
Motor Vehicle Fund—Federal Appropriation	\$	9,000,000
TOTAL APPROPRIATION	\$	56,283,000

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

(1) By December 15, 1991, the department of transportation, in cooperation with local units of government and Amtrak, shall submit to the legislative transportation committee a program to improve Amtrak services in Washington. *Upon submittal and approval of the program recommendations by the legislative transportation committee, the department may expend the amount provided from the transportation fund—state for program implementation.* The program may include but is not limited to the following:

(a) Improvements to tracks, grade crossings, and signal systems necessary to increase operating speeds. In developing these recommendations, the department shall involve the utilities and transportation commission and other affected state and local agencies;

- (b) Station improvements;
- (c) Resumption of service between Seattle, Washington, and Vancouver, British Columbia; and
- (d) New or additional service on other routes for which there is adequate demand and reasonable opportunity for cost recovery.

(2) Funds are provided for acquisition of rail rights of way under RCW 47.76.140: PROVIDED, That funds expended for the Stampede Pass corridor connecting Ravensdale in King County and Cle Elum in Kittitas County may be expended only if the corridor is acquired jointly with the city of Tacoma. The department shall enter into an agreement with the City of Tacoma to develop appropriate restrictions on the use of the right of way designed to protect Tacoma's Green River water supply. Following acquisition, the department may not expend or authorize the expenditure of funds for improvements to tracks, bridges, and associated elements without prior legislative approval. Funds may be expended for necessary maintenance and preservation, such as fire and weed control. This appropriation shall lapse if \$1,100,000 is not reappropriated for the purchase of corridors from the essential rail banking account.

(3) Moneys in this appropriation for the Spokane intermodal transportation center may be expended only after the Washington state transportation commission has received funding commitments from all other project participants.

(4) Of the amount provided for regional transportation planning organizations, funds not allocated to such organizations may be used for a discretionary grant program for special regional planning projects, to be administered by the department of transportation.

(5) The amount provided for implementation of the universal bus pass program at the University of Washington shall be expended solely for one-time infrastructure costs for modification of roads to accommodate buses, modification of parking facilities, bus shelters, security lighting for night shuttle programs, and bike storage facilities. It is the intent of the legislature that comparable comprehensive programs be developed in the near future for all universities and colleges within the greater Seattle area. To that end, Metro, community transit and Pierce transit, and Seattle area colleges and universities shall work together and submit a plan to the legislative transportation committee identifying potential services, costs and implementation schedules. The plan shall be submitted by November 1992.

*Sec. 36 was partially vetoed, see message at end of chapter.

NEW SECTION. Sec. 37. FOR THE DEPARTMENT OF TRANSPORTATION—CHARGES FROM OTHER AGENCIES—PROGRAM U

Motor Vehicle Fund—State Appropriation	\$	19,438,361
Motor Vehicle Fund—Puget Sound Ferry Operations		
Account—State Appropriation	\$	2,000,000
TOTAL APPROPRIATION	\$	21,438,361

The appropriations in this section are to provide for costs billed to the department for the services of other state agencies as follows:

- (1) Archives and records management, \$257,763;
- (2) Attorney general tort claims support, \$5,500,000;
- (3) Office of the state auditor audit services, \$883,366;
- (4) Department of general administration facilities and services charges, \$2,597,769;
- (5) Department of personnel services, \$2,368,949;
- (6) Self-insurance liability premium, \$7,220,514 and administration, \$610,000; and
- (7) Marine division self-insurance liability premium and administration, \$2,000,000.

NEW SECTION. Sec. 38. FOR THE DEPARTMENT OF TRANSPORTATION—MARINE CONSTRUCTION—PROGRAM W

Motor Vehicle Fund—Puget Sound Capital Construction	
Account—State Appropriation	\$ 107,324,000
Motor Vehicle Fund—Puget Sound Capital Construction	
Account—Federal Appropriation	\$ 16,937,000
Motor Vehicle Fund—Puget Sound Capital Construction	
Account—Private/Local Appropriation	\$ 1,500,000
TOTAL APPROPRIATION	\$ 125,761,000

The appropriations in this section are provided for improving the Washington state ferry system, including, but not limited to, vessel acquisition, vessel construction, major and minor vessel improvements, and terminal construction and improvements. The appropriations in this section are subject to the following conditions and limitations:

The appropriations in this section are provided to carry out only the projects in the department of transportation’s 1991-93 biennial budget request dated March 1991, as approved by the transportation commission. The department of transportation shall revise these projects to reconcile them with the 1989-91 actual expenditures within sixty days of the beginning of the biennium. The department shall also reevaluate such projects, based on the findings and recommendations of the April 5, 1991, Final Report by Booz.Allen, Hamilton and M. Rosenblatt and Son, Inc. on the Washington State Ferries’ Vessel Refurbishment Programs, and, if appropriate, make the necessary project revisions, after consultation with the legislative transportation committee, prior to September 1, 1991.

The Puget Sound capital construction account—state appropriation includes the reappropriation of \$18,965,000 and \$15,000,000 in proceeds from the sale of bonds authorized by RCW 47.60.560: PROVIDED, That the department of transportation may use current revenues available to the Puget Sound capital construction account in lieu of bond proceeds for any part of the state appropriation.

The appropriation in this section contains an amount for prerefurbishment inspections as identified in Recommendation 8 of the April 5, 1991, Final Report by Booz.Allen, Hamilton and M. Rosenblatt and Son, Inc. on the Washington State Ferries' Vessel Refurbishment Programs.

The Puget Sound capital construction account—state appropriation includes \$1,082,000 to be expended solely for the design of a jumbo class automobile ferry vessel.

The department shall consult the legislative transportation committee regarding the expenditure of moneys appropriated in this section and shall provide the committee with a monthly report concerning the status of the capital program authorized in this section.

\$300,000 of the Puget Sound capital construction account—state appropriation is provided to implement Recommendation Numbers 7 and 19 of the April 5, 1991, Final Report by Booz.Allen, Hamilton and M. Rosenblatt and Son, Inc. on the Washington State Ferries' Vessel Refurbishment Programs. Of that amount \$200,000 is provided for implementing a formal hazardous materials program and \$100,000 is provided for audiogauge steel testing.

The department of transportation shall establish a task force to assess and oversee the implementation of the recommendations contained in the April 5, 1991, Final Report by Booz.Allen, Hamilton and M. Rosenblatt and Son, Inc. on the Washington State Ferries' Vessel Refurbishment Programs. The task force shall be comprised of department of transportation management, representatives of Washington state ferry system employee organizations, the shipbuilding industry, the legislative transportation committee, and any other entity or individual as deemed appropriate by the department. The task force shall provide a progress report to the legislative transportation committee by December 1, 1991.

NEW SECTION. Sec. 39. FOR THE DEPARTMENT OF TRANSPORTATION—MARINE—PROGRAM X

Marine Operating Fund—State Appropriation \$ 204,767,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The marine operating fund is hereby created in the state treasury.

To fund the appropriations in this act, the department shall transfer operating subsidies from the Puget Sound ferry operations account and ferry user revenues from the ferry system revolving account to the marine operating fund.

The department shall transfer moneys from the ferry system revolving account to the marine operating fund so as to minimize the need for revenues from the Puget Sound ferry operations account during June of each respective fiscal year in support of the expenditures necessary for the operation and maintenance of the state ferry system as authorized in this section.

(2) The appropriation is based on the budgeted expenditure of \$24,562,547 for vessel operating fuel in the 1991-93 biennium. If the actual cost of fuel is

less than this budgeted amount, the excess amount shall not be expended. If the actual cost exceeds this amount, the department shall request a supplemental appropriation.

(3) The appropriation contained in this section provides for the compensation of ferry employees, including increases. The expenditures for compensation paid to ferry employees during the 1991-93 biennium shall not exceed \$135,862,000 plus a dollar amount, as prescribed by the office of financial management, that is equal to any insurance benefit increase granted general government employees in excess of \$256.07 a month annualized per eligible marine employee multiplied by the number of eligible marine employees for the respective fiscal year, a dollar amount as prescribed by the office of financial management for salary increases during the 1991-93 biennium, and a dollar amount as prescribed by the office of financial management for costs associated with pension amortization charges and cost of living allowances. For the purposes of this section, the expenditures for compensation paid to ferry employees shall be limited to salaries and wages and employee benefits as defined in the office of financial management's policies, regulations, and procedures named under objects of expenditure "A" and "B" (7.2.6.2). Of the \$135,862,000 provided for compensation, plus the prescribed insurance benefit, pension, and salary increase dollar amount:

(a) The maximum dollar amount that shall be allocated from the governor's compensation salary appropriation is in addition to the appropriation contained in this section and may be used to increase compensation costs, effective January 1, 1992;

(b) The maximum dollar amount that shall be allocated from the governor's compensation salary appropriation is in addition to the appropriation contained in this section and shall be used to maintain any 1991-92 compensation increase and may be used to increase compensation costs, effective January 1, 1993.

In no event may the June 30, 1992, hourly salary rate increase exceed any average hourly salary rate increase granted during the 1991-92 fiscal year.

In no event may the June 30, 1993, hourly salary rate increase exceed any salary rate increase granted during the 1992-93 fiscal year.

(c) The prescribed insurance benefit increase dollar amount that shall be allocated from the governor's compensation insurance benefits appropriation is in addition to the appropriation contained in this section and may be used to increase compensation costs, effective July 1, 1991;

(d) The prescribed insurance benefit increase dollar amount that shall be allocated from the governor's compensation insurance benefits appropriation is in addition to the appropriation contained in this section and may be used to increase compensation costs, effective July 1, 1992.

(4) The intent of the legislature is to eliminate the current passenger-only service between Seattle and Bremerton. The transportation commission is responsible for evaluating other potential passenger-only routes and determining the location of a new passenger-only route. The transfer of the Seattle/

Bremerton passenger-only vessel to a new route should be implemented as soon as it is feasible.

(5) The appropriation in this section includes \$1,091,290 for an additional eight-hour automobile ferry service between Seattle and Bremerton during the 1992-93 fiscal period commencing with the elimination of the passenger only service.

(6) The department of transportation shall provide the legislative transportation committee with a monthly report concerning the status of the operating program authorized in this section.

(7) The transportation commission is directed to continue its evaluation of passenger-only vessel designs capable of providing high speed service between Seattle and Bremerton. The commission shall provide the legislative transportation committee with a report concerning the status of the evaluation by September 30, 1991.

NEW SECTION. Sec. 40. In addition to the appropriation authority contained in section 39 of this act for program X, the marine division may expend up to \$500,000 from the marine operating fund for unprogrammed expenditures after consultation with the legislative transportation committee.

NEW SECTION. Sec. 41. FOR THE DEPARTMENT OF TRANSPORTATION—LOCAL PROGRAMS—PROGRAM Z

Motor Vehicle Fund—State Appropriation	\$	11,132,000
Motor Vehicle Fund—Federal Appropriation	\$	95,300,000
Motor Vehicle Fund—Local Appropriation	\$	10,000,000
TOTAL APPROPRIATION	\$	116,432,000

(1) The appropriations in this section include \$3,150,000 from the motor vehicle fund—state appropriation for transportation expenditures related to the United States navy home port in Everett.

(2) The appropriations contain \$309,000 of state funds from the proceeds of bonds for Columbia Basin county roads authorized in chapter 121, Laws of 1951; chapter 311, Laws of 1955; and chapter 121, Laws of 1965 for reimbursable expenditures on cooperative projects authorized by state or federal laws. If these moneys are not expended during 1991-93, this appropriation shall revert to the motor vehicle fund.

NEW SECTION. Sec. 42. FOR THE DEPARTMENT OF TRANSPORTATION—SUPPORTIVE SERVICES—PROGRAM 090

Motor Vehicle Fund—State Appropriation	\$	169,000
General Fund—Federal Appropriation	\$	400,000
TOTAL APPROPRIATION	\$	569,000

The appropriations in this section are provided for support services to on-the-job training programs for minority construction workers and for minority contractors' training programs.

NEW SECTION. Sec. 43. FOR THE DEPARTMENT OF TRANSPORTATION

Motor Vehicle Fund—RV Account—State Appropriation

Transfer: For transfer to the Motor Vehicle Fund . . . \$ 800,000

The appropriation transfer in this section is provided for the construction and maintenance of recreation vehicle sanitary disposal systems at rest areas on the state highway system.

NEW SECTION. Sec. 44. FOR THE DEPARTMENT OF TRANSPORTATION

Motor Vehicle Fund—State Appropriation

Transfer: For transfer to the Advance
Right of Way Revolving Fund \$ 10,000,000

The appropriation transfer in this section is null and void if House Bill No. 1992 is not enacted by September 1, 1991.

**NEW SECTION. Sec. 45. It is the intent of the legislature that the amounts assumed in this act for all revolving funds for services provided to the Washington state patrol and department of licensing by other agencies, including the department of personnel service fund for personnel services, the legal services revolving fund for tort claim administration costs and other legal costs, the audit services revolving fund for audits, and the archives and records management account for archiving, storage, and records management services, shall not be exceeded without prior approval of the legislative transportation committee.*

*Sec. 45 was vetoed, see message at end of chapter.

Sec. 46. RCW 46.68.110 and 1989 1st ex.s. c 6 s 41 are each amended to read as follows:

Funds credited to the incorporated cities and towns of the state as set forth in subdivision (1) of RCW 46.68.100 shall be subject to deduction and distribution as follows:

(1) One and one-half percent of such sums shall be deducted monthly as such sums are credited and set aside for the use of the department of transportation for the supervision of work and expenditures of such incorporated cities and towns on the city and town streets thereof, including the supervision and administration of federal-aid programs for which the department of transportation has responsibility: PROVIDED, That any moneys so retained and not expended shall be credited in the succeeding biennium to the incorporated cities and towns in proportion to deductions herein made;

(2) ~~((From July 1, 1987, through June 30, 1989,))~~ Thirty-three one-hundredths of one percent of such funds shall be deducted monthly, as such funds accrue, and set aside for the use of the department of transportation for the purpose of funding the cities' share of the costs of highway jurisdiction studies and other studies. Any funds so retained and not expended shall be credited in the succeeding biennium to the cities in proportion to the deductions made;

(3) ~~((From July 1, 1989, through June 30, 1991, thirty-three one-hundredths of one percent of such funds shall be deducted monthly, as such funds accrue,~~

~~and set aside for the use of the department of transportation for the purpose of funding the cities' share of the costs of highway jurisdiction studies and other studies. Any funds so retained and not expended shall be credited in the succeeding biennium to the cities in proportion to the deductions made;~~

(4)) The balance remaining to the credit of incorporated cities and towns after such deduction shall be apportioned monthly as such funds accrue among the several cities and towns within the state ratably on the basis of the population last determined by the office of financial management.

Sec. 47. RCW 46.68.120 and 1989 1st ex.s. c 6 s 42 are each amended to read as follows:

Funds to be paid to the counties of the state shall be subject to deduction and distribution as follows:

(1) One and one-half percent of such funds shall be deducted monthly as such funds accrue and set aside for the use of the department of transportation and the county road administration board for the supervision of work and expenditures of such counties on the county roads thereof, including the supervision and administration of federal-aid programs for which the department of transportation has responsibility: PROVIDED, That any funds so retained and not expended shall be credited in the succeeding biennium to the counties in proportion to deductions herein made;

(2) All sums required to be repaid to counties composed entirely of islands shall be deducted;

(3) ~~((From July 1, 1987, through June 30, 1989,))~~ Thirty-three one-hundredths of one percent of such funds shall be deducted monthly, as such funds accrue, and set aside for the use of the department of transportation for the purpose of funding the counties' share of the costs of highway jurisdiction studies and other studies. Any funds so retained and not expended shall be credited in the succeeding biennium to the counties in proportion to the deductions made;

~~(4) ((From July 1, 1989, through June 30, 1991, thirty-three one-hundredths of one percent of such funds shall be deducted monthly, as such funds accrue, and set aside for the use of the department of transportation for the purpose of funding the counties' share of the costs of highway jurisdiction studies and other studies. Any funds so retained and not expended shall be credited in the succeeding biennium to the counties in proportion to the deductions made;~~

(5)) The balance of such funds remaining to the credit of counties after such deductions shall be paid to the several counties monthly, as such funds accrue, in accordance with RCW 46.68.122 and 46.68.124.

NEW SECTION. **Sec. 48.** The motor vehicle fund revenues are received at a relatively even flow throughout the year. Expenditures exceed the revenue during the accelerated summer and fall highway construction season, creating a negative cash balance during the heavy construction season. Negative cash balances also may result from the use of state funds to finance federal advance construction projects prior to conversion to federal funding. The legislature recognizes that the department of transportation may require interfund loans or other short-term financing to meet temporary seasonal cash requirements and additional cash requirements to fund federal advance construction projects.

NEW SECTION. Sec. 49. In addition to such other appropriations as are made by this act, there is appropriated to the department of transportation from legally available bond proceeds in the respective construction or building accounts such amounts as are necessary to pay the expenses incurred by the state finance committee in the issuance and sale of the subject bonds.

NEW SECTION. Sec. 50. FOR THE DEPARTMENT OF TRANSPORTATION—TRANSFER

Motor Vehicle Fund—Highway Construction

Stabilization Account Transfer: For
transfer to the Motor Vehicle Fund \$ 100,000,000

The appropriation transfer in this section is provided for expenditures pursuant to RCW 46.68.200.

NEW SECTION. Sec. 51. The department of transportation is authorized to undertake federal advance construction projects under the provisions of 23 U.S.C. Sec. 115 in order to maintain progress in meeting approved highway construction and preservation objectives. The legislature recognizes that the use of state funds may be required to temporarily fund expenditures of the federal appropriations for the highway construction and preservation programs for federal advance construction projects prior to conversion to federal funding.

NEW SECTION. Sec. 52. (1) Any public agency including but not limited to transit agencies, cities, counties, and the state department of transportation, awarded contracts from counties or transit agencies for the construction of high occupancy vehicle lanes and related facilities shall use such moneys in addition to, and not as a substitute for, moneys currently used, or planned to be used, for high occupancy vehicle lanes by the public agency receiving the award.

(2) Cities, counties, transit agencies, and the state department of transportation having within their boundaries a portion of the existing or planned high occupancy vehicle system contained in the document dated March 1991, entitled "Puget Sound HOV Core Lane Needs: 2000", shall coordinate programming and operational decisions affecting the high occupancy vehicle system.

NEW SECTION. Sec. 53. To maximize the use of motor vehicle fund revenues, it is the intent of the legislature to encourage sharing of technology, information, and systems where appropriate between transportation agencies.

To facilitate this exchange, the Washington state department of transportation assistant secretary for finance and budget management; Washington state department of transportation chief for management information systems; the Washington state patrol deputy chief, chief of staff; Washington state patrol manager of the computer services division; the department of licensing deputy director and department of licensing assistant director for information systems will meet quarterly to share plans, discuss progress of key projects and to coordinate activities for the common good. Minutes of these meetings will be distributed to the respective agency heads and the legislative transportation committee. Washington state department of transportation will provide staff support and meeting coordination.

***NEW SECTION. Sec. 54.** *Agencies shall comply with the following requirements regarding information technology projects if directed to do so by specific appropriation proviso within this act. In addition to these provisos agencies shall comply with all department of information services requirements.*

It is the intent of the legislature that information technology projects in state government be managed and completed successfully. Information technology projects should be divided into distinct phases. Each phase of a project should be successfully completed before subsequent phases are commenced, unless an alternative plan is approved by the department of information services, office of financial management, and legislative transportation committee. In addition to the post-implementation review, reviews using oversight and quality assurance measures are to be conducted throughout the project.

The legislature, with recommendations from department of information services and office of financial management, should evaluate each project's scope, duration, and risk in determining whether appropriations should be for a fiscal year or a biennium, and whether specific phases or the entire project can be accomplished within a specified time period.

Work shall not commence on any task in a subsequent phase of a project until the status report for the preceding key decision point has been approved by the department of information services, the office of financial management, and the legislative transportation committee as appropriate.

(1) Scoping process phase. Prior to requesting moneys from the legislature, or as a condition of receiving an appropriation for planning or development of information technology projects, an agency shall complete a project scoping process. The scoping process shall detail the key issues to be addressed by the information technology project. The scoping process shall precede the feasibility study.

The scoping process must define the project's scope; key issues, including business, management, technical and other issues; major objectives; project justifications; project approach; and answer by a test of reasonableness that the project is feasible. The purpose of the scoping process is to provide the legislature, office of financial management, and the department of information services with the high level information that is needed to grant approval to proceed with the project.

(2) The agency shall produce a feasibility study for each information systems project in accordance with published department of information services instructions. In addition to department of information services requirements such studies shall examine and evaluate the costs and benefits of maintaining the status quo, and of the proposed project. The study shall identify if and in what amounts any fiscal savings, costs, and benefits will occur, and what programs or fund sources will be affected. Benefits of information technology projects shall not be limited to fiscal savings, but may include improvements in service delivery by the agency to the citizens of the state. The feasibility study in this section shall be accompanied by the project management plan described in subsection (3) of this section.

(3) The project management plan shall document how the agency will manage the project identified in the feasibility study. The plan shall be an evolving document. Each subsequent phase of the project shall have an updated project management plan submitted as a prerequisite for approval to begin the next phase.

The project management plan shall cover all factors critical to the entire project and shall specifically address management plans for successfully completing the subsequent phase. The project management plan shall address all factors critical to the overall project, including, but not limited to, the following elements:

(a) Project organization: Define agency executive personnel accountable for project success; define oversight and management committee structures; identify key personnel including key positions that are not yet filled; address staffing requirements, including backfilling requirements; and other key resources needed for successful project implementation.

(b) A description of scope change and cost control procedures.

(c) A risk assessment and risk mitigation plan.

(d) A description of project oversight monitoring and quality assurance procedures.

(e) A project workplan: Explaining the appropriately defined phases, key management decision points, scheduling of other activities, and estimated costs for the next phase or phases to be conducted in a specified time period.

(4) Prior to reaching key decision points identified in the relevant project management plan a project status report shall be submitted to the department of information services, the office of financial management, and the legislative transportation committee for each project. Project status reports shall examine and evaluate project management, accomplishments, budget, action to address variances, risk management, cost and benefits analysis, and other aspects critical to completion of a project.

(5) In instances where a project review is requested in accordance with department of information services policies, the reviews shall examine and evaluate: System requirements specifications; scope; system architecture; change controls; documentation; user involvement; training; availability and capability of resources; programming languages and techniques; system inputs and outputs; plans for testing, conversion, implementation, and post-implementation; and other aspects critical to successful construction, integration, and implementation of information technology projects. Copies of written project review reports shall be forwarded to the office of financial management and the legislative transportation committee by the agency.

(6) The agency and the department of information services shall provide the legislative transportation committee and the office of financial management with a written bi-monthly project oversight and risk assessment report for each project that has a specific proviso under this section. The report shall include, but not be limited to, the following: Project name, agency undertaking the project, a description of the project, key project activities during the next sixty to ninety days, base-line cost data, costs to date, schedule to date, risk assessments, risk management, and recommendations.

(7) A written post-implementation review report shall be prepared by the agency for each information systems project in accordance with published department of information services instructions. In addition to the information requested pursuant to the department of information services instructions, post-implementation reports shall evaluate the degree to which a project accomplished its major objectives including, but not limited to, a comparison of original cost and benefit estimates to actual costs and benefits achieved. Copies of post-implementation review reports shall be provided to the department of information services, the office of financial management, and the legislative transportation committee.

(8) Where major variances in project scope, cost, or risk occur, the sponsoring agency shall inform the department of information services of the change. The director of the sponsoring agency and the director of the department of information services shall jointly report such findings in writing to the legislative transportation committee and office of financial management. A major variance is defined as a budget change in excess of \$1,000,000 or ten percent, whichever is lower; an increase in risk category to high; or a change in scope that could result in major change in budget or risk.

*Sec. 54 was vetoed, see message at end of chapter.

***NEW SECTION.** *Sec. 55. The department of transportation shall identify and coordinate all growth management functions. Such functions shall cease to exist on June 30, 1995.*

*Sec. 55 was vetoed, see message at end of chapter.

***NEW SECTION.** *Sec. 56. The attorney general shall prepare by December 31 of each year, a report to the legislative transportation committee comprising a comprehensive summary of all cases involving tort claims against the department of transportation involving highways that were concluded and closed in the previous calendar year. The report shall include for each case closed:*

- (1) A summary of the factual background of the case;*
- (2) Identification of the attorneys representing the state and the opposing parties;*
- (3) A synopsis of the legal theories asserted and the defenses presented;*
- (4) Whether the case was tried, settled, or dismissed, and in whose favor;*
- (5) The amount of any settlement or verdict reached, and the terms for payment;*
- (6) A summary of all settlement offers made by the parties where a verdict was returned against the state;*
- (7) The approximate number of attorney hours expended by the state on the case, together with the corresponding dollar amount billed therefore; and*
- (8) Such other matters relating to the case as the attorney general deems relevant or appropriate, especially including any comments or recommendations for changes in statute law or agency practice that might effectively reduce the exposure of the state to such tort claims.*

*Sec. 56 was vetoed, see message at end of chapter.

***NEW SECTION.** *Sec. 57. FOR THE WASHINGTON STATE PATROL—CAPITAL*

As used in this section, "St Patrol Hiwy Acct" means the State Patrol Highway Account.

(1) Design and construct WSP/DOL district offices-Tacoma (90-2-013)

	<i>Reappropriation</i>	<i>Appropriation</i>
St Patrol Hiwy Acct		5,413,000
Motor Vehicle Acct—State		924,000
Highway Safety Fund—State		924,000
Total Appropriation		7,261,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/91 and	Costs
6/30/91	Thereafter	
750,000		8,011,000

(2) Design new agency headquarters-Olympia (90-2-040)

	<i>Reappropriation</i>	<i>Appropriation</i>
<i>St Patrol Hiwy Acct</i>		<i>3,481,000</i>
<i>Project</i>	<i>Estimated</i>	<i>Estimated</i>
<i>Costs</i>	<i>Costs</i>	<i>Total</i>
<i>Through</i>	<i>7/1/91 and</i>	<i>Costs</i>
<i>6/30/91</i>	<i>Thereafter</i>	
<i>250,000</i>		<i>40,250,000</i>

The appropriation in this subsection is provided solely for the design of the Washington state patrol headquarters facility. The agency shall submit written status reports to the legislative transportation committee by September 30, 1991, and January 1, 1992.

(3) Complete Construction District Headquarters-Everett (90-2-018)

	Reappropriation	Appropriation
St Patrol Hiwy Acct	3,200,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/91 and	Costs
6/30/91	Thereafter	
300,000	3,200,000	3,500,000

(4) Replace underground storage tanks-Ten locations (92-1-002)

	Reappropriation	Appropriation
St Patrol Hiwy Acct		1,656,000

Project Costs Through 6/30/91 376,000	Estimated Costs 7/1/91 and Thereafter	Estimated Total Costs 2,032,000
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(5) Minor works (92-2-004)

St Patrol Hiwy Acct	Reappropriation	Appropriation 435,000
Project Costs Through 6/30/91 1,654,000	Estimated Costs 7/1/91 and Thereafter 759,200	Estimated Total Costs 2,848,200

(6) Property acquisition for communications site-Maple Falls (92-2-0064)

St Patrol Hiwy Acct	Reappropriation	Appropriation 17,000
Project Costs Through 6/30/91	Estimated Costs 7/1/91 and Thereafter	Estimated Total Costs 17,000

(7) BAW FAW replacement communication tower (92-2-010)

St Patrol Hiwy Acct	Reappropriation	Appropriation 234,000
Project Costs Through 6/30/91	Estimated Costs 7/1/91 and Thereafter	Estimated Total Costs 234,000

The state patrol and the department of licensing shall coordinate their activities when siting facilities. This coordination shall result in the colocation of driver and vehicle licensing and vehicle inspection service facilities whenever possible.

The department and state patrol shall explore alternative state services, such as vehicle emission testing, that would be feasible to colocate in these joint facilities. The department and state patrol shall reach agreement with the department of transportation for the purposes of offering department of transportation permits at these one-stop transportation centers. All services

provided by the department or the state patrol at these transportation service facilities shall be provided at cost to the participating agencies.

In those instances where the community need or the agencies needs do not warrant colocation this proviso shall not apply.

*Sec. 57 was partially vetoed, see message at end of chapter.

****NEW SECTION. Sec. 58. It is the intent of the legislature that a four range, or approximately ten percent, salary increase be effective July 1, 1991, for the transportation technician 2, transportation engineer 2, transportation engineer 5, and right-of-way agent 2 job classes, and all job classes directly indexed to one of those four benchmark job classes.***

*Sec. 58 was vetoed, see message at end of chapter.

****NEW SECTION. Sec. 59. A new section is added to chapter 46.68 RCW to read as follows:***

The state patrol equipment account is created in the state treasury. The account shall be used solely to finance the acquisition and replacement of equipment to be used for state patrol highway-related activities.

(1) All equipment capitalized by the account shall be subject to annual use and depreciation costs in an amount that will recover a replacement value by the time the life cycle has expired for a particular piece of equipment. The account shall be an internal service fund subject to legislative appropriation.

(2) Use and depreciation costs shall be charged to all users of Washington State Patrol equipment, except in those circumstances where the chief of the state patrol deems it necessary to waive those charges.

(3) The state patrol shall propose a replacement schedule and the rate for use, for all equipment to be included in the account.

(4) The state patrol shall report to the legislative transportation committee and the office of financial management by December 1, 1991, on the alternatives for the inclusion of different types of equipment to be included in the state patrol equipment account and on financing alternatives.

*Sec. 59 was vetoed, see message at end of chapter.

NEW SECTION. Sec. 60. The speaker of the house of representatives and the president of the senate shall appoint a joint select committee composed of sixteen members of the legislature, to make recommendations to the legislature regarding the public safety and education account. Membership shall include four legislators from senate ways and means, two from house appropriations, two from house revenue, and four each from the senate and house transportation committees. Efforts shall be made to insure that appointments to the committee shall include members who also serve on the house judiciary committee and the senate law and justice committee. The joint select committee shall be chaired by the chair of the legislative transportation committee.

The committee shall, at a minimum, make recommendations as to the following issues: The percentages by which public safety and education account revenues shall be split between the general fund and transportation budgets; the programs that shall be eligible for public safety and education account appropriations; the budget from which each eligible program shall receive its public safety and education account funding, in particular, the superintendent of

public instruction driver training program; and any new accounts into which revenue shall be deposited to accommodate the agreed upon revenue split. The committee may consider any other issues it deems appropriate. The committee's recommendations shall be drafted into legislation for approval in the 1992 legislative session and shall be submitted to the legislature by December 15, 1991. The recommendations contained in the legislation shall take effect on July 1, 1993.

Sec. 61. RCW 47.76.040 and 1991 c 363 s 126 are each amended to read as follows:

The department shall sell property acquired under RCW ((47.76.030)) 47.76.140 to a county rail district established under chapter 36.60 RCW, a county, a port district, or any other public or private entity authorized to operate rail service. Any public or private entity which originally donated funds to the department pursuant to RCW ((47.76.030)) 47.76.140 shall receive credit against the purchase price for the amount donated to the department, less management costs, in the event such public or private entity purchases the property from the department.

If no county rail district, county, port district, or other public or private entity authorized to operate rail service offers to purchase such property within six years after its acquisition by the department, the department may sell such property in the manner provided in RCW 47.76.050. Failing this, the department may sell or convey all such property in the manner provided in RCW 47.76.060 or 47.76.080.

Sec. 62. RCW 47.76.050 and 1985 c 432 s 4 are each amended to read as follows:

(1) If real property acquired by the department under RCW ((47.76.030)) 47.76.140 is not sold to a public or private entity authorized to operate rail service within six years of its acquisition by the department, the department may sell the property at fair market value to any of the following governmental entities or persons:

- (a) Any other state agency;
- (b) The city or county in which the property is situated;
- (c) Any other municipal corporation;
- (d) The former owner, heir, or successor of the property from whom the property was acquired;
- (e) Any abutting private owner or owners.

(2) Notice of intention to sell under this section shall be given by publication in one or more newspapers of general circulation in the area in which the property is situated not less than thirty days prior to the intended date of sale.

(3) Sales to purchasers may at the department's option be for cash or by real estate contract.

(4) Conveyances made under this section shall be by deed executed by the secretary of transportation and shall be duly acknowledged.

(5) All moneys received under this section shall be deposited in the essential rail assistance account of the general fund.

Sec. 63. RCW 47.76.060 and 1985 c 432 s 5 are each amended to read as follows:

If real property acquired by the department under RCW ((47.76.030)) 47.76.140 is not sold to a public or private entity authorized to operate rail service within six years of its acquisition by the department, the department may transfer and convey the property to the United States, its agencies or instrumentalities, to any other state agency, to any county or city or port district of this state when, in the judgment of the secretary, the transfer and conveyance is consistent with the public interest. Whenever the secretary makes an agreement for any such transfer or conveyance, the secretary shall execute and deliver to the grantee a deed of conveyance, easement, or other instrument, duly acknowledged, as necessary to fulfill the terms of the agreement. All moneys paid to the state of Washington under this section shall be deposited in the essential rail assistance account of the general fund.

Sec. 64. RCW 47.76.070 and 1985 c 432 s 6 are each amended to read as follows:

The department is authorized subject to the provisions and requirements of zoning ordinances of political subdivisions of government, to rent or lease any lands acquired under RCW ((47.76.030)) 47.76.140, upon such terms and conditions as the department determines.

Sec. 65. RCW 47.76.080 and 1985 c 432 s 7 are each amended to read as follows:

(1) If real property acquired by the department under RCW ((47.76.030)) 47.76.140 is not sold to a public or private entity authorized to operate rail service within six years of its acquisition by the department, the department may, in its discretion, sell the property at public auction in accordance with subsections (2) through (5) of this section.

(2) The department shall first give notice of the sale by publication on the same day of the week for two consecutive weeks, with the first publication at least two weeks before the date of the auction, in a legal newspaper of general circulation in the area where the property to be sold is located. The notice shall be placed in both the legal notices section and the real estate classified section of the newspaper. The notice shall contain a description of the property, the time and place of the auction, and the terms of the sale. The sale may be for cash or by real estate contract.

(3) In accordance with the terms set forth in the notice, the department shall sell the property at the public auction to the highest and best bidder if the bid is equal to or higher than the appraised fair market value of the property.

(4) If no bids are received at the auction or if all bids are rejected, the department may, in its discretion, enter into negotiations for the sale of the property or may list the property with a licensed real estate broker. No property may be sold by negotiations or through a broker for less than the property's appraised fair market value. Any offer to purchase real property under this subsection shall be in writing and may be rejected at any time before written acceptance by the department.

(5) Conveyances made under this section shall be by deed executed by the secretary of transportation and shall be duly acknowledged.

(6) All moneys received under this section shall be deposited in the essential rail assistance account of the general fund.

Sec. 66. RCW 47.76.090 and 1985 c 432 s 8 are each amended to read as follows:

Transfers of ownership of property acquired under RCW ((47.76.030)) 47.76.140 are exempt from chapters 8.25 and 8.26 RCW.

*Sec. 67. RCW 46.61.165 and 1984 c 7 s 65 are each amended to read as follows:

The state department of transportation and the local authorities are authorized to reserve all or any portion of any highway under their respective jurisdictions, including any designated lane or ramp, for the exclusive or preferential use of public transportation vehicles or private motor vehicles carrying no fewer than a specified number of passengers when such limitation will increase the efficient utilization of the highway or will aid in the conservation of energy resources. *For lanes so designated on the main line of limited access freeways, the required number of occupants in private motor vehicles, other than motorcycles, will be two. If the operating condition of a restricted lane falls below level of service "C" during peak hours for a period of twelve continuous months, as verified by the department, the number of occupants required during peak hours shall be increased to maintain an operating condition of level of service "C". The department shall report any changes in vehicle occupancy requirements to the legislative transportation committee.* There is hereby appropriated from the transportation fund—state to the department of transportation, program C for the period ending June 30, 1993, an additional \$15 million for the sole purpose of expediting completion of the HOV core lane system. Regulations authorizing such exclusive or preferential use of a highway facility may be declared to be effective at all times or at specified times of day or on specified days. *The department shall evaluate the efficacy of the vehicle occupancy requirements and shall report to the legislative transportation committee by January 1, 1992.*

*Sec. 67 was partially vetoed, see message at end of chapter.

Sec. 68. RCW 81.104.100 and 1991 c 318 s 9 are each amended to read as follows:

To assure development of an effective high capacity transportation system, local authorities shall follow the following planning process:

(1) Regional, multimodal transportation planning is the ongoing urban transportation planning process conducted in each urbanized area by its regional transportation planning organization. During this process, regional transportation goals are identified, travel patterns are analyzed, and future land use and travel are projected. The process provides a comprehensive view of the region's transportation needs but does not select specified modes to serve those needs. The process shall identify a priority corridor or corridors for further study of high capacity transportation facilities if it is deemed feasible by local officials.

(2) High capacity transportation system planning is the detailed evaluation of a range of high capacity transportation system options, including: Do nothing, low capital, and ranges of higher capital facilities. To the extent possible this evaluation shall take into account the urban mass transportation administration's requirements identified in subsection (3) of this section.

High capacity transportation system planning shall proceed as follows:

(a) Organization and management. The responsible local transit agency or agencies shall define roles for various local agencies, review background information, provide for public involvement, and develop a detailed work plan for the system planning process.

(b) Development of options. Options to be studied shall be developed to ensure an appropriate range of technologies and service policies can be evaluated. A do-nothing option and a low capital option that maximizes the current system shall be developed. Several higher capital options that consider a range of capital expenditures for several candidate technologies shall be developed.

(c) Analysis methods. The local transit agency shall develop reports describing the analysis and assumptions for the estimation of capital costs, operating and maintenance costs, methods for travel forecasting, a financial plan and an evaluation methodology.

(d) The system plan submitted to the voters pursuant to RCW (~~(81.04.140)~~) 81.104.140 shall address, but is not limited to the following issues:

(i) Identification of level and types of high capacity transportation services to be provided;

(ii) A plan of high occupancy vehicle lanes to be constructed;

(iii) Identification of route alignments and station locations with sufficient specificity to permit calculation of costs, ridership, and system impacts;

(iv) Performance characteristics of technologies in the system plan;

(v) Patronage forecasts;

(vi) A financing plan describing: Phasing of investments; capital and operating costs and expected revenues; cost-effectiveness represented by a total cost per system rider and new rider estimate; estimated ridership and the cost of service for each individual high capacity line; and identification of the operating revenue to operating expense ratio.

The financing plan shall specifically differentiate the proposed use of funds between high capacity transportation facilities, high occupancy vehicle facilities, and expanded local/feeder service;

(vii) Description of the relationship between the high capacity transportation system plan and adopted land use plans;

(viii) An assessment of social, economic, and environmental impacts; and

(ix) Mobility characteristics of the system presented, including but not limited to: Qualitative description of system/service philosophy and impacts; qualitative system reliability; travel time and number of transfers between selected residential, employment, and activity centers; and system and activity center mode splits.

(3) High capacity transportation project planning is the detailed identification of alignments, station locations, equipment and systems, construction schedules, environmental effects, and costs. High capacity transportation project planning shall proceed as follows: The local transit agency shall analyze and produce information needed for the preparation of environmental impact statements. The impact statements shall address the impact that development of such a system will have on abutting or nearby property owners. The process of identification of alignments and station locations shall include notification of affected property owners by normal legal publication. At minimum, such notification shall include

notice on the same day for at least three weeks in at least two newspapers of general circulation in the county where such project is proposed. Special notice of hearings by the conspicuous posting of notice, in a manner designed to attract public attention, in the vicinity of areas identified for station locations or transfer sites shall also be provided.

In order to increase the likelihood of future federal funding, the project planning processes shall follow the urban mass transportation administration's requirements as described in "Procedures and Technical Methods for Transit Project Planning", published by the United States department of transportation, urban mass transportation administration, September 1986, or the most recent edition. Nothing in this subsection shall be construed to preclude detailed evaluation of more than one corridor in the planning process.

The department of transportation shall provide system and project planning review and monitoring in cooperation with the expert review panel identified in RCW 81.104.110. In addition, the local transit agency shall maintain a continuous public involvement program and seek involvement of other government agencies.

NEW SECTION. Sec. 69. The appropriations of moneys and the designation of funds and accounts by this and other acts of the 1991 legislature shall be construed in a manner consistent with legislation enacted by the 1985, 1987, and 1989 legislatures to conform state funds and accounts with generally accepted accounting principles. 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. 70. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House June 27, 1991.

Passed the Senate June 27, 1991.

Approved by the Governor June 30, 1991, with the exception of certain items which were vetoed.

Filed in Office of Secretary of State June 30, 1991.

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

"I am returning herewith, without my approval as to sections 35, page 16, lines 13 through 22, 36(1), page 17, lines 12 through 15 beginning with the word "Upon" and ending with "implementation," 45, 54, 55, 56, 57(2), 58, 59, and section 67, page 44, line 28 beginning with the word "For" through page 45, line 8 ending with the word "committee" Engrossed Substitute House Bill No. 1231 entitled:

"AN ACT Relating to transportation appropriations."

My reasons for vetoing these sections are as follows:

Section 35, page 16, lines 13 through 22, Department of Personnel Study

Section 35, page 16 lines 13 through 22 directs a joint study conducted by the Office of Financial Management, the Department of Personnel, and the Department of Transportation. This study would determine if personnel training, education, recruitment, and retention services rendered to the Department of Transportation by the Department of Personnel are sufficient. A comprehensive evaluation of the Department of Personnel has already been initiated with the findings incorporated in the Work Force 2000 report. This legislation duplicates that ongoing evaluation of personnel services by the Office of

Financial Management and the Department of Personnel. For several years, my executive request legislation proposing solutions to improving the personnel system has been ignored by the Legislature.

No funding for this study has been provided in either the transportation or operating budgets. I continue my commitment to an overall statewide solution and will direct the Office of Financial Management and Department of Personnel to attempt, to the extent possible within existing resources, to resolve the problems which have been identified.

Section 36(1), page 17, lines 12 through 15, the sentence beginning with the word "Upon" and ending with "implementation." Amtrak Service Improvements

When the transportation revenue bill was developed, there was an agreement that the transit residual was to be left in reserve until a review of priorities and efficiencies were completed. Specifically, the review included the following studies: (1) Programming a Prioritization Study; (2) Cost Responsibility Study; (3) Public Transportation Study. Further, it was envisioned that the results of the Growth Strategy Commission recommendations would be integrated into a multi-modal approach to transportation. The appropriations of the Transportation Fund contained in this section violate this agreement.

Section 36(1) gives the Legislative Transportation Committee the authority to require the Department of Transportation to submit to the committee a program to improve Amtrak service in Washington and to withhold expenditure of funds for program implementation until approval by the Legislative Transportation Committee.

In addition to violating the agreement regarding use of the Transportation Fund, I am vetoing this item because it is an inappropriate application of executive power by the Legislative Transportation Committee. It is inappropriate for the Legislature to delegate to a single committee the authority to adopt or reject a new program and allow it to exercise a legislative veto of these expenditures. Further, this would occur without opportunity for executive review or veto. Clearly, the Legislature and specific committees may require consultation in which clarification of legislative intent can be achieved, but it may not provide the discretion that combines both legislative and executive powers. To do so violates the concept of separation of powers.

Section 45, page 26, Revolving Funds

Section 45 requires that the Legislative Transportation Committee give prior approval for expenditures above what is "assumed" to be included in the transportation budget for services provided through revolving funds to the Washington State Patrol and the Department of Licensing. These services include those provided by the Department of Personnel, tort claim administrative costs and other legal costs, and audit services. This provision oversteps the boundary of legislative authority and would effectively create a legislative veto.

Section 54, pages 31 through 35, Information Technology Projects

Section 54 establishes significant additional requirements for agency information technology projects and increases agency workload without reducing existing reporting and planning requirements. The requirements for planning and reporting that would be established by the proviso overrule the existing process. These additional requirements do not improve the likelihood of project success. The proviso also has the result of establishing different standards for information projects in agencies receiving transportation funding from the standards applied to other agencies, which would increase the difficulty of establishing statewide information sharing. The proviso impinges upon the statutory responsibilities of the Office of Financial Management to conduct the budget process by interposing the Legislative Transportation Committee between an agency budget request and the Office of Financial Management. The establishment of a process by which a legislative committee encroaches upon the budgetary responsibilities of the executive branch is unacceptable.

Section 55, page 35 Growth Management Coordination

Section 55 requires the Department of Transportation to "...identify and coordinate all growth management functions." It further states that "Such functions shall cease to exist on June 30, 1995." This language is vague and the intent unclear.

Section 56, pages 35 and 36, Attorney General Tort Claims

Section 56 subsection (6) contains language that requires the Attorney General to submit in a yearly report to the Legislative Transportation Committee a summary of all settlement offers made by the parties where a verdict is rendered against the state. This provision makes the settlement offers public information. This provides a road map to the state's negotiating strategy which puts the state at a disadvantage against claimant's attorneys. While those who have legitimate tort claims against the state are entitled to reasonable compensation, the state also has an obligation to settle claims without unnecessary and unjustified costs to the taxpayers of the state.

The Attorney General's office has requested a veto of this section based on the concern noted above. The Attorney General's office has also stated its willingness to provide the Committee with a yearly report covering the elements in subsections (1) through (5) and, if additional resources are provided, cost data as specified in subsection (7).

Section 57(2), page 37, State Patrol Headquarters Design

This subsection is unnecessary because funding for this project is included in Engrossed Substitute House Bill No. 1427.

Section 58, page 39, Transportation Salary Increases

This section duplicates the language contained in Section 712(4) of Engrossed Substitute House Bill No. 1330. Unlike the provision in the operating budget, this section contains no funding.

Section 59, page 39 and 40, State Patrol Equipment Account

Section 59 would establish a State Patrol Equipment Account to finance and acquire equipment used for State Patrol highway-related purposes. In this account, users would be charged for depreciation and use of the equipment. The bill would also require the patrol to report to the Legislative Transportation Committee and the Office of Financial Management the kinds of equipment and the replacement schedules to be included in the account and financing alternatives.

Because the critical definitions are not established, this mechanism could result in increased user-fees in advance of a full understanding of the implications to users. These issues need to be worked out before changing state statutes.

Section 67, page 44, line 28 beginning with the word "For" through page 45, line 8 ending with the word "committee." High Occupancy Vehicle Requirement

Section 67 requires two persons as the minimum number of occupants per vehicle for HOV lane use on limited access freeways unless operating conditions in the lane fall below level of service "C" during peak hours over 12 continuous months. The current definition of carpools allowed to use HOV lanes is determined by evaluation of operating conditions. The definition and evaluation are appropriately performed by the Department of Transportation. The public is better served by allowing the Department of Transportation to retain flexibility in this area.

With the exception of sections 35, page 16, lines 13 through 22, 36(1), page 17, lines 12 through 15 beginning with the word "Upon" and ending with "implementation," 45, 54, 55, 56, 57(2), 58, 59, and section 67, page 44, line 28 beginning with the word "For" through page 45, line 8 ending with the word "committee" Engrossed Substitute House Bill No. 1231 is approved."

CHAPTER 16

[Engrossed Substitute House Bill 1330]

OPERATING BUDGET FOR FISCAL BIENNIUM 1991-93

Effective Date: 7/1/91 - Except Section 916 which takes effect 6/30/91.

AN ACT Relating to fiscal matters; making appropriations and authorizing expenditures for the operations of state agencies for the fiscal biennium beginning July 1, 1991, and ending June 30, 1993; amending RCW 9.46.100, 41.60.050, 43.08.250, 43.09.270, 43.19.1923, 43.51.280, 70.146.080, 74.13.0903, and 82.49.030; repealing 1991 c 236 s 10 (uncodified); providing an effective date; and declaring an emergency.

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

NEW SECTION. Sec. 1. (1) A budget is hereby adopted and, subject to the provisions set forth in the following sections, the several amounts specified in the following sections, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be incurred for salaries, wages, and other expenses of the agencies and offices of the state and for other specified purposes for the fiscal biennium beginning July 1, 1991, and ending June 30, 1993, except as otherwise provided, out of the several funds of the state hereinafter named.

(2) Unless the context clearly requires otherwise, the definitions in this section apply throughout this act.

(a) "Fiscal year 1992" or "FY 1992" means the fiscal year ending June 30, 1992.

(b) "Fiscal year 1993" or "FY 1993" means the fiscal year ending June 30, 1993.

(c) "FTE" means full time equivalent.

(d) "Lapse" or "revert" means the amount shall return to an unappropriated status.

(e) "Provided solely" means the specified amount may be spent only for the specified purpose. Unless otherwise specifically authorized in this act, any portion of an amount provided solely for a specified purpose which is unnecessary to fulfill the specified purpose shall lapse.

PART I

GENERAL GOVERNMENT

NEW SECTION. Sec. 101. **FOR THE HOUSE OF REPRESENTATIVES**

General Fund Appropriation \$ 53,992,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$102,500 is provided solely for the task force on city and county finances to meet the requirements of RCW 82.14.301.

(2) Up to \$125,000 is provided for a study of comparable worth in state employee salaries. The study shall review the current implementation of

comparable worth and evaluate compensation policy alternatives and other personnel practices as they relate to comparable worth.

NEW SECTION. Sec. 102. FOR THE SENATE

General Fund Appropriation \$ 41,071,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$102,500 is provided solely for the task force on city and county finances to meet the requirements of RCW 82.14.301.

(2) \$10,000 is provided solely for expenses related to the meetings and conferences of the Pacific northwest economic region established under chapter 251, Laws of 1991 (Substitute Senate Bill No. 5008, Pacific northwest economic region).

NEW SECTION. Sec. 103. FOR THE LEGISLATIVE BUDGET COMMITTEE

General Fund Appropriation \$ 2,384,000

NEW SECTION. Sec. 104. FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE

General Fund Appropriation \$ 2,858,000

NEW SECTION. Sec. 105. FOR THE OFFICE OF THE STATE ACTUARY

Department of Retirement Systems Expense Fund

Appropriation \$ 1,280,000

The appropriation in this section is subject to the following conditions and limitations: The office shall provide all necessary services for the department of retirement systems within the funds appropriated in this section.

NEW SECTION. Sec. 106. FOR THE JOINT LEGISLATIVE SYSTEMS COMMITTEE

General Fund Appropriation \$ 8,623,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation shall be transferred to the legislative systems revolving fund.

NEW SECTION. Sec. 107. FOR THE STATUTE LAW COMMITTEE

General Fund Appropriation \$ 6,898,000

The appropriation in this section is subject to the following conditions and limitations: \$15,000 is provided solely for the expenses of the law revision commission under chapter 1.30 RCW.

NEW SECTION. Sec. 108. FOR THE REDISTRICTING COMMISSION

General Fund Appropriation \$ 888,000

NEW SECTION. Sec. 109. FOR THE SUPREME COURT

General Fund Appropriation \$ 15,060,000

The appropriation in this section is subject to the following conditions and limitations: \$6,118,000 is provided solely for the indigent appeals program.

NEW SECTION. Sec. 110. FOR THE LAW LIBRARY

General Fund Appropriation \$ 3,189,000

NEW SECTION. Sec. 111. FOR THE COURT OF APPEALS

General Fund Appropriation \$ 15,620,000

NEW SECTION. Sec. 112. FOR THE COMMISSION ON JUDICIAL CONDUCT

General Fund Appropriation \$ 955,000

NEW SECTION. Sec. 113. FOR THE ADMINISTRATOR FOR THE COURTS

General Fund Appropriation \$ 26,552,000

Public Safety and Education Account

Appropriation \$ 28,409,000

TOTAL APPROPRIATION \$ 54,961,000

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

(1) \$18,543,000 of the general fund appropriation is provided solely for the superior court judges program. Of this amount, a maximum of \$150,000 may be used to reimburse county superior courts for superior court judges temporarily assigned to other counties that are experiencing large and sudden surges in criminal filings. Reimbursement shall be limited to per diem and travel expenses of assigned judges.

(2) \$1,744,000 of the public safety and education account appropriation is provided solely to install the district court information system (DISCIS) at forty-two district court sites. When providing equipment upgrades to an existing site, an equal amount of local matching funds shall be provided by the local jurisdictions.

(3) \$217,000 of the public safety and education account appropriation is provided solely to contract with the state board for community college education to pay for court interpreter training classes in at least six community colleges for a total of at least 200 financially needy students, who shall be charged reduced tuition based on level of need. Other students may be served by charging the full tuition needed to recover costs.

(4) \$725,000 of the general fund appropriation is provided solely to implement chapter 127, Laws of 1991 (Second Substitute Senate Bill No. 5127, foster care citizen review).

(5) \$7,875,000 of the public safety and education account appropriation is provided solely for the continuation of treatment-alternatives-to-street-crimes

(TASC) programs in Pierce, Snohomish, Clark, King, Spokane, and Yakima counties.

NEW SECTION. Sec. 114. FOR THE OFFICE OF THE GOVERNOR
General Fund Appropriation \$ 7,773,000

The appropriation in this section is subject to the following conditions and limitations:

- (1) \$186,000 is provided solely for mansion maintenance.
- (2) \$500,000 is provided solely for extradition expenses to carry out RCW 10.34.030, providing for the return of fugitives by the governor, including prior claims, and for extradition-related legal services as determined by the attorney general.
- (3) \$207,000 is provided solely for two FTE staff to implement chapter 24, Laws of 1991 (Substitute House Bill No. 1800, office of international relations).

NEW SECTION. Sec. 115. FOR THE COMMISSION ON AFRICAN-AMERICAN AFFAIRS
General Fund Appropriation \$ 286,000

NEW SECTION. Sec. 116. FOR THE LIEUTENANT GOVERNOR
General Fund Appropriation \$ 524,000

NEW SECTION. Sec. 117. FOR THE PUBLIC DISCLOSURE COMMISSION
General Fund Appropriation \$ 1,884,000

The appropriation in this section is subject to the following conditions and limitations: \$25,000 is provided solely to implement a system to track gratuities received by elected officials and other persons required to report under state public disclosure laws.

NEW SECTION. Sec. 118. FOR THE SECRETARY OF STATE
General Fund Appropriation \$ 8,618,000
Archives and Records Management Account

Appropriation	\$ 3,612,000
Savings Recovery Account Appropriation	\$ 569,000
TOTAL APPROPRIATION	\$ 12,799,000

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

- (1) \$809,000 of the general fund appropriation is provided solely to reimburse counties for the state's share of primary and general election costs and the costs of conducting mandatory recounts on state measures.
- (2) \$2,919,000 of the general fund appropriation is provided solely for the verification of initiative and referendum petitions, maintenance of related voter registration records, legal advertising of state measures, and the publication and distribution of the voters and candidates pamphlet.

NEW SECTION. Sec. 119. FOR THE GOVERNOR'S OFFICE OF INDIAN AFFAIRS

General Fund Appropriation \$ 318,000

NEW SECTION. Sec. 120. FOR THE COMMISSION ON ASIAN-AMERICAN AFFAIRS

General Fund Appropriation \$ 370,000

NEW SECTION. Sec. 121. FOR THE STATE TREASURER

Motor Vehicle Account Appropriation \$ 44,000

State Treasurer's Service Fund Appropriation \$ 9,571,000

TOTAL APPROPRIATION \$ 9,615,000

NEW SECTION. Sec. 122. FOR THE STATE AUDITOR

General Fund Appropriation \$ 615,000

Motor Vehicle Fund Appropriation \$ 243,000

Municipal Revolving Fund Appropriation \$ 19,319,000

Auditing Services Revolving Fund Appropriation \$ 11,269,000

TOTAL APPROPRIATION \$ 31,446,000

The appropriations in this section are subject to the following conditions and limitations: \$280,000 of the auditing services revolving fund appropriation is provided solely for the whistleblower program.

NEW SECTION. Sec. 123. FOR THE CITIZENS' COMMISSION ON SALARIES FOR ELECTED OFFICIALS

General Fund Appropriation \$ 82,000

NEW SECTION. Sec. 124. FOR THE ATTORNEY GENERAL

General Fund—State Appropriation \$ 6,264,000

General Fund—Federal Appropriation \$ 1,589,000

Public Safety and Education Account Appropriation \$ 1,736,000

Legal Services Revolving Fund Appropriation \$ 90,555,000

Motor Vehicle Fund Appropriation \$ 727,000

New Motor Vehicle Arbitration Account
Appropriation \$ 1,742,000

TOTAL APPROPRIATION \$ 102,613,000

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

(1) The attorney general shall report on actual legal services expenditures and actual attorney and support staffing levels for each agency receiving legal services. A report covering fiscal year 1992 shall be submitted to the office of financial management and the fiscal committees of the senate and house of representatives by September 1, 1992.

(2) Beginning July 1, 1992, the attorney general shall include, at a minimum, the following information with each bill sent to agencies receiving legal services: (a) The number of hours and cost of attorney services provided during the billing period; (b) the number of hours and cost of support staff

services provided during the billing period; (c) attorney general overhead and central support costs charged to the agency for the billing period; (d) direct legal costs, such as filing and docket fees, charged to the agency for the billing period; and (e) other costs charged to the agency for the billing period. If requested by an agency receiving legal services, the attorney general shall provide the information required in this subsection by program.

(3) \$1,736,000 of the public safety and education account appropriation is provided solely for the attorney general's criminal litigation unit.

NEW SECTION. Sec. 125. FOR THE ECONOMIC AND REVENUE FORECAST COUNCIL

General Fund Appropriation \$ 868,000

***NEW SECTION. Sec. 126. FOR THE OFFICE OF FINANCIAL MANAGEMENT**

General Fund—State Appropriation \$ 20,563,000

General Fund—Federal Appropriation \$ 101,000

Savings Recovery Account Appropriation \$ 1,932,000

Public Safety and Education Account

Appropriation \$ 290,000

Motor Vehicle Fund Appropriation \$ 108,000

TOTAL APPROPRIATION \$ 22,994,000

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

(1) Within the appropriations provided in this section, the office of financial management shall conduct a state-wide study on the status of minority- and women-owned businesses. The office shall report the findings of this study to the trade and economic development committee of the house of representatives and the commerce and labor committee of the senate by December 1, 1991.

(2) \$1,500,000 of the general fund—state appropriation is provided solely for a commission on student learning. This amount includes funding for a director and staff for the commission, contracts with teachers, faculty, administrators, and other consultants or organizations to assist the work of the commission, and for other necessary activities.

(3) The appropriations in this section include amounts sufficient to implement section 13 of chapter 36, Laws of 1991 (Engrossed Substitute House Bill No. 1608, children's mental health).

(4) The office of financial management and the department of personnel shall jointly reconcile the two agencies' lists of authorized FTE positions for each agency under the jurisdiction of the department to personnel. The two agencies shall jointly submit the reconciled lists to the legislative fiscal committees by September 1, 1991.

*Sec. 126 was partially vetoed, see message at end of chapter.

NEW SECTION. Sec. 127. FOR THE OFFICE OF ADMINISTRATIVE HEARINGS

Administrative Hearings Revolving Fund

Appropriation \$ 11,730,000

***NEW SECTION. Sec. 128. FOR THE DEPARTMENT OF PERSONNEL**

Department of Personnel Service Fund

Appropriation \$ 17,178,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$65,000 is provided solely to increase advertising for employment opportunities with the state.

(2) \$121,000 is provided solely for an executive search specialist in the department to be utilized by all state agencies.

(3) *The office of financial management and the department of personnel shall jointly reconcile the two agencies' lists of authorized FTE positions for each agency under the jurisdiction of the department of personnel. The two agencies shall jointly submit the reconciled lists to the legislative fiscal committees by Septcmber 1, 1991.*

*Sec. 128 was partially vetoed, see message at end of chapter.

NEW SECTION. Sec. 129. FOR THE COMMITTEE FOR DEFERRED COMPENSATION

General Fund Appropriation \$ 384,000

The appropriation in this section is subject to the following conditions and limitations: \$351,000 is provided solely for the administration of a state employee salary reduction plan for dependent care assistance.

NEW SECTION. Sec. 130. FOR THE WASHINGTON STATE LOTTERY

Lottery Administrative Account Appropriation \$ 18,658,000

NEW SECTION. Sec. 131. FOR THE COMMISSION ON HISPANIC AFFAIRS

General Fund Appropriation \$ 401,000

NEW SECTION. Sec. 132. FOR THE PERSONNEL APPEALS BOARD

Department of Personnel Service Fund

Appropriation \$ 862,000

NEW SECTION. Sec. 133. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS—OPERATIONS

Department of Retirement Systems Expense Fund

Appropriation \$ 27,791,000

The appropriation in this section is subject to the following conditions and limitations: \$2,403,000 is provided solely for information systems projects known by the following names or successor names: Support of member database, support of audit, and audit of member files. Authority to expend this amount is conditioned on compliance with section 902 of this act. The department shall report to the fiscal committees of the senate and house of representatives on the status of the member database project by January 15, 1992.

NEW SECTION. Sec. 134. FOR THE STATE INVESTMENT BOARD
State Investment Board Expense Account

Appropriation \$ 4,555,000

The appropriation in this section is subject to the following conditions and limitations: \$1,700,000 is provided solely for one-time expenditures incurred in exercising the board's fiduciary responsibilities associated with managing trust and retirement funds. The moneys provided in this subsection shall not be used to obligate the board to any on-going expenses, including equipment lease-purchase agreements, or the employment of permanent staff. The board shall report to the fiscal committees of the senate and house of representatives by January 15, 1992, on the use of the moneys provided in this subsection.

NEW SECTION. Sec. 135. FOR THE DEPARTMENT OF REVENUE

General Fund Appropriation	\$	91,543,000
Timber Tax Distribution Account Appropriation	\$	4,241,000
State Toxics Control Account Appropriation	\$	90,000
Solid Waste Management Account Appropriation	\$	82,000
Pollution Liability Reinsurance Trust Account		
Appropriation	\$	226,000
Vehicle Tire Recycling Account Appropriation	\$	122,000
Air Operating Permit Account Appropriation	\$	42,000
Oil/Hazardous Substance Cleanup Account		
Appropriation	\$	27,000
TOTAL APPROPRIATION		\$ 96,373,000

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

(1) \$4,660,000 of the general fund appropriation is provided solely for the information systems project known as "taxpayer account integration management". Authority to expend this amount is conditioned on compliance with section 902 of this act.

(2) \$668,000 of the general fund appropriation is provided solely to reimburse counties for property tax revenue losses resulting from enactment of chapters 203, 213, and 219, Laws of 1991 (Substitute Senate Bill No. 5110, House Bill No. 1299, House Bill No. 1642; senior citizens' tax exemptions).

(3) \$168,000 of the general fund—state appropriation is provided solely for the implementation of chapter 218, Laws of 1991 (Substitute House Bill No. 1301, property tax administrative practices).

NEW SECTION. Sec. 136. FOR THE BOARD OF TAX APPEALS

General Fund Appropriation \$ 1,572,000

NEW SECTION. Sec. 137. FOR THE MUNICIPAL RESEARCH COUNCIL

General Fund Appropriation \$ 2,385,000

NEW SECTION. Sec. 138. FOR THE UNIFORM LEGISLATION COMMISSION

General Fund Appropriation \$ 49,000

NEW SECTION. Sec. 139. FOR THE OFFICE OF MINORITY AND WOMEN'S BUSINESS ENTERPRISES

General Fund Appropriation \$ 2,319,000

NEW SECTION. Sec. 140. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

General Fund—State Appropriation \$ 5,119,000

General Fund—Federal Appropriation \$ 1,649,000

General Fund—Private/Local Appropriation \$ 274,000

Savings Recovery Account Appropriation \$ 1,070,000

Risk Management Account Appropriation \$ 1,192,000

Motor Transport Account Appropriation \$ 8,568,000

Central Stores Revolving Account Appropriation \$ 4,365,000

Air Pollution Control Account Appropriation \$ 111,000

General Administration Facilities and Services
 Revolving Fund Appropriation \$ 19,592,000
TOTAL APPROPRIATION \$ 41,940,000

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

(1) \$22,000 of the motor transport account appropriation and \$111,000 of the air pollution control account appropriation are provided solely to implement the department's responsibilities under chapter 199, Laws of 1991 (Engrossed Substitute House Bill No. 1028, air quality).

(2) \$2,850,000 of the motor transport account appropriation is provided solely for replacement of motor vehicles through the state treasurer's financing contract program under chapter 39.94 RCW. The department may acquire new motor vehicles only to replace and not to increase the number of motor vehicles within the department's fleet.

(3) \$4,365,000 of the central stores revolving fund appropriation is provided solely for the purchasing and contract administration activities of the office of state procurement, division of purchasing, as provided in RCW 43.19.1923. Of

this amount \$555,000 is provided solely to implement chapter 297, Laws of 1991 (Second Substitute Senate Bill No. 5143, purchasing recycled goods).

(4) \$117,000 of the general administration facilities and services revolving fund appropriation is provided solely to assist state agencies in processing asbestos claims.

(5) The department shall develop a consolidated mail service to handle all incoming mail in the 98504 zip code area, as well as all outgoing mail of executive branch agencies in the Olympia, Tumwater, and Lacey area, as determined by the director of general administration. Upon request, the department shall also provide outgoing mail services to legislative and judicial agencies in the Olympia, Tumwater, and Lacey area. For purposes of administering the consolidated mail service, the director shall:

(a) Determine the nature and extent of agency participation in the service, including the phasing of participation;

(b) Subject to the approval of the director of financial management and in compliance with applicable personnel laws, transfer employees and equipment from other agencies to the department when the director determines that such transfers will further the efficiency of the consolidated mail service. The director of financial management shall ensure that there are no net increases in state-wide staffing levels as a result of providing services currently being performed by state agencies through the consolidated mail service;

(c) Periodically assess charges on participating agencies to recover the cost of providing consolidated mail services;

(d) Accurately account for all costs incurred in implementation of the consolidated mail operation, and document any cost savings or avoidances; and

(e) By September 1, 1992, report to the appropriate committees of the legislature on the implementation of the service, including documentation of cost savings or avoidances achieved from the consolidation of mail services during fiscal year 1992.

NEW SECTION. Sec. 141. FOR THE DEPARTMENT OF INFORMATION SERVICES

General Fund Appropriation	\$	428,000
Data Processing Revolving Fund Appropriation	\$	1,379,000
TOTAL APPROPRIATION	\$	1,807,000

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

(1) \$428,000 of the general fund appropriation is provided solely to complete the video telecommunications demonstration project begun by the department during the 1989-91 biennium. Authority to spend this amount is conditioned on compliance with section 903 of this act.

(2) The department shall report to the appropriate committees of the legislature by January 15, 1992, on the state's information systems development, review, and approval process. The report shall include recommendations on the

appropriate roles and responsibilities of individual agencies, the department of information services, and the office of financial management.

NEW SECTION. Sec. 142. FOR THE PRESIDENTIAL ELECTORS
 General Fund Appropriation \$ 1,000

NEW SECTION. Sec. 143. FOR THE INSURANCE COMMISSIONER
 Insurance Commissioner's Regulatory Account
 Appropriation \$ 15,432,000

The appropriation in this section is subject to the following conditions and limitations: The insurance commissioner shall employ a fiscal analyst to (1) review financial statements and other data to discern potential financial difficulties of insurance companies admitted to do business in this state; (2) monitor the financial condition of admitted companies on a priority basis; (3) coordinate information within the insurance commissioner's office that relates to solvency conditions; and (4) analyze the financial statements of foreign companies seeking admission in this state in order to expedite the admissions process.

NEW SECTION. Sec. 144. FOR THE BOARD OF ACCOUNTANCY
 General Fund Appropriation \$ 523,000
 Certified Public Accountants' Account
 Appropriation \$ 669,000
TOTAL APPROPRIATION \$ 1,192,000

NEW SECTION. Sec. 145. FOR THE DEATH INVESTIGATION COUNCIL
 Death Investigations Account Appropriation \$ 12,000

NEW SECTION. Sec. 146. FOR THE PROFESSIONAL ATHLETIC COMMISSION
 General Fund Appropriation \$ 144,000

NEW SECTION. Sec. 147. FOR THE HORSE RACING COMMISSION
 Horse Racing Commission Fund Appropriation \$ 4,865,000

The appropriation in this section is subject to the following conditions and limitations:

(1) None of this appropriation may be used for the purpose of certifying Washington-bred horses under RCW 67.16.075.

(2) \$91,000 of this appropriation is provided solely for additional coordinators for satellite betting sites. This amount may be expended only during the fiscal period ending June 30, 1992.

***NEW SECTION. Sec. 148. FOR THE LIQUOR CONTROL BOARD**
 Liquor Revolving Fund Appropriation \$ 106,415,000

The appropriation in this section is subject to the following conditions and limitations: \$2,847,000 is provided solely to implement Senate Bill No. 5560

(cigarette tax enforcement). If the bill is not enacted by July 31, 1991, the amount provided shall lapse.

*Sec. 148 was partially vetoed, see message at end of chapter.

NEW SECTION. Sec. 149. FOR THE UTILITIES AND TRANSPORTATION COMMISSION

Public Service Revolving Fund Appropriation	\$	29,189,000
Grade Crossing Protective Fund Appropriation	\$	320,000
TOTAL APPROPRIATION	\$	29,509,000

The appropriations in this section are subject to the following conditions and limitations: \$50,000 of the public service revolving fund appropriation is provided solely for the purpose of contracting with the state energy office to develop plans and recommendations to expand the availability of compressed natural gas refueling stations for motor vehicles, pursuant to chapter 199, Laws of 1991 (Engrossed Substitute House Bill No. 1028).

NEW SECTION. Sec. 150. FOR THE BOARD FOR VOLUNTEER FIRE FIGHTERS

Volunteer Fire Fighters' Relief and Pension

Administrative Fund Appropriation	\$	373,000
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NEW SECTION. Sec. 151. FOR THE MILITARY DEPARTMENT

General Fund—State Appropriation	\$	9,549,000
General Fund—Federal Appropriation	\$	7,582,000
General Fund—Private/Local Appropriation	\$	180,000
TOTAL APPROPRIATION	\$	17,311,000

The appropriations in this section are subject to the following conditions and limitations: \$10,000 of the general fund—state appropriation is provided to the public affairs office for headquarters STARC, Camp Murray, Washington air national guard solely for the purpose of a publication to assist in the recruitment and retention of the Washington national guard.

NEW SECTION. Sec. 152. FOR THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

General Fund Appropriation	\$	2,176,000
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**PART II
HUMAN SERVICES**

***NEW SECTION. Sec. 201. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

(1) Appropriations made in this act to the department of social and health services shall initially be allotted as required by this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act except as expressly provided in this act, nor shall allotment modifications permit

moneys that are provided solely for a specified purpose to be used for other than that purpose.

(2) The department of social and health services shall not initiate any services that will require expenditure of state general fund moneys unless expressly authorized in this act or other law, or unless the services were provided on March 1, 1991. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act, and an equal amount of appropriated state general fund moneys shall lapse. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(3) Appropriations in this act derived from the \$31,600,000 federal child care block grant and the Title IV-A grant are subject to the following conditions and limitations:

(a) \$13,290,000 is provided solely for vendor rate increases for child care facilities. Increases by cluster shall result in rates set at a uniform percentile of child care provider rates across clusters. Rates set by other methods shall result in the same percentage increase as the state-wide average increase for rates set by cluster. The department shall transfer rate increase funds among child care programs as necessary to maintain a uniform rate policy.

(b) \$6,200,000 is provided solely for funding the early childhood education and assistance program in the department of community development.

(c) \$4,901,000 of this amount is provided solely for block grants to communities for locally designated child care services. Distribution of this money shall take into account the number of infants and children up to age 13 and the incidence of poverty in each community.

(d) \$1,000,000 is provided solely to contract with eligible providers for specialized child care and respite care for children of homeless parents. Providers shall demonstrate that licensed child-care facilities are available to provide specialized child care for children under six years of age. Respite child-care providers shall demonstrate that respite child care is available for children under six years of age and shall submit to a felony background check through the state patrol. Child-care services provided by shelters shall be subject to department of community development rules on applicant eligibility criteria. The total allocation to providers within a county shall be not less than twenty-five thousand dollars per fiscal year in counties that had at least one hundred children under the age of five served in emergency shelters for the preceding year as reported by the department of community development and not less than ten thousand dollars for all other counties. If Substitute Senate Bill No. 5653

(homeless child care) is enacted by July 31, 1991, the amount provided in this subsection is provided solely to implement the bill.

(e) \$450,000 of this amount shall be deposited in the child care facility revolving fund for loans or grants to assist persons, businesses, or organizations to start or operate a licensed child care facility to the extent permitted by federal law, pursuant to chapter 248, Laws of 1991 (Substitute Senate Bill No. 5583, child care facility fund).

(f) \$850,000 is provided solely as a fifty percent match of local funds to provide grants to child-care resource and referral programs that provide parents with information on child-care services; that provide parent-support services; that support child-care providers; that recruit licensed child-care providers, emphasizing areas with inadequate supply; that provide technical assistance to employers on employee child-care benefits; that provide information to state and local policymakers; and that collaborate with neighboring child-care providers to accurately describe demand in the area and coordinate efforts for the delivery of these services. If Substitute Senate Bill No. 5580 (child care referral) is enacted by July 31, 1991, the amount provided in this subsection is provided solely to implement the bill.

(g) \$100,000 is provided solely for licensing and regulation activities of the department of social and health services.

(h) \$100,000 is provided solely for data collection, evaluation, and reporting activities of the department of social and health services.

(i) \$4,609,000 is provided solely to increase child care slots for low-income families.

(j) \$100,000 is provided solely for transfer through interagency agreement to the department of health to fund increased child care licensing workload.

*Sec. 201 was partially vetoed, see message at end of chapter.

***NEW SECTION. Sec. 202. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—CHILDREN AND FAMILY SERVICES PROGRAM**

General Fund—State Appropriation	\$	277,041,000
General Fund—Federal Appropriation	\$	174,174,000
Drug Enforcement and Education Account		
Appropriation	\$	4,000,000
Public Safety and Education Account		
Appropriation	\$	2,618,000
TOTAL APPROPRIATION	\$	457,833,000

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

(1) \$1,000,000 of the general fund—state appropriation is provided solely to implement chapter 364, Laws of 1991 (Engrossed Substitute Senate Bill No. 5025, youth and family services) subject to the following conditions and limitations.

(a) \$94,000 of this amount is provided solely for an evaluation of family reconciliation services pursuant to section 1, chapter 364, Laws of 1991 (Engrossed Second Substitute Senate Bill No. 5025, youth and family services).

(b) \$650,000 is provided solely to expand family reconciliation services.

(c) \$256,000 is provided solely to expand homebuilder services to Whatcom county on July 1, 1992.

(2) \$5,902,000 of the general fund—state appropriation and \$1,081,000 of the general fund—federal appropriation are provided solely for vendor rate increases of five percent on January 1, 1992, and on January 1, 1993, for children's out-of-home residential providers except interim care, including but not limited to foster parents and child placement agencies, and 3.1 percent on January 1, 1992, and 3.4 percent on January 1, 1993, for other providers, except child care providers.

(3) \$1,350,000 of the general fund—state appropriation is provided solely for the continuation of the family violence pilot project and to initiate one new project at a cost of no more than \$350,000.

(4) \$1,150,000 of the general fund—state appropriation is provided solely to implement a therapeutic home program under section 2 of chapter 326, Laws of 1991 (Engrossed Substitute House Bill No. 1608, children's services).

(5) \$500,000 of the general fund—state appropriation is provided solely to implement chapter 283, Laws of 1991 (Second Substitute Senate Bill No. 5341, foster parent liability insurance).

(6) \$110,000 of the general fund—state appropriation is provided solely for volunteers of America of Spokane's crosswalk project.

(7) \$3,300,000 of the general fund—state appropriation is provided solely for direct services provided by four existing continuum of care projects.

(8) \$900,000 of the drug enforcement and education account appropriation and \$300,000 of the general fund—state appropriation are provided solely to contract for the operation of one pediatric interim care facility. The facility shall provide residential care for up to twelve children through two years of age. Seventy-five percent of the children served by the facility must be in need of special care as a result of substance abuse by their mothers. The facility also shall provide on-site training to biological, adoptive, or foster parents. The facility shall provide at least three months of consultation and support to parents accepting placement of children from the facility. The facility may recruit new and current foster and adoptive parents for infants served by the facility. The department shall not require case management as a condition of the contract. The department shall solicit proposals from current pediatric interim care providers. The department shall select a provider from among the current pediatric interim care providers through an accelerated selection process by August 15, 1991. The contract shall be awarded by August 15, 1991.

(9) \$700,000 of the general fund—state appropriation and \$299,000 of the drug enforcement and education account appropriation are provided solely for up to three nonfacility based programs for the training, consultation, support, and

recruitment of biological, foster, and adoptive parents of children through age three in need of special care as a result of substance abuse by their mothers, except that each program may serve up to three medically fragile nonsubstance-abuse-affected children. In selecting nonfacility based programs, preference shall be given to programs whose federal or private funding sources have expired or have successfully performed under the existing pediatric interim care program. The department shall select providers under this subsection using an accelerated selection process, to be completed no later than August 15, 1991.

(10) The amounts in subsections (8) and (9) of this section may be used to continue the existing pediatric interim care programs through August 15, 1991.

(11) \$200,000 of the public safety and education account is provided solely to implement sections 11 and 12, chapter 301, Laws of 1991 (Engrossed Substitute House Bill No. 1884, domestic violence programs).

(12) Up to \$25,000 of the general fund—state appropriation is provided to implement section 7 of chapter 301, Laws of 1991 (Substitute House Bill No. 1884, domestic violence programs).

(13) \$1,500,000 of the general fund—state appropriation is provided solely for increased funding for domestic violence programs.

(14) The department shall not continue adoption support payments under RCW 74.13.109 beyond the age of eighteen years.

(15) \$480,000 of the general fund—state appropriation is provided solely for purchase of service and for grants to nonprofit child placement agencies licensed under chapter 74.15 RCW to recruit potential adoptive parents for, and place for adoption, children with physical, mental, or emotional disabilities, children who are part of a sibling group, children over age 10, and minority or limited English-speaking children.

*Sec. 202 was partially vetoed, see message at end of chapter.

***NEW SECTION. Sec. 203. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—JUVENILE REHABILITATION PROGRAM**

(1) COMMUNITY SERVICES

General Fund—State Appropriation	\$	57,604,000
General Fund—Federal Appropriation	\$	135,000
Drug Enforcement and Education Account		
Appropriation	\$	1,762,000
TOTAL APPROPRIATION	\$	59,501,000

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

(a) \$1,117,000 of the general fund—state appropriation is provided solely to provide vendor rate increases of five percent on January 1, 1992, and five percent on January 1, 1993, to juvenile rehabilitation group homes, and 3.1 percent on January 1, 1992, and 3.4 percent on January 1, 1993, for other vendors.

(b) \$1,501,000 of the general fund—state appropriation is provided solely to expand option B community services to divert additional youth equivalent to fifty-nine beds in FY 1992 and seventy-two beds in FY 1993. Actual expenditures shall be proportionate to the annual beds saved within state institutions, up to the funding level provided.

(2) INSTITUTIONAL SERVICES

General Fund—State Appropriation	\$	54,370,000
General Fund—Federal Appropriation	\$	949,000
Drug Enforcement and Education Account		
Appropriation	\$	940,000
TOTAL APPROPRIATION	\$	56,259,000

(3) PROGRAM SUPPORT

General Fund Appropriation	\$	4,390,000
Drug Enforcement and Education Account		
Appropriation	\$	342,000
TOTAL APPROPRIATION	\$	4,732,000

The appropriations in this subsection are subject to the following conditions and limitations: \$90,000 of the general fund—state appropriation is provided solely to implement chapter 234, Laws of 1991 (Second Substitute Senate Bill No. 5167, juvenile justice act), including section 2 of the act.

*Sec. 203 was partially vetoed, see message at end of chapter.

NEW SECTION. Sec. 204. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—MENTAL HEALTH PROGRAM

(1) COMMUNITY SERVICES/REGIONAL SUPPORT NETWORKS

General Fund—State Appropriation	\$	235,715,000
General Fund—Federal Appropriation	\$	110,751,000
General Fund—Local Appropriation	\$	3,360,000
TOTAL APPROPRIATION	\$	349,826,000

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

(a) \$6,213,000 of the general fund—state appropriation and \$2,863,000 of the general fund—federal appropriation are provided solely for vendor rate increases of 3.1 percent on January 1, 1992, and 3.4 percent on January 1, 1993.

(b) \$33,021,000 of the general fund—state appropriation and \$250,000 of the general fund—federal appropriation are provided for the continued implementation of chapter 206, Laws of 1989, as amended, and other community enhancements. Of this amount:

(i) \$7,200,000 is provided solely to implement sections 1(16) and 2(8) of chapter 262, Laws of 1991 (Second Substitute Senate Bill No. 5667, evaluation/treatment access).

(ii) \$400,000 of the general fund—state appropriation is provided solely for Pierce county for costs related to the administration of the involuntary treatment act.

(iii) \$17,582,000 is provided solely to expand mental health service capacity in a manner to be determined by the regional support networks. However, community services that will reduce the populations of the state hospitals shall have first priority for these funds.

(iv) \$1,900,000 of the general fund—state appropriation is provided solely for regional support networks for acquisition and implementation of local management information systems in compliance with RCW 71.24.035. These information systems shall assure exchange of state required core data concerning mental health programs. The department of social and health services shall contract with regional support networks for these information systems.

(v) \$1,600,000 of the general fund—state appropriation is provided solely for an integrated information system which allows for assured exchange of state required core data in compliance with RCW 71.24.035. Authority to expend these funds is conditioned on compliance with section 902 of this act.

(vi) \$589,000 of the general fund—state appropriation is provided solely to establish the Grays Harbor regional support network by January 1, 1992.

(vii) \$500,000 of the general fund—state appropriation is provided solely to implement section 14, chapter 326, Laws of 1991 (Engrossed Substitute House Bill No. 1608, services for children).

(viii) \$750,000 of the general fund—state appropriation and \$250,000 of the general fund—federal appropriation are provided solely for up to five performance-based contracts for the delivery of children’s mental health services with regional support networks that have developed interagency children’s mental health services delivery plans. To be eligible for a contract, the interagency children’s mental health services delivery plan shall:

(A) Involve the major child-serving systems, including education, child welfare, and juvenile justice, in the county or counties served by the regional support network, in a coordinated system for delivery of children’s mental health services; and

(B) Include mechanisms for interagency case planning, where necessary, that do not result in duplicative case management, to meet the mental health needs of children served through the plan.

(c) \$1,500,000 of the general fund—state appropriation is provided solely for transportation services.

(d) \$2,000,000 of the general fund—state appropriation is provided solely to enroll an additional four counties in the regional support network program by January 1993.

(2) INSTITUTIONAL SERVICES

General Fund—State Appropriation	\$	237,703,000
General Fund—Federal Appropriation	\$	13,604,000
TOTAL APPROPRIATION		\$ 251,307,000

(3) CIVIL COMMITMENT

General Fund—State Appropriation	\$	4,908,000
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(4) SPECIAL PROJECTS

General Fund—State Appropriation	\$	1,917,000
General Fund—Federal Appropriation	\$	2,966,000
TOTAL APPROPRIATION	\$	4,883,000

The appropriations in this subsection are subject to the following conditions and limitations: \$59,000 of the general fund—state appropriation is provided solely for vendor rate increases of 3.1 percent on January 1, 1992, and 3.4 percent on January 1, 1993.

(5) PROGRAM SUPPORT

General Fund—State Appropriation	\$	6,197,000
General Fund—Federal Appropriation	\$	1,887,000
TOTAL APPROPRIATION	\$	8,084,000

The appropriations in this section are subject to the following conditions and limitations: \$338,000 from the general fund—state appropriation is provided solely for transfer by interagency agreement to the University of Washington for an evaluation of mental health reform. The legislative budget committee shall review the evaluation work plan and deliverables. The indirect cost rate for this study shall be the same as that for the first steps evaluation.

***NEW SECTION. Sec. 205. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—DEVELOPMENTAL DISABILITIES PROGRAM**

(1) COMMUNITY SERVICES

General Fund—State Appropriation	\$	189,332,000
General Fund—Federal Appropriation	\$	111,394,000
TOTAL APPROPRIATION	\$	300,726,000

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

(a) Community-based services shall be provided for at least two hundred fifty clients who during the 1991-93 biennium transfer from state residential habilitation centers to state or federaly funded community placements. No more than one hundred twenty-five of these clients may be provided community-based residential services through the state-operated living alternative community residential program (SOLA). If fewer than one hundred twenty-five clients choose the (SOLA) program, any savings shall be applied to the stabilization of existing community-based vocational programs for the developmentally disabled.

(b) The department shall continue to use King county for the administration of community-based residential services.

(c) \$500,000 of the general fund—state appropriation, or as much thereof as may be necessary, is provided solely for tenant or intensive tenant support services for clients of group homes of over fifteen clients that demonstrate difficulty in meeting departmental standards.

(d) \$706,000 of the general fund—state appropriation and \$815,000 of the general fund—federal appropriation are provided solely for community-based residential programs for twelve clients under the care of the united cerebral palsy intermediate care facility for the mentally retarded.

(e) \$3,150,000 of the general fund—state appropriation and \$3,698,000 of the general fund—federal appropriation are provided solely for community-based services for developmentally disabled persons who have transferred from Western State Hospital or Eastern State Hospital to the community or who in the judgment of the secretary are at risk of being committed to either hospital.

(f) \$1,500,000 of the general fund—state appropriation is provided solely for the family support services program.

(g) \$7,200,000 of the general fund—state appropriation and \$7,200,000 of the general fund—federal appropriation are provided solely for additional clients in the state-operated living alternative community residential program (SOLA) who previously resided in residential habilitation centers. Any of these amounts used for employment or day programs shall be used to contract with private community providers.

(h) \$5,900,000 of the general fund—state appropriation and \$5,900,000 of the general fund—federal appropriation are provided solely for additional clients in privately operated community residential programs who previously resided in residential habilitation centers.

(i) \$1,800,000 of the general fund—state appropriation and \$600,000 of the general fund—federal appropriation are provided solely for costs related to additional case management.

(j) \$800,000 of the general fund—state appropriation and \$800,000 of the general fund—federal appropriation are provided solely for emergency community residential placements in lieu of placement at residential habilitation centers.

(k) \$1,924,000 of the general fund—state appropriation and \$1,465,000 of the general fund—federal appropriation are provided solely for community-based residential services for seventy clients transferred from Fircrest School to the community.

(2) INSTITUTIONAL SERVICES

General Fund—State Appropriation	\$	115,404,000
General Fund—Federal Appropriation	\$	143,511,000
TOTAL APPROPRIATION	\$	258,915,000

(a) \$6,100,000 of the general fund—state appropriation and \$7,200,000 of the general fund—federal appropriation are provided solely for costs related to temporary staff at residential habilitation centers.

(b) \$400,000 of the general fund—state appropriation is provided solely for enhanced staff training.

(c) \$8,500,000 of the general fund—state appropriation is provided solely for persons who risk causing the loss of federal financial participation, or to the extent this amount is not necessary for that purpose and after approval by

the office of financial management, for the stabilization of existing community programs, the expansion of community-based residential programs, and programs designed to keep clients in their own or a relative's home.

(3) PROGRAM SUPPORT

General Fund—State Appropriation	\$	5,638,000
General Fund—Federal Appropriation	\$	1,094,000
TOTAL APPROPRIATION	\$	6,732,000

The appropriations in this section are subject to the following conditions and limitations: \$1,040,000 of the general fund—state appropriation is provided solely to establish five regional centers representing all areas of the state and to provide grants to nonprofit community-based organizations to provide services for the deaf in each region. If Substitute Senate Bill No. 5458 (regional deaf centers) is enacted by July 31, 1991, the amount provided in this subsection is provided solely to implement the bill.

*Sec. 205 was partially vetoed, see message at end of chapter.

***NEW SECTION. Sec. 206. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—DEVELOPMENTAL DISABILITIES PROGRAM—PROGRAM SUPPORT**

The sum of \$200,000, or so much thereof as may be necessary, is appropriated from the state general fund to the developmental disabilities program of the department of social and health services for a contract with the center for disability policy and research of the University of Washington in the biennium ending June 30, 1993, for a suggested plan describing a ten-year schedule for the operation of state-funded services for the developmentally disabled. The plan shall set priorities for the use of existing resources; include contingency plans for reduced, stable, and increased funding levels; include a strategy of operating residential habilitation centers, state-operated living alternatives, and community services; propose ways to use savings to serve unserved clients in the community; propose ways to maximize federal funds for the provision of community services; and evaluate the impact on clients moved from residential habilitation centers to community-based residences. In addition, the plan must address the mix of state and privately operated services and the stabilization of community services. In developing the plan, the center shall coordinate and cooperate with the department and the department shall provide such assistance to the center as may be necessary. In the planning process, the center shall consult with and report to the appropriate legislative committees.

*Sec. 206 was vetoed, see message at end of chapter.

NEW SECTION. Sec. 207. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—DEVELOPMENTAL DISABILITIES PROGRAM—INTERLAKE SCHOOL

The sum of \$26,270,000, or so much thereof as may be necessary, is appropriated from the state general fund to the developmental disabilities

program of the department of social and health services to operate, without the support of federal funds under the ICF/MR program pursuant to Title XIX of the federal social security act, the Interlake school during the 1991-93 fiscal biennium. This action will result in the withdrawal of the Interlake school from the federal ICF/MR program. The division of developmental disabilities shall convene an advisory committee of treatment professionals and parents or guardians of the residents of the Interlake school to ensure high-quality care for these residents after withdrawal from the federal program.

NEW SECTION. Sec. 208. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—DEVELOPMENTAL DISABILITIES PROGRAM—COMMUNITY SERVICES EXPANSION

The sum of \$17,000,000, or so much thereof as may be necessary, is appropriated from the state general fund to the developmental disabilities program of the department of social and health services for the community services program to expand community-based services during the 1991-93 fiscal biennium. Of this appropriation:

- (1) \$6,700,000 of the general fund appropriation is provided solely for expansion of employment programs for persons who have completed a high school curriculum within the previous two years.
- (2) \$5,400,000 of the general fund appropriation is provided solely for employment programs for those persons who complete a high school curriculum during the 1991-93 biennium.
- (3) \$4,200,000 of the general fund appropriation is provided solely to expand the family support services program.
- (4) \$700,000 of the general fund appropriation is provided solely to add new cases to the early intervention services program.

NEW SECTION. Sec. 209. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—DEVELOPMENTAL DISABILITIES PROGRAM—COMMUNITY VENDOR RATES

The sums of \$10,834,000 from the general fund—state appropriation and \$5,480,000 from the general fund—federal appropriation, or so much thereof as may be necessary, are provided for vendor rate increases of six percent on January 1, 1992, and on January 1, 1993, to be used only for increases to vendors currently providing services and not for program expansion, to the department of social and health services, developmental disabilities program for the biennium ending June 30, 1993.

NEW SECTION. Sec. 210. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—LONG-TERM CARE SERVICES

General Fund—State Appropriation	\$	565,033,000
General Fund—Federal Appropriation	\$	665,949,000
TOTAL APPROPRIATION	\$	1,230,982,000

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

(1) Nursing home rates shall be adjusted for inflation under RCW 74.46.495 by 3.1 percent on July 1, 1991, and 3.4 percent on July 1, 1992.

(2) \$1,000,000 of the general fund—state appropriation is provided solely to increase the capacity of the chore services program.

(3) At least \$16,686,400 of the general fund—state appropriation shall initially be allotted for implementation of the senior citizens services act. However, at least \$1,290,300 of this amount shall be used solely for programs that use volunteer workers for the provision of chore services to persons whose need for chore services is not being met by the chore services programs.

(4) \$714,000 of the general fund—state appropriation is provided solely to continue funding for the volunteer chore services program.

(5) \$5,276,000 of the general fund—state appropriation and \$3,171,000 of the general fund—federal appropriation are provided solely for vendor rate increases of 3.1 percent on January 1, 1992, and 3.4 percent on January 1, 1993.

(6) \$5,001,000 of the general fund—state appropriation and \$3,751,000 of the general fund—federal appropriation are provided solely for salary and wage increases for chore workers (both contracted and individual providers), COPEs workers (agency and individual providers), Title XIX personal care contracted workers, and respite care workers.

(7) \$1,477,000 of the general fund—state appropriation and \$1,748,000 of the general fund—federal appropriation are provided solely for increases in the assisted living program.

(8) \$100,000 of the general fund—state appropriation is provided solely for a prospective rate enhancement for nursing homes meeting all of the following conditions: (a) The nursing home entered into an arms-length agreement for a facility lease prior to January 1, 1980; (b) the lessee purchased the leased facility after January 1, 1980; (c) the lessor defaulted on its loan or mortgage for the assets of the facility; (d) the facility is located in a county with a 1989 population of less than 45,000 and an area more than 5,000 square miles. The rate increase shall be effective July 1, 1990. To the extent possible, the increase shall recognize the 1982 fair market value of the nursing home's assets as determined by an appraisal contracted by the department of general administration. If necessary, the increase shall be granted from state funds only. In no case shall the annual value of the rate increase exceed \$50,000. The rate adjustment in this subsection shall not be implemented if it jeopardizes federal matching funds for qualifying facilities or the long-term care program in general. Funds may be disbursed on a monthly basis.

(9) Within the appropriations in this section, the department shall implement chapter 271, Laws of 1991 (Engrossed Substitute House Bill No. 2100, nursing homes/ethnic minorities).

NEW SECTION. Sec. 211. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—INCOME ASSISTANCE PROGRAM

General Fund—State Appropriation	\$	601,519,000
General Fund—Federal Appropriation	\$	655,543,000
TOTAL APPROPRIATION	\$	1,257,062,000

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

(1) Payment levels in the programs for aid to families with dependent children, general assistance, and refugee assistance shall contain an energy allowance to offset the costs of energy. The allowance shall be excluded from consideration as income for the purpose of determining eligibility and benefit levels of the food stamp program to the maximum extent such exclusion is authorized under federal law and RCW 74.08.046. To this end, up to \$230,000,000 of the income assistance payments is so designated for exemptions of the following amounts:

Family size:	1	2	3	4	5	6	7	8 or more
Exemption:	\$55	71	86	102	117	133	154	170

(2) \$1,100,000 of the general fund—state appropriation and \$1,173,000 of the general fund—federal appropriation are provided solely for a 3.1 percent vendor rate increase on January 1, 1992, and a 3.4 percent increase on January 1, 1993.

(3) \$21,404,000 of the general fund—state appropriation and \$25,887,000 of the general fund—federal appropriation are provided solely for a grant standard increase for aid for families with dependent children, the family independence program, general assistance—special and supplemental security income additional requirements, consolidated emergency assistance, and refugee assistance. The increase shall equal 3.1 percent on January 1, 1992, and 3.4 percent on January 1, 1993.

(4) \$1,008,000 of the general fund—state appropriation is provided solely to implement retrospective budgeting under RCW 74.04.005(6)(b)(ii).

***NEW SECTION. Sec. 212. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—ALCOHOL AND SUBSTANCE ABUSE PROGRAM**

General Fund—State Appropriation	\$	45,437,000
General Fund—Federal Appropriation	\$	41,691,000
Drug Enforcement and Education Account		
State Appropriation	\$	38,236,000
TOTAL APPROPRIATION	\$	125,364,000

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

(1) \$3,242,000 of the general fund—state appropriation is provided solely for vendor rate increases of 3.1 percent on January 1, 1992, and 3.4 percent on January 1, 1993.

(2) *\$200,000 of the general fund—state appropriation is provided solely to add adult intensive inpatient treatment beds. The beds shall be procured from a nonprofit provider in Pierce county with existing capacity currently under contract with the department.*

*Sec. 212 was partially vetoed, see message at end of chapter.

***NEW SECTION. Sec. 213. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—MEDICAL ASSISTANCE PROGRAM**

General Fund—State Appropriation	\$ 968,684,000
General Fund—Federal Appropriation	\$ 1,058,273,000
General Fund—Local Appropriation	\$ 12,000,000
TOTAL APPROPRIATION	\$ 2,038,957,000

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

(1) \$10,853,000 of the general fund—state appropriation and \$11,832,000 of the general fund—federal appropriation is provided solely for a 3.1 percent vendor rate increase on January 1, 1992, and a 3.4 percent increase on January 1, 1993.

(2) \$2,262,000 of the general fund—state appropriation and \$2,763,000 of the general fund—federal appropriation is provided solely for the grant standard increase authorized in section 211 of this act.

(3) The department shall adopt measures to realize savings of \$7,500,000 in general fund—state expenditures for optional medicaid services or coverages as estimated in the March 1991 forecast estimate by the office of financial management. These limits or measures shall be effective no later than September 1, 1991, and shall be reported to the appropriate committees of the legislature by that date.

(4) The department shall establish standards for the use and frequency of use of reimbursable chiropractic services. The standards shall recognize the medical or therapeutic value of such services.

(5) The department shall continue disproportionate share payments and vendor payment advances to Harborview medical center. It is the intent of the legislature that Harborview medical center continue to be an economically viable component of the health care system and that the state's financial interest in Harborview medical center be recognized. To this end, the legislature requests that the chair of Harborview medical center board of trustees convene a work group consisting of state legislators and county elected officials, with representation from the University of Washington board of regents and administration, to discuss alternative governance strategies. The legislature requests that by

December 1, 1991, the work group submit to appropriate legislative committees recommendations to improve the structure and governance process of Harborview medical center. It is the intent of the legislature that Harborview medical center maintain its high standards of care through active participation in health research. Therefore, the legislature expects Harborview medical center to proceed with the renovation of Harborview hall.

(6) The department is authorized under 42 U.S.C. Sec. 1396b(a)(1) to pay third-party health insurance premiums for categorically needy medical assistance recipients upon a determination that payment of the health insurance premium is cost effective. In determining cost effectiveness, the department shall compare the amount, duration, and scope of coverage offered under the medical assistance program.

(7) The department shall continue variable ratable reductions for the medically indigent and general assistance—unemployable programs in effect November 1, 1988.

(8) \$14,473,000 of the general fund—state appropriation and \$17,566,000 of the general fund—federal appropriation are provided solely for the adult dental program for Title XIX categorically eligible and medically needy persons.

(9) \$125,000 of the general fund—state appropriation and \$150,000 of the general fund—federal appropriation are provided solely for a prenatal care project. The project shall be designed to triage low-income pregnant women according to health needs and to refer them through an equitable client distribution system to appropriate maternity care providers. The project shall be located in an urban county designated as a maternity care distressed area, with a high need for such services, as evidenced by the number of women unable otherwise to obtain care and by the rate of infant mortality and similar factors. The department shall give preference to existing programs that are at risk of termination due to lack of funding.

(10) Not more than \$261,000 from the appropriations in this section may be expended to implement chapter 233, Laws of 1991 (Substitute Senate Bill No. 5010, occupational therapy), subject to the adoption of savings measures by the department under subsection (3) of this section.

(11) The department shall, no later than January 1, 1992:

(a) Develop and effect medical assistance procedural codes and payments schedules for the following diabetic services to be provided to eligible persons in her or his home:

- (i) Home blood monitoring;*
- (ii) Insulation;*
- (iii) Intensive insulin therapy; and*
- (iv) Related foot care.*

(b) Reimbursement for such services may be limited to registered nurses who are certified in diabetes education and physicians who are board certified in endocrinology or diabetology.

(12) Within appropriated funds, the department shall increase total payments to managed care providers to reduce the gap between each provider's rate and the amount that providers would have received if rates were set at the state-wide fee-for-service equivalent. The department shall reduce the gap in a uniform manner. These increased payments shall be made in the form of signing bonuses.

*Sec. 213 was partially vetoed, see message at end of chapter.

NEW SECTION. Sec. 214. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—VOCATIONAL REHABILITATION PROGRAM

General Fund—State Appropriation	\$	16,601,000
General Fund—Federal Appropriation	\$	56,973,000
TOTAL APPROPRIATION	\$	73,574,000

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

(1) \$91,000 of the general fund—state appropriation is provided solely for vendor rate increases of 3.1 percent on January 1, 1992, and 3.4 percent on January 1, 1993.

(2) \$1,621,000 of the general fund—state appropriation and \$3,576,000 of the general fund—federal appropriation are provided solely to enhance vocational rehabilitation services.

***NEW SECTION. Sec. 215. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—ADMINISTRATION AND SUPPORTING SERVICES PROGRAM**

General Fund—State Appropriation	\$	53,529,000
General Fund—Federal Appropriation	\$	37,706,000
Industrial Insurance Premium Refund Account		
Appropriation	\$	80,000
TOTAL APPROPRIATION	\$	91,315,000

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

(1) \$400,000 of the general fund—state appropriation is provided solely to mitigate the impact of state institutions on local communities in the manner provided under RCW 72.72.030(1).

(2) \$500,000 of the general fund—state appropriation is provided solely to implement section 28 of chapter 315, Laws of 1991 (Engrossed Substitute Senate Bill No. 5555, timber family support centers).

(3) \$6,500,000 of the general fund—state appropriation may be expended for the implementation of the automated client eligibility system (ACES) only after:

(a) The ACES advanced planning document for implementation is approved by the federal government;

- (b) The ACES request for proposals for implementation is completed;
- (c) The department complies with section 902 of this act; and
- (d) The March 28, 1991, recommendations of the information services board are implemented.

If expenditures are made during fiscal year 1992 in compliance with this subsection, it is the intent of the legislature to appropriate to the department an equivalent sum in the 1992 supplemental appropriations act as replacement of the sums expended under this subsection.

*Sec. 215 was partially vetoed, see message at end of chapter.

***NEW SECTION. Sec. 216. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—COMMUNITY SERVICES ADMINISTRATION PROGRAM**

General Fund—State Appropriation	\$	221,996,000
General Fund—Federal Appropriation	\$	267,315,000
TOTAL APPROPRIATION	\$	489,311,000

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

(1) \$266,000 of the general fund—state appropriation and \$50,000 of the general fund—federal appropriation are provided solely for vendor rate increases of 3.1 percent on January 1, 1992, and 3.4 percent on January 1, 1993.

(2) \$1,748,000 of the general fund—state appropriation and \$1,748,000 of the general fund—federal appropriation are provided solely for the supplemental security income pilot project.

(3) \$500,000 of the general fund—state appropriation is provided solely to implant section 28 of Substitute Senate Bill No. 5555 (timber area assistance). If the bill is not enacted by July 31, 1991, the amount provided in this subsection shall lapse.

(4) \$266,000 of the general fund—state appropriation and \$492,000 of the general fund—federal appropriation are provided solely for development costs of the automated client eligibility system. Authority to expend these funds is conditioned on compliance with section 902 of this act.

(5) \$435,000 is provided solely for transfer by interagency agreement to the University of Washington for the continuation of the first steps evaluation. The legislative budget committee shall review the evaluation progress and deliverables. Overhead on the research contract shall continue at the 1989-91 level.

(6) Twenty percent of the local office staffing added for increased caseload shall be deployed to expand evening and/or weekend service hours. The department shall attempt to make these expanded hours consistent from week to week at any given site. The department shall inform recipients of the availability of expanded hours to assist them in the transition from public assistance to work. The department shall try to schedule appointments for recipients who work during these expanded hours. The department, to the

extent practicable, shall provide these expanded hours through flexible employee work hours and other methods that do not require overtime.

(7) \$250,000 of the general fund—state appropriation is provided solely for the delivery of information to new immigrants and legal aliens. The program shall emphasize information needed to help these individuals become healthy, productive members of their communities.

(8) The department shall establish procedures for the timely referral of general assistance clients not meeting the criteria for supplemental security income to employment, vocational, and educational services designed to assist them in entering the work force.

(9) \$636,600 of the general fund—state appropriation and \$1,181,400 of the general fund—federal appropriation are provided solely for transfer by interagency agreement to the legislative budget committee for an independent evaluation of the family independence program as required by section 14, chapter 434, Laws of 1987.

(10) \$1,000,000 of the general fund—state appropriation and \$1,000,000 of the general fund—federal appropriation are provided solely for transfer by interagency agreement to the institute for public policy at The Evergreen State College to continue to conduct a longitudinal study for public assistance recipients, pursuant to section 14, chapter 434, Laws of 1987.

(11) \$800,000 of the general fund—state appropriation is provided solely to expand refugee services.

(12) \$442,000 of the general fund—state appropriation and \$1,214,000 of the general fund—federal appropriation are provided solely for a grant standard increase for aid to families with dependent children, the family independence program, general assistance—special, supplemental security income additional requirements, consolidated emergency assistance, and refugee assistance. The increase shall equal 3.1 percent on January 1, 1992, and 3.4 percent on January 1, 1993.

(13) \$600,000 of the general fund—state appropriation is provided solely for transfer by interagency agreement to the office of the superintendent of public instruction for the purpose of English as a second language courses.

*Sec. 216 was partially vetoed, see message at end of chapter.

NEW SECTION. Sec. 217. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—REVENUE COLLECTIONS PROGRAM

General Fund—State Appropriation	\$	43,979,000
General Fund—Federal Appropriation	\$	90,407,000
General Fund—Local Appropriation	\$	280,000
Public Safety and Education Account Appropriation	\$	5,100,000
TOTAL APPROPRIATION	\$	139,766,000

The appropriations in this section are subject to the following conditions and limitations: \$5,100,000 from the public safety and education account appropria-

tion is provided solely to county officials to provide child support enforcement services.

NEW SECTION. Sec. 218. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—PAYMENTS TO OTHER AGENCIES PROGRAM

General Fund—State Appropriation	\$	33,062,000
General Fund—Federal Appropriation	\$	11,516,000
TOTAL APPROPRIATION	\$	44,578,000

***NEW SECTION. Sec. 219. FOR THE WASHINGTON STATE HEALTH CARE AUTHORITY**

State Health Care Authority Administrative Account

Appropriation	\$	9,357,000
General Fund Appropriation	\$	366,000
TOTAL APPROPRIATION	\$	9,723,000

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

(1) \$2,261,000 of the state health care authority administrative account appropriation is provided solely to implement the recommendations of the health care purchasing study concerning the use of diagnostic-related groups for hospital care, the implementation of a resource-based relative value scale for physicians' fees, and new prescription drug policies. The departments of social and health services, veteran's affairs, health, corrections, and other state agencies that purchase or oversee health care services shall work cooperatively with the health care authority to implement the study's recommendations.

(2) The state employees' benefits board shall consider developing and offering to employees a health care benefit plan that minimizes the impact of deductibles, copayments, or coinsurance on lower-paid employees by using a sliding scale or a means test for out-of-pocket expenses.

(3) The general fund appropriation is provided solely for the operations of the health care commission.

(4) The health care authority shall conduct a study of health care coverage for retired and disabled state, local government, and public school employees. The study shall include, but not be limited to:

(a) Collection of information regarding the cost to both employers and retired or disabled employees of health care coverage, the level of employer subsidization of retiree health care premiums, and the types and prevalence of use of coverage available through employers;

(b) Evaluation of the feasibility and cost of allowing retired and disabled public employees to continue coverage under plans offered through their employers at a reasonable cost to the employees;

- (c) *Evaluation of the feasibility and cost of allowing retired and disabled public employees to participate in plans offered by the state employees' benefits board even if the employees did not participate in such plans while active; and*
- (d) *Development of mechanisms to prefund health care coverage for retired and disabled employees.*

The health care authority may form technical advisory committees with representatives from active and retired employee groups, employers, the legislature, the executive branch, and the private sector to assist with the study. The health care authority shall submit its findings and recommendations to the governor and the legislature by December 1, 1991.

*Sec. 219 was partially vetoed, see message at end of chapter.

***NEW SECTION. Sec. 220. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT**

General Fund—State Appropriation	\$	102,767,000
General Fund—Federal Appropriation	\$	153,195,000
General Fund—Private/Local Appropriation	\$	1,370,000
Public Safety and Education Account		
Appropriation	\$	5,532,000
Building Code Council Account Appropriation	\$	924,000
Public Works Assistance Account Appropriation	\$	1,022,000
Fire Service Training Account Appropriation	\$	803,000
State Toxics Control Account Appropriation	\$	556,000
Drug Enforcement and Education Account		
Appropriation	\$	4,188,000
Low Income Weatherization Account Appropriation	\$	2,563,000
Washington Housing Trust Fund Appropriation	\$	13,500,000
Oil Spill Administration Account Appropriation	\$	395,000
TOTAL APPROPRIATION	\$	286,815,000

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

- (1) \$5,331,000 of the general fund—state appropriation and \$2,500,000 of the general fund—federal appropriation are provided solely for the early childhood education and assistance program.
- (2) \$970,000 of the general fund—state appropriation is provided solely for the department to offer technical assistance to timber-dependent communities in economic diversification and revitalization efforts, as authorized by section 9, chapter 314, Laws of 1991 (Engrossed Substitute House Bill No. 1341, timber-dependent communities).
- (3) \$750,000 of the general fund—state appropriation is provided solely for mortgage assistance in timber-dependent communities as authorized in sections 23 through 27, chapter 315, Laws of 1991 (Engrossed Substitute Senate Bill No. 5555, timber areas assistance).

(4) \$400,000 of the general fund—state appropriation is provided solely for a state-wide stabilization program for arts organizations that have annual budgets exceeding \$200,000. The grants authorized in this subsection shall be made to individual arts organizations. No portion of this amount may be expended for a grant without equal matching funds from nonstate sources. No organization may receive a grant without a written contract. No money may be paid under the contract unless the grantee has operated without a deficit during the contract period, which shall be for at least one year, beginning no earlier than July 1, 1991.

(5) \$50,000 of the general fund—state appropriation is provided solely as a pass-through grant to the city of Vancouver for costs associated with the Medal of Honor project.

(6) \$3,213,000 of the general fund—state appropriation is provided solely for emergency food assistance authorized under section 201, chapter 336, Laws of 1991 (Second Substitute Senate Bill No. 5568, hunger and nutrition). Of this amount, \$2,913,000 shall be allocated by the department for the purpose of supporting the operation of food banks, food distribution programs, and tribal voucher programs, for the purchase, transportation and storage of food under the emergency food assistance program. These funds may be used to purchase food for people with special nutritional needs. The remaining \$300,000 shall be allocated to food banks in timber-dependent communities, as defined in chapter 314, Laws of 1991 (Engrossed Substitute House Bill No. 1341, timber-dependent communities).

(7) \$20,000 of the general fund—state appropriation is provided solely for a grant for the Children's Museum.

(8) \$300,000 of the general fund—state appropriation is provided solely for continuation of the Washington state games.

(9) \$300,000 of the general fund—state appropriation is provided solely for continuation of the community economic diversification program under chapter 43.63A RCW.

(10) \$68,000 of the state building code council appropriation is provided solely to implement chapter 347, Laws of 1991 (Engrossed Substitute House Bill No. 2026, water resources management).

(11) \$14,539,000 of the general fund—state appropriation is provided solely for growth management planning grants to local governments.

(12) \$7,739,000 of the general fund—state appropriation is provided solely to implement Engrossed Substitute House Bill No. 1025 (growth management). If this bill is not enacted by July 31, 1991, \$5,239,000 of the amount provided in this subsection shall lapse. Of the amount provided in this subsection:

(a) \$4,250,000 is provided solely for planning grants to local governments additional to those provided for under subsection (11) of this section;

(b) \$1,000,000 is provided solely to conduct environmental planning pilot projects; and

(c) \$975,000 is provided solely to contract with the environmental hearings office for three growth planning hearings boards. A maximum of \$1,950,000 of the amount provided in this subsection (12) may be used for this purpose.

(13) \$7,955,000 of the general fund—federal appropriation is provided solely for the drug control and system improvement formula grant program, to be distributed as follows:

(a) \$4,400,000 to local units of government to continue existing local drug task forces.

(b) \$800,000 to local units of government for urban projects.

(c) \$766,000 to the department of community development to continue the state-wide drug prosecution assistance program.

(d) \$170,000 to the department of community development for a state-wide drug offense indigent defense program.

(e) \$440,000 to the department of community development for drug education programs in the common schools. The department shall give priority to programs in underserved areas. The department shall direct the funds to education programs that employ either local law enforcement officers or state troopers.

(f) \$50,000 to the Washington state patrol for data management.

(g) \$225,000 to the Washington state patrol for a technical support unit.

(h) \$375,000 to the Washington state patrol for support of law enforcement task forces.

(i) \$120,000 to the Washington state patrol for continued funding for a clandestine drug lab unit. The patrol shall coordinate activities related to the clandestine drug lab unit with the department of ecology to ensure maximum effectiveness of the program.

(j) \$150,000 to the Washington state patrol for coordination of local drug task forces.

(k) \$279,000 to the department of community development for allocation to public or private nonprofit groups or organizations with experience and expertise in the field of domestic violence, for the purpose of continuing existing domestic violence advocacy programs, providing legal and other assistance to victims and witnesses in court proceedings, and establishing new domestic violence advocacy programs.

(l) \$180,000 to the department of community development for general administration of grants.

(14) \$500,000 of the general fund—state appropriation is provided solely for fire protection contracts. The department shall award contracts for cities and towns where state-owned facilities constitute fifteen percent of the total valuation of property within the jurisdiction, and where the city or town does not have an existing agreement with a state agency for fire protection reimbursement.

(15) \$1,080,000 of the general fund—state appropriation is provided solely for continuation of the urban-rural links grant program established under the growth management act of 1990.

(16) \$300,000 of the public safety and education account appropriation is provided solely for legal advocacy services to victims of sexual assault under chapter 267, Laws of 1991 (Engrossed Substitute House Bill No. 1534, sexual assault investigation).

(17) \$395,000 of the oil spill administration account appropriation is provided solely to implement chapter 200, Laws of 1991 (Engrossed Substitute House Bill No. 1027, oil and hazardous substance spill prevention and response).

(18) \$75,000 of the general fund—state appropriation is provided solely for the Mount St. Helen's monitoring system.

(19) \$340,000 of the general fund—state appropriation is provided solely to replace lost federal funds for continued support of the community development finance program.

(20) \$200,000 of the general fund—state appropriation is provided solely to continue assistance to Okanogan county to address impacts associated with tourism developments.

(21) \$46,000 of the general fund—state appropriation is provided solely to implement chapter 297, Laws of 1991 (Substitute Senate Bill No. 5143 recycled products).

(22) \$250,000 of the general fund—state appropriation is provided solely to provide technical assistance and managerial support to nonprofit community-based organizations by:

(a) Acting as a clearinghouse for and providing information and referral services;

(b) Providing management training courses designed for nonprofit managers, staff, and boards;

(c) Providing direct assistance to individual organizations;

(d) Assisting organizations in soliciting and managing volunteers; and

(e) Coordinating activities with the state volunteer center, other state agencies, local service providers, and other volunteer organizations giving similar assistance.

If Substitute Senate Bill No. 5581 (community partnership program) is enacted by July 31, 1991, the amount provided in this subsection is provided solely to implement the bill.

(23) \$40,000 of the general fund—state appropriation is provided solely to continue the circuit-rider program, which provides technical and managerial assistance to cities and counties.

(24) \$50,000 of the general fund—state appropriation is provided solely to provide technical assistance to local governments to help them implement screening procedures, service delivery standards, and cost recovery, and the other requirements of RCW 10.101.020, 10.101.030, and 10.101.040. If Substitute Senate Bill No. 5072 (indigent defense task force) is enacted by July 31, 1991, the amount provided in this subsection is provided solely to implement the bill.

(25) \$50,000 of the general fund—state appropriation is provided solely for Washington’s share of costs associated with the Bi-State Policy Advisory Committee.

(26) The department shall not reduce grants or contracts in assistance of units of government without prior notification to the appropriate legislative committees.

(27) \$25,000 of the general fund—state appropriation is provided solely for a contract with an organization representing persons with disabilities. Under the contract, the organization shall provide legal advocacy to ensure that the state, as trustee, is fully complying with the fiduciary duties owed to persons with disabilities, pursuant to trusts established under state and federal law.

*Sec. 220 was partially vetoed, see message at end of chapter.

NEW SECTION. Sec. 221. FOR THE HUMAN RIGHTS COMMISSION

General Fund—State Appropriation	\$	4,292,000
General Fund—Federal Appropriation	\$	942,000
General Fund—Private/Local Appropriation	\$	520,000
TOTAL APPROPRIATION	\$	5,754,000

The appropriations in this section are subject to the following conditions and limitations: \$520,000 of the general fund—local/private appropriation is provided solely for the provision of technical assistance services by the department.

NEW SECTION. Sec. 222. FOR THE BOARD OF INDUSTRIAL INSURANCE APPEALS

Public Safety and Education Account		
Appropriation	\$	110,000
Worker and Community Right-to-Know Account		
Appropriation	\$	20,000
Accident Fund Appropriation	\$	8,373,000
Medical Aid Fund Appropriation	\$	8,373,000
TOTAL APPROPRIATION	\$	16,876,000

NEW SECTION. Sec. 223. FOR THE CRIMINAL JUSTICE TRAINING COMMISSION

General Fund Appropriation	\$	66,000
Death Investigations Account Appropriation	\$	36,000
Public Safety and Education Account		
Appropriation	\$	12,016,000
Drug Enforcement and Education Account		
Appropriation	\$	370,000
TOTAL APPROPRIATION	\$	12,488,000

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

(1) \$33,000 of the general fund appropriation is provided solely to implement chapter 328, Laws of 1991 (Engrossed Substitute House Bill No. 1181, private detectives licensing).

(2) \$33,000 of the general fund appropriation is provided solely to implement chapter 334, Laws of 1991 (Second Substitute Senate Bill No. 5124, security guards licensing).

NEW SECTION. Sec. 224. FOR THE DEPARTMENT OF LABOR AND INDUSTRIES

General Fund Appropriation	\$	10,708,000
Public Safety and Education Account State		
Appropriation	\$	21,226,000
Public Safety and Education Account Federal		
Appropriation	\$	4,480,000
Accident Fund Appropriation	\$	131,416,000
Electrical License Fund Appropriation	\$	15,230,000
Farm Labor Revolving Account Appropriation	\$	30,000
Medical Aid Fund Appropriation	\$	148,883,000
Plumbing Certificate Fund Appropriation	\$	649,000
Pressure Systems Safety Fund Appropriation	\$	1,898,000
Worker and Community Right-to-Know Fund		
Appropriation	\$	2,112,000
TOTAL APPROPRIATION	\$	336,632,000

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

(1) \$8,970,229 from the accident fund appropriation; \$7,265,063 from the medical aid fund appropriation; \$714,163 from the electrical license fund appropriation; \$41,139 from the plumbing certificate fund appropriation; \$92,956 from the pressure systems safety fund appropriation; \$317 from the public safety and education account appropriation; and \$12,448 from the worker and community right-to-know fund appropriation are provided solely for information systems projects named in this section. Authority to expend these moneys is conditioned on compliance with section 902 of this act. For the purposes of this section, "information systems projects" means the projects known by the following names or successor names: Document imaging, state fund information system, safety and health information management system, and local area network/wide area network data communications.

(2) \$50,000 of the accident fund appropriation and \$50,000 of the medical aid fund appropriation are provided solely to implement Substitute Senate Bill No. 5374 (labor/management cooperative program).

(3) \$2,466,500 from the accident fund appropriation and \$2,466,500 from the medical aid fund appropriation is provided solely to increase the claims management staffing levels.

(4) \$263,500 from the accident fund appropriation and \$263,500 from the medical aid fund appropriation are provided solely to increase the staffing levels of the asbestos-related disease claims filed with the department.

(5) \$1,920,150 from the accident fund appropriation and \$338,850 from the medical aid fund appropriation are provided solely to increase staffing levels for work environment improvement safety and health package.

(6) \$70,000 from the accident fund appropriation and \$70,000 from the medical aid fund appropriation are provided solely to add one additional staff to establish a return-to-work program for all state agencies and institutions of higher education.

(7) \$42,000 of the medical aid fund appropriation and \$42,000 of the accident fund appropriation are provided solely for an additional adjudicator position to assist in monitoring complaints and compliance of self-insured employers.

NEW SECTION. Sec. 225. FOR THE INDETERMINATE SENTENCE REVIEW BOARD

General Fund Appropriation	\$	3,247,000
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NEW SECTION. Sec. 226. FOR THE DEPARTMENT OF VETERANS AFFAIRS

General Fund—State Appropriation	\$	21,839,000
General Fund—Federal Appropriation	\$	6,708,000
General Fund—Local Appropriation	\$	10,429,000
TOTAL APPROPRIATION	\$	38,976,000

The appropriations in this section are subject to the following conditions and limitations: \$300,000 of the general fund—state appropriation is provided solely for the expansion of services for counseling of Vietnam veterans for post-traumatic stress disorder. This counseling shall be provided in a joint effort between existing community mental health systems and the department. The department shall place a priority on the delivery of these services to minority veterans.

***NEW SECTION. Sec. 227. FOR THE DEPARTMENT OF HEALTH**

General Fund—State Appropriation	\$	132,613,000
General Fund—Federal Appropriation	\$	109,011,000
General Fund—Local Appropriation	\$	16,100,000
Hospital Commission Account Appropriation	\$	2,919,000
Medical Disciplinary Account Appropriation	\$	1,677,000
Health Professions Account Appropriation	\$	25,237,000
Public Safety and Education Account Appropriation	\$	90,000

State Toxics Control Account Appropriation	\$	3,321,000
Drug Enforcement and Education Account Appropriation	\$	492,000
Medical Test Site Licensure Account Appropriation	\$	489,000
Safe Drinking Water Account Appropriation	\$	710,000
TOTAL APPROPRIATION	\$	292,659,000

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

(1) \$3,312,000 of the general fund—state appropriation is provided solely to implement the Puget Sound water quality management plan.

(2) \$3,500,000 of the general fund—state appropriation is provided solely to increase funding to regional AIDS service networks to address growth in the number of persons living with AIDS. Seventy-five percent of these funds shall be allocated on the basis of reported incidence of surviving Class IV AIDS cases and twenty-five percent shall be distributed on the basis of each region's population. Ongoing funding for each regional AIDS service network shall continue at 1989-91 levels.

(3) \$5,000,000 of the general fund—state appropriation is provided solely for enhancement of the women, infants, and children nutritional program pursuant to section 101, chapter 366, Laws of 1991 (Second Substitute Senate Bill No. 5568, hunger/nutritional problems).

(4) \$165,000 of the general fund—state appropriation is provided solely to provide inflation adjustments of 3.1 percent on January 1, 1992, and 3.4 percent on January 1, 1993 for current medical and dental services provided by community clinics.

(5) \$1,000,000 of the general fund—state appropriation is provided solely for expanding the high priority infant tracking program.

(6) \$2,410,000 of the general fund—state appropriation is provided solely to continue implementation of the trauma system plan.

(7) \$2,400,000 of the general fund—state appropriation is provided solely for expansion of migrant health clinic services.

(8) \$1,100,000 of the general fund—state appropriation is provided solely for expanding by 1000 the number of women funded through the state-only prenatal program.

(9) The entire safe drinking water account appropriation is provided solely to implement chapter 304, Laws of 1991 (Substitute House Bill No. 1709, water system operating permit).

(10) \$450,000 of the general fund—state appropriation provided solely for implementation of chapter 332, Laws of 1991 (Engrossed Substitute House Bill No. 1960, health professions practice).

(11) \$1,000,000 of the general fund—state appropriation is provided solely for a grant to a nonprofit agency whose major goal is AIDS prevention and education.

*Sec. 227 was partially vetoed, see message at end of chapter.

NEW SECTION. Sec. 228. FOR THE DEPARTMENT OF CORRECTIONS

(1) COMMUNITY CORRECTIONS

General Fund Appropriation	\$	106,548,000
Drug Enforcement and Education Account		
Appropriation	\$	7,604,000
Public Safety and Education Account Appropriation	\$	200,000
TOTAL APPROPRIATION	\$	114,352,000

The appropriations in this subsection are limited to the following conditions and limitations:

(a) \$200,000 from the public safety and education account appropriation is provided solely for comprehensive local criminal justice planning under the county partnership program pursuant to RCW 72.09.300.

(b) \$75,000 of the general fund—state appropriation is provided solely to implement chapter 147, Laws of 1991 (Substitute Senate Bill No. 5128, witness notification).

(2) INSTITUTIONAL SERVICES

General Fund Appropriation	\$	358,209,000
Drug Enforcement and Education Account		
Appropriation	\$	25,837,000
TOTAL APPROPRIATION	\$	384,046,000

(3) ADMINISTRATION AND PROGRAM SUPPORT

General Fund Appropriation	\$	37,651,000
Drug Enforcement and Education Account		
Appropriation	\$	2,140,000
Industrial Insurance Premium Refund Account		
Appropriation	\$	72,000
TOTAL APPROPRIATION	\$	39,863,000

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

(a) \$350,000 of the general fund appropriation is provided solely to mitigate the impact of state institutions on local communities in the manner provided under RCW 72.72.030(2).

(b) \$125,000 of the general fund appropriation is provided solely for an additional affirmative action officer.

(4) CORRECTIONAL INDUSTRIES

General Fund Appropriation	\$	3,526,000
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NEW SECTION. Sec. 229. FOR THE DEPARTMENT OF SERVICES FOR THE BLIND

General Fund—State Appropriation	\$	2,957,000
General Fund—Federal Appropriation	\$	7,969,000
TOTAL APPROPRIATION	\$	10,926,000

The appropriations in this section are subject to the following conditions and limitations: \$47,000 of the general fund—state appropriation is provided solely for vendor rate increases of 3.1 percent on January 1, 1992, and 3.4 percent on January 1, 1993.

NEW SECTION. Sec. 230. FOR THE WASHINGTON BASIC HEALTH PLAN

General Fund Appropriation	\$	45,768,000
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The appropriation in this section is subject to the following conditions and limitations:

(1) The basic health plan may enroll up to 24,000 members during the 1991-93 biennium.

(2) At least 2,000 of the 4,000 members added must be from timber communities on the Olympic Peninsula and southwest Washington that were not served by the plan during 1989-91, pursuant to section 22, chapter 315, Laws of 1991 (Engrossed Substitute Senate Bill No. 5555, timber assistance).

(3) Plan enrollment may exceed 24,000 by up to 1,300, beginning January 1, 1993, if coordination of benefits with medicaid is in place and will result in savings of at least \$4,500,000 from the state general fund by June 30, 1993. Before expanding enrollment, the plan shall report to the fiscal committees of the house of representatives and senate on the anticipated savings level.

(4) A maximum of \$4,151,000 of the general fund appropriation may be expended for administration of the plan.

NEW SECTION. Sec. 231. FOR THE SENTENCING GUIDELINES COMMISSION

General Fund Appropriation	\$	628,000
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***NEW SECTION. Sec. 232. FOR THE EMPLOYMENT SECURITY DEPARTMENT**

General Fund—State Appropriation	\$	32,000
General Fund—Federal Appropriation	\$	133,302,000
General Fund—Local Appropriation	\$	9,329,000
Administrative Contingency Fund—Federal Appropriation	\$	11,808,000
Unemployment Compensation Administration Fund Federal Appropriation	\$	130,803,000
Employment Service Administration Account Federal Appropriation	\$	9,837,000
TOTAL APPROPRIATION	\$	295,111,000

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

(1) \$1,278,000 of the unemployment compensation administration fund—federal appropriation is provided solely to implement sections 3, 4, 5 and 9 of chapter 315, Laws of 1991 (Engrossed Substitute Senate Bill No. 5555, timber areas assistance) for administration of extended unemployment benefits.

(2) \$70,000 of the administrative contingency fund—federal appropriation is provided solely to implement section 30 of chapter 315, Laws of 1991, (Engrossed Substitute Senate Bill No. 5555, timber areas assistance) for the department to contract with the department of community development for support of existing employment centers in timber-dependent communities.

(3) \$240,000 of the administrative contingency fund—federal appropriation is provided solely for the department to contract with the department of community development for support of existing reemployment support centers.

(4) \$160,000 of the administrative contingency fund—federal appropriation is provided solely for transfer to the department of trade and economic development for administrative costs of the child care facility fund to implement chapter 248, Laws of 1991 (Substitute Senate Bill No. 5583, child care facility fund).

(5) \$600,000 of the administrative contingency fund—federal appropriation is provided solely for transfer to the department of social and health services division of vocational rehabilitation solely to contract with the Washington initiative for supported employment for the purpose of continuing the promotion of supported employment services for persons with significant disabilities. Any agreement for the use of a portion of the moneys provided in this subsection shall require that an amount equal to at least one-half of that portion be contributed from nonstate sources for the same purpose. The department shall audit the nonprofit organization at the end of the biennium to ensure that the organization has secured the required matching fund.

(6) \$1,000,000 of the administrative contingency fund—federal appropriation is provided solely to implement sections 5 through 9 of chapter 315, Laws of 1991 (Engrossed Substitute Senate Bill No. 5555, countercyclical program for timber-impacted areas).

(7) \$500,000 of the administrative contingency fund—federal appropriation is provided solely to implement section 3 of chapter 315, Laws of 1991 (Engrossed Substitute Senate Bill No. 5555, self-employment enterprise development program for timber areas).

(8) \$2,322,000 of the administrative contingency administration fund—federal appropriation is provided solely for the corrections clearinghouse coordinator, corrections clearinghouse ex-offender program, and the corrections clearinghouse career awareness program.

(9) \$2,650,000 of the administrative contingency administration fund—federal appropriation is provided solely for the Washington service corps program.

(10) \$287,000 of the administrative contingency administration fund—federal appropriation is provided solely for the resource center for the handicapped.

(11) The appropriations in this section from the administrative contingency fund—federal appropriation are based on a fund revenue forecast of \$12,112,000 for the 1991-93 biennium, including the 1989-91 ending fund balance. In order to maintain the programs funded by the administrative contingency fund and to provide the legislature the opportunity to appropriate supplemental moneys in the case of a shortfall in revenue to the fund, the department shall not reduce expenditures for the programs identified in subsections (2) through (10) of this section from the administrative contingency fund pursuant to RCW 43.88.110 until fiscal year 1993.

(12) From federal funds received by the department for the purpose of assisting displaced timber workers, the department shall make funds available to implement a pilot program for dislocated timber worker training as provided in section 16 of chapter 315, Laws of 1991 (Engrossed Substitute Senate Bill No. 5555, timber assistance). The program shall be developed with the Skagit Valley community college to provide training opportunities for dislocated workers in the areas of fisheries, wildlife, recreation, and other natural resource professions. The department shall consult with the departments of natural resources, ecology, wildlife, fisheries, and the state parks and recreation commission in developing the program.

*Sec. 232 was partially vetoed, see message at end of chapter.

**PART III
NATURAL RESOURCES**

NEW SECTION. Sec. 301.

FOR THE STATE ENERGY OFFICE

General Fund—State Appropriation	\$	2,359,000
General Fund—Federal Appropriation	\$	20,433,000
General Fund—Private/Local Appropriation	\$	5,640,000
Geothermal Account—Federal Appropriation	\$	40,000
Building Code Council Account Appropriation	\$	86,000
Air Pollution Control Account Appropriation	\$	6,830,000
Energy Code Training Account Appropriation	\$	121,000
Energy Efficiency Services Account Appropriation	\$	1,008,000
TOTAL APPROPRIATION	\$	36,517,000

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

(1) \$43,000 of the general fund—state appropriation is provided solely to maintain the database for the state hydropower plan.

(2) \$292,000 of the general fund—state appropriation and all of the energy efficiency services account appropriation are provided solely to implement chapter 201, Laws of 1991 (Engrossed Substitute Senate Bill No. 5245, energy policy development).

(3) The entire air pollution control account appropriation is provided solely to implement chapter 199, Laws of 1991 (Engrossed Substitute House Bill No. 1028, air pollution control) and chapter 202, Laws of 1991 (Second Substitute House Bill No. 1671, growth strategies and transportation planning). It is the intent of the legislature that revenue generated from fees established by chapter 199, Laws of 1991 may be used for purposes of implementing chapter 202, Laws of 1991.

NEW SECTION. Sec. 302. FOR THE COLUMBIA RIVER GORGE COMMISSION

General Fund—State Appropriation	\$	537,000
General Fund—Private/Local Appropriation	\$	516,000
TOTAL APPROPRIATION	\$	1,053,000

***NEW SECTION. Sec. 303. FOR THE DEPARTMENT OF ECOLOGY**

General Fund—State Appropriation	\$	65,589,000
General Fund—Federal Appropriation	\$	38,234,000
General Fund—Private/Local Appropriation	\$	1,015,000
Flood Control Assistance Account Appropriation	\$	3,999,000
Special Grass Seed Burning Research Account		
Appropriation	\$	132,000
Reclamation Revolving Account Appropriation	\$	513,000
Emergency Water Project Revolving Account		
Appropriation: Appropriation pursuant to		
chapter 1, Laws of 1977 ex.s.	\$	300,000
Litter Control Account Appropriation	\$	7,674,000
State and Local Improvements Revolving Account—		
Waste Disposal Facilities: Appropriation		
pursuant to chapter 127, Laws of 1972		
ex.s. (Referendum 26)	\$	2,547,000
State and Local Improvements Revolving Account—		
Waste Disposal Facilities 1980: Appropriation		
pursuant to chapter 159, Laws of 1980		
(Referendum 39)	\$	908,000
State and Local Improvements Revolving Account—		
Water Supply Facilities: Appropriation pursuant		
to chapter 234, Laws of 1979 ex.s.		
(Referendum 38)	\$	1,298,000
Stream Gaging Basic Data Fund Appropriation	\$	302,000
Vehicle Tire Recycling Account Appropriation	\$	7,820,000
Water Quality Account Appropriation	\$	3,461,000

Wood Stove Education Account Appropriation	\$	1,380,000
Worker and Community Right-to-Know Fund		
Appropriation	\$	393,000
State Toxics Control Account—State Appropriation	\$	48,128,000
State Toxics Control Account—Federal Appropriation	\$	7,527,000
Local Toxics Control Account Appropriation	\$	3,220,000
Water Quality Permit Account Appropriation	\$	14,532,000
Solid Waste Management Account Appropriation	\$	7,918,000
Underground Storage Tank Account Appropriation	\$	3,862,000
Hazardous Waste Assistance Account Appropriation	\$	5,543,000
Air Pollution Control Account Appropriation	\$	7,955,000
Aquatic Lands Enhancement Account Appropriation	\$	50,000
Oil Spill Response Account Appropriation	\$	2,863,000
Oil Spill Administration Account Appropriation	\$	3,104,000
Fresh Water Aquatic Weed Control Account		
Appropriation	\$	895,000
Air Operating Permit Account Appropriation	\$	2,511,000
TOTAL APPROPRIATION	\$	243,673,000

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

(1) \$9,462,000 of the general fund—state appropriation and \$1,149,000 of the general fund—federal appropriation are provided solely for the implementation of the Puget Sound water quality management plan.

(2) \$5,640,000 of the general fund—state appropriation is provided solely for the auto emissions inspection and maintenance program. The amount provided in this subsection is contingent upon a like amount being deposited in the general fund from auto emission inspection fees in accordance with RCW 70.120.170(4).

(3) \$1,323,000 of the general fund—state appropriation is provided solely for water resource management activities associated with the continued implementation of the growth management act (chapter 17, Laws of 1990 1st ex.s.).

(4) \$1,000,000 of the general fund—state appropriation and \$578,000 of the water quality permit account appropriation are provided solely to carry out the recommendations of the commission on efficiency and accountability in government concerning the wastewater discharge permit program.

(5) \$961,000 of the general fund—state appropriation, \$3,459,000 of the general fund—federal appropriation, and \$2,316,000 of the air pollution control account appropriation are provided solely for grants to local air pollution control authorities.

(6) The aquatic lands enhancement account appropriation is provided solely for the department to: (a) Conduct a sediment transport study of the Nooksack river to determine the amount of material that would have to be removed from

the river to minimize flooding; and (b) develop an environmental assessment, of the Nooksack river and, based on this assessment, develop a sand and gravel management plan, for the river. In preparing the management plan, the department shall seek input from appropriate state and local agencies, Indian tribes, and other interested parties to the maximum extent feasible. The department shall prepare the management plan in such a manner that the plan can be used as a model for future plans that may be developed for other state rivers.

(7) \$491,000 of the general fund—state appropriation is provided solely to implement chapter 347, Laws of 1991 (Engrossed Substitute House Bill No. 2026, water resources management).

(8) \$6,000,000 of the state toxics control account appropriation is provided solely for the following purposes:

(a) To conduct remedial actions for sites for which there are no potentially liable persons or for which potentially liable persons cannot be found;

(b) To provide funding to assist potentially liable persons under RCW 70.105D.070(2)(d)(xi) to pay for the cost of the remedial actions; and

(c) To conduct remedial actions for sites for which potentially liable persons have refused to comply with the orders issued by the department under RCW 70.105D.030 requiring the persons to provide the remedial action.

(9) \$3,104,000 of the oil spill administration account appropriation and the entire oil spill response account appropriation are provided solely to implement chapter 200, Laws of 1991 (Engrossed Substitute House Bill No. 1027, oil and hazardous substance spill prevention and response).

(10) \$100,000 of the general fund—state appropriation is provided solely as state matching funds for the Columbia basin irrigation project.

(11) \$286,000 of the general fund—state appropriation is provided solely to implement chapter 350, Laws of 1991 (Second Substitute Senate Bill No. 5358, water system inerties).

(12) \$139,000 of the solid waste management account appropriation is provided solely to implement chapter 297, Laws of 1991 (Senate Bill No. 5143, recycled products procurement).

(13) \$30,000 of the general fund—state appropriation is provided solely for the department's participation in the Pacific Ocean resources management compact.

(14) \$200,000 of the general fund—state appropriation is provided solely to implement chapter 273, Laws of 1991 (House Bill No. 2021, joint water resource policy committee).

(15) \$100,000 of the state toxics control account appropriation is provided for a study on the need for regional hazardous materials response teams. The study shall include, but not be limited to, the following items: Review of existing services, determination of where services are needed and the risks of not providing those services, funding requirements, equipment standards, training, mutual aid between jurisdictions, liability, and cost recovery. The study shall include specific recommendations on each of these items. Furthermore, the study

shall include a specific recommendation on how to implement regional teams based upon geographic location and public exposure. The study shall include a review of steps taken in Oregon to address these problems. The state emergency response commission shall act as the steering committee for the study. Representatives from adjoining states may be requested to assist the commission.

(16) The entire fresh water aquatic weed control account appropriation is provided solely to implement chapter 302, Laws of 1991 (Engrossed Substitute House Bill No. 1389, aquatic plant regulation).

(17) *The department shall provide \$450,000 to the department of wildlife from the coastal protection fund for wildlife rehabilitative services.*

*Sec. 303 was partially vetoed, see message at end of chapter.

NEW SECTION. Sec. 304. FOR THE WASHINGTON POLLUTION LIABILITY REINSURANCE PROGRAM

Pollution Liability Insurance Trust Program \$ 878,000

NEW SECTION. Sec. 305. FOR THE STATE PARKS AND RECREATION COMMISSION

General Fund—State Appropriation \$ 38,450,000

General Fund—Federal Appropriation \$ 1,683,000

General Fund—Private/Local Appropriation \$ 1,043,000

Trust Land Purchase Account Appropriation \$ 14,935,000

Winter Recreation Program Account Appropriation \$ 832,000

ORV (Off-Road Vehicle) Account Appropriation \$ 225,000

Snowmobile Account Appropriation \$ 1,283,000

Millersylvania State Park—Private/Local
Appropriation \$ 9,000

Public Safety and Education Account
Appropriation \$ 50,000

Motor Vehicle Fund Appropriation \$ 1,112,000

Oil Spill Administration Account Appropriation \$ 61,000

TOTAL APPROPRIATION \$ 59,683,000

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

(1) The commission shall conduct a review of fees charged to park users. The commission's review shall: (a) Examine current park use, including use by campers, day users, boaters, recreational vehicle operators, and other users of park facilities; (b) examine the extent to which user groups pay park fees to support their use of park facilities; and (c) propose alternatives to the current structure of park fees that equitably distribute the cost of operating state parks among the various user groups. The commission shall submit the results of the review to the office of financial management and the appropriate committees of the legislature by January 1, 1992.

(2) \$65,000 of the trust land purchase account appropriation is provided solely for preparation of a conceptual plan for future alpine skiing facilities and

service levels at Mount Spokane State Park. In preparing the plan, the commission shall: (a) Reevaluate the goals and objectives of the alpine ski area; (b) examine current functions of the alpine ski area including lodge use, ski patrol operations, food and beverage services, equipment rentals, grooming of slopes, selection and maintenance of ski runs, and customer service and public relations; (c) determine how to provide reasonable opportunities for the use of the alpine ski area for all members of the skiing public; and (d) propose alternatives to the current management approach. The commission shall submit the plan to the office of financial management and the appropriate committees of the legislature by August 1, 1992.

(3) \$120,000 of the trust land purchase account appropriation is provided solely for the scenic rivers program.

(4) \$644,000 of the trust land purchase account appropriation is provided solely to repair damage to state parks facilities caused by November and December, 1990, and January, 1991, storms.

(5) \$294,000 of the general fund state appropriation is provided solely to implement the Puget Sound water quality management plan.

(6) The entire trust land purchase account appropriation is provided solely for costs associated with the administration, maintenance, and operation of state parks and other state parks programs.

(7) \$61,000 of the oil spill administration account appropriation is provided solely to implement chapter 200, Laws of 1991 (Engrossed Substitute House Bill No. 1027, oil and hazardous substance spill prevention and response).

NEW SECTION. Sec. 306. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Outdoor Recreation Account—State Appropriation	\$	2,172,000
Outdoor Recreation Account—Federal Appropriation	\$	32,000
Firearms Range Account Appropriation	\$	44,000
TOTAL APPROPRIATION	\$	2,248,000

NEW SECTION. Sec. 307. FOR THE ENVIRONMENTAL HEARINGS OFFICE

General Fund Appropriation	\$	1,180,000
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The appropriation in this section is subject to the following conditions and limitations: \$80,000 is provided solely for an additional administrative law judge.

***NEW SECTION. Sec. 308. FOR THE DEPARTMENT OF TRADE AND ECONOMIC DEVELOPMENT**

General Fund Appropriation	\$	33,708,000
Motor Vehicle Fund Appropriation	\$	564,000
Solid Waste Management Account Appropriation	\$	1,000,000
Litter Control Account Appropriation	\$	1,000,000
TOTAL APPROPRIATION	\$	36,272,000

(1) \$500,000 of the general fund appropriation is provided solely for establishment of a European trade office. The amount provided in this subsection is contingent on receipt of at least \$200,000 in nonstate sources from port associations for establishment of the office.

(2) \$200,000 of the general fund appropriation is provided solely for the Washington Research Foundation.

(3) \$1,000,000 of the litter control account appropriation and \$1,000,000 of the solid waste management account appropriation are provided solely for the purposes of implementing the market development center created in chapter 319, Laws of 1991 (Second Substitute Senate Bill No. 5591, comprehensive recycling program) for the fiscal year ending June 30, 1992.

(4) \$2,000,000 of the general fund appropriation is provided solely to continue and expand the department's efforts to promote value-added manufacturing under the forest products program, as authorized under section 7, chapter 314, Laws of 1991 (Engrossed Substitute House Bill No. 1341, timber-dependent communities). Within this amount, the department shall maintain expenditures for the forest products program at the fiscal year 1991 level. The balance of this amount shall be provided as contracts to promote value-added manufacturing. The department shall report to the appropriate committees of the legislature on the amount and types of contracts provided by January 1, 1992.

(5) \$1,000,000 of the general fund—state appropriation is provided solely for business contracts authorized under section 7, chapter 314, Laws of 1991 (Engrossed Substitute House Bill No. 1341, timber-dependent communities). The amount provided in this subsection shall be placed in reserve and not expended prior to the report required under subsection (4) of this section.

(6) \$1,000,000 of the general fund appropriation is provided solely for program coordination of the department's timber assistance efforts, as authorized in sections 3, 4, 6, and 7, chapter 314, Laws of 1991 (Engrossed Substitute House Bill No. 1341, timber-dependent communities).

(7) \$1,200,000 of the general fund appropriation is provided solely for establishment of the Pacific Northwest export assistance center, as authorized in sections 11 through 18 of chapter 314, Laws of 1991 (Engrossed Substitute House Bill No. 1341, timber-dependent communities). The center will provide export assistance to firms located in timber-dependent communities.

(8) \$8,195,000 of the general fund appropriation is provided solely for the Washington high technology center.

(9) The department of trade and economic development shall establish a schedule of fees for services performed by the department's overseas trade offices. The fee schedule shall generate revenue of at least \$1,032,000 during the 1991-93 biennium, which shall be deposited in the general fund.

(10) The department shall not reduce grants or contracts in assistance of units of government without first notifying the appropriate legislative committees.

(11) \$100,000 of the general fund appropriation is provided solely for a contract with the Tacoma world trade center to enhance export opportunities for Washington businesses.

(12) \$150,000 of the general fund appropriation is provided solely as an enhancement to the current level of funding for grants to associate development organizations (ADOs).

*Sec. 308 was partially vetoed, see message at end of chapter.

NEW SECTION. Sec. 309. FOR THE CONSERVATION COMMISSION

General Fund Appropriation	\$	2,189,000
Water Quality Account Appropriation	\$	192,000
TOTAL APPROPRIATION	\$	2,381,000

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

(1) Not more than eight percent of the water quality account moneys administered by the commission may be used by the commission for administration and program activities related to the grant and loan program.

(2) \$385,000 of the general fund appropriation is provided solely to implement the Puget Sound water quality management plan.

(3) \$650,000 of the general fund appropriation is provided solely for increased basic operation grants to conservation districts.

NEW SECTION. Sec. 310. FOR THE WINTER RECREATION COMMISSION

General Fund Appropriation	\$	20,000
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NEW SECTION. Sec. 311. FOR THE PUGET SOUND WATER QUALITY AUTHORITY

General Fund—State Appropriation	\$	3,679,000
General Fund—Federal Appropriation	\$	202,000
Water Quality Account Appropriation	\$	1,100,000
TOTAL APPROPRIATION	\$	4,981,000

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

(1) \$330,000 of the general fund—state appropriation is provided solely for an interagency agreement with Washington State University cooperative extension service for field agents to provide technical assistance in implementing the Puget Sound water quality management plan.

(2) \$240,000 of the general fund—state appropriation is provided solely for an interagency agreement with the University of Washington sea grant program for field agents to provide technical assistance in implementing the Puget Sound water quality management plan.

(3) In addition to the amounts provided in subsections (1) and (2) of this section, \$812,000 of the general fund—state appropriation is provided solely to implement other provisions of the Puget Sound water quality management plan.

***NEW SECTION. Sec. 312. FOR THE DEPARTMENT OF FISHERIES**

General Fund—State Appropriation	\$	61,034,000
General Fund—Federal Appropriation	\$	17,901,000
General Fund—Private/Local Appropriation	\$	8,301,000
Aquatic Lands Enhancement Account Appropriation	\$	1,092,000
Oil Spill Administration Account Appropriation	\$	410,000
TOTAL APPROPRIATION	\$	88,738,000

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

(1) \$263,000 of the general fund—state appropriation is provided solely for improvements to and monitoring of wastewater discharges from state salmon hatcheries.

(2) \$1,180,000 of the general fund—state appropriation is provided solely to implement the Puget Sound water quality management plan.

(3) \$410,000 of the oil spill administration account appropriation is provided solely to implement chapter 200, Laws of 1991 (Engrossed Substitute House Bill No. 1027, oil and hazardous substance spill prevention and response).

(4) \$785,000 of the general fund—state appropriation is provided solely for increased coho salmon production through pen-rearing, delay release methods.

(5) \$950,000 of the general fund—state appropriation is provided solely for attorney general cost, on behalf of the department of fisheries, department of natural resources, department of health, and the state parks and recreation commission, in defending the state and public interest in tribal shellfish litigation (U.S. v. Washington, subproceeding 89-3). The attorney general cost shall be paid as an interagency reimbursement.

(6) \$427,000 of the general fund—state appropriation is provided solely for increased enforcement activities.

*Sec. 312 was partially vetoed, see message at end of chapter.

***NEW SECTION. Sec. 313. FOR THE DEPARTMENT OF WILDLIFE**

General Fund Appropriation	\$	11,497,000
ORV (Off-Road Vehicle) Account Appropriation	\$	275,000
Aquatic Lands Enhancement Account Appropriation	\$	1,096,000
Public Safety and Education Account Appropriation	\$	589,000
Wildlife Fund—State Appropriation	\$	50,002,000
Wildlife Fund—Federal Appropriation	\$	16,308,000
Wildlife Fund—Private/Local Appropriation	\$	2,120,000
Game Special Wildlife Account Appropriation	\$	532,000
Oil Spill Administration Account Appropriation	\$	565,000
TOTAL APPROPRIATION	\$	82,984,000

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

(1) \$514,000 of the general fund appropriation is provided solely to implement the Puget Sound water quality management plan.

(2) \$565,000 of the oil spill administration account appropriation is provided solely to implement chapter 200, Laws of 1991 (Engrossed Substitute House Bill No. 1027, oil and hazardous substance spill prevention and response).

(3) \$770,000 of the wildlife fund—state appropriation is provided solely for the operation of the game farm program.

(4) During the 1991-93 biennium the wildlife enforcement FTE staff levels shall not be reduced below the fiscal year 1991 average FTE staff level. \$1,300,000 of the general fund—state appropriation and \$3,872,000 of the wildlife fund—state appropriation are provided solely for wildlife enforcement. If House Bill No. 2235 (hunting and fishing fees) is not enacted by July 31, 1991, this subsection shall be null and void.

(5) \$25,000 of the general fund appropriation and \$25,000 of the wildlife fund—state appropriation are provided solely for a demonstration project to develop a wildlife mitigation plan for private and public lands in the Lake Roosevelt area. The department shall create a steering committee consisting of representatives of local private landowners, local government, tribes, hunters, fishers, and other users of wildlife in the Lake Roosevelt area. The committee shall study and report to the department on issues related to the development of the Lake Roosevelt plan including, but not limited to, local government impact, wildlife species, needs of wildlife users, other recreational needs, land use regulations, and wildlife supply.

(6) The office of financial management and legislative committees staff shall examine wildlife fees and expenditures. Issues to be examined shall include the division of agency resources in support of both game and nongame activities and the overall funding level for the agency. If House Bill No. 2235 (hunting and fishing fees) is not enacted by July 31, 1991, this subsection shall be null and void.

(7) The department shall expend \$450,000 from the coastal protection fund for a marine mammal and bird rehabilitation center, of which \$400,000 is for one-time capital costs and \$50,000 is for biennial contract staffing costs for the center.

*Sec. 313 was partially vetoed, see message at end of chapter.

NEW SECTION. Sec. 314. FOR THE DEPARTMENT OF NATURAL RESOURCES

General Fund—State Appropriation	\$	58,010,000
General Fund—Federal Appropriation	\$	604,000
General Fund—Private/Local Appropriation	\$	12,000
ORV (Off-Road Vehicle) Account Appropriation	\$	4,521,000
Forest Development Account Appropriation	\$	30,155,000

Survey and Maps Account Appropriation	\$	1,074,000
Natural Resources Conservation Area Stewardship Account Appropriation	\$	1,080,000
Aquatic Lands Enhancement Account Appropriation	\$	1,491,000
Resource Management Cost Account Appropriation	\$	79,780,000
Aquatic Land Dredged Material Disposal Site Account Appropriation	\$	814,000
State Toxics Control Account Appropriation	\$	764,000
Air Pollution Control Account Appropriation	\$	430,000
Oil Spill Administration Account Appropriation	\$	128,000
Litter Control Account Appropriation	\$	500,000
TOTAL APPROPRIATION	\$	179,363,000

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

(1) \$1,841,000, of which \$1,136,000 is from the resource management cost account appropriation and \$705,000 is from the forest development account appropriation, is provided solely for the development of a harvest planning system for state trust lands.

(2) \$450,000, of which \$225,000 is from the resource management cost account appropriation and \$225,000 is from the aquatic lands enhancement account appropriation is provided solely for the control and eradication of Spartina, including research, environmental impact statements, and public education. The department shall develop a Spartina eradication plan and report to the house of representatives natural resources committee and the senate environment and natural resources committee by January 15, 1992, on the plan.

(3) \$5,185,000 of the general fund—state appropriation is provided solely for the emergency fire suppression subprogram.

(4) \$1,909,000 of the general fund—state appropriation is provided solely to implement the Puget Sound water quality management plan.

(5) \$2,840,000 of the general fund—state appropriation is provided solely for cooperative monitoring, evaluation, and research projects related to implementation of the timber-fish-wildlife agreement.

(6) \$1,683,000 of the general fund—state appropriation is provided solely for the development of an electronic forest practices permit processing data management system.

(7) \$163,000 of the general fund state appropriation is provided solely for the department to contract with the University of Washington college of forest resources for continuation of the timber supply study. The study shall identify the quantity of timber present now and the quantity of timber that may be available from forest lands in the future, use various assumptions of landowner management, and include changes in the forest land base, amount of capital invested in timber management, and expected harvest age. No portion of this appropriation may be expended for indirect costs associated with the study.

(8) The department of natural resources shall sell approximately 726 acres of undeveloped land at the Northern State multiservice center to Skagit county. The land shall be sold at fair market value, which shall not exceed \$701,000 if the sale occurs before January 1, 1992. Proceeds of the sale shall be deposited in the charitable, educational, penal and reformatory institutions account. The sale of the land shall be conditioned on the permanent dedication of the land for public recreational uses, which may include fairgrounds, and up to 50 acres of which may be used for purposes of a public educational institution.

(9) \$500,000 of the general fund—state appropriation and \$1,000,000 of the resource management cost account appropriation are provided solely to implement sections 5 through 9, chapter 315, Laws of 1991 (Engrossed Substitute Senate Bill No. 5555, countercyclical program for timber-impacted areas).

(10) \$3,400,000 of the general fund—state appropriation is provided solely for forest practices activities. Of the amount provided in this subsection, \$1,500,000 is provided solely for monitoring and enforcement of forest practices permit conditions, reforestation requirements, and conversion requirements. The department shall submit a plan to the appropriate committees of the legislature by October 1, 1991, showing how it will spend this amount. The balance of the amount provided in this subsection shall be expended as follows: \$760,000 to the department of fisheries, \$660,000 to the department of wildlife, and \$480,000 to the department of ecology for each of these department's responsibilities related to forest practices.

(11) \$429,000 of the air pollution control account appropriation, \$60,000 of the forest development account appropriation, and \$141,000 of the resource management cost account appropriations are provided solely to implement chapter 199, Laws of 1991 (Engrossed Substitute House Bill No. 1028, air pollution control).

(12) \$150,000 of the general fund—state appropriation is provided solely for the department to contract for increased development of the Mount Tahoma cross-country ski trails system. No portion of the amount provided in this subsection may be expended without equal matching funds from nonstate sources for the same purpose.

(13) \$1,700,000 of the general fund—state appropriation is provided for fiscal year 1993 solely for the forest practices program for activities related to critical wildlife habitat, cumulative effects assessment, clear-cut size and timing, wetlands, and rate-of-harvest monitoring that are required as a result of rules adopted by the forest practices board. The department shall submit a status report on adoption of forest practices rules by February 1, 1992, to the appropriate committees of the legislature. The amount provided in this subsection shall lapse if the forest practices board does not adopt rules on these items by June 30, 1992.

(14) \$160,000 from the natural resources conservation area stewardship account appropriation is provided solely for operating expenses of the natural heritage program.

(15) \$128,000 of the oil spill administration account appropriation is provided solely to implement chapter 200, Laws of 1991 (Engrossed Substitute House Bill No. 1027, oil and hazardous substance spill prevention and response).

***NEW SECTION. Sec. 315. FOR THE DEPARTMENT OF AGRICULTURE**

General Fund State Appropriation	\$	19,680,000
General Fund Federal Appropriation	\$	1,226,000
State Toxics Control Account Appropriation	\$	1,109,000
TOTAL APPROPRIATION		\$ 22,015,000

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

(1) Within the appropriations provided in this section, the department shall collect and provide information to growers on minor use crop pesticides.

(2) \$100,000 of the general fund—state appropriation is provided solely to implement the Puget Sound water quality management plan.

(3) \$872,000 of the general fund—state appropriation is provided solely for the state noxious weed program. Of this amount \$524,000 is provided solely for noxious weed control grants.

(4) The appropriations in this section are based on an assumption that the IMPACT program will establish fees pursuant to RCW 28B.30.541.

(5) \$97,000 of the general fund—state appropriation is provided solely to implement chapter 280, Laws of 1991 (Engrossed Second Substitute Senate Bill No. 5096, adverse impacts on agriculture).

(6) *\$172,000 of the general fund—state appropriation is provided solely to maintain the existing Yakima livestock marketing news office.*

*Sec. 315 was partially vetoed, see message at end of chapter.

NEW SECTION. Sec. 316. FOR THE STATE CONVENTION AND TRADE CENTER

State Convention/Trade Center Account

Appropriation	\$	21,490,000
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The appropriation in this section is subject to the following conditions and limitations: \$4,786,000 is provided solely for marketing the facilities and services of the convention center, for promoting the locale as a convention and visitor destination, and for related activities. Of the amount provided in this section, the center shall not expend more than is received from revenue generated by the special excise tax deposited in the state convention and trade center operations account under RCW 67.40.090(3). Projections of such revenue shall be as determined and updated by the department of revenue.

NEW SECTION. Sec. 317. FOR THE OFFICE OF MARINE SAFETY

Oil Spill Administration Account Appropriation	\$	3,162,000
State Toxics Control Account Appropriation	\$	372,000
Total Appropriation	\$	3,534,000

**PART IV
TRANSPORTATION**

NEW SECTION. Sec. 401. FOR THE STATE PATROL

General Fund—State Appropriation	\$	24,089,000
General Fund—Federal Appropriation	\$	220,000
General Fund—Private/Local Appropriation	\$	169,000
Death Investigations Account Appropriation	\$	24,000
Drug Enforcement and Education Account Appropriation .	\$	1,960,000
TOTAL APPROPRIATION	\$	26,462,000

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

(1) The staff of the Washington state patrol crime laboratory shall not provide tests for marijuana to cities or counties except: (a) To verify weight for criminal cases where weight is a factor, or (b) for criminal cases that the prosecuting attorney and field administrator of the crime laboratory agree are likely to go to trial.

(2) \$194,900 of the general fund—state appropriation is provided solely for security costs for the national governors’ association 1991 conference.

(3) \$151,000 of the general fund—state appropriation is provided solely for reimbursement to local law enforcement agencies for the cost of registering sex offenders.

(4) \$320,000 of the general fund—state appropriation is provided for aircraft lease costs.

(5) \$271,000 of the general fund—state appropriation is provided for vehicle license fraud investigation.

(6) \$150,000 of the general fund—state appropriation is provided for special services.

(7) \$60,000 of the general fund—state appropriation is provided solely to implement chapter 274, Laws of 1991 (Substitute House Bill 1997, sex offender registration).

***NEW SECTION. Sec. 402. FOR THE DEPARTMENT OF LICENSING**

General Fund Appropriation	\$	21,240,000
Architects’ License Account Appropriation	\$	861,000
Cemetery Account Appropriation	\$	203,000
Health Professions Account Appropriation	\$	506,000
Professional Engineers’ Account Appropriation	\$	2,096,000

Real Estate Commission Account Appropriation	\$	7,396,000
Air Pollution Control Account Appropriation	\$	106,000
TOTAL APPROPRIATION	\$	32,408,000

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

(1) A total of \$1,000,000 shall be transferred to the department of licensing from the following agencies for operation of the master license system: The department of revenue, the department of agriculture, the department of labor and industries, the employment security department, the department of health, the liquor control board, the lottery commission, the department of ecology, and the secretary of state. The office of financial management shall transfer funds from the agencies based on the relative number of licenses issued by each agency through the master license system, weighted to account for differences in the amount of department work required per license issued.

(2) Of the general fund appropriation, the amounts specified in this subsection are provided solely for the purposes of the following legislation. The general fund shall be reimbursed by June 30, 1993, by an assessment of fees sufficient to cover all costs of implementing the specified legislation.

- (a) Chapter 334, Laws of 1991 (Engrossed Second Substitute Senate Bill No. 5124, licensing private security guards) \$ 538,000
- (b) Chapter 328, Laws of 1991 (Engrossed Substitute House Bill No. 1181, licensing private detectives) \$ 145,000
- (c) Chapter 236, Laws of 1991 (Substitute House Bill No. 1712, athlete agent registration) \$ 42,000
- (d) Chapter 324, Laws of 1991 (Engrossed Substitute House Bill No. 1136, cosmetology regulations) \$ 329,000

*Sec. 402 was partially vetoed, see message at end of chapter.

NEW SECTION. Sec. 403. 1991 c 236 s 10 is repealed.

**PART V
EDUCATION**

NEW SECTION. Sec. 501. **FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR STATE ADMINISTRATION**

General Fund—State Appropriation	\$	23,813,000
General Fund—Federal Appropriation	\$	13,006,000
Public Safety and Education Account Appropriation	\$	383,000

Drug Enforcement and Education Account

Appropriation	\$	153,000
TOTAL APPROPRIATION	\$	37,355,000

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

(1) The entire public safety and education account appropriation is provided solely for administration of the traffic safety education program, including in-service training related to instruction in the risks of driving while under the influence of alcohol and other drugs.

(2) The entire drug enforcement and education account appropriation is provided solely for administration of the grant awards established under chapter 28A.170 RCW.

(3) \$100,000 of the general fund—state appropriation is provided solely to print and distribute an informational brochure on enrollment options.

(4) The superintendent of public instruction shall propose procedures and standards to meet demonstrable funding needs beyond the level provided in the state-funded program for handicapped children. The procedures and standards shall permit relief for a school district only if a district can at least demonstrate that:

(a) Student characteristics and costs of providing program services in the district differ significantly from the assumptions of the state handicapped funding formula;

(b) Individualized education plans are properly and efficiently prepared and formulated;

(c) The district is making a reasonable effort to provide program services for handicapped children within funds generated by the state funding formula;

(d) District programs are operated in a reasonably efficient manner;

(e) No indirect costs are charged against the handicapped program; and

(f) Any available federal funds are insufficient to address the additional needs.

The superintendent of public instruction shall submit a report describing the proposed procedures and standards to the legislature by January 10, 1992.

(5) \$650,000 of the general fund—state appropriation is provided solely to upgrade the data collection capability of the superintendent of public instruction. The office of financial management may not disburse any of this amount until the superintendent:

(a) Establishes an advisory committee on information needs with representation from the senate ways and means committee, the house of representatives appropriations committee, the office of financial management, and educational service districts;

(b) Presents a decision package to the office of financial management describing the recommended system design, including cost estimates, describing the extent to which the recommended system meets the information needs

established by the advisory committee, and describing comparable information for at least two alternative systems; and

(c) Receives approval from the office of financial management for the recommended system design.

(6) \$1,000,000 of the general fund—state appropriation is provided solely for inservice training, technical assistance, and evaluation of the special services demonstration projects authorized in chapter 265, Laws of 1991 (Engrossed Substitute House Bill No. 1329, special services demonstration projects).

(7) \$853,000 of the general fund—state appropriation is provided solely for the operation and expenses of the state board of education, including basic education assistance activities.

(8) \$500,000 of the general fund—state appropriation is provided solely for certification investigation activities of the office of professional practices.

(9) \$39,000 of the general fund—state appropriation is provided to implement chapter 255, Laws of 1991 (Second Substitute Senate Bill No. 5022, teacher excellence awards).

(10) The superintendent shall adopt rules to implement the intent of RCW 28A.400.275 and 28A.400.280.

NEW SECTION. Sec. 502. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR GENERAL APPORTIONMENT (BASIC EDUCATION)

General Fund Appropriation \$ 5,215,683,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$500,537,000 of the general fund appropriation is provided solely for the remaining months of the 1990-91 school year.

(2) Allocations for certificated staff salaries for the 1991-92 and 1992-93 school years shall be determined using formula-generated staff units calculated pursuant to this subsection. Small school enrollments in kindergarten through grade six shall generate funding under (a) of this subsection, and shall not generate allocations under (d) and (e) of this subsection, if the staffing allocations generated under (a) of this subsection exceed those generated under (d) and (e) of this subsection. The certificated staffing allocations shall be as follows:

(a) On the basis of average annual full time equivalent enrollments, excluding full time equivalent enrollment otherwise recognized for certificated staff unit allocations under (c) through (f) of this subsection:

(i) Four certificated administrative staff units for each one thousand full time equivalent kindergarten through twelfth grade students excluding full time equivalent handicapped enrollment as recognized for funding purposes under section 509 of this act;

(ii) 54.3 certificated instructional staff units for each one thousand full time equivalent students in kindergarten through third grade, excluding full time equivalent handicapped students ages six through eight; and

(iii) Forty-six certificated instructional staff units for each one thousand full time equivalent students, excluding full time equivalent handicapped students ages nine and above;

(b) For school districts with a minimum enrollment of 250 full time equivalent students, whose full time equivalent student enrollment count in a given month exceeds the first of the month full time equivalent enrollment count by 5 percent, an additional state allocation of 110 percent of the share that such increased enrollment would have generated had such additional full time equivalent students been included in the normal enrollment count for that particular month;

(c) On the basis of full time equivalent enrollment in vocational education programs and skill center programs approved by the superintendent of public instruction, 0.92 certificated instructional staff units and 0.08 certificated administrative staff units for each 16.67 full time equivalent vocational students;

(d) For districts enrolling not more than twenty-five average annual full time equivalent students in kindergarten through grade eight, and for small school plants within any school district which have been judged to be remote and necessary by the state board of education and enroll not more than twenty-five average annual full time equivalent students in kindergarten through grade eight:

(i) For those enrolling no students in grades seven and eight, 1.76 certificated instructional staff units and 0.24 certificated administrative staff units for enrollment of not more than five students, plus one-twentieth of a certificated instructional staff unit for each additional student enrolled; and

(ii) For those enrolling students in grades seven or eight, 1.68 certificated instructional staff units and 0.32 certificated administrative staff units for enrollment of not more than five students, plus one-tenth of a certificated instructional staff unit for each additional student enrolled.

(e) For specified enrollments in districts enrolling more than twenty-five but not more than one hundred average annual full time equivalent students in kindergarten through grade eight, and for small school plants within any school district which enroll more than twenty-five average annual full time equivalent kindergarten through eighth grade students and have been judged to be remote and necessary by the state board of education:

(i) For enrollment of up to sixty annual average full time equivalent students in kindergarten through grade six, 2.76 certificated instructional staff units and 0.24 certificated administrative staff units; and

(ii) For enrollment of up to twenty annual average full time equivalent students in grades seven and eight, 0.92 certificated instructional staff units and 0.08 certificated administrative staff units.

(f) For districts operating no more than two high schools with enrollments of less than three hundred average annual full time equivalent students, for

enrollment in grades nine through twelve in each such school, other than alternative schools:

(i) For remote and necessary schools enrolling students in any grades nine through twelve but no more than twenty-five average annual full time equivalent kindergarten through twelfth grade students, four and one-half certificated instructional staff units and one-quarter of a certificated administrative staff unit;

(ii) For all other small high schools under this subsection, nine certificated instructional staff units and one-half of a certificated administrative staff unit for the first sixty average annual full time equivalent students, and additional staff units based on a ratio of 0.8732 certificated instructional staff units and 0.1268 certificated administrative staff units per each additional forty-three and one-half average annual full time equivalent students.

Units calculated under (f)(ii) of this subsection shall be reduced by certificated staff units at the rate of forty-six certificated instructional staff units and four certificated administrative staff units per thousand vocational and handicapped full time equivalent students.

(g) For each nonhigh school district having an enrollment of more than seventy annual average full time equivalent students and less than one hundred eighty students, operating a grades K-8 program or a grades 1-8 program, an additional one-half of a certificated instructional staff unit;

(h) For each nonhigh school district having an enrollment of more than fifty annual average full time equivalent students and less than one hundred eighty students, operating a grades K-6 program or a grades 1-6 program, an additional one-half of a certificated instructional staff unit.

(3) Allocations for classified salaries for the 1991-92 and 1992-93 school years shall be calculated using formula-generated classified staff units determined as follows:

(a) For enrollments generating certificated staff unit allocations under subsection (2) (d) through (h) of this section, one classified staff unit for each three certificated staff units allocated under such subsections.

(b) For all other enrollment in grades kindergarten through twelve, including vocational but excluding handicapped full time equivalent enrollments, one classified staff unit for each sixty average annual full time equivalent students.

(c) For each nonhigh school district with an enrollment of more than fifty annual average full time equivalent students and less than one hundred eighty students, an additional one-half of a classified staff unit.

(4) Fringe benefit allocations shall be calculated at a rate of 21.11 percent in the 1991-92 and 1992-93 school years of certificated salary allocations provided under subsection (2) of this section, and a rate of 18.84 percent in the 1991-92 and 1992-93 school years of classified salary allocations provided under subsection (3) of this section.

(5) Insurance benefit allocations shall be calculated at the rates specified in section 505 of this act, based on:

(a) The number of certificated staff units determined in subsection (2) of this section; and

(b) The number of classified staff units determined in subsection (3) of this section multiplied by 1.152. This factor is intended to adjust allocations so that, for the purposes of distributing insurance benefits, full time equivalent classified employees may be calculated on the basis of 1440 hours of work per year, with no individual employee counted as more than one full time equivalent.

(6)(a) For nonemployee-related costs associated with each certificated staff unit allocated under subsection (2) (a), (b), and (d) through (h) of this section, there shall be provided a maximum of \$6,848 per certificated staff unit in the 1991-92 school year and a maximum of \$7,060 per certificated staff unit in the 1992-93 school year.

(b) For nonemployee-related costs associated with each certificated staff unit allocated under subsection (2)(c) of this section, there shall be provided a maximum of \$13,049 per certificated staff unit in the 1991-92 school year and a maximum of \$13,454 per certificated staff unit in the 1992-93 school year.

(7) Allocations for substitute costs for classroom teachers shall be distributed at a maximum rate of \$318 for the 1991-92 school year and \$318 per year for the 1992-93 school year for allocated classroom teachers. Solely for the purposes of this subsection, allocated classroom teachers shall be equal to the number of certificated instructional staff units allocated under subsection (2) of this section, multiplied by the ratio between the number of actual basic education certificated teachers and the number of actual basic education certificated instructional staff reported state-wide for the 1990-91 school year.

(8) The superintendent may distribute a maximum of \$4,633,000 outside the basic education formula during fiscal years 1992 and 1993 as follows:

(a) For fire protection for school districts located in a fire protection district as now or hereafter established pursuant to chapter 52.04 RCW, a maximum of \$386,000 may be expended in fiscal year 1992 and a maximum of \$398,000 may be expended in fiscal year 1993.

(b) For summer vocational programs at skills centers, a maximum of \$1,777,000 may be expended in fiscal year 1992 and a maximum of \$1,788,000 may be expended in fiscal year 1993.

(c) A maximum of \$284,000 may be expended for school district emergencies.

(9) For the purposes of RCW 84.52.0531, the increase per full time equivalent student in state basic education appropriations provided under this act, including appropriations for salary and benefits increases, is 5.6 percent from the 1990-91 school year to the 1991-92 school year, and 5.0 percent from the 1991-92 school year to the 1992-93 school year.

(10) A maximum of \$2,450,000 may be expended in the 1991-92 fiscal year and a maximum of \$2,450,000 may be expended in the 1992-93 fiscal year for high technology vocational equipment for secondary vocational education programs and skill centers.

(11)(a) Funds provided under subsection (2)(a)(ii) of this section in excess of the amount required to maintain the statutory minimum ratio established under RCW 28A.150.260(2)(c), shall be allocated only if the district documents an actual ratio equal to or greater than 54.3 certificated instructional staff per thousand full time equivalent students in grades K-3. For any school district documenting a lower certificated instructional staff ratio, the allocation shall be based on the district's actual K-3 certificated instructional staff ratio achieved in that school year, or the statutory minimum ratio established under RCW 28A.150.260(2)(c), if greater.

(b) Districts at or above 51.0 certificated instructional staff per one thousand full time equivalent students in grades K-3 may dedicate up to 1.3 of the 54.3 funding ratio to employ additional classified instructional assistants assigned to basic education classrooms in grades K-3. For purposes of documenting a district's staff ratio under subsection (11)(a) and (c) of this section, funds used by the district to employ additional classified instructional assistants shall be converted to a certificated staff equivalent and added to the district's actual certificated instructional staff ratio. Additional classified instructional assistants, for the purposes of this subsection, shall be determined using the 1989-90 school year as the base year.

(c) Any district maintaining a ratio equal to or greater than 54.3 certificated instructional staff per thousand full time equivalent students in grades K-3 may use allocations generated under subsection (2)(a)(ii) in excess of that required to maintain the minimum ratio established under RCW 28A.150.260(2)(c) to employ additional basic education certificated instructional staff or classified instructional assistants in grades 4-6. Funds allocated under this section shall only be expended to reduce class size in grades K-6. No more than 1.3 of the certificated instructional funding ratio amount may be expended for provision of classified instructional assistants.

(12) The superintendent of public instruction shall study the rate of staff per student if current levels of certificated instructional staffing and paraprofessionals are counted together as "classroom resources." A report identifying "classroom resource" per pupil rates shall be provided to the appropriate fiscal and policy committees of the house of representatives and senate by January 10, 1992.

NEW SECTION. Sec. 503. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—BASIC EDUCATION EMPLOYEE COMPENSATION INCREASES

General Fund Appropriation \$ 218,249,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The following calculations determine the salaries used in the general fund allocations for certificated instructional, certificated administrative, and classified staff units under section 502 of this act:

(a) Salary allocations for certificated instructional staff units shall be determined for each district by multiplying the district's certificated instructional derived base salary shown on LEAP Document 12, by the district's average staff mix factor for basic education certificated instructional staff in that school year, computed using LEAP Document 1A.

(b) Salary allocations for certificated administrative staff units and classified staff units for each district shall be based on the district's certificated administrative and classified salary allocation amounts shown on LEAP Document 12.

(2) For the purposes of this section:

(a) "Basic education certificated instructional staff" is defined as provided in RCW 28A.150.100.

(b) "LEAP Document 1A" means the computerized tabulation establishing staff mix factors for basic education certificated instructional staff according to education and years of experience, as developed by the legislative evaluation and accountability program committee on April 8, 1991, at 13:35 hours.

(c) "LEAP Document 12" means the computerized tabulation of 1990-91, 1991-92, and 1992-93 school year salary allocations for basic education certificated administrative staff and basic education classified staff and derived base salaries for basic education certificated instructional staff as developed by the legislative evaluation and accountability program committee on June 26, 1991, at 12:01 hours.

(3) Incremental fringe benefits factors shall be applied to salary increases at a rate of 1.2047 for certificated salaries and 1.1534 for classified salaries for both the 1991-92 and 1992-93 school years.

(4) The increase for each certificated administrative staff unit provided under section 502 of this act shall be the 1990-91 state-wide average certificated administrative salary increased by 4.0 percent for 1991-92, and further increased by 3.547 percent for 1992-93, as shown on LEAP Document 12.

(5) The increase for each classified staff unit provided under section 502 of this act shall be the 1990-91 state-wide average classified salary increased by 4.0 percent for 1991-92 and further increased by 3.547 percent for 1992-93, as shown on LEAP Document 12.

(6) Increases for certificated instructional staff units provided under section 502 of this act shall be the difference between the salary allocation specified in subsection (1)(a) of this section and the salary allocation specified as follows:

(a) For 1991-92, the allocation for each certificated instructional staff unit shall be the 1991-92 derived base salary, as shown on LEAP Document 12, multiplied by the district's average staff mix factor for actual 1991-92 full time equivalent basic education certificated instructional staff using LEAP Document 1A.

(b) For 1992-93, the allocation for each certificated instructional staff unit shall be the 1992-93 derived base salary, as shown on LEAP Document 12, multiplied by the district's average staff mix factor for actual 1992-93 full time

equivalent basic education certificated instructional staff using LEAP Document 1A.

(7)(a) Pursuant to RCW 28A.150.410, the following state-wide salary allocation schedules for certificated instructional staff are established for basic education salary allocations for the 1991-92 and 1992-93 school years:

**1991-92 STATE-WIDE SALARY ALLOCATION SCHEDULE
FOR INSTRUCTIONAL STAFF**

Years of Service	BA	BA+15	BA+30	BA+45	BA+90
0	20,801	21,363	21,945	22,528	24,400
1	21,482	22,063	22,664	23,285	25,212
2	22,178	22,776	23,395	24,076	26,035
3	22,908	23,525	24,161	24,880	26,874
4	23,652	24,307	24,961	25,718	27,764
5	24,430	25,102	25,775	26,589	28,668
6	25,240	25,910	26,620	27,492	29,603
7	26,064	26,750	27,478	28,407	30,569
8	26,899	27,624	28,368	29,374	31,566
9		28,528	29,309	30,352	32,595
10			30,262	31,379	33,653
11				32,437	34,760
12				33,461	35,897
13					37,062
14					38,233
15 or more					39,227

Years of Service	BA+135	MA	MA+45	MA+90 or PHD
0	25,606	24,939	26,811	28,018
1	26,434	25,696	27,624	28,846
2	27,295	26,488	28,447	29,706
3	28,188	27,292	29,286	30,600
4	29,115	28,130	30,176	31,527
5	30,073	29,000	31,080	32,485
6	31,043	29,904	32,015	33,455
7	32,065	30,818	32,981	34,476
8	33,116	31,786	33,978	35,528
9	34,198	32,762	35,007	36,609
10	35,308	33,791	36,064	37,720
11	36,449	34,849	37,172	38,861
12	37,637	35,949	38,309	40,049

13	38,854	37,086	39,474	41,265
14	40,116	38,258	40,720	42,528
15 or more	41,159	39,252	41,779	43,634

**1992-93 STATE-WIDE SALARY ALLOCATION SCHEDULE
FOR INSTRUCTIONAL STAFF**

Years of Service	BA	BA+15	BA+30	BA+45	BA+90
0	21,539	22,120	22,724	23,327	25,265
1	22,244	22,845	23,468	24,111	26,106
2	22,965	23,584	24,225	24,930	26,959
3	23,721	24,359	25,018	25,763	27,827
4	24,491	25,169	25,847	26,630	28,749
5	25,296	25,992	26,689	27,532	29,685
6	26,135	26,829	27,564	28,468	30,653
7	26,988	27,699	28,453	29,414	31,653
8	27,853	28,603	29,375	30,416	32,686
9		29,540	30,349	31,428	33,751
10			31,335	32,492	34,846
11				33,587	35,993
12				34,648	37,170
13					38,376
14					39,589
15 or more					40,618

Years of Service	BA+135	MA	MA+45	MA+90 or PHD
0	26,514	25,824	27,762	29,012
1	27,372	26,608	28,603	29,869
2	28,263	27,428	29,456	30,759
3	29,188	28,260	30,324	31,685
4	30,148	29,128	31,246	32,645
5	31,139	30,029	32,182	33,637
6	32,144	30,965	33,150	34,642
7	33,202	31,912	34,151	35,699
8	34,290	32,913	35,183	36,788
9	35,411	33,924	36,248	37,908
10	36,561	34,989	37,344	39,058
11	37,742	36,085	38,490	40,239
12	38,972	37,224	39,667	41,469
13	40,232	38,401	40,874	42,729
14	41,539	39,615	42,165	44,036
15 or more	42,619	40,644	43,261	45,181

(b) As used in this subsection, the column headings "BA+(N)" refer to the number of credits earned since receiving the baccalaureate degree.

(c) For credits earned after the baccalaureate degree but before the masters degree, any credits in excess of forty-five credits may be counted after the masters degree. Thus, as used in this subsection, the column headings "MA+(N)" refer to the total of:

(i) Credits earned since receiving the masters degree; and

(ii) Any credits in excess of forty-five credits that were earned after the baccalaureate degree but before the masters degree.

(8) For the purposes of this section:

(a) "BA" means a baccalaureate degree.

(b) "MA" means a masters degree.

(c) "PHD" means a doctorate degree.

(d) "Years of service" shall be calculated under the same rules used by the superintendent of public instruction for salary allocations in the 1990-91 school year.

(e) "Credits" means college quarter hour credits and equivalent inservice credits computed in accordance with RCW 28A.415.020.

(9) The salary allocation schedules established in subsection (7) of this section are for allocation purposes only except as provided in RCW 28A.400-.200(2).

NEW SECTION. Sec. 504. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—CATEGORICAL PROGRAM SALARY INCREASES

General Fund Appropriation \$ 47,058,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The incremental fringe benefits factors applied to salary increases in subsection (3) of this section shall be 1.2047 for certificated salaries and 1.1534 for classified salaries in the 1991-92 and 1992-93 school years.

(2) Salary increases for each school year for state-supported formula units in the following categorical programs include costs of incremental fringe benefits and shall be distributed by increasing allocation rates for each school year by the amounts specified below:

(a) Transitional bilingual instruction: The rates specified in section 519 of this act shall be increased by \$18.66 per pupil for the 1991-92 school year and by \$35.87 per pupil for the 1992-93 school year.

(b) Learning assistance: The rates specified in section 520 of this act shall be increased by \$14.15 per pupil for the 1991-92 school year and by \$27.20 per pupil for the 1992-93 school year.

(c) Education of highly capable students: The rates specified in section 515 of this act shall be increased by \$11.05 per pupil for the 1991-92 school year and by \$21.24 per pupil for the 1992-93 school year.

(d) Vocational technical institutes: The rates for vocational programs specified in section 507 of this act shall be increased by \$80.05 per full time equivalent student for the 1991-92 school year, and by \$167.21 per full time equivalent student for the 1992-93 school year. A maximum of \$734,000 is provided for the 1991-92 fiscal year and a maximum of \$1,685,000 is provided for the 1992-93 fiscal year.

(e) Pupil transportation: The rates provided under section 506 of this act shall be increased by \$.72 per weighted pupil-mile for the 1991-92 school year, and by \$1.39 per weighted pupil-mile for the 1992-93 school year.

(3) The superintendent of public instruction shall distribute salary increases and incremental fringe benefits for state-supported staff unit allocations in the handicapped program (section 509 of this act), in the educational service districts (section 511 of this act), and in the institutional education program (section 514 of this act), in the same manner as salary increases are provided for basic education staff.

NEW SECTION. Sec. 505. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR SCHOOL EMPLOYEE INSURANCE BENEFIT INCREASES

General Fund Appropriation \$ 88,498,000

The appropriation in this section is subject to the following conditions and limitations:

(1) Allocations for insurance benefits from general fund appropriations provided under section 502 of this act shall be calculated at a rate of \$246.24 per month for each certificated staff unit, and for each classified staff unit adjusted pursuant to section 502(5)(b) of this act.

(2) The appropriation in this section is provided solely to increase insurance benefit allocations for state-funded certificated and classified staff for the 1991-92 school year, effective October 1, 1991, to a rate of \$289.95 per month, and for the 1992-93 school year, effective October 1, 1992, to a rate of \$321.80 as distributed pursuant to this section.

(3) The increase in insurance benefit allocations for basic education staff units under section 502(5) of this act, for handicapped program staff units as calculated under section 509 of this act, for state-funded staff in educational service districts, and for institutional education programs is \$43.71 per month for the 1991-92 school year and an additional \$31.85 per month in the 1992-93 school year.

(4) The increases in insurance benefit allocations for the following categorical programs shall be calculated by increasing the annual state funding rates by the amounts specified in this subsection. Effective October 1 of each school year, the maximum rate adjustments provided on an annual basis under this section are:

(a) For pupil transportation, an increase of \$.40 per weighted pupil-mile for the 1991-92 school year and an additional \$.29 per weighted pupil-mile for the 1992-93 school year;

(b) For learning assistance, an increase of \$10.92 per pupil for the 1991-92 school year and an additional \$7.96 for the 1992-93 school year;

(c) For education of highly capable students, an increase of \$3.72 per pupil for the 1991-92 school year and an additional \$2.71 per pupil for the 1992-93 school year;

(d) For transitional bilingual education, an increase of \$7.08 per pupil for the 1991-92 school year and an additional \$5.16 per pupil for the 1992-93 school year;

(e) For vocational-technical institutes, an increase of \$29.09 per full time equivalent pupil for the 1991-92 school year and \$21.20 per full time equivalent pupil for the 1992-93 school year. A maximum of \$240,000 is provided for the 1991-92 fiscal year and \$543,000 is provided for the 1992-93 fiscal year.

NEW SECTION. Sec. 506. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR PUPIL TRANSPORTATION

General Fund Appropriation \$ 292,126,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$26,028,000 is provided solely for distribution to school districts for the remaining months of the 1990-91 school year.

(2) A maximum of \$134,333,000 may be distributed for pupil transportation operating costs in the 1991-92 school year.

(3) A maximum of \$873,000 may be expended for regional transportation coordinators.

(4) A maximum of \$65,000 may be expended for bus driver training.

(5) For eligible school districts, the small-fleet maintenance factor shall be funded at a rate of \$1.65 in the 1991-92 school year and \$1.70 in the 1992-93 school year per weighted pupil-mile.

(6) The superintendent shall ensure that, by the 1992-93 school year, school districts in accordance with RCW 28A.160.160(4) are making good faith efforts to alleviate the problem of hazardous walking conditions for students.

(7) \$755,000 of the general fund—state appropriation is provided solely to implement chapter 166, Laws of 1991 (Engrossed Substitute Senate Bill No. 5114, school bus safety crossing arms). Moneys provided in this subsection may be expended to reimburse school districts that purchased school bus safety crossing arms during the 1990-91 school year, subject to criteria and rules adopted by the superintendent.

(8) \$100,000 is provided solely for the 1992-93 school year for transportation of students enrolled in "choice" programs. Transportation shall be limited to low-income students who are transferring to "choice" programs solely for

educational reasons. The superintendent shall provide a report to the legislature concerning the use of these moneys by November 1, 1993.

NEW SECTION. Sec. 507. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR VOCATIONAL-TECHNICAL INSTITUTES AND ADULT EDUCATION AT VOCATIONAL-TECHNICAL INSTITUTES

General Fund Appropriation \$ 86,545,000

The appropriation in this section is subject to the following conditions and limitations:

(1) Funding for vocational programs during the 1991-92 and 1992-93 school years shall be distributed at a rate of \$3,293 per student for a maximum of 12,655 full time equivalent students.

(2) Funding for adult basic education programs during the 1991-92 and 1992-93 school years shall be distributed at a rate of \$1.62 per hour of student service for a maximum of 288,690 hours.

(3) \$1,450,000 is provided solely to lease computer equipment, reprogram software and databases, and provide for other initial operating costs necessary to merge the computer systems of the vocational-technical institutes into the community and technical college system created under chapter 238 Laws of 1991 (Engrossed Substitute Senate Bill No. 5184, work force training education). The apportionment of this amount among the vocational-technical institutes shall be made by the director of the state board for community and technical colleges.

NEW SECTION. Sec. 508. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR SCHOOL FOOD SERVICE PROGRAMS

General Fund—State Appropriation \$ 6,000,000
General Fund—Federal Appropriation \$ 148,000,000
TOTAL APPROPRIATION \$ 154,000,000

NEW SECTION. Sec. 509. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR HANDICAPPED EDUCATION PROGRAMS

General Fund—State Appropriation \$ 691,346,000
General Fund—Federal Appropriation \$ 83,900,000
TOTAL APPROPRIATION \$ 775,246,000

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

(1) \$62,455,000 of the general fund—state appropriation is provided solely for the remaining months of the 1990-91 school year.

(2) The superintendent of public instruction shall distribute state funds for the 1991-92 and 1992-93 school years in accordance with districts' actual handicapped enrollments and the allocation model established in LEAP Document 13 as developed on June 26, 1991, at 13:02 hours.

(3) A maximum of \$614,000 may be expended from the general fund—state appropriation to fund 5.43 full time equivalent teachers and 2.1 full time equivalent aides at Children's Orthopedic Hospital and Medical Center. This amount is in lieu of money provided through the home and hospital allocation and the handicapped program.

(4) \$192,000 of the general fund—state appropriation is provided solely for the early childhood home instruction program for hearing impaired infants and their families.

(5) \$1,000,000 of the general fund—federal appropriation is provided solely for projects to provide handicapped students with appropriate job and independent living skills, including work experience where possible, to facilitate their successful transition out of the public school system. The funds provided by this subsection shall be from federal discretionary grants.

(6) \$300,000 of the general fund—federal appropriation is provided solely for inservice training, technical assistance, and evaluation of the special services demonstration projects authorized in chapter 265, Laws of 1991 (Engrossed Substitute House Bill No. 1329, special services demonstration projects).

(7) Project funding for special services demonstration projects shall be allocated and disbursed under chapter 265, Laws of 1991 (Engrossed Substitute House Bill No. 1329, special services demonstration projects).

NEW SECTION. Sec. 510. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR TRAFFIC SAFETY EDUCATION PROGRAMS

Public Safety and Education Account

Appropriation \$ 5,321,000

The appropriation in this section is subject to the following conditions and limitations:

(1) Not more than \$596,000 may be expended for regional traffic safety education coordinators.

(2) A maximum of \$2,300,000 may be expended in the 1991-92 fiscal year and \$2,425,000 in the 1992-93 fiscal year to provide tuition assistance for traffic safety education for students from low-income families.

NEW SECTION. Sec. 511. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR EDUCATIONAL SERVICE DISTRICTS

General Fund Appropriation \$ 11,070,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The educational service districts shall continue to furnish financial services required by the superintendent of public instruction and RCW 28A.310.190 (3) and (4).

(2) \$500,000 is provided solely to implement chapter 285, Laws of 1991 (Engrossed Substitute House Bill No. 1813, E.S.D. teacher recruitment coordination).

NEW SECTION. Sec. 512. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR LOCAL EFFORT ASSISTANCE

General Fund Appropriation \$ 144,606,000

The appropriation in this section is subject to the following conditions and limitations: \$144,606,000 is provided for state matching funds pursuant to RCW 28A.500.010.

NEW SECTION. Sec. 513. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR THE ENUMERATED PURPOSES

General Fund—Federal Appropriation	\$	183,032,000
(1) Education Consolidation and Improvement Act	\$	178,000,000
(2) Education of Indian Children	\$	332,000
(3) Adult Basic Education	\$	4,700,000

NEW SECTION. Sec. 514. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR INSTITUTIONAL EDUCATION PROGRAMS

General Fund—State Appropriation	\$	24,950,000
General Fund—Federal Appropriation	\$	7,700,000
TOTAL APPROPRIATION	\$	32,650,000

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

- (1) \$4,065,000 of the general fund—state appropriation is provided solely for the remaining months of the 1990-91 school year.
- (2) A maximum of \$950,000 of the general fund—state appropriation may be expended for juvenile parole learning centers in the 1991-92 school year and \$950,000 in the 1992-93 school year at a rate not to exceed \$2,351 per full time equivalent student.
- (3) State funding provided under this section is based on salaries and other expenditures for a 220-day school year. The superintendent of public instruction shall monitor school district expenditure plans for institutional education programs to ensure that districts plan for a full-time summer program.
- (4) Average staffing ratios for each category of institution, excluding juvenile parole learning centers, shall not exceed the rates specified in the legislative budget notes.
- (5) The superintendent of public instruction shall:
 - (a) Define what constitutes a full time equivalent student;
 - (b) In cooperation with the secretary of social and health services, define responsibility for the variety of services offered through the common schools and the department of social and health services;

(c) Convene meetings of the parties responsible for the well-being of children in the institutional education programs for purpose of identifying and resolving problems associated with service delivery; and

(d) Report to the appropriate fiscal and policy committees of the legislature on (a), (b), and (c) of this subsection by January 10, 1992.

NEW SECTION. Sec. 515. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR PROGRAMS FOR HIGHLY CAPABLE STUDENTS

General Fund Appropriation \$ 10,398,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$945,000 is provided solely for distribution to school districts for the remaining months of the 1990-91 school year.

(2) Allocations for school district programs for highly capable students during the 1991-92 and 1992-93 school years shall be distributed at a maximum rate of \$397.16 per student for up to one and one-half percent of each district's full time equivalent enrollment.

(3) A maximum of \$520,000 is provided to contract for gifted programs to be conducted at Fort Worden state park.

***NEW SECTION. Sec. 516. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR SCHOOL DISTRICT SUPPORT**

General Fund—State Appropriation \$ 6,155,000

General Fund—Federal Appropriation \$ 6,085,000

Drug Enforcement and Education Account Appropriation . \$ 13,509,000

TOTAL APPROPRIATION \$ 25,749,000

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

(1) \$282,000 of the general fund—state appropriation is provided solely for teacher in-service training in math, science, and computer technology.

(2) \$651,000 of the general fund—state appropriation is provided solely for teacher training workshops conducted by the Pacific science center. \$496,000 of this amount is for in-service training in science to be provided to approximately ten percent of the kindergarten through eighth grade teachers each year.

(3) \$872,000 of the general fund—state appropriation and \$413,000 of the general fund—federal appropriation are provided solely for teacher training in drug and alcohol abuse education and prevention in kindergarten through grade twelve. The amount provided in this subsection includes \$300,000 from license fees collected pursuant to RCW 66.24.320 and 66.24.330 which are dedicated to juvenile drug and alcohol prevention programs under RCW 66.08.180(4).

(4) \$3,000,000 of the general fund—state appropriation is provided solely for training of paraprofessional classroom assistants and classroom teachers to whom the assistants are assigned.

(5) \$150,000 of the general fund—state appropriation is provided solely for school district staff training and materials to implement the architecture and children program.

(6) \$10,300,000 of the drug enforcement and education account appropriation is provided to support school district substance abuse awareness programs as provided under chapter 28A.170 RCW. Grant awards to participating districts shall be not less than grants awarded for the 1989-91 biennium, unless the district requests a lesser amount or does not apply. Not more than \$50,000 of this amount may be used to evaluate the programs funded in this subsection.

(7) \$3,209,000 of the drug enforcement and education account appropriation is provided solely for matching grants to enhance security in secondary schools. Not more than seventy-five percent of a district's total expenditures for school security in any school year may be paid from a grant under this subsection. The grants shall be expended solely for the costs of employing or contracting for building security monitors in secondary schools during school hours and school events. Of the amount provided in this subsection, at least \$3,000,000 shall be spent for grants to districts that, during the 1988-89 school year, employed or contracted for security monitors in schools during school hours. However, these grants may be used only for increases in school district expenditures for school security over expenditure levels for the 1988-89 school year.

(8) \$30,000 of the general fund—federal appropriation is provided solely for inservice training for elementary teachers on innovative methods of encouraging girls and minority students to develop and pursue an interest in math and science.

(9) \$1,200,000 of the general fund—state appropriation is provided solely for support to strengthen school district management.

*Sec. 516 was partially vetoed, see message at end of chapter.

***NEW SECTION. Sec. 517. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR SPECIAL AND PILOT PROGRAMS**

General Fund—State Appropriation	\$	62,036,000
General Fund—Federal Appropriation	\$	11,500,000
TOTAL APPROPRIATION	\$	73,536,000

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

(1) \$2,231,000 of the general fund—state appropriation is provided solely for a contract with the Pacific science center for travelling van programs and other educational services for public schools.

(2) \$88,000 of the general fund—state appropriation is provided solely for a contract with the Cispus learning center for environmental education programs.

(3) \$2,000,000 of the general fund—federal appropriation is provided solely to fund innovative programs that are targeted to providing special assistance to at-risk students.

(4) \$2,312,000 of the general fund—state appropriation is provided solely for the beginning teachers assistance program established under RCW 28A.405-.450. Moneys shall be distributed under this subsection at a maximum rate per mentor/beginning teacher team of \$1,780 per year.

(5) \$204,000 of the general fund—state appropriation is provided solely for child abuse education provisions of RCW 28A.300.150 through 28A.300.160.

(6) \$50,000 of the general fund—state appropriation is provided solely to implement chapter 252, Laws of 1991 (Substitute House Bill No. 1885, teacher recruiting).

(7) \$6,000,000 of the general fund—state appropriation is provided solely for a complex needs factor. \$3,333,000 of this amount shall be provided for the 1991-92 school year to districts according to LEAP Document 30, developed by the legislative evaluation and accountability program committee on June 27, 1991, at 13:40 hours. Funds shall be allocated for the 1992-93 school year according to LEAP Document 30 unless the superintendent develops a new complex needs formula and the legislature enacts a new formula. Development of the complex needs formula shall include consideration of elements included in LEAP Document 30, including ratios of students qualifying for free and reduced-price meals, students participating in bilingual education, and the number of different language or dialect programs offered.

(8) \$900,000 of the general fund—state appropriation is provided solely for grants to school districts for programs to employ low-income students in grades ten through twelve as tutors for students in kindergarten through grade nine. School districts receiving these grants shall pay student tutors at least minimum wage. The tutoring shall be conducted after school hours. The school districts shall provide training and supervision of the student tutors.

(9) \$1,400,000 of the general fund—state appropriation is provided solely for grants for drop-out prevention and retrieval programs established under chapter 28A.175 RCW.

(10) \$126,000 of the general fund—state appropriation is provided to operate a toll-free telephone number at the Lifeline Institute to assist school districts in youth suicide prevention.

(11) \$1,519,000 of the general fund—state appropriation is provided solely for grants to public or private nonprofit organizations to assist parents of children in headstart or early childhood education and assistance programs who are enrolled in adult literacy classes or tutoring programs under RCW 28A.610.010 through 28A.610.020. Grants provided under this subsection may be used for scholarships, costs of transportation and child care, and other support services. Moneys provided under this subsection may not be used by the superintendent of public instruction for state administrative costs.

(12) \$9,981,000 of the general fund—state appropriation is provided solely for the schools for the twenty-first century pilot programs established under RCW 28A.630.100 through 28A.630.290.

(13) \$15,000,000 of the general fund—state appropriation is provided solely for early intervention and prevention services.

(a) School districts and educational service districts receiving moneys under this subsection shall enter into interagency agreements for coordinated case management with regional support networks if available, or counties if not available, or community-based public or private human service providers. To the greatest extent possible, the delivery of services to students shall not be duplicative of other programs, shall maximize the use of community-based and school-based intervention specialists, and shall emphasize the most efficient and cost-effective use of these funds. Districts shall use these funds to provide services to students with priority based on need and shall emphasize provision of services for seriously emotionally disturbed children. Services for such seriously emotionally disturbed children shall be provided to the maximum extent possible through collaborative models using mental health providers approved by the regional support networks or the county in which the district is located.

(b) The superintendent of public instruction shall distribute funds provided in this subsection equitably to all school districts based on the district's enrollment in kindergarten through grade six. However, the allocations for school districts enrolling fewer than 1,000 full time equivalent students shall be distributed to the educational service district in which the district is located. The educational service district shall use the allocation to provide early intervention and prevention services under a cooperative agreement between the district and the educational service district. Educational service districts shall coordinate the use of staff and resources to serve school districts under this section. School districts and educational service districts may not use the grants to supplant funding from other sources previously provided for counseling or intervention services.

(c) If separate legislation establishing the Fair Start program is enacted by July 31, 1991, (b) of this subsection shall be null and void.

(14) \$4,000,000 of the general fund—state appropriation is provided solely for grants, based on enrollments, to the Seattle and Tacoma school districts for magnet school programs established to encourage racial integration of schools through voluntary student transfers. The grants shall be used solely to support the development and implementation of specialized curricula and instructional programs that assist in the elimination, reduction, or prevention of minority group isolation. Placement of students in magnet programs shall not be based on test scores or grades. Grants shall be expended solely for planning and promotional activities; acquisition of books, materials, and equipment needed specifically to implement magnet programs; staff training designed specifically to assist in the development of magnet programs; and certificated staff assigned to instructional programs that are in addition to the school's core basic skills curriculum and that are an integral part of the magnet program. Grants may be used for staff

development days only if these days are in addition to district-wide increases in supplemental contract days for certificated instructional staff.

(15) \$25,000 of the general fund—state appropriation is provided solely for a program acknowledging the contributions of persons awarded the United States Medal of Honor.

(16) \$50,000 of the general fund—state appropriation is provided solely for grants to school districts to develop model secondary school projects that combine academic and vocational education into a single instructional system. The projects shall integrate vocational and academic curriculum, emphasize increased guidance and counseling for students, and include active participation by employers, community service providers, parents, and community members.

(17) \$500,000 of the general fund—state appropriation is provided solely for grants for homeless children education programs. The grant applications shall be submitted jointly by school districts and at least one shelter within the district serving homeless families. The grants are not intended to fund separate instructional programs for homeless children unless the services are necessary to facilitate adjustment into a regular classroom setting. The grants may be used for staffing, for coordinating the transfer of records, for transportation, for student assessment, or for other individualized instruction or assistance.

(18) \$50,000 of the general fund—federal appropriation is provided solely for a pilot program for teenage suicide prevention through the Federal Way school district. None of this amount may be used by either the district or the superintendent of public instruction for indirect costs.

(19) \$50,000 of the general fund—state and \$50,000 of the general fund—federal appropriation is provided solely for a pilot program for teenage suicide prevention in the Northshore school district.

(20) \$15,000,000 of the general fund—state appropriation is provided solely to implement the reach for excellence program to provide grants to local school districts to develop outcome-based educational programs and methods of assessing students' achievement.

(a) The superintendent shall administer the program on a competitive grant basis and may appoint an advisory committee. Grants may be used for planning, staff development, and training; purchase of instructional materials, supplies, and resources; development of new measures to assess student performance; and implementation of outcome-based educational programs.

(b) If separate legislation enacting the reach for excellence program is enacted by July 31, 1991, (a) of this subsection shall be null and void.

(21) \$2,000,000 of the general fund—state appropriation is provided solely for grants to school districts of the second class under RCW 28A.315.230. The superintendent shall provide grants based on full time equivalent enrollment to applicant school districts meeting all of the following criteria:

(a) The median household income of the district is at least twenty percent below the state average;

(b) The number of families receiving aid to families with dependent children exceeds the state-wide average by twenty percent;

(c) The number of persons unemployed exceeds the state-wide average by twenty percent;

(d) The assessed valuation of property for excess levy purposes would require a levy rate of more than two dollars per one thousand dollars of valuation to raise a ten percent levy;

(e) The district does not receive federal impact aid in excess of the maximum amount the district would be eligible to raise with a ten percent levy; and

(f) The district does not receive federal forest moneys in excess of its basic education allocation.

However, if a second class school district is a joint district under RCW 28A.315.350, the criteria under this subsection shall be applied based upon the county which comes closest to meeting the criteria under this subsection.

(22) \$500,000 of the general fund—state appropriation is provided solely to implement chapter 258, Laws of 1991 (Substitute Senate Bill No. 5504, student teaching centers).

(23) \$100,000 of the general fund—state appropriation is provided solely for a cooperative alternative high school operated jointly by the Willapa Valley, Raymond, and South Bend school districts.

*Sec. 517 was partially vetoed, see message at end of chapter.

NEW SECTION. Sec. 518. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR ENCUMBRANCES OF FEDERAL GRANTS

General Fund Appropriation—Federal \$ 51,216,000

NEW SECTION. Sec. 519. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR TRANSITIONAL BILINGUAL PROGRAMS

General Fund Appropriation \$ 23,882,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$2,395,000 is provided solely for the remaining months of the 1990-91 school year.

(2) The superintendent shall distribute funds for the 1991-92 and 1992-93 school years at a rate for each year of \$508.82 per eligible student.

(3) For a student served more than twenty-five percent of the school day in a transitional bilingual program, the superintendent of public instruction shall ensure that state basic education funds generated by the student are expended, to the greatest extent practical, in the instruction of that student.

(4) Project funding for special services demonstration projects shall be allocated and disbursed under chapter 265, Laws of 1991 (Engrossed Substitute House Bill No. 1329, special services demonstration projects).

NEW SECTION. Sec. 520. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR THE LEARNING ASSISTANCE PROGRAM

General Fund Appropriation \$ 91,732,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$8,850,000 is provided solely for the remaining months of the 1990-91 school year.

(2) Funding for school district learning assistance programs serving kindergarten through grade nine shall be distributed during the 1991-92 and 1992-93 school years at a maximum rate of \$426 per unit as calculated pursuant to this subsection. The number of units for each school district in each school year shall be the sum of: (a) The number of full time equivalent students enrolled in kindergarten through grade six in the district multiplied by the percentage of the district's students taking the fourth grade basic skills test who scored in the lowest quartile as compared to national norms, and then reduced by the number of students ages eleven and below in the district who are identified as specific learning disabled and are served through programs established pursuant to chapter 28A.155 RCW; and (b) the number of full time equivalent students enrolled in grades seven through nine in the district multiplied by the percentage of the district's students taking the eighth grade basic skills test who scored in the lowest quartile as compared to national norms, and then reduced by the number of students ages twelve through fourteen in the district who are identified as specific learning disabled and are served through programs established pursuant to chapter 28A.155 RCW. In determining these allocations, the superintendent shall use the most recent prior five-year average scores on the fourth grade and eighth grade state-wide basic skills tests.

(3) Project funding for special services demonstration projects shall be allocated and disbursed under chapter 265, Laws of 1991 (Engrossed Substitute House Bill No. 1329, special services demonstration projects).

NEW SECTION. Sec. 521. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR EDUCATIONAL CLINICS

General Fund Appropriation \$ 3,584,000

The appropriation in this section is subject to the following conditions and limitations: Not more than \$1,792,000 of the general fund appropriation may be expended during fiscal year 1992.

NEW SECTION. Sec. 522. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—LOCAL EDUCATION PROGRAM ENHANCEMENT FUNDS

General Fund Appropriation \$ 58,724,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$5,605,000 of the general fund appropriation is provided solely for the remaining months of the 1990-91 school year.

(2) School districts receiving moneys pursuant to this section shall expend such moneys to meet educational needs identified by the district within the following program areas:

- (a) Prevention and intervention services in the elementary grades;
- (b) Reduction of class size;
- (c) Early childhood education;
- (d) Student-at-risk programs, including dropout prevention and retrieval, and substance abuse awareness and prevention;
- (e) Staff development and in-service programs;
- (f) Student logical reasoning and analytical skill development;
- (g) Programs for highly capable students;
- (h) Programs involving students in community services;
- (i) Senior citizen volunteer programs; and
- (j) Other purposes that enhance a school district's basic education program including purchase of instructional materials and supplies and other nonemployee-related costs.

Program enhancements funded pursuant to this section do not fall within the definition of basic education for purposes of Article IX of the state Constitution and the state's funding duty thereunder, nor shall such funding as now or hereafter appropriated and allocated constitute levy reduction funds for purposes of RCW 84.52.0531.

(3)(a) Allocation to eligible school districts for the 1991-92 and 1992-93 school years shall be calculated on the basis of average annual full time equivalent enrollment, at an annual rate of up to \$35.26 per pupil. For school districts enrolling not more than one hundred average annual full time equivalent students, and for small school plants within any school district designated as remote and necessary schools, the allocations shall be determined as follows:

(i) Enrollment of not more than sixty average annual full time equivalent students in grades kindergarten through six shall generate funding based on sixty full time equivalent students;

(ii) Enrollment of not more than twenty average annual full time equivalent students in grades seven and eight shall generate funding based on twenty full time equivalent students; and

(ii) Enrollment of sixty or fewer average annual full time equivalent students in grades nine through twelve shall generate funding based on sixty full time equivalent students.

(b) Allocations shall be distributed on a school-year basis pursuant to RCW 28A.510.250.

NEW SECTION. Sec. 523. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR CERTIFICATED INSTRUCTIONAL STAFF—LONGEVITY SALARY INCREMENTS

General Fund Appropriation \$ 48,611,000

The appropriation in this section is subject to the following conditions and limitations:

(1) This appropriation is intended to provide eligible certificated instructional staff an average 3.2 percent increment for an additional year of experience in each school year, based on LEAP Document 1R as developed on March 29, 1990, at 11:00 hours.

(2) The superintendent shall transfer the following amounts to the specified programs:

(a) \$42,144,000 to General Apportionment, section 502 of this act;

(b) \$6,252,000 to the Handicapped Education Program, section 509 of this act; and

(c) \$215,000 to the Institutional Education Program, section 514 of this act.

(3) Certificated instructional staff salary allocations in the specified programs shall be allocated in accordance with sections 502 and 503 of this act.

**PART VI
HIGHER EDUCATION**

***NEW SECTION. Sec. 601. HIGHER EDUCATION.**

The appropriations in sections 602 through 610 of this act are subject to the following conditions and limitations:

(1) "Institutions of higher education" means the institutions receiving appropriations pursuant to sections 602 through 610 of this act.

(2) The legislature affirms that institutions of higher education have the flexibility to manage their academic and other programs in accordance with their missions, including the improvement, expansion, addition, and reduction of programs as approved by the higher education coordinating board. An integral part of this flexibility is the responsibility of each institution to use their instructional support funds on supplies, materials, equipment, staffing, and other services necessary to support and improve instruction. By June 1, 1992, the higher education coordinating board shall report to the legislature: (a) Defining instructional support expenditures and indirect or supporting expenditures; (b) identifying how much each institution is spending in these areas; and (c) recommending guidelines and relative percentages for these expenditures.

(3)(a) Student Quality Standard: Each institution and branch campus shall adhere to biennial budgeted enrollment levels. For the 1991-93 fiscal biennium, each institution of higher education shall spend not less than the average biennial amount listed in this subsection per full time equivalent student, plus or minus

two percent. The amount includes total appropriated general fund state operating expenditures, less expenditures for plant maintenance and operation, with the exception of Washington State University, where cooperative extension and agriculture research expenditures are also excluded.

University of Washington	\$	9,996
Washington State University	\$	8,084
Eastern Washington University	\$	5,906
Central Washington University	\$	5,932
The Evergreen State College	\$	7,463
Western Washington University	\$	5,694
State Board for Community College Education	\$	3,551

(b) Budgeted Enrollments: Each institution shall enroll to its budgeted biennial average full time equivalent enrollments, plus or minus two percent, except each branch campus shall enroll within plus or minus twelve percent. If the estimated 1991-93 average biennial full time equivalent student enrollment of an institution or branch campus (as estimated on April 30, 1993, by the office of financial management using spring enrollment reports submitted by the institutions) varies from the biennial budgeted amount by more than two percent, or twelve percent for each branch campus, an amount equal to the student quality standard as included in (3)(a) of this subsection per full time equivalent student above or below the two percent or twelve percent branch campus variance shall revert to the state general fund.

	Average 1991-93 Budgeted FTEs
University of Washington	
Main campus	29,981
Tacoma branch	345
Bothell branch	348
Washington State University	
Main campus	15,862
Tri-Cities branch	467
Vancouver branch	343
Spokane branch	104
Eastern Washington University	7,281
Central Washington University	6,361
The Evergreen State College	3,159
Western Washington University	8,913
State Board for Community College Education	88,350

(c) Facilities Quality Standard: During the 1991-93 biennium, no institution of higher education may allow its expenditures for plant operation and

maintenance to fall more than five percent below the amounts allotted for this purpose.

(4)(a) The amounts specified in (b), (c), and (d) of this subsection are maximum amounts that each institution may spend from the appropriations in sections 602 through 610 of this act for staff salary increases on January 1, 1992, and January 1, 1993, excluding classified staff salary increases, and subject to all the limitations contained in this section.

(b) The following amounts shall be used to provide instruction and research faculty at each four-year institution an average salary increase of 3.9 percent on January 1, 1992, and 3.9 percent on January 1, 1993.

	1991-92	1992-93
University of Washington	\$ 2,888,000	8,086,000
Washington State University	\$ 1,157,000	3,544,000
Eastern Washington University	\$ 435,000	1,190,000
Central Washington University	\$ 393,000	1,053,000
The Evergreen State College	\$ 185,000	502,000
Western Washington University	\$ 540,000	1,446,000

(c) The following amounts shall be used to provide exempt professional staff, academic administrators, academic librarians, counselors, and teaching and research assistants as classified by the office of financial management, at each four-year institution, and the higher education coordinating board an average salary increase of 3.9 percent on January 1, 1992, and 3.9 percent on January 1, 1993. In providing these increases, institutions shall ensure that each person employed in these classifications is granted a salary increase of 3.1 percent on January 1, 1992, and 3.4 percent on January 1, 1993. The remaining amounts shall be used by each institution to grant salary increases on January 1, 1992, and on January 1, 1993 that address its most serious salary inequities among exempt staff within these classifications.

	1991-92	1992-93
University of Washington	\$ 918,000	2,720,000
Washington State University	\$ 625,000	1,898,000
Eastern Washington University	\$ 118,000	348,000
Central Washington University	\$ 93,000	275,000
The Evergreen State College	\$ 79,000	232,000
Western Washington University	\$ 138,000	407,000
Higher Education Coordinating Board	\$ 25,000	75,000

(d) \$4,342,000 for fiscal year 1992 and \$11,701,000 for fiscal year 1993 are provided solely for the state board for community college education to provide faculty and exempt staff for the community college system as a whole, average salary increases of 3.9 percent on January 1, 1992, and 3.9 percent on January 1, 1993.

(e) The salary increases authorized under this subsection may be granted to state employees at Washington State University who are supported in full or in part by federal land grant formula funds.

(5) In no case may the funds provided under this subsection and subsection (4) of this section be used to grant a salary increase exceeding \$3,900 in fiscal year 1992, or \$3,900 in fiscal year 1993, to any person whose annual salary exceeds \$100,000.

(6)(a) The following amounts from the appropriations in sections 602 and 610 of this act, or as much thereof as may be necessary, shall be spent to provide employees classified by the higher education personnel board a 3.6 percent across-the-board increase effective January 1, 1992, and an additional 3.6 percent across-the-board increase effective January 1, 1993.

	1991-92	1992-93
University of Washington	\$ 1,422,000	4,316,000
Washington State University	\$ 868,000	2,647,000
Eastern Washington University	\$ 214,000	651,000
Central Washington University	\$ 172,000	525,000
The Evergreen State College	\$ 131,000	396,000
Western Washington University	\$ 232,000	724,000
State Board for Community College Education	\$ 1,323,000	4,031,000
Higher Education Coordinating Board	\$ 12,000	36,000

(b) The salary increases granted in this subsection (6) of this section shall be implemented in compliance and conformity with all requirements of the comparable worth agreement ratified by the 1986 Senate Concurrent Resolution No. 126, where applicable.

(c) No salary increases may be paid under this subsection (6) of this section to any person whose salary has been Y-rated pursuant to rules adopted by the higher education personnel board.

(7) The following amounts are provided to fund as much as may be required for salary increases resulting from the higher education personnel board's job classification revision of clerical support staff, as adopted by the board on January 3, 1991, and revised by the board on February 14, 1991.

University of Washington	\$	2,386,000
Washington State University	\$	1,057,000
Eastern Washington University	\$	239,000
Central Washington University	\$	198,000
The Evergreen State College	\$	265,000
Western Washington University	\$	289,000
State Board for Community College Education	\$	1,634,000
Higher Education Coordinating Board	\$	26,000

(8) No institution of higher education may deduct more than fifteen percent for administrative overhead from any amount received for services

performed under a contract or interagency agreement with an agency or department of the state without prior approval from the office of financial management. This subsection applies to new or renewed contracts and interagency agreements entered into after June 30, 1990.

*Sec. 601 was partially vetoed, see message at end of chapter.

NEW SECTION. Sec. 602. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION

General Fund Appropriation \$ 718,695,000

The appropriation in this section is subject to the following conditions and limitations:

(1) At least \$3,640,000 shall be spent on assessment of student outcomes.

(2) At least \$1,500,000 shall be spent to recruit and retain minorities.

(3) The 1991-93 enrollment increases funded by this appropriation shall be distributed among the community college districts based on the weighted prorated percentage enrollment plan developed by the state board for community college education, and contained in the legislative budget notes.

(4) \$2,204,000 is provided solely for 500 supplemental FTE enrollment slots to implement section 17, chapter 315, Laws of 1991 (Engrossed Substitute Senate Bill No. 5555, timber dependent communities).

(5) At least \$1,500,000 shall be spent as grants to the community college districts to fund unusually high start-up costs for training programs.

(6) At least \$75,000 shall be used as payment to the state board for vocational education for the Lower Columbia College job skills program.

(7) In addition to any other compensation adjustments provided in this act, salary increments may be funded by community college districts to the extent that funds are available from staff turnover. A maximum of \$1,000,000 of the appropriation in this section may be expended to supplement savings from staff turnover for the payment of faculty salary increments. The state board for community college education shall issue system-wide guidelines for the payment of salary increments for full time faculty by community college districts and monitor compliance with those guidelines.

NEW SECTION. Sec. 603. FOR THE UNIVERSITY OF WASHINGTON

General Fund Appropriation \$ 689,120,000

Medical Aid Fund Appropriation \$ 3,625,000

Accident Fund Appropriation \$ 3,625,000

Death Investigations Account Appropriation \$ 1,033,000

Oil Spill Administration Account Appropriation \$ 229,000

TOTAL APPROPRIATION \$ 697,632,000

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

(1) At least \$9,007,000 shall be spent to operate upper-division and graduate level courses offered at the Bothell branch campus. The amount referenced in this subsection does not include amounts authorized for 1991-93 salary increases.

(2) At least \$7,664,000 shall be spent to operate upper-division and graduate level courses offered at the Tacoma branch campus. The amount referenced in this subsection does not include amounts authorized for 1991-93 salary increases.

(3) At least \$400,000 shall be spent on assessment of student outcomes.

(4) At least \$696,000 shall be spent to recruit and retain minorities.

(5) \$575,000 is provided solely to operate the Olympic natural resources center.

(6) \$229,000 of the oil spill administration account appropriation is provided solely to implement section 10, chapter 200, Laws of 1991 (Engrossed Substitute House Bill No. 1027, hazardous substance spills).

(7) \$669,000 is provided solely to add 75 student FTEs to the evening degree program.

NEW SECTION. Sec. 604. FOR WASHINGTON STATE UNIVERSITY

General Fund Appropriation \$ 381,720,000

The appropriation in this section is subject to the following conditions and limitations:

(1) At least \$7,917,000 shall be spent to operate upper-division and graduate level courses offered at the Tri-Cities branch campus. At least \$500,000 of this amount is provided solely to implement sections 6, 7, and 8, chapter 341, Laws of 1991 (Engrossed Substitute House Bill No. 1426, research and extension programs). The amount referenced in this subsection does not include amounts authorized for 1991-93 salary increases.

(2) At least \$7,125,000 shall be spent to operate upper-division and graduate level courses offered at the Vancouver branch campus. The amount referenced in this subsection does not include amounts authorized for 1991-93 salary increases.

(3) At least \$7,107,000 shall be spent to operate graduate level courses offered at the Spokane branch campus. The amount referenced in this subsection does not include amounts authorized for 1991-93 salary increases.

(4) At least \$400,000 shall be spent on assessment of student outcomes.

(5) At least \$300,000 shall be spent to recruit and retain minorities.

(6) \$60,000 is provided solely for the aquatic animal health program.

NEW SECTION. Sec. 605. FOR EASTERN WASHINGTON UNIVERSITY

General Fund Appropriation \$ 103,396,000

The appropriation in this section is subject to the following conditions and limitations:

(1) At least \$400,000 shall be spent on assessment of student outcomes.

(2) At least \$200,000 shall be spent to recruit and retain minorities.

NEW SECTION. Sec. 606. FOR CENTRAL WASHINGTON UNIVERSITY

General Fund Appropriation \$ 88,061,000

The appropriation in this section is subject to the following conditions and limitations:

- (1) At least \$400,000 shall be spent on assessment of student outcomes.
- (2) At least \$151,000 shall be spent to recruit and retain minorities.

NEW SECTION. Sec. 607. FOR THE EVERGREEN STATE COLLEGE

General Fund Appropriation \$ 55,374,000

The appropriation in this section is subject to the following conditions and limitations:

- (1) At least \$400,000 shall be spent on assessment of student outcomes.
- (2) At least \$100,000 shall be spent to recruit and retain minorities.

NEW SECTION. Sec. 608. FOR WESTERN WASHINGTON UNIVERSITY

General Fund Appropriation \$ 115,445,000

The appropriation in this section is subject to the following conditions and limitations:

- (1) At least \$400,000 shall be spent on assessment of student outcomes.
- (2) At least \$200,000 shall be spent to recruit and retain minorities.

NEW SECTION. Sec. 609. FOR THE HIGHER EDUCATION COORDINATING BOARD—POLICY COORDINATION AND ADMINISTRATION

General Fund—State Appropriation	\$	4,633,000
General Fund—Federal Appropriation	\$	230,000
TOTAL APPROPRIATION	\$	4,863,000

The appropriations in this section are provided to carry out the policy coordination, planning, studies, and administrative functions of the board and are subject to the following conditions and limitations:

(1) \$100,000 of the general fund—state appropriation is provided solely to continue the Washington state writing demonstration project to be administered by the board or its designee. Under the project, proposals shall be competitively selected that enhance the skills of writing teachers in grades kindergarten through twelve in Washington public schools. The board shall evaluate the project by September 1, 1992, and recommend to the governor and legislature whether or not it should be continued.

(2) The higher education coordinating board shall implement the following measures regarding tuition and fee waivers, reduced fees, and residency exemptions:

(a) Each state university, regional university, state college, and the community college system shall include a special report on tuition and fee waivers in its biennial budget request.

(b) By December 1, 1991, in cooperation with the house of representatives and senate higher education and fiscal committees, the board shall develop and recommend evaluation criteria. The criteria shall include, but not be limited to, consideration of a financial needs test and a reauthorization requirement. The criteria for space-available waiver programs shall include, but not be limited to, consideration of overall access, demand, and effectiveness in achieving program goals.

(c) Using the criteria, the board shall review and evaluate at least half of the existing programs by June 30, 1993, and recommend the continuation, modification, or termination of evaluated programs to the governor, the legislature, and the institutions of higher education.

(3) \$52,000 of the general fund—state appropriation is provided solely to implement sections 7 and 8, chapter 228, Laws of 1991 (Engrossed Substitute Senate Bill No. 5475, higher education services for students with disabilities).

(4) \$70,000 of the general fund—state appropriation is provided solely for a higher education faculty compensation study. By June 1, 1992, the higher education coordinating board, in consultation with the state board for community college education and with the cooperation of the institutions of higher education, shall report to the appropriate committees of the legislature on higher education faculty compensation. The report shall include historical and current information as well as recommendations regarding: (a) Salary increments; (b) salary disparity among institutions and within departments of institutions; and (c) performance-based compensation plans.

(5) \$230,000 of the general fund—state appropriation is provided solely for the purposes of section 5, chapter 322, Laws of 1991 (Engrossed Substitute House Bill No. 1960, health personnel resources plan).

(6) \$546,000 of the general fund—state appropriation is provided solely to implement sections 18 through 21, chapter 315, Laws of 1991 (Engrossed Substitute Senate Bill No. 5555, timber dependent communities).

NEW SECTION. Sec. 610. FOR THE HIGHER EDUCATION COORDINATING BOARD—FINANCIAL AID AND GRANT PROGRAMS

General Fund—State Appropriation	\$	74,898,000
General Fund—Federal Appropriation	\$	3,326,000
State Education Grant Account Appropriation	\$	40,000
TOTAL APPROPRIATION	\$	78,264,000

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

(1) \$1,012,000 of the general fund—state appropriation is provided solely for the displaced homemakers program.

(2) \$467,000 of the general fund—state appropriation is provided solely for the western interstate commission for higher education.

(3) \$73,419,000 of the general fund—state appropriation is provided solely for student financial aid, including all administrative costs. Of this amount:

(a) \$66,639,000 is provided solely for the state need grant and state work study programs. Not less than \$24,200,000 shall be expended for state work study grants. Any state need grant moneys not awarded by April 1 of each year may be transferred to the state work study program for distribution.

(b) \$2,000,000 is provided solely for educational opportunity grants.

(c) \$150,000 is provided solely for the health professional loan repayment program.

(d) \$234,000 of the general fund—state appropriation is provided solely to implement chapter 255, Laws of 1991 (Second Substitute Senate Bill No. 5022, teacher excellence awards).

(e) A maximum of \$350,000 may be expended to increase the financial aid administrative budget, excluding the four percent state work study program administrative allowance provision.

NEW SECTION. Sec. 611. FOR THE JOINT CENTER FOR HIGHER EDUCATION

General Fund Appropriation \$ 613,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely to carry out the administrative and fiscal responsibilities of the joint center for higher education pursuant to chapter 205, Laws of 1991 (House Bill No. 2198, joint center for higher education).

NEW SECTION. Sec. 612. FOR THE COMPACT FOR EDUCATION

General Fund Appropriation \$ 101,000

NEW SECTION. Sec. 613. FOR THE STATE BOARD FOR VOCATIONAL EDUCATION

General Fund—State Appropriation \$ 4,043,000
General Fund—Federal Appropriation \$ 33,067,000
TOTAL APPROPRIATION \$ 37,110,000

NEW SECTION. Sec. 614. FOR THE WASHINGTON INSTITUTE OF APPLIED TECHNOLOGY

General Fund Appropriation \$ 3,143,000

NEW SECTION. Sec. 615. FOR THE HIGHER EDUCATION PERSONNEL BOARD

Higher Education Personnel Board Service Fund
Appropriation \$ 2,405,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$2,000 is provided solely for salary increases for staff of the higher education personnel board resulting from the higher education personnel board's job classification revision of clerical support staff.

(2) \$60,000 is provided solely for a 3.6 percent across-the-board salary increase effective January 1, 1992, and an additional 3.6 percent across-the-board salary increase effective January 1, 1993, for classified and exempt staff of the higher education personnel board.

NEW SECTION. Sec. 616. FOR WASHINGTON STATE LIBRARY

General Fund—State Appropriation	\$	14,495,000
General Fund—Federal Appropriation	\$	4,671,000
General Fund—Private/Local Appropriation	\$	46,000
TOTAL APPROPRIATION	\$	19,212,000

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

(1) \$2,463,516 of the general fund appropriation, of which \$54,000 is from federal funds, are provided solely for a contract with the Seattle public library for library services for the blind and physically handicapped.

(2) \$100,000 of the general fund—state appropriation is provided solely to contract for provision of compiled business data regarding the Pacific rim region. Contracts shall be limited to Washington state libraries that comprise the Pacific rim business information service.

NEW SECTION. Sec. 617. FOR THE WASHINGTON STATE ARTS COMMISSION

General Fund—State Appropriation	\$	4,706,000
General Fund—Federal Appropriation	\$	900,000
TOTAL APPROPRIATION	\$	5,606,000

NEW SECTION. Sec. 618. FOR THE WASHINGTON STATE HISTORICAL SOCIETY

General Fund Appropriation	\$	1,278,000
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NEW SECTION. Sec. 619. FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY

General Fund Appropriation	\$	922,000
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NEW SECTION. Sec. 620. FOR THE STATE CAPITOL HISTORICAL ASSOCIATION

General Fund Appropriation	\$	1,117,000
State Capitol Historical Association Museum		
Account Appropriation	\$	135,000
TOTAL APPROPRIATION	\$	1,252,000

NEW SECTION. Sec. 621. FOR THE STATE SCHOOL FOR THE DEAF

General Fund Appropriation—State	\$	12,450,000
General Fund Appropriation—Federal	\$	235,000
TOTAL APPROPRIATION	\$	12,685,000

NEW SECTION. Sec. 622. FOR THE STATE SCHOOL FOR THE BLIND

General Fund Appropriation—State	\$	6,657,000
General Fund Appropriation—Federal	\$	68,000
TOTAL APPROPRIATION	\$	6,725,000

**PART VII
SPECIAL APPROPRIATIONS**

NEW SECTION. Sec. 701. FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL FUND BOND DEBT

General Fund Appropriation	\$	600,303,000
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This appropriation is for deposit into the accounts listed in section 801 of this act.

NEW SECTION. Sec. 702. FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL OBLIGATION DEBT TO BE REIMBURSED BY ENTERPRISE ACTIVITIES

State Convention and Trade Center Account		
Appropriation	\$	23,896,000
University of Washington Hospital Bond Retirement		
Fund 1975 Appropriation	\$	1,178,000
Office-Laboratory Facilities Bond Redemption Fund		
Appropriation	\$	274,000
Higher Education Bond Retirement Fund 1979		
Appropriation	\$	2,560,000
State General Obligation Bond Retirement Fund 1979		
Appropriation	\$	19,126,000
TOTAL APPROPRIATION	\$	47,034,000

NEW SECTION. Sec. 703. FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL OBLIGATION DEBT TO BE REIMBURSED AS PRESCRIBED BY STATUTE

Community College Refunding Bond Retirement Fund		
1974 Appropriation	\$	9,793,000

Community College Capital Construction Bond	
Redemption Fund 1975, 1976, 1977	
Appropriation	\$ 10,292,000
Higher Education Bond Retirement Fund 1979	
Appropriation	\$ 13,525,000
Washington State University Bond Redemption Fund	
1977 Appropriation	\$ 518,000
Higher Education Refunding Bond Redemption Fund	
1977 Appropriation	\$ 6,988,000
State General Obligation Bond Retirement Fund 1979	
Appropriation	\$ 42,251,000
TOTAL APPROPRIATION	\$ 83,367,000

NEW SECTION. Sec. 704. FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR DEBT TO BE PAID BY STATUTORILY PRESCRIBED REVENUE

Common School Building Bond Redemption Fund 1967	
Appropriation	\$ 6,910,000
State Building Bond Redemption Fund 1967	
Appropriation	\$ 654,000
State Building and Parking Bond Redemption Fund 1969	
Appropriation	\$ 2,450,000
TOTAL APPROPRIATION	\$ 10,014,000

NEW SECTION. Sec. 705. FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR DEBT TO BE PAID BY MOTOR VEHICLE FUND REVENUE

Highway Bond Retirement Fund Appropriation	\$ 192,403,518
Ferry Bond Retirement Fund 1977 Appropriation	\$ 28,172,551
TOTAL APPROPRIATION	\$ 220,576,069

NEW SECTION. Sec. 706. FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES

State Convention and Trade Center Appropriation	\$ 8,926
Excess Earnings Account Appropriation	\$ 750,000
State/Local Improvements Revolving Account	
Appropriation	\$ 3,574
State/Local Improvements Revolving Account Waste	
Disposal Facilities Appropriation	\$ 13,388
State Building Construction Account	
Appropriation	\$ 44,715,566
State/Local Improvements Revolving Account Water	
Supply Facilities Appropriation	\$ 2,680

Motor Vehicle Fund Appropriation	\$	1,542,000
Urban Arterial Trust Account Appropriation	\$	552,496
Labor and Industries Construction Appropriation	\$	583,115
TOTAL APPROPRIATION	\$	48,171,745
Total Bond Retirement and Interest Appropriation	\$	1,009,464,782

NEW SECTION. Sec. 707. FOR THE GOVERNOR—FOR TRANSFER TO THE TORT CLAIMS REVOLVING FUND

General Fund Appropriation	\$	9,532,000
Motor Vehicle Fund Appropriation	\$	8,942,000
Wildlife Fund Appropriation	\$	106,000
Accident Fund Appropriation	\$	4,000
Ferry System Revolving Account Appropriation	\$	4,744,000
Liquor Revolving Fund Appropriation	\$	378,000
Lottery Administrative Account	\$	50,000
Resource Management Cost Account Appropriation	\$	980,000
Public Service Revolving Account Appropriation	\$	48,000
TOTAL APPROPRIATION	\$	24,784,000

NEW SECTION. Sec. 708. FOR THE GOVERNOR—EMERGENCY FUND

General Fund Appropriation	\$	1,500,000
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The appropriation in this section is for the governor's emergency fund, for the critically necessary work of any agency.

NEW SECTION. Sec. 709. FOR THE GOVERNOR—TORT DEFENSE SERVICES

General Fund Appropriation	\$	1,542,000
Special Fund Agency Tort Defense Services		
Revolving Fund Appropriation	\$	850,000
TOTAL APPROPRIATION	\$	2,392,000

The appropriations in this section are subject to the following conditions and limitations: To facilitate payment of tort defense services from special funds, the state treasurer is directed to transfer sufficient moneys from each special fund to the special fund tort defense services revolving fund, in accordance with schedules provided by the office of financial management. The governor shall distribute the moneys appropriated in this section to agencies to pay for tort defense services.

NEW SECTION. Sec. 710. FOR THE OFFICE OF FINANCIAL MANAGEMENT—BELATED CLAIMS

- (1) There is appropriated to the office of financial management for payment of supplies and services furnished in previous biennia, from the General Fund \$ 800,000

- (2) The following sums, or so much thereof as shall severally be found necessary, are hereby appropriated and authorized to be expended out of the several funds indicated, for the period from the effective date of this act to June 30, 1993, in order to reimburse the general fund for expenditures from belated claims, to be disbursed on vouchers approved by the office of financial management:

Archives and Records Management Account	\$	562
Winter Recreational Program Account	\$	75
Snowmobile Account	\$	226
Flood Control Assistance Account	\$	1,354
Aquatic Lands Enhancement	\$	6
State Investment Board Expense Account	\$	1,995
State Toxics Control Account	\$	671
State Emergency Water Projects Revolving Account	\$	16
State and Local Improvement Revolving Account— Waste Disposal Facilities	\$	384
Local Toxics Control Account	\$	3,626
Litter Control Account	\$	173
State Patrol Highway Account	\$	29,500
State Wildlife Fund	\$	31,700
Motor Vehicle Fund	\$	42,708
High Capacity Transportation Account	\$	7,110
Public Service Revolving Account	\$	3,038
Insurance Commissioner's Regulatory Account	\$	2,079
State Treasurer's Service Fund	\$	37
Legal Services Revolving Fund	\$	24,362
Municipal Revolving Account	\$	6,249
Department of Personnel Service Fund	\$	1,238
State Auditing Services Revolving Account	\$	2,878
Liquor Revolving Fund	\$	21,372
Department of Retirement Systems Expense Fund . .	\$	1,234
Accident Fund	\$	3,034
Medical Aid Fund	\$	3,034

NEW SECTION. Sec. 711. FOR SUNDRY CLAIMS

The following sums, or so much thereof as may be necessary, are appropriated from the general fund, unless otherwise indicated, for relief of various individuals, firms, and corporations for sundry claims. These appropriations are to be disbursed on vouchers approved by the director of general administration, except as otherwise provided, as follows:

- (1) Pay'n Save Drug Stores, Inc., in settlement of medical assistance pharmacy billings during the 1989-91 biennium: PROVIDED, That the department of social and health services shall seek reimbursement from federal funds to the maximum extent permitted by federal law \$ 8,111.92
- (2) State Auditor, for payment of weed district assessments against state lands pursuant to RCW 17.04.180 \$ 1,715.72

NEW SECTION. Sec. 712. FOR THE GOVERNOR—COMPENSATION—SALARY AND INSURANCE BENEFITS

General Fund State Appropriation	\$	115,019,000
General Fund Federal Appropriation	\$	17,626,000
Special Fund Salary and Insurance Contribution		
Increase Revolving Fund Appropriation	\$	109,009,000
TOTAL APPROPRIATION	\$	241,654,000

The appropriations in this section, or so much thereof as may be necessary, shall be expended solely for the purposes designated in this section and are subject to the conditions and limitations specified in this section.

(1) \$62,500,000 of the general fund state appropriation, \$16,500,000 of the general fund federal appropriation, and \$41,800,000 of the special fund salary and insurance contribution increase revolving fund appropriation are provided solely for a 3.6 percent across-the-board salary increase effective January 1, 1992, and an additional 3.6 percent across-the-board salary increase effective January 1, 1993, for all classified and exempt employees under the state personnel board and commissioned officers of the Washington state patrol.

(2) \$3,100,000 of the general fund state appropriation, \$735,000 of the general fund federal appropriation, and \$107,000 of the special fund salary and insurance contribution are provided solely to:

(a) Grant a 3.1 percent salary increase effective January 1, 1992, and an additional 3.6 percent salary increase effective January 1, 1993, to registered nurses and related job classes requiring licensure as a registered nurse; and

(b) Increase shift differential pay for registered nurses and related job classes requiring licensure as a registered nurse from \$1.00 per hour to \$1.50 per hour for evening shift and from \$1.50 per hour to \$2.50 per hour for night shift.

The salary increases granted in this subsection shall be in addition to any increase granted under subsection (1) of this section, and shall be granted only to employees classified under the state personnel board.

(3) \$860,000 of the general fund state appropriation and \$235,000 of the general fund federal appropriation are provided solely to grant a five-range, or approximately 12.5 percent, salary increase effective July 1, 1991, to the psychologist 5 and psychologist 6 job classes (classes 6816 and 6820) to address problems with recruitment and retention.

(4) \$121,000 of the general fund state appropriation, \$8,000 of the general fund federal appropriation, and \$4,030,000 of the special fund salary and insurance contribution increase revolving fund appropriation are provided for a four range, or approximately ten percent, salary increase effective July 1, 1991, for the transportation technician 2, transportation engineer 2, transportation engineer 5, and right-of-way agent 2 job classes, and all job classes directly indexed to one of those four benchmark job classes.

(5) \$759,000 of the general fund state appropriation, \$147,000 of the general fund federal appropriation, and \$873,000 of the special fund salary and insurance contribution increase revolving fund appropriation are provided for a two-range, or approximately 5 percent, salary increase effective January 1, 1992, for the environmental engineer 2, architect 1, and civil engineer 2 job classes, and all job classes directly indexed to one of those three benchmark job classes.

The salary increase granted in this subsection shall be in addition to any increase granted under subsection (1) of this section.

(6) The governor shall allocate to state agencies \$15,000,000 from the general fund state appropriation, and \$15,000,000 from the special fund salary and insurance contribution increase revolving fund appropriation to fulfill the 1991-93 obligations of the comparable worth agreement ratified by 1986 Senate Concurrent Resolution No. 126. The amounts allocated under this subsection are for employees classified under both the state personnel board and the higher education personnel board systems.

(7) The salary increases granted in this section shall be implemented in compliance and conformity with all requirements of the comparable worth agreement ratified by the 1986 Senate Concurrent Resolution No. 126, where applicable.

(8)(a) The monthly contributions for insurance benefit premiums shall not exceed \$289.95 per eligible employee for fiscal year 1992, and \$321.80 for fiscal year 1993.

(b) The monthly contributions for the margin in the self-insured medical and dental plans and for the operating costs of the health care authority shall not exceed \$8.36 per eligible employee for fiscal year 1992, and \$6.31 for fiscal year 1993.

(c) Any returns of funds to the health care authority resulting from favorable claims experienced during the 1991-93 biennium shall be held in reserve within the state employees insurance account until appropriated by the legislature.

(d) Funds provided under this section, including funds resulting from dividends or refunds, shall not be used to increase employee insurance benefits over the level of services provided on the effective date of this act. Contributions by any county, municipal, or other political subdivision to which coverage is extended after the effective date of this act shall not receive the benefit of any surplus funds attributable to premiums paid prior to the date on which coverage is extended.

(9) To facilitate the transfer of moneys from dedicated funds and accounts, the state treasurer is directed to transfer sufficient moneys from each dedicated fund or account to the special fund salary and insurance contribution increase revolving fund in accordance with schedules provided by the office of financial management.

(10) In calculating individual agency allocations for this section, the office of financial management shall calculate the allocation of each subsection separately. The separate allocations for each agency may be combined under a single appropriation code for improved efficiency. The office of financial management shall transmit a list of agency allocations by subsection to the senate committee on ways and means and the house of representatives committee on appropriations.

(11) No salary increase may be paid under this section to any person whose salary has been Y-rated pursuant to rules adopted by the state personnel board.

(12) A maximum of \$7,342,000 of the special fund salary and insurance contribution increase revolving fund appropriation in this section may be expended for salary and benefit increases for ferry workers consistent with the 1991-93 transportation appropriations act.

NEW SECTION. Sec. 713. INCREMENT SALARY INCREASES

The appropriations in Parts I through VI of this act to the agencies and institutions of the state contain \$52,597,000 for the purposes of providing increment salary increases for longevity to employees of the state pursuant to RCW 41.06.150(18), 28B.16.100(18), and other statutes. This amount will provide annual average salary increases of 1.9 percent during the 1991-93 biennium.

NEW SECTION. Sec. 714. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS—CONTRIBUTIONS TO RETIREMENT SYSTEMS

The appropriations in this section are subject to the following conditions and limitations: The appropriations shall be made on a quarterly basis.

(1) There is appropriated for state contributions to the law enforcement officers' and fire fighters' retirement system:

	FY 1992	FY 1993
General Fund Appropriation	\$ 76,000,000	81,500,000
TOTAL APPROPRIATION	\$ 157,500,000	

(2) There is appropriated for contributions to the judicial retirement system:

	FY 1992	FY 1993
General Fund Appropriation	\$ 3,371,000	3,371,000
TOTAL APPROPRIATION	\$ 6,742,000	

The appropriation in this subsection is subject to the following conditions and limitations: \$92,000 is provided solely to implement chapter 159, Laws of 1991 (Substitute House Bill No. 1721, judicial retirement system).

(3) There is appropriated for contributions to the judges retirement system:

	FY 1992	FY 1993
General Fund Appropriation	\$ 506,000	506,000
TOTAL APPROPRIATION	\$ 1,012,000	

The appropriation in this subsection is subject to the following conditions and limitations: \$2,000 is provided solely to implement chapter 159, Laws of 1991 (Substitute House Bill No. 1721 judicial retirement system).

NEW SECTION. Sec. 715. FOR THE OFFICE OF FINANCIAL MANAGEMENT—CONTRIBUTIONS TO RETIREMENT SYSTEMS

	FY 1992	FY 1993
General Fund State Appropriation	\$ 1,295,000	3,255,000
Special Retirement Contribution Increase		
Revolving Fund Appropriation	\$ 900,000	2,100,000
TOTAL APPROPRIATION	\$ 7,550,000	

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

(1) In addition to any cost of living adjustments provided under RCW 41.32.575, 41.32.487, 41.40.325, or 41.40.1981, on February 1, 1992, the department of retirement systems shall also pay an additional adjustment to any retiree of plan I of the public employees retirement system or plan I of the teachers retirement system whose state retirement benefit has a purchasing power of less than 60 percent of the purchasing power of the benefit the retiree received at age 65. Each such retiree shall be given a one-time increase sufficient, when combined with any other adjustment received on July 1, 1991, to restore the purchasing power of the retiree's state retirement benefit to 60 percent of the purchasing power of the benefit received by the retiree at age 65. This increase shall be calculated using the formulas contained in RCW 41.32.575 and 41.40.325 but without regard to RCW 41.32.575(2)(b) and RCW 41.40.325(2)(b), and shall be effective for the remainder of the 1991-93 biennium.

(2) \$4,450,000 of the general fund state appropriation and \$3,000,000 of the special retirement contribution increase revolving fund appropriation, or as much thereof as may be necessary, shall be distributed to state agencies to increase state contributions to the public employees retirement system to implement subsection (1) of this section.

(3) \$100,000 of the general fund state appropriation, or as much thereof as may be necessary, shall be distributed to state agencies to increase state contributions to the teachers retirement system to implement subsection (1) of this section.

NEW SECTION. Sec. 716. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—RETIREMENT CONTRIBUTIONS

General Fund Appropriation	\$ 7,450,000
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The appropriation in this section is subject to the following conditions and limitations:

(1) In addition to any cost-of-living adjustments provided under RCW 41.32.575, 41.32.487, 41.40.325, or 41.40.1981, on February 1, 1992, the department of retirement systems shall also pay an additional adjustment to any retiree of plan I of the public employees' retirement system or plan I of the teachers' retirement system whose state retirement benefit has a purchasing power of less than 60 percent of the purchasing power of the benefit the retiree received at age 65. Each such retiree shall be given a one-time increase sufficient, when combined with any other adjustment received on July 1, 1991, to restore the purchasing power of the retiree's state retirement benefit to 60 percent of the purchasing power of the benefit received by the retiree at age 65. This increase shall be calculated using the formulas contained in RCW 41.32.575 and 41.40.325 but without regard to RCW 41.32.575(2)(b) and RCW 41.40.325(2)(b), and shall be effective for the remainder of the 1991-93 biennium.

(2) \$5,550,000 for the teachers' retirement system and \$1,900,000 for the public employees' retirement system shall be distributed to local school districts and educational service districts to increase state retirement system contributions to implement subsection (1) of this section.

NEW SECTION. Sec. 717. FOR THE STATE TREASURER—LOANS

General Fund Appropriation—For transfer to the	
Convention and Trade Center Operating Account . . .	\$ 8,766,000
General Fund Appropriation—For transfer to the	
Community College Capital Projects Account	\$ 4,500,000
TOTAL APPROPRIATION	\$ 13,266,000

The appropriations in this section are intended as loans to the accounts indicated.

**PART VIII
OTHER TRANSFERS AND APPROPRIATIONS**

NEW SECTION. Sec. 801. FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL OBLIGATION DEBT SUBJECT TO THE STATUTORY DEBT LIMIT

Fisheries Bond Redemption Fund 1977	
Appropriation	\$ 1,370,000
Water Pollution Control Facilities Bond Redemption	
Fund 1967 Appropriation	\$ 1,844,000
State Building and Higher Education Construction	
Bond Redemption Fund 1967 Appropriation	\$ 1,902,000
State Building (Expo 74) Bond Redemption Fund 1973A	
Appropriation	\$ 376,000
State Building Bond Redemption Fund 1973	
Appropriation	\$ 3,796,000

State Higher Education Bond Redemption Fund 1973		
Appropriation	\$	4,387,000
State Building Authority Bond Redemption Fund		
Appropriation	\$	9,408,000
Community College Capital Improvement Bond		
Redemption Fund 1972 Appropriation	\$	7,528,000
State Higher Education Bond Redemption Fund 1974		
Appropriation	\$	1,189,000
Waste Disposal Facilities Bond Redemption Fund		
Appropriation	\$	57,907,000
Water Supply Facilities Bond Redemption Fund		
Appropriation	\$	11,105,058
Recreation Improvements Bond Redemption Fund		
Appropriation	\$	6,021,890
Social and Health Services Facilities 1972 Bond		
Redemption Fund Appropriation	\$	3,712,694
Outdoor Recreation Bond Redemption Fund 1967		
Appropriation	\$	3,967,392
Indian Cultural Center Construction Bond		
Redemption Fund 1976 Appropriation	\$	124,027
Fisheries Bond Redemption Fund 1976		
Appropriation	\$	761,536
Higher Education Bond Redemption Fund 1975		
Appropriation	\$	2,164,887
State Building Bond Retirement Fund 1975		
Appropriation	\$	426,060
Social and Health Services Bond Redemption Fund		
1976 Appropriation	\$	9,467,557
Emergency Water Projects Bond Retirement Fund 1977		
Appropriation	\$	2,624,875
Higher Education Bond Redemption Fund 1977		
Appropriation	\$	16,559,408
Salmon Enhancement Bond Redemption Fund 1977		
Appropriation	\$	3,883,552
Fire Service Training Center Bond Retirement Fund		
1977 Appropriation	\$	739,795
State General Obligation Bond Retirement Bond 1979		
Appropriation	\$	491,009,053
TOTAL APPROPRIATION	\$	642,277,149

NEW SECTION. Sec. 802. FOR THE STATE TREASURER—STATE REVENUES FOR DISTRIBUTION

General Fund Appropriation for fire insurance		
premiums tax distribution	\$	4,600,000

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General Fund Appropriation for public utility district excise tax distribution	\$	24,314,000
General Fund Appropriation for prosecuting attorneys' salaries	\$	2,704,000
General Fund Appropriation for motor vehicle excise tax distribution	\$	83,075,000
General Fund Appropriation for local mass transit assistance	\$	275,140,000
General Fund Appropriation for camper and travel trailer excise tax distribution	\$	2,585,000
General Fund Appropriation for Boating Safety/ Education and Law Enforcement Distribution	\$	760,000
Aquatic Lands Enhancement Account Appropriation for harbor improvement revenue distribution	\$	90,000
Liquor Excise Tax Fund Appropriation for liquor excise tax distribution	\$	22,000,000
Motor Vehicle Fund Appropriation for motor vehicle fuel tax and overload penalties distribution	\$	359,745,000
Liquor Revolving Fund Appropriation for liquor profits distribution	\$	45,645,850
Timber Tax Distribution Account Appropriation for distribution to "Timber" counties	\$	83,100,000
Municipal Sales and Use Tax Equalization Account Appropriation	\$	44,690,000
County Sales and Use Tax Equalization Account Appropriation	\$	15,100,000
Death Investigations Account Appropriation for distribution to counties for publicly funded autopsies	\$	750,000
County Criminal Justice Account Appropriation	\$	56,152,000
Municipal Criminal Justice Account Appropriation	\$	22,460,000
TOTAL APPROPRIATION	\$	1,042,910,850

**NEW SECTION. Sec. 803. FOR THE STATE TREASURER—
FEDERAL REVENUES FOR DISTRIBUTION**

Forest Reserve Fund Appropriation for federal forest reserve fund distribution	\$	70,000,000
General Fund Appropriation for federal flood control funds distribution	\$	78,000
General Fund Appropriation for federal grazing fees distribution	\$	53,000

General Fund Appropriation for distribution of federal funds to counties in conformance with Public Law 97-99	\$ 820,000
TOTAL APPROPRIATION	\$ 70,951,000

NEW SECTION. Sec. 804. FOR THE STATE TREASURER—TRANSFERS

General Government Special Revenue Fund—State Treasurer’s Service Account: For transfer to the general fund on or before July 20, 1993, an amount up to \$11,000,000 in excess of the cash requirements in the State Treasurer’s Service Account for fiscal year 1994, for credit to the fiscal year in which earned	\$ 11,000,000
General Fund—State: For transfer to the Natural Resources Fund—Water Quality Account . . .	\$ 12,753,000
General Fund—State: For transfer to the Flood Control Assistance Account	\$ 3,700,000
Public Facilities Construction Loan and Grant Revolving Fund: For transfer to the General Fund . .	\$ 631,400
Water Quality Account: For transfer to the water pollution revolving fund. Transfers shall be made at intervals coinciding with deposits of federal capitalization grant money into the revolving fund. The amounts transferred shall not exceed the match required for each federal deposit	\$ 14,500,000
Disability Accommodation Revolving Account: For transfer to the General Fund	\$ 190,000
Local Toxics Control Account: For transfer to the general fund for reimbursement of expenses paid by the general fund in support of grants to local governments for water quality, remedial actions, and solid and hazardous waste planning purposes	\$ 2,003,000

NEW SECTION. Sec. 805. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS—TRANSFERS

General Fund Appropriation: For transfer to the Department of Retirement Systems Expense Fund	\$ 18,000
Motor Vehicle Fund—State Patrol Highway Account Appropriation: For transfer to the Department of Retirement Systems Expense Fund	\$ 118,000

**PART IX
MISCELLANEOUS**

NEW SECTION. Sec. 901. EXPENDITURE AUTHORIZATIONS. The appropriations contained in this act are maximum expenditure authorizations. Pursuant to RCW 43.88.037, moneys disbursed from the treasury on the basis of a formal loan agreement shall be recorded as loans receivable and not as expenditures for accounting purposes. To the extent that moneys are disbursed on a loan basis, the corresponding appropriation shall be reduced by the amount of loan moneys disbursed from the treasury during the 1991-93 biennium.

NEW SECTION. Sec. 902. INFORMATION SYSTEMS PROJECTS. Agencies shall comply with the following requirements regarding information systems projects when specifically directed to do so by this act.

(1) The agency shall produce a feasibility study for each information systems project in accordance with published department of information services instructions. In addition to department of information services requirements, the study shall examine and evaluate the costs and benefits of maintaining the status quo and the costs and benefits of the proposed project. The study shall identify when and in what amount any fiscal savings will accrue, and what programs or fund sources will be affected.

(2) The agency shall produce a project management plan for each project. The plan or plans shall address all factors critical to successful completion of each project. The plan shall include, but is not limited to, the following elements: A description of the problem or opportunity that the information systems project is intended to address; a statement of project objectives and assumptions; definition of phases, tasks, and activities to be accomplished and the estimated cost of each phase; a description of how the agency will facilitate responsibilities of oversight agencies; a description of key decision points in the project life cycle; a description of variance control measures; a definitive schedule that shows the elapsed time estimated to complete the project and when each task is to be started and completed; and a description of resource requirements to accomplish the activities within specified time, cost, and functionality constraints.

(3) A copy of each feasibility study and project management plan shall be provided to the department of information services, the office of financial management, and appropriate legislative committees. Authority to expend any funds for individual information systems projects is conditioned on approval of the relevant feasibility study and project management plan by the department of information services and the office of financial management.

(4) A project status report shall be submitted to the department of information services, the office of financial management, and appropriate legislative committees for each project prior to reaching key decision points identified in the project management plan. Project status reports shall examine and evaluate project management, accomplishments, budget, action to address

variances, risk management, cost and benefits analysis, and other aspects critical to completion of a project.

Work shall not commence on any task in a subsequent phase of a project until the status report for the preceding key decision point has been approved by the department of information services and the office of financial management.

(5) If a project review is requested in accordance with department of information services policies, the reviews shall examine and evaluate: System requirements specifications; scope; system architecture; change controls; documentation; user involvement; training; availability and capability of resources; programming languages and techniques; system inputs and outputs; plans for testing, conversion, implementation, and post-implementation; and other aspects critical to successful construction, integration, and implementation of automated systems. Copies of project review written reports shall be forwarded to the office of financial management and appropriate legislative committees by the agency.

(6) A written post-implementation review report shall be prepared by the agency for each information systems project in accordance with published department of information services instructions. In addition to the information requested pursuant to the department of information services instructions, the post-implementation report shall evaluate the degree to which a project accomplished its major objectives including, but not limited to, a comparison of original cost and benefit estimates to actual costs and benefits achieved. Copies of the post-implementation review report shall be provided to the department of information services, the office of financial management, and appropriate legislative committees.

NEW SECTION. Sec. 903. VIDEO TELECOMMUNICATIONS. The department of information services shall act as lead agency in coordinating video telecommunications services for state agencies. As lead agency, the department shall develop standards and common specifications for leased and purchased telecommunications equipment and assist state agencies in developing a video telecommunications expenditure plan. No agency may spend any portion of any appropriation in this act for new video telecommunication equipment, new video telecommunication transmission, or new video telecommunication programming, or for expanding current video telecommunication systems without first complying with chapter 43.105 RCW, including but not limited to RCW 43.105.041(2), and without first submitting a video telecommunications expenditure plan, in accordance with the policies of the department of information services, for review and assessment by the department of information services under RCW 43.105.052. Prior to any such expenditure by a public school, a video telecommunications expenditure plan shall be approved by the superintendent of public instruction. The office of the superintendent of public instruction shall submit the plans to the department of information services in a form prescribed by the department. The office of the superintendent of public

instruction shall coordinate the use of video telecommunications in public schools by providing educational information to local school districts and shall assist local school districts and educational service districts in telecommunications planning and curriculum development. Prior to any such expenditure by a public institution of postsecondary education, a telecommunications expenditure plan shall be approved by the higher education coordinating board. The higher education coordinating board shall coordinate the use of video telecommunications for instruction and instructional support in postsecondary education, including the review and approval of instructional telecommunications course offerings.

NEW SECTION. Sec. 904. EXPENDITURES UNDER LEASE/ PURCHASE FINANCING AGREEMENTS. (1) No moneys appropriated in this act may be expended for the acquisition of equipment or other personal property under financing contracts pursuant to chapter 39.94 RCW, or under other installment purchase agreements unless:

(a) The purchase price of each individual item of equipment or other personal property exceeds \$3,000; and

(b) The term of the installment contract does not exceed the useful life of the items being purchased.

(2) The total principal value of new equipment acquired by the state, as defined in RCW 39.94.020(4), during the 1991-93 biennium and financed pursuant to chapter 39.94 RCW through payments from the general fund shall not exceed \$50,000,000. For purposes of this section, equipment financed with payments from sources additional to the general fund shall be valued in proportion to the ratio of general fund payments to the total payments.

(3) Subsections (1) and (2) of this section do not apply to contracts entered into by the state treasurer to refinance equipment acquired under an installment purchase agreement before July 1, 1991.

(4) The director of financial management shall establish policies and procedures to ensure compliance with this section. This section applies only to contracts or agreements entered into after June 30, 1991.

(5) The office of financial management shall ensure that the state's accounting system provides for the reporting of financing contract payments by state agencies at the subobject level.

(6) The state treasurer shall report by September 1 of each year to the fiscal committees of the house of representatives and the senate on the outstanding principal amounts and annual payment obligations of state agencies acquiring equipment under chapter 39.94 RCW.

(7) The state finance committee may waive the limit on equipment acquisitions established in subsections (1)(a) and (2) of this section for specific agencies and for specific equipment acquisitions if the committee finds that acquiring the equipment under chapter 39.94 RCW offers a substantial financial advantage and serves a compelling need. The state finance committee shall

report any waiver granted under this subsection to the fiscal committees of the house of representatives and the senate.

***NEW SECTION. Sec. 905. PUBLICATION EXPENDITURES.** *Appropriations in this act used by a state agency to print and distribute newsletters, reports, or other publications are subject to the following conditions and limitations:*

(1) Beginning July 1, 1992, all newsletters, reports, or other publications shall be printed on recyclable materials and, if bound, bound with materials that, if available and cost-effective, are either recyclable or easily separable from the recyclable components. For the purposes of this section, "recyclable materials" means materials that maintain useful properties after serving their original purpose and for which viable recycling systems are operating. The department of general administration shall adopt guidelines to assist agencies in complying with this subsection.

(2) Each state agency shall, on an annual basis, update each active mailing list used to distribute newsletters, reports, or other publications. The state agency shall notify persons and organizations on each mailing list of their presence on the list, and shall request confirmation indicating whether the person or organization wishes to continue to receive the publication. Persons or organizations not affirmatively indicating a desire to continue to receive the publication shall be removed from the mailing list. The department of general administration shall adopt guidelines to assist state agencies in complying with this subsection.

(3) For purposes of this section, "state agency" is defined as provided in RCW 43.19.504(1).

**Sec. 905 was vetoed, see message at end of chapter.*

***NEW SECTION. Sec. 906. EXPENDITURES FOR PERSONNEL RECRUITMENT.** *No state agency seeking to fill a vacant position within the agency may use the appropriations in this act to contract with an individual or organization outside of state government for assistance or advice in filling the vacancy. State agencies are encouraged to utilize the staff of the recruitment division, and in particular the executive search specialist, in the department of personnel. This section shall not apply to institutions of higher education, or to judicial or legislative branch agencies. A state agency may apply to the director of the department of personnel for a waiver of the prohibition in this section. If a waiver is granted, the director shall file a report with the office of financial management, the senate ways and means committee, and the house of representatives appropriations committee, stating the reason the waiver was granted and the expected dollar amount of the contract.*

**Sec. 906 was vetoed, see message at end of chapter.*

***NEW SECTION. Sec. 907. EXPENDITURES FOR PERSONAL SERVICE CONTRACTS.** *No moneys appropriated in this act may be expended for personal service contracts, as defined under chapter 39.29 RCW,*

entered into after June 30, 1991, except in compliance with the requirements of this section.

(1) Personal service contracts, and modifications thereto, that provide services relating to management consulting, organizational development, marketing, communications, employee training, or employee recruiting shall be filed with the office of financial management and made available for public inspection at least ten working days prior to the proposed starting date of the contract. The office of financial management shall approve personal service contracts, and modifications thereto, filed under this subsection by agencies of the executive branch before such contracts, and modifications thereto, become binding and before any services may be performed under such contracts. The office of financial management shall adopt rules to implement this subsection.

(2) Documentation of the approval required under RCW 39.29.018(2) for sole source contracts of ten thousand dollars or more shall be filed with the legislative fiscal committees within ten days after the contract is approved by the office of financial management.

(3) Any amendment of or extension to an existing contract, if the value of the amendment or extension exceeds fifty percent of the value of the original contract, or if the amendment substantially changes the scope of the contract, must receive written approval by the office of financial management at least ten working days prior to the proposed starting date of the contract. A copy of the approval shall be transmitted to the legislative fiscal committees.

(4) An agency of the executive branch shall not enter into any contract or combination of contracts with a single firm or individual having a value exceeding one hundred thousand dollars without the written approval of the office of financial management. A copy of the approval shall be transmitted to the legislative budget committee and the legislative fiscal committees.

(5) When preparing allotments for the 1991-93 biennium, the office of financial management shall ensure that the total state-wide expenditures for personal services, as defined in chapter 39.29 RCW, by agencies receiving appropriations in this act do not exceed the total expenditures for personal services incurred during the 1989-91 biennium. For the purposes of this subsection, "agencies" means any state office or activity of the executive and judicial branch of government, including state agencies, departments, offices, divisions, boards, commissions, and educational, correctional, and other types of institutions.

*Sec. 907 was partially vetoed, see message at end of chapter.

***NEW SECTION. Sec. 908. OUT-OF-STATE TRAVEL EXPENDITURES.** *No moneys appropriated in this act may be expended for costs incurred by employees or officials of the state in travel outside of the state of Washington except as provided in this section.*

(1) No expenditures for travel out-of-state involving air transportation or total expenditures exceeding five hundred dollars for any one employee or

official may be made unless the travel received the prior written approval of the agency head. In agencies of the executive branch, the approval authority under this subsection shall not be delegated to any other official without the written approval of the director of financial management.

(2) No expenditures for travel out-of-state involving five or more state employees or officials on the same trip and total expenditures exceeding one thousand dollars for each employee or official may be made unless the travel received the prior written approval of: (a) The director of financial management in the case of agencies of the executive branch; or (b) the agency head in the case of agencies of the legislative and judicial branches.

(3) Within sixty days of the end of each fiscal quarter, each agency making an expenditure under subsection (1) or (2) of this section shall file the following information with the legislative budget committee: (a) The destination and duration of each trip; (b) the total expenditures for the trip, itemized by fund source; (c) the number of persons attending the trip for whom agency expenditures were made; and (d) the purpose of the trip and its relationship to the duties of the agency.

(4) In order to provide accountability of out-of-state travel costs, the office of financial management shall revise state accounting policies and procedures to ensure that one or more accounting objects or subobjects are devoted exclusively to out-of-state travel expenditures, and that such expenditures are not reported, in whole or in part, in any other accounting objects or subobjects.

*Sec. 908 was vetoed, see message at end of chapter.

NEW SECTION. Sec. 909. SAVINGS RECOVERY ACCOUNT. (1)

The savings recovery account is hereby established in the state treasury.

(2) The director of the office of financial management shall identify savings realized by affected state agencies as a result of:

(a) The implementation of the recommendations of the motor pool review team of the governor's commission on efficiency and accountability in government;

(b) The implementation of the furniture acquisition study by the governor's commission on efficiency and accountability in government;

(c) The state employees' suggestion award and incentive pay program under chapter 41.60 RCW;

(d) Reduced rates charged by the department of information services resulting from efficiencies in the delivery of services; and

(e) Other specifically identified management efficiencies.

(3) Periodically during the 1991-93 fiscal biennium, and by June 30, 1993, the director of financial management shall withhold from agency appropriations and deposit into the savings recovery account at least \$3,572,000 as a result of implementation of the recommendations, suggestions, and efficiencies listed in subsection (2) of this section. The office of financial management shall report to the fiscal committees of the legislature by January 1, 1992, and January 1,

1993, on the amounts and sources of moneys deposited into the savings recovery account.

NEW SECTION. Sec. 910. EMERGENCY FUND ALLOCATIONS. Whenever allocations are made from the governor's emergency fund appropriation to an agency that is financed in whole or in part by other than general fund moneys, the director of financial management may direct the repayment of such allocated amount to the general fund from any balance in the fund or funds which finance the agency. No appropriation shall be necessary to effect such repayment.

NEW SECTION. Sec. 911. STATUTORY APPROPRIATIONS. In addition to the amounts appropriated in this act for revenue for distribution, state contributions to the law enforcement officers' and fire fighters' retirement system, and bond retirement and interest including ongoing bond registration and transfer charges, transfers, interest on registered warrants, and certificates of indebtedness, there is also appropriated such further amounts as may be required or available for these purposes under any statutory formula or under any proper bond covenant made under law.

NEW SECTION. Sec. 912. BOND EXPENSES. In addition to such other appropriations as are made by this act, there is hereby appropriated to the state finance committee from legally available bond proceeds in the applicable construction or building funds and accounts such amounts as are necessary to pay the expenses incurred in the issuance and sale of the subject bonds.

NEW SECTION. Sec. 913. LEGISLATIVE FACILITIES. Notwithstanding RCW 43.01.090 the house of representatives, the senate, and the permanent statutory committees shall pay expenses quarterly to the department of general administration facilities and services revolving fund for services rendered by the department for operations, maintenance, and supplies relating to buildings, structures, and facilities used by the legislature for the biennium beginning July 1, 1991.

NEW SECTION. Sec. 914. AGENCY RECOVERIES. Except as otherwise provided by law, recoveries of amounts expended pursuant to an appropriation, including but not limited to payments for material supplied or services rendered under chapter 39.34 RCW, may be expended as part of the original appropriation of the fund to which such recoveries belong, without further or additional appropriation. Such expenditures shall be subject to conditions and procedures prescribed by the director of financial management. The director may authorize expenditure with respect to recoveries accrued but not received, in accordance with generally accepted accounting principles, except that such recoveries shall not included in revenues or expended against an appropriation for a subsequent fiscal period. This section does not apply to the repayment of loans, except for loans between state agencies.

NEW SECTION. Sec. 915. GENERALLY ACCEPTED ACCOUNTING PRINCIPLES. The appropriations of moneys and the designation of funds and accounts by this and other acts of the 1991 legislature shall be construed in a manner consistent with legislation enacted by the 1985, 1987, and 1989 legislatures to conform state funds and accounts with generally accepted accounting principles.

NEW SECTION. Sec. 916. CHILD CARE FACILITY FUND. Any funds in the child care facility fund which remain unspent on June 30, 1991, shall not lapse.

Sec. 917. RCW 9.46.100 and 1985 c 405 s 505 are each amended to read as follows:

There is hereby created (~~(a fund to be known as)~~) the ("~~(=)~~") gambling revolving fund("~~(=)~~") which shall consist of all moneys receivable for licensing, penalties, forfeitures, and all other moneys, income, or revenue received by the commission. The state treasurer shall be custodian of the fund. All moneys received by the commission or any employee thereof, except for change funds and an amount of petty cash as fixed by rule or regulation of the commission, shall be deposited each day in a depository approved by the state treasurer and transferred to the state treasurer to be credited to the gambling revolving fund. Disbursements from the revolving fund shall be on authorization of the commission or a duly authorized representative thereof. In order to maintain an effective expenditure and revenue control the gambling revolving fund shall be subject in all respects to chapter 43.88 RCW but no appropriation shall be required to permit expenditures and payment of obligations from such fund. All expenses relative to commission business, including but not limited to salaries and expenses of the director and other commission employees shall be paid from the gambling revolving fund.

The (~~(office of financial management may direct the)~~) state treasurer (~~(to loan)~~) shall transfer to the general fund (~~(an amount not to exceed \$1,400,000)~~) one million dollars from the gambling revolving fund for the (~~(1983-85)~~) 1991-93 fiscal biennium.

Sec. 918. RCW 41.60.050 and 1987 c 387 s 4 are each amended to read as follows:

The legislature shall appropriate from the department of personnel service fund for the payment of administrative costs of the productivity board. However, during the 1991-93 fiscal biennium, the administrative costs of the productivity board shall be appropriated from the savings recovery account.

Sec. 919. RCW 43.08.250 and 1985 c 57 s 27 are each amended to read as follows:

The money received by the state treasurer from fees, fines, forfeitures, penalties, reimbursements or assessments by any court organized under Title 3 or 35 RCW, or chapter 2.08 RCW, shall be deposited in the public safety and

education account which is hereby created in the state treasury. The legislature shall appropriate the funds in the account to promote traffic safety education, highway safety, criminal justice training, crime victims' compensation, judicial education, the judicial information system, winter recreation parking, and state game programs. All earnings of investments of balances in the public safety and education account shall be credited to the general fund. During the fiscal biennium ending June 30, 1993, the legislature may appropriate moneys from the public safety and education account for the purposes of local jail population data collection under RCW 10.98.130, the department of corrections' county partnership program under RCW 72.09.300, the treatment alternatives to street crimes program, the criminal litigation unit of the attorney general's office, and contracts with county officials to provide support enforcement services.

Sec. 920. RCW 43.09.270 and 1982 c 206 s 1 are each amended to read as follows:

The expense of maintaining and operating the division shall be paid out of the state general fund: PROVIDED, That those expenses directly related to the prescribing of accounting systems, training, maintenance of working capital including reserves for late and uncollectable accounts and necessary adjustments to billings, and field audit supervision, shall be considered as expenses of auditing public accounts within the meaning of RCW 43.09.280 and 43.09.282, and shall be prorated for that purpose equally among all entities directly affected by such service.

During the fiscal biennium ending June 30, 1993, the expense of maintaining and operating the division of municipal corporations shall be paid from the municipal revolving fund under RCW 43.09.282.

Sec. 921. RCW 43.19.1923 and 1987 c 504 s 17 are each amended to read as follows:

There is created within the department of general administration a revolving fund to be known as the ((⁽⁼⁾))central stores revolving fund((⁽⁼⁾)), which shall be used for the purchase of supplies and equipment handled or rented through central stores, and the payment of salaries, wages, and other costs incidental to the acquisition, operation, and maintenance of the central stores, and other activities connected therewith, which shall include utilities services. Disbursements from the fund for the purchasing and contract administration activities of the division of purchasing within the department are subject to appropriation and allotment procedures under chapter 43.88 RCW. Disbursements for all other activities within the central stores are not subject to appropriation. The fund shall be credited with all receipts from the rental, sale or distribution of supplies, equipment, and services rendered to the various state agencies. Central stores, utilities services, and other activities within the central stores revolving fund shall be treated as separate operating entities for financial and accounting control. Financial records involving the central stores revolving fund shall be designed

to provide data for achieving maximum effectiveness and economy of each individual activity within the fund.

Sec. 922. RCW 43.51.280 and 1987 c 466 s 2 are each amended to read as follows:

There is hereby created the trust land purchase account in the state treasury. Any revenues accruing to this account shall be used for the purchase of the property described in RCW 43.51.270(3)(a), to include all reasonable costs of acquisition, and a fee interest or such other interest in state trust lands presently used for park purposes as the state parks and recreation commission shall determine and to reimburse the state parks and recreation commission for the cost of collecting such fees beginning with the 1973-75 fiscal biennium. Any funds remaining in the account shall be used for the renovation and redevelopment of state park structures and facilities to extend the original life expectancy or correct damage to the environment of state parks and for the ~~((maintenance and operation of state parks))~~ administration, maintenance, and operation of state parks and other state parks programs in the ~~((1981-83))~~ 1991-93 biennium. Thereafter, the funds shall not be used for such purposes until the money in the account satisfies the payment required to be made in the contract for sale of lands in RCW 43.51.270(2), the acquisition of the property described in RCW 43.51.270(3)(a), those amounts necessary to pay for the remaining trust assets of timber situated on the lands described in RCW 43.51.270(2), and for the acquisition of the property described in RCW 43.51.270(3) (b), (c), (d), and (e) and 43.51.270(4) on a schedule satisfactory to the board of natural resources. Payments may be delayed for property described in RCW 43.51.270(3) (b), (c), (d), and (e) until the existing contract for purchase of lands in RCW 43.51.270(2) has been paid off. Payments for the property in RCW 43.51.270(4) may be delayed until contracts for purchase of lands and timber described in RCW 43.51.270 (2) and (3) have been paid off. Payments from the account for those parcels included in RCW 43.51.270(4) shall be established on a schedule which is mutually acceptable to the board of natural resources and the parks and recreation commission. All earnings of investments of balances in the trust land purchase account shall be credited to the general fund.

Sec. 923. RCW 70.146.080 and 1986 c 3 s 11 are each amended to read as follows:

Within thirty days after June 30, 1987, and within thirty days after each succeeding fiscal year thereafter, the state treasurer shall determine the tax receipts deposited into the water quality account for the preceding fiscal year. If the tax receipts deposited into the account in each of the fiscal years 1988 and 1989 are less than forty million dollars, the state treasurer shall transfer sufficient moneys from general state revenues into the water quality account to bring the total receipts in each fiscal year up to forty million dollars.

~~((After June 30, 1989, if the tax receipts deposited into the water quality account for the preceding fiscal year are less than forty five million dollars, the~~

~~state treasurer shall transfer sufficient moneys from general state revenues into the water quality account to bring the total receipts up to forty five million dollars.))~~

For the biennium ending June 30, 1991, if the tax receipts deposited into the water quality account and the earnings on investment of balances credited to the account are less than ninety million dollars, the treasurer shall transfer sufficient moneys from general state revenues into the water quality account to bring the total revenue up to ninety million dollars. The determination and transfer shall be made by July 31, 1991.

For fiscal year 1992 and thereafter, if the tax receipts deposited into the water quality account for each fiscal year are less than forty-five million dollars, the treasurer shall transfer sufficient moneys from general state revenues into the water quality account to bring the total revenue up to forty-five million dollars. Determinations and transfers shall be made by July 31 for the preceding fiscal year.

Sec. 924. RCW 74.13.0903 and 1989 c 381 s 5 are each amended to read as follows:

The office of the child care resources coordinator is established to operate under the authority of the department of social and health services. The office shall, within appropriated funds:

(1) Staff and assist the child care coordinating committee in the implementation of its duties under RCW 74.13.090;

(2) Work with local governments, nonprofit organizations, businesses, and community child care advocates to create local child care resource and referral organizations. These organizations may carry out needs assessments, resource development, provider training, technical assistance, and parent information and training;

(3) Actively seek public and private money for distribution as grants to potential or existing local child care resource and referral organizations. After the 1991-93 fiscal biennium, no grant shall be distributed that is greater than twenty-five thousand dollars;

(4) Adopt rules regarding the application for and distribution of grants to local child care resource and referral organizations. The rules shall, at a minimum, require an applicant to submit a plan for achieving the following objectives:

(a) Provide parents with information about child care resources, including location of services and subsidies;

(b) Carry out child care provider recruitment and training programs;

(c) Offer support services, such as parent and provider seminars, toy-lending libraries, and substitute banks;

(d) Provide information for businesses regarding child care supply and demand;

(e) Advocate for increased public and private sector resources devoted to child care; and

(f) Provide technical assistance to employers regarding employee child care services;

(5) Provide staff support and technical assistance to local child care resource and referral organizations;

(6) Organize the local child care resource and referral organizations into a state-wide system;

(7) Maintain a state-wide child care referral data bank and work with department of social and health services licensors to provide information to local child care resource and referral organizations about licensed child care providers in the state;

(8) Through local resource and referral organizations, compile data about local child care needs and availability for future planning and development;

(9) Coordinate the provision of training and technical assistance to child care providers; and

(10) Collect and assemble information regarding the availability of insurance and of federal and other child care funding to assist state and local agencies, businesses, and other child care providers in offering child care services.

Sec. 925. RCW 82.49.030 and 1989 c 393 s 10 are each amended to read as follows:

(1) The excise tax imposed under this chapter is due and payable to the department of licensing or its agents at the time of registration of a vessel. The department of licensing shall not issue or renew a registration for a vessel until the tax is paid in full.

(2) The excise tax collected under this chapter shall be deposited in the general fund.

(3) (~~Until June 30, 1995~~) For the 1993-95 fiscal biennium, the watercraft excise tax revenues exceeding five million dollars in each fiscal year, but not exceeding six million dollars, may, subject to appropriation by the legislature, be used for the purposes specified in RCW 88.36.100.

NEW SECTION. **Sec. 926. SEVERABILITY.** 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. 927. EMERGENCY CLAUSE.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1991 except for section 916, which shall take effect immediately.

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Passed the House June 30, 1991.

Passed the Senate June 30, 1991.

Approved by the Governor June 30, 1991, with the exception of certain items which were vetoed.

Filed in Office of Secretary of State June 30, 1991.

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

"I am returning herewith, without my approval as to sections 126(1), (2), (4), 128(3), 148, lines 1 through 4, 201(3)(b), (c), (f), 202(14), 203(1)(b), 205(1)(a), (1)(b), (2)(a), (2)(c), 206, 212(2), 213(11), (12), 215(1), 216(6), (12), 219(4), 220(26), 227(3), 232(1), (4), (5), (8), (9), (10), (11), (12), 303(10), (17), 308(2), (5), (6), (10), 312(4), 313(7), 315(6), 402(1), 516(6), 517(13)(a), (20), 601(2), (5), (8), 905, 906, 907(5), and section 908 of Engrossed Substitute House Bill No. 1330, entitled:

"AN ACT Relating to fiscal matters; making appropriations and authorized expenditures for the operations of state agencies for the fiscal biennium beginning July 1, 1991, and ending June 30, 1993."

My reasons for vetoing these sections are as follows:

Section 126(1), page 11, Status of MWBE's Study

Subsection 1 requires the Office of Financial Management (OFM) to conduct, within the appropriations provided, a statewide study of the status of minority- and women-owned businesses. This subsection does not describe the intended uses of the study nor does it adequately define the scope of the study. Absent clearer direction regarding the scope of such a study and appropriations to support it, OFM cannot undertake this work.

Section 126(2), page 11, Commission on Student Learning

This subsection provides funding solely for costs related to the Commission on Student Learning. The education restructuring bill failed to pass the Legislature. However, during the 1991-93 Biennium the recently formed Governor's Council on Education Reform and Funding will require financial support which was not provided in this budget. It is important that the Office of Financial Management have flexibility in determining the relative priority of this task and the other ongoing work of OFM not supported by its appropriation.

Section 126(4), page 11, and section 128(3), page 12, Authorized FTE Positions

These subsections require the Office of Financial Management (OFM) and the Department of Personnel (DOP) to jointly reconcile the two agencies' lists of authorized FTE positions for each agency under the jurisdiction of the Department of Personnel, and report to the legislative fiscal committees by September 1, 1991. It is not clear what is meant by a "reconciliation" of lists of authorized FTE positions. OFM allocates and monitors the use of FTEs by agency, irrespective of the classes or percent of time for the positions that consume the FTEs. DOP, on the other hand, maintains the integrity of the classification system by ensuring that established positions are allocated to correct classes, that new positions are established in appropriated classes, and that classes that have become obsolete are removed from the system. There is no present expectation that DOP will have exactly one position established for each FTE consumed by an agency. I will ask that representatives from OFM and DOP meet with representatives from the fiscal committees to determine the intent of these subsections and satisfy that intent to the extent that doing so is consistent with current practice and can be accommodated within budgetary constraints.

Section 148, lines 1 through 4, page 20, Cigarette Tax Enforcement

Lines 8 through 11 proviso a portion of the Liquor Control Board appropriation for the purpose of implementing Senate Bill No. 5560 (cigarette tax enforcement). I have vetoed Senate Bill No. 5560, therefore, this language is moot. I will direct the Liquor Control Board to place \$2,847,000 in reserve.

The appropriations provided for the Department of Revenue in section 135 are adjusted downward \$742,000 on the assumption that Senate Bill No. 5560 would be enacted. Because the Department of Revenue must continue cigarette tax enforcement and the \$742,000 is the Department's minimal fixed cost for the activity, the Department will be required to reduce expenditures in other activities. This places stress on the Department's ability to generate the revenues needed to fund this budget. The Department, OFM, the Forecast Council, and my office will monitor the effects of this reduction carefully, and request corrective action if it becomes necessary.

Section 201(3)(b), page 23, Early Childhood Education and Assistance Program

Subsection 201(3)(b) provides \$6,200,000 from the federal child care and development block grant for the Early Childhood Education and Assistance Program (ECEAP) in the Department of Community Development. Federal statute and regulations governing these block grant funds set an amount to be spent for early childhood education services that appears to be approximately \$3,800,000. The remaining \$2,400,000 provided for ECEAP would have to meet all of the requirements in federal regulations for child care services which may be overly prescriptive for ECEAP. I am determined to ensure that ECEAP will be available for all eligible children and will, therefore, allow the transfer of \$3,800,000 to the Department of Community Development for ECEAP and direct the Department of Social and Health Services to allocate the \$2,400,000 according to priorities established in federal statute and regulations including ECEAP, if allowed.

Section 201(3)(c), page 23, Local Child Care Block Grants

Section 201(3)(c) provides \$4,901,000 from the federal child care and development block grant for block grants to communities for locally designated child care services. The Federal Block Grant Advisory Group I convened earlier this year also recommended that a portion of the federal block grant funds go towards this purpose. Since then, we have received interim federal regulations, which have set some very specific priorities for use of these block grant funds. While I continue to support the concept of local discretion, it is unclear that the federal regulations will allow this level of funding to be used for local block grants. Therefore, I am directing the Department of Social and Health Services to allocate these funds according to the priorities established in federal statute and regulations.

Section 201(3)(f), page 24, Resource and Referral Services

Section 201(3)(f) provides \$850,000 from the federal child care and development block grant for 50 percent matching grants to child care resource and referral programs. The proviso is overly prescriptive concerning what the resource and referral agencies must provide with these funds. Furthermore, it is unclear whether the 50 percent match requirement applies to an individual resource and referral agency or on a statewide basis. I am concerned that some distressed communities which need resource and referral services will be unable to meet the matching requirements as specified in this proviso. Therefore, I am directing the Department of Social and Health Services to use these funds for resource and referral purposes in a more flexible manner.

Section 202(14), page 28, Adoption Support Payment Prohibition

Section 202(14) prohibits the Department of Social and Health Services from continuing adoption support payments for children beyond the age of 18 years. I am vetoing this subsection for two reasons: it is not possible to discontinue existing

agreements with adoptive parents and under some circumstances, it may be appropriate for the Department to continue adoption support payments.

Section 203(1)(b), page 29, Expand Option B Community Service

This subsection mandates \$1,501,000 for the Division of Juvenile Rehabilitation be expended solely for option B community services diversion. The expansion of community capacity is the backbone of the Division's ten-year plan and I fully support the concept and the funding incentives which drive its implementation. Even though the Department has been directed to aggressively pursue this option, the Division must retain flexibility in managing the offender population across a continuum of custody and treatment levels.

Section 205(1)(a), page 33, Developmental Disabilities Downsizing

Subsection 1(a) requires the Department of Social and Health Services (DSHS) to transfer at least 250 residents from the residential habilitation centers to community residential programs. By this action the Legislature is directing the agency to change its interpretation of the "Family Choice" statutes. To move this many clients with the funds provided appears very difficult and will require the Department to expedite placement planning. I am committed to good, safe, high quality placements for the developmentally disabled clients living at the institutions as well as in community settings.

Section 205(1)(b), page 33, Residential Services

Subsection 1(b) requires the Department of Social and Health Services to continue to contract with King County to administer community-based residential services. This contract, unique to King County, adds additional administrative expenses for both the state and the providers. The money provides a greater benefit if spent on the direct delivery of services to clients.

Section 205(2)(a), page 35, Temporary Staff

This subsection provides funds to the Department of Social and Health Services for costs related to hiring temporary staff at the residential habilitation centers. To ensure continued certification at these institutions, staff must be well-trained. To protect our investment in this training as well as ensure continued certification, some temporary staff may have to be made permanent. I am directing the Department to use temporary staff at the institutions to the maximum extent possible to the degree it does not risk continued federal certification of the residential habilitation centers. The agency will provide the appropriate committees of the Legislature with a thorough accounting of these funds as well as the status of the temporary and permanent staff employed at the residential habilitation centers.

Section 205(2)(c), page 35, Loss of Federal Financial Participation

Subsection 2(c) provides funds solely for residential habilitation center clients who risk causing the institutions to lose federal financial participation. I am directing the Department of Social and Health Services to use its discretion in how to best serve these residents and ensure continued federal certification. Any savings that may accrue as a result of these actions will be set aside and not be expended until reviewed and approved by the Office of Financial Management. The agency will notify the appropriate committees of the Legislature about the status of its efforts to maintain federal certification and how these funds have been expended.

Section 206, pages 36-37, Developmental Disabilities 10-Year Plan

This section provides funds for the Center for Disability Policy and Research of the University of Washington to complete a 10-year plan for the operation of state-funded services for the developmentally disabled. I feel strongly that this plan should be done, but it is the responsibility of the Department of Social and Health Services. I am directing the Department to develop this plan within their existing resources. In preparing this plan, I am directing the Department to involve representatives from community providers, institutional advocates, and other developmental disability advocacy groups.

Section 212(2), page 42, Intensive Inpatient Treatment Beds

The proviso language contained in this subsection is overly prescriptive in directing the Division of Alcohol and Substance Abuse to contract with a specific service provider. While I agree that additional adult intensive inpatient treatment beds may be needed in Pierce County, it is imperative that the Department of Social and Health Services be allowed to follow established administrative procedures in selecting and acquiring treatment resources. I will direct the Department to examine the treatment needs consistent with this proviso and act accordingly.

Section 213(11), page 45, Diabetic Services

Subsection 11 directs the Department of Social and Health Services to develop and put into effect medical assistance procedural codes and payment schedules for specific diabetic services. This proviso is unduly prescriptive in the limits it places on the Department's discretion to manage the medical assistance program. The Department will pursue a review of diabetic services and will, on a case-by-case basis, determine the most cost-effective means of providing this care. These reviews will address the issue of whether, and when, in-home care as opposed to hospital care is appropriate. These actions will meet the intent of this subsection.

Section 213(12), page 45, Managed Care

This subsection requires the Department of Social and Health Services to increase total payments to managed care providers whenever the current rate is below the statewide average fee-for-service equivalent rate. The increase payments are to be made in the form of signing bonuses. No discretion is provided to the Department, it is simply mandated to increase rates uniformly for all managed care contractors. The cost of going from regional managed care rates with federal matching participation to the statewide average rate where the difference is all General Fund-State would be substantial and is not funded. Without the specific funding for this purpose, not only would the Department have to absorb this cost, but it would also lose the opportunity to gain federal matching funds. In making this veto, I am in no way implying a lessening of interest in managed health care. I am directing the Department to look for ways, within available funds, to promote equity and provide incentives to encourage current providers and new providers to participate to a greater degree in managed care programs.

Section 215(1), page 46, Local Impact Account

This subsection provides funds solely to mitigate the impact of state institutions on local communities. Rather than set aside these funds I am directing the Department of Social and Health Services to pay for these impacts as the bills are received.

Section 216(6), page 48, Evening and/or Weekend Service Hours

Subsection 6 requires the Department of Social and Health Services to deploy 20 percent of the local office staffing added for increased caseload to expand evening and/or weekend service hours. While the intent of this proviso is supported, it cannot be met without additional funding. The Community Services Administration program did not receive funding for a number of requirements it must meet in the 1991-93 Biennium. In addition to numerous policy reductions and an across-the-board 3 percent decrease, funding for outstationing of eligibility staff required by the federal Omnibus Reconciliation Act of 1990 was not provided. The cumulative effect of these unfunded requirements makes it impossible for the Department to meet the added requirements of this subsection.

Section 216(12), page 49, Grant Standard Increase

This subsection provisos funds for a grant standard increase in the Community Services Administration Program within the Department of Social and Health Services. The wording of the proviso addresses assistance programs while the funding is for additional staff associated with the increased caseload that comes with a grant standard increase. The wording is misleading and is being vetoed to eliminate any possible

discrepancy between the grant standard increase and staffing requirements in this program.

Section 219(4), pages 51-52, Study of Health Care Coverage

This subsection requires the Health Care Authority to conduct a study of health care coverage for retired and disabled state, local government, and public school employees. The study is to be completed by December 1, 1991. The study required is not funded and is too broad to be completed either by December 1, 1991, or by available staff.

Section 220(26), page 58, Grant Expenditure Notification

This subsection requires that the Department of Community Development notify the Legislature before reducing grants or contracts in assistance to units of government. While the Department will make every effort to adequately fund programs, this provision unduly limits the agency's management prerogatives.

Section 227(3), page 64, Women, Infants, and Children Program

Subsection 227(3) purports to provide \$5,000,000 in General Fund-State specifically for enhancement of the Women, Infants, and Children (WIC) program. It is clear that the Department of Health is actually receiving only \$2,500,000 in additional General Fund-State authority. I am vetoing this subsection because we cannot provide \$5,000,000 General Fund-State for increased WIC services and I do not wish to mislead anyone into believing that the Department of Health has the available funding.

Section 232(1), page 68, Administration of Extended Unemployment Compensation Benefits

This subsection requires that the Employment Security Department (ESD) use \$1,278,000 of the Unemployment Compensation Administration Fund-Federal appropriation to perform several duties related to the administration of the extended benefits for timber workers set out in chapter 315, Laws of 1991 (Engrossed Substitute Senate Bill No. 5555). Use of this source of funds for purposes set out in sections 3, 5, and 9 of chapter 315 is inappropriate and would lead to adverse federal audit findings. Neither the extended benefits program or the delivery of services to timber workers are adversely affected by this veto.

Section 232(4), (5), (8), (9), and (10), pages 68-69, Administrative Contingency Fund

Subsections 2 through 10 direct the expenditure of \$7,829,000 of the Administrative Contingency Fund appropriation to specified purposes. Subsections 2, 3, 6, and 7 appropriate \$1,810,000 to essential elements of our state's assistance to timber-dependent communities and displaced timber workers. Funding of these four activities at the levels indicated is sufficiently important that I am letting these subsections stand. Because the total appropriation for this fund (page 67, line 21) of \$11,808,000 exceeds my understanding that only \$9,510,000 in revenue will be received by this fund, however, I am vetoing subsections 4, 5, 8, 9, and 10 to increase the Employment Security Department's flexibility to absorb the \$2.3 million shortfall. Whereas it would have been necessary for ESD to make cuts averaging 71 percent in the \$5.3 million of nonprovised current level programs, these vetoes reduce the percentage cut which must be taken in the revised nonprovised base of \$11 million to 30 percent. I will require that ESD present its planned allocation of the unprovised balance to programs to me for my approval.

Section 232(11), pages 69-70, Administrative Contingency Fund

This subsection would require the Employment Security Department (ESD) to adhere to the program allocations specified in subsections 2 through 10 through all of Fiscal Year 1992. The Legislature would consider making up any revenue shortfall with supplemental appropriations for Fiscal Year 1993. In view of the fact that the appropriation for the Administrative Contingency Fund already exceeds estimated revenue by \$2.3 million, and to avoid the future consequences of spending more than is available in the short term, I must ask that less be expended in Fiscal Year 1992. My veto of subsections 4, 5, 8, 9, and 10 (see above), the veto of this subsection, and my earlier

stated requirement that ESD submit a balanced expenditure plan to me for approval should ensure continuity in the delivery of services supported by this fund.

Section 232(12), page 70, Displaced Timber Worker Pilot Program

This subsection requires the Employment Security Department to make funds available from federal funds that have been received for a pilot program for dislocated timber worker training. The funds that would be used for this purpose have already been allocated to Service Delivery Areas, consistent with federal Department of Labor requirements. They are not available to implement a pilot program as specified in this subsection.

Section 303(10), page 75, Columbia Basin Irrigation Matching Funds

This subsection provides \$100,000 as state matching funds for the Columbia Basin Irrigation project. There are significant questions about the appropriateness, cost-effectiveness and economic justification for this project as a whole. Given the planning process currently underway, it would be inappropriate to support a large expansion of the Columbia River Reclamation project at this time.

Section 303(17), page 77, and Section 313(7), page 86, Wildlife Rehabilitation Center

Both of these subsections direct the Department of Wildlife to expend \$450,000 from the Coastal Protection Account for a marine mammal and bird rehabilitation center. Although the agencies support the concept and plan to develop such a center, this proviso conflicts with existing statute and fund obligations. Under RCW 90.48.142, expenditures from the Coastal Protection Account can only be authorized by a steering committee of natural resource agencies. In addition, the majority of funding available in the Coastal Protection Account is derived from the settlement of the Nestucca Oil Spill. Although the settlement makes a provision for a rehabilitation center, only \$360,000 was designated for this purpose in the agreement. This proviso would be in conflict with the settlement agreement. Although I am vetoing these sections, the agencies will continue the development of a center.

Section 308(2), page 80, Washington Research Foundation

This subsection provides \$200,000 for the Washington Research Foundation. While I am supportive of encouraging greater commercialization of promising technologies developed in state research institutions, it is more appropriate that the Department of Trade and Economic Development contract directly with the appropriate university for services. If the university deems it appropriate, they may contract with the Washington Research Foundation.

Section 308(5), pages 80-81, Value Added Program

The language in this subsection is in conflict with the requirements stipulated in Engrossed Substitute House Bill No. 1341, timber-dependent communities. It provides for business contracts above the current level of expenditure, and unnecessarily restricts the flexibility of our highly successful value added program. I will require the Department of Trade and Economic Development to use a significant proportion of the funds for business contracts to promote value added manufacturing.

Section 308(6), page 81, Program Coordination

This subsection provides funding for coordination of the state timber response currently being done by the Governor's timber team. I will require that the Department of Trade and Economic Development enter into an interagency agreement with the Office of Financial Management (OFM). I am requiring OFM to expend these funds in compliance with Engrossed Substitute House Bill No. 1341. This appears to be a technical error.

Section 308(10), page 81, Grant Expenditure Notification

This subsection requires that the Department of Trade and Economic Development notify the Legislature before reducing grants or contracts in assistance to units of government. While the Department will make every effort to adequately fund programs, this proviso unduly limits the agency's management prerogatives.

Section 312(4), page 84, Coho Net Pens

This subsection provides \$785,000 in General Fund-State for increased coho salmon production through net pens and delayed release methods. While increasing the production of salmon is important, a project of this size is infeasible at this time. Further study is required to determine the role that such projects will have in artificial and natural production programs, to evaluate environmental consideration in siting net pens, and to ensure consistency with the Salmon 2000 Plan scheduled to be submitted to the Legislature in January 1992. Although I am vetoing the proviso, I am directing the Department of Fisheries to expend \$75,000 on developing a plan for pen-rearing coho to be completed no later than July 1, 1992. The remaining funds will be placed in unallotted status until a specific plan for expenditures has been completed and submitted to the executive and the Legislature.

Section 315(6), page 91, Yakima Office - Livestock Marketing News

Subsection 6 directs that \$172,000 of the General Fund-State appropriation be maintained for this function out of the Yakima office. This proviso unreasonably restricts the Department from carrying out this function which will be maintained, as efficiently as possible, out of the Department's Olympia office. Furthermore, this provision would require the agency to reduce needed services in other areas due to other legislative cuts.

Section 402(1), page 93, Master License System

Subsection 402(1) requires that \$1,000,000 be transferred from nine state agencies to help fund the Department of Licensing's Master License System (MLS). No funding has been provided in any of the affected agencies budgets to fund this requirement. The appropriate role of fee support versus General Fund support for the Master License System has been a matter of controversy for several years. The time has come to resolve this matter. I believe the Master License System has proven itself to be a valuable service to business, greatly simplifying the time and effort required to meet the state's license, tax, and regulatory requirements. It is time for the Legislature to decide whether the MLS is a benefit to business worth additional fee support, a service provided by the state to business funded at least partially through the General Fund or not worth doing at all. In any case, requiring participating agencies to absorb the costs of the system is not an acceptable option.

Section 516(6), page 123, Drug Enforcement and Education Account

Subsection 6 provides \$10,300,000 to be provided to support school district substance abuse awareness programs. The funding is restricted in distribution to the same method used in the current biennium. Several districts, in a concentrated geographic region, received large grant amounts and other districts received no funding at all. By restricting the grants to the current districts, a true statewide impact on substance abuse education for our students cannot be achieved.

Section 517(13)(a), pages 126-127 Fair Start Program

Section 517(13)(a) requires that school districts and educational service districts receiving funding for early intervention and prevention services collaborate with regional support networks or counties for coordinated case management. Although this mandate is commendable, this language would require labeling of children before early intervention services could be offered. It would also preclude the purchase of services from some youth and family service agencies. Fair Start funds have provided schools the opportunity to assist children and their families before serious problems emerge. Children benefit from a variety of interventions, including, but not limited to approved mental

health providers. Again, I commend the intent of this proviso, and encourage continued collaboration between the schools and the mental health community.

Section 517(20), page 129, REACH for Excellence Program

Subsection 20 provides grant funding to local school districts to develop outcome-based educational programs and methods of assessing students' achievement. I am committed to a system that is performance oriented and emphasizes student results. However, it would be inefficient and a questionable policy to have this complex task undertaken by individual districts without benefit of state direction and technical assistance such as was envisioned in the education restructuring bill which failed to pass the Legislature. I will ask the Governor's Council on Education Reform and Funding to address these issues as part of its charge.

Section 601(2), page 136, HECB Recommendations on Expenditure Categories

This subsection requires the Higher Education Coordinating Board to define instructional support expenditures and indirect support expenditures, identify the rates of these expenditures in each higher education institution, and recommend guidelines for these categories of spending. This subsection is vetoed because it takes time from other important tasks assigned to the Higher Education Coordinating Board.

Section 601(5), page 140, Salary Increase Restrictions

This subsection prohibits salary increases over \$3,900 in 1992 and 1993 for any person in the higher education system with an annual salary over \$100,000. This subsection impedes recruitment and retention of qualified administrators and instructors and is therefore vetoed.

Section 601(8), page 142, Administrative Overhead

Subsection 601(8) stipulates that institutions of higher education shall not deduct more than 15 percent for administrative overhead from any amount received for services performed under an interagency contract new or renewed since June 30, 1990, unless a higher rate receives Office of Financial Management approval prior to execution of the agreement. This subsection conflicts with statutory law, RCW 39.34.130 and RCW 43.09.210, requiring state agencies to pay full costs for services performed on its behalf by other state agencies. I recommend the Office of Financial Management review administrative overhead cost recovery rates paid to institutions of higher education.

Section 905, pages 180-181, Publication Expenditures

Subsection 1 requires that all state publications be printed on recycled paper. I have already encouraged this practice and most state agencies actively support recycling efforts. However, universal access to recycled paper is not certain and some publications such as state maps cannot be reproduced on available quality paper. I prefer that state agencies have the flexibility to make the most cost effective choice in this matter without risking violation of the appropriations act.

Subsection 2, which requires recipient confirmation of their desire to be on a state mailing list, also makes a lot of sense from a broad policy perspective but could prove counterproductive in actual practice. Agencies may, for example, have a legal responsibility to provide information to specific clients, or find that surveying recipients poses additional costs.

Although I am vetoing this section in its entirety, I will instruct state agencies to initiate procedures which accomplish the general intentions of the Legislature.

Section 906, page 181, Personnel Recruitment

This section restricts agencies from obtaining outside assistance in filling vacancies except when granted a waiver by the Department of Personnel (DOP). Under this provision, agencies are encouraged to obtain these services from DOP. This provision is unreasonably restrictive. While the bill provides resources to DOP for doing executive searches, these are likely to be insufficient for the purpose intended. In any case,

requiring waivers creates additional bureaucratic hurdles and represents an unacceptable incursion in the executive's authority. Finally, the Legislature failed to identify any criteria for granting waivers.

Section 907(5), pages 182-183, Limitations on Personal Service Contracts

I concur with strengthened management of the state's personal service contracting process embodied in this section. In fact I intend to go further in requiring executive agencies to provide information on all personal service contracts so that a complete database on activity in this area will be available.

Subsection 5 of section 907 requires the Office of Financial Management to ensure that statewide expenditures for personal service contracts in the 1991-93 allotments do not exceed personal service expenditures incurred during 1989-91. Object expenditures are dictated by specific budget policy decisions, not historical patterns. Personal service contracts tend to be project in nature and it would be arbitrary to stipulate that individual agency costs or statewide costs match the prior biennium.

In practical terms, this requirement could not be implemented until after the 1991-93 allotments were submitted since the Legislature does not appropriate at the object level of detail. This approach would require some executive-determined reduction to initial allotments if the statewide personal service contracts total exceeded 1989-91 estimates. The language also specifically includes judicial agencies over which the Governor has no allotment approval authority.

Section 908, pages 183-184, OFM Out-of-State Travel Expenditures

I support the concept of increased accountability for state employee travel and have recently issued tighter travel regulations requiring agency head approval for out-of-country travel, limiting overnight stays, increasing the personal accountability of all employees for their travel, and establishing centralized travel management practices. Section 908 creates another layer of reporting and approval requirements that are a cumbersome attempt at micro-management.

Since Subsection 1 applies to "executive branch" agencies, it could provide OFM with authority over statewide elected officials' delegation of travel approval authority. Subsection 2 requires that expenditures for out-of-state travel that involves five or more employees and more than \$1,000 per employee have prior approval of the Office of Financial Management (for executive agencies) or the agency head (for legislative and judicial agencies). Although I agree with the general policy of agency Director approval of certain out-of-state travel expenditures, I cannot accept a role for OFM that usurps the legal responsibility of agency directors and separately elected officials to make legitimate expenditures.

Subsection 3 requires agencies incurring out-of-state travel expenses for air transportation, for five or more persons, or in excess of \$500 per person, to report specific details of this travel to the Legislative Budget Committee on a quarterly basis.

It may be desirable to provide more visibility to certain levels of out-of-state travel, but there is also an administrative burden that is created by having to report detailed information about most trips. The cost to universities and other agencies that necessarily engage in out-of-state travel does not appear justified by the benefits.

With the exceptions of sections 126(1), (2), (4), 128(3), 148, lines 1 through 4, 201(3)(b), (c), (f), 202(14), 203(1)(b), 205(1)(a), (1)(b), (2)(a), (2)(c), 206, 212(2), 213(11), (12), 215(1), 216(6), (12), 219(4), 220(26), 227(3), 232(1), (4), (5), (8), (9), (10), (11), (12), 303(10), (17), 308(2), (5), (6), (10), 312(4), 313(7), 315(6), 402(1), 516(6), 517(13)(a), (20), 601(2), (5), (8), 905, 906, 907(5), and section 908 Engrossed Substitute House Bill No. 1330 is approved."

CHAPTER 17

[Senate Bill 5988]

LIBRARY IMPROVEMENT TAX LEVIES

Effective Date: 9/29/91

AN ACT Relating to tax levies for library improvements; and creating a new section.

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

NEW SECTION. **Sec. 1.** Tax levies authorized by voter approval of a ballot proposition submitted by a city under RCW 84.55.050 at an election held prior to 1988 for the purpose of funding the cost of library improvements, plus the costs of borrowing such amount for up to twenty years, may be levied in the amounts and in the years authorized by the voters in addition to the levies otherwise allowed by this chapter until the expiration of the limited period or satisfaction of the limited purpose so authorized, whichever comes first, notwithstanding the provisions of RCW 84.55.050(2). This section is curative and shall apply retroactively to all limited ballot propositions described herein. The elections at which any such ballot propositions were submitted, and the tax levies authorized thereby, shall be valid and effective in all respects. This section shall not be construed to adversely affect the validity or reduce the amount of any tax levies authorized by any other ballot proposition heretofore or hereafter submitted under RCW 84.55.050.

Passed the Senate June 17, 1991.

Passed the House June 19, 1991.

Approved by the Governor July 2, 1991.

Filed in Office of Secretary of State July 2, 1991.

CHAPTER 18

[Engrossed Substitute Senate Bill 5149]

PUBLIC OFFICERS—GIFT REPORTING AND PUBLIC OFFICE FUND REQUIREMENTS

Effective Date: 9/29/91

AN ACT Relating to gifts and public office funds; amending RCW 42.17.020, 42.17.170, and 42.17.243; adding a new section to chapter 42.17 RCW; and declaring an emergency.

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

Sec. 1. RCW 42.17.020 and 1990 c 139 s 2 are each amended to read as follows:

(1) "Agency" includes all state agencies and all local agencies. "State agency" includes every state office, department, division, bureau, board, commission, or other state agency. "Local agency" includes every county, city, town, municipal corporation, quasi-municipal corporation, or special purpose district, or any office, department, division, bureau, board, commission, or agency thereof, or other local public agency.

(2) "Ballot proposition" means any "measure" as defined by RCW 29.01.110, or any initiative, recall, or referendum proposition proposed to be

submitted to the voters of the state or any municipal corporation, political subdivision, or other voting constituency from and after the time when the proposition has been initially filed with the appropriate election officer of that constituency prior to its circulation for signatures.

(3) "Depository" means a bank designated by a candidate or political committee pursuant to RCW 42.17.050.

(4) "Treasurer" and "deputy treasurer" mean the individuals appointed by a candidate or political committee, pursuant to RCW 42.17.050, to perform the duties specified in that section.

(5) "Candidate" means any individual who seeks election to public office. An individual shall be deemed to seek election when he first:

(a) Receives contributions or makes expenditures or reserves space or facilities with intent to promote his candidacy for office; or

(b) Announces publicly or files for office.

(6) "Commercial advertiser" means any person who sells the service of communicating messages or producing printed material for broadcast or distribution to the general public or segments of the general public whether through the use of newspapers, magazines, television and radio stations, billboard companies, direct mail advertising companies, printing companies, or otherwise.

(7) "Commission" means the agency established under RCW 42.17.350.

(8) "Compensation" unless the context requires a narrower meaning, includes payment in any form for real or personal property or services of any kind: PROVIDED, That for the purpose of compliance with RCW 42.17.241, the term "compensation" shall not include per diem allowances or other payments made by a governmental entity to reimburse a public official for expenses incurred while the official is engaged in the official business of the governmental entity.

(9) "Continuing political committee" means a political committee that is an organization of continuing existence not established in anticipation of any particular election campaign.

(10) "Contribution" includes a loan, gift, deposit, subscription, forgiveness of indebtedness, donation, advance, pledge, payment, transfer of funds between political committees, or transfer of anything of value, including personal and professional services for less than full consideration, but does not include interest on moneys deposited in a political committee's account, ordinary home hospitality and the rendering of personal services of the sort commonly performed by volunteer campaign workers, or incidental expenses personally incurred by volunteer campaign workers not in excess of fifty dollars personally paid for by the worker. Volunteer services, for the purposes of this chapter, means services or labor for which the individual is not compensated by any person. For the purposes of this chapter, contributions other than money or its equivalents shall be deemed to have a money value equivalent to the fair market value of the contribution. Sums paid for tickets to fund-raising events such as dinners and parties are contributions; however, the amount of any such

contribution may be reduced for the purpose of complying with the reporting requirements of this chapter, by the actual cost of consumables furnished in connection with the purchase of the tickets, and only the excess over the actual cost of the consumables shall be deemed a contribution.

(11) "Elected official" means any person elected at a general or special election to any public office, and any person appointed to fill a vacancy in any such office.

(12) "Election" includes any primary, general, or special election for public office and any election in which a ballot proposition is submitted to the voters: PROVIDED, That an election in which the qualifications for voting include other than those requirements set forth in Article VI, section 1 (Amendment 63) of the Constitution of the state of Washington shall not be considered an election for purposes of this chapter.

(13) "Election campaign" means any campaign in support of or in opposition to a candidate for election to public office and any campaign in support of, or in opposition to, a ballot proposition.

(14) "Expenditure" includes a payment, contribution, subscription, distribution, loan, advance, deposit, or gift of money or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure. The term "expenditure" also includes a promise to pay, a payment, or a transfer of anything of value in exchange for goods, services, property, facilities, or anything of value for the purpose of assisting, benefiting, or honoring any public official or candidate, or assisting in furthering or opposing any election campaign. For the purposes of this chapter, agreements to make expenditures, contracts, and promises to pay may be reported as estimated obligations until actual payment is made. The term "expenditure" shall not include the partial or complete repayment by a candidate or political committee of the principal of a loan, the receipt of which loan has been properly reported.

(15) "Final report" means the report described as a final report in RCW 42.17.080(2).

(16) "Gift," for the purposes of RCW 42.17.170 and section 3 of this 1991 act, means a rendering of anything of value in return for which reasonable consideration is not given and received and includes a rendering of money, property, services, discount, loan forgiveness, payment of indebtedness, or reimbursements from or payments by persons (other than the federal government, or the state of Washington or any agency or political subdivision thereof) for travel or anything else of value. The term "reasonable consideration" refers to the approximate range of consideration that exists in transactions not involving donative intent. However, the value of the gift of partaking in a single hosted reception shall be determined by dividing the total amount of the cost of conducting the reception by the total number of persons partaking in the

reception. "Gift" for the purposes of RCW 42.17.170 and section 3 of this 1991 act does not include:

(a) A gift, other than a gift of partaking in a hosted reception, with a value of fifty dollars or less;

(b) The gift of partaking in a hosted reception if the value of the gift is one hundred dollars or less;

(c) A contribution that is required to be reported under RCW 42.17.090 or 42.17.243;

(d) Informational material that is transferred for the purpose of informing the recipient about matters pertaining to official business of the governmental entity of which the recipient is an official or officer, and that is not intended to confer on that recipient any commercial, proprietary, financial, economic, or monetary advantage, or the avoidance of any commercial, proprietary, financial, economic, or monetary disadvantage;

(e) A gift that is not used and that, within thirty days after receipt, is returned to the donor or delivered to a charitable organization. However, this exclusion from the definition does not apply if the recipient of the gift delivers the gift to a charitable organization and claims the delivery as a charitable contribution for tax purposes;

(f) A gift given under circumstances where it is clear beyond any doubt that the gift was not made as part of any design to gain or maintain influence in the governmental entity of which the recipient is an officer or official or with respect to any legislative matter or matters of that governmental entity; or

(g) A gift given prior to the effective date of this 1991 act.

(17) "Immediate family" includes the spouse, dependent children, and other dependent relatives, if living in the household.

((17)) (18) "Legislation" means bills, resolutions, motions, amendments, nominations, and other matters pending or proposed in either house of the state legislature, and includes any other matter that may be the subject of action by either house or any committee of the legislature and all bills and resolutions that, having passed both houses, are pending approval by the governor.

((18)) (19) "Lobby" and "lobbying" each mean attempting to influence the passage or defeat of any legislation by the legislature of the state of Washington, or the adoption or rejection of any rule, standard, rate, or other legislative enactment of any state agency under the state Administrative Procedure Act, chapter 34.05 RCW. Neither "lobby" nor "lobbying" includes an association's or other organization's act of communicating with the members of that association or organization.

((19)) (20) "Lobbyist" includes any person who lobbies either in his own or another's behalf.

((20)) (21) "Lobbyist's employer" means the person or persons by whom a lobbyist is employed and all persons by whom he is compensated for acting as a lobbyist.

~~((21))~~ (22) "Person" includes an individual, partnership, joint venture, public or private corporation, association, federal, state, or local governmental entity or agency however constituted, candidate, committee, political committee, political party, executive committee thereof, or any other organization or group of persons, however organized.

~~((22))~~ (23) "Person in interest" means the person who is the subject of a record or any representative designated by that person, except that if that person is under a legal disability, the term "person in interest" means and includes the parent or duly appointed legal representative.

~~((23))~~ (24) "Political advertising" includes any advertising displays, newspaper ads, billboards, signs, brochures, articles, tabloids, flyers, letters, radio or television presentations, or other means of mass communication, used for the purpose of appealing, directly or indirectly, for votes or for financial or other support in any election campaign.

~~((24))~~ (25) "Political committee" means any person (except a candidate or an individual dealing with his own funds or property) having the expectation of receiving contributions or making expenditures in support of, or opposition to, any candidate or any ballot proposition.

~~((25))~~ (26) "Public office" means any federal, state, county, city, town, school district, port district, special district, or other state political subdivision elective office.

~~((26))~~ (27) "Public record" includes any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics.

~~((27))~~ (28) "Surplus funds" mean, in the case of a political committee or candidate, the balance of contributions that remain in the possession or control of that committee or candidate subsequent to the election for which the contributions were received, and that are in excess of the amount necessary to pay remaining debts incurred by the committee or candidate prior to that election. In the case of a continuing political committee, "surplus funds" mean those contributions remaining in the possession or control of the committee that are in excess of the amount necessary to pay all remaining debts when it makes its final report under RCW 42.17.065.

~~((28))~~ (29) "Writing" means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, discs, drums, and other documents.

As used in this chapter, the singular shall take the plural and any gender, the other, as the context requires.

Sec. 2. RCW 42.17.170 and 1990 c 139 s 3 are each amended to read as follows:

(1) Any lobbyist registered under RCW 42.17.150 and any person who lobbies shall file with the commission periodic reports of his activities signed by the lobbyist. The reports shall be made in the form and manner prescribed by the commission. They shall be due monthly and shall be filed within fifteen days after the last day of the calendar month covered by the report.

(2) Each such monthly periodic report shall contain:

(a) The totals of all expenditures for lobbying activities made or incurred by such lobbyist or on behalf of such lobbyist by the lobbyist's employer during the period covered by the report. Such totals for lobbying activities shall be segregated according to financial category, including compensation; food and refreshments; living accommodations; advertising; travel; contributions; and other expenses or services. Each individual expenditure of more than twenty-five dollars for entertainment shall be identified by date, place, amount, and the names of all persons in the group partaking in or of such entertainment including any portion thereof attributable to the lobbyist's participation therein ~~((but))~~, without allocating any portion of such expenditure to individual participants. However, if the expenditure for a single hosted reception is more than one hundred dollars per person partaking therein, the report shall specify the per person amount, which shall be determined by dividing the total amount of the expenditure by the total number of persons partaking in the reception.

Notwithstanding the foregoing, lobbyists are not required to report the following:

(i) Unreimbursed personal living and travel expenses not incurred directly for lobbying;

(ii) Any expenses incurred for his or her own living accommodations;

(iii) Any expenses incurred for his or her own travel to and from hearings of the legislature;

(iv) Any expenses incurred for telephone, and any office expenses, including rent and salaries and wages paid for staff and secretarial assistance.

(b) In the case of a lobbyist employed by more than one employer, the proportionate amount of such expenditures in each category incurred on behalf of each of his employers.

(c) An itemized listing of each such expenditure in the nature of a contribution of money or of tangible or intangible personal property to any candidate, elected official, or officer or employee of any agency, or any political committee supporting or opposing any ballot proposition, or for or on behalf of any candidate, elected official, or officer or employee of any agency, or any political committee supporting or opposing any ballot proposition. All contributions made to, or for the benefit of, any candidate, elected official, or officer or employee of any agency, or any political committee supporting or opposing any ballot proposition shall be identified by date, amount, and the name

of the candidate, elected official, or officer or employee of any agency, or any political committee supporting or opposing any ballot proposition receiving, or to be benefited by each such contribution.

(d) The subject matter of proposed legislation or other legislative activity or rule-making under chapter 34.05 RCW, the state Administrative Procedure Act, and the state agency considering the same, which the lobbyist has been engaged in supporting or opposing during the reporting period.

(e) Such other information relevant to lobbying activities as the commission shall by rule prescribe. Information supporting such activities as are required to be reported is subject to audit by the commission.

(f) A listing of each gift, as defined in RCW 42.17.020, made to a state elected official or executive state officer or to a member of the immediate family of such an official or officer. Such a gift shall be separately identified by the date it was given, the approximate value of the gift, and the name of the recipient. However, for a hosted reception where the average per person amount is reported under (a) of this subsection, the approximate value for the gift of partaking in the event is such average per person amount. The commission shall adopt forms to be used for reporting the giving of gifts under this subsection (2)(f). The forms shall be designed to permit a lobbyist to report on a separate form for each recipient the reportable gifts given to that recipient during the reporting period or, alternatively, to report on one form all reportable gifts given by the lobbyist during the reporting period.

(3) If a state elected official or a member of such an official's immediate family is identified by a lobbyist in such a report as having received from the lobbyist a gift, as defined in RCW 42.17.020, the lobbyist shall transmit to the official a copy of the completed form used to identify the gift in the report at the same time the report is filed with the commission.

NEW SECTION. Sec. 3. A new section is added to chapter 42.17 RCW to read as follows:

At the same time that an elected official or executive state officer must file a statement of financial affairs under RCW 42.17.240(1), the official or officer shall file a statement identifying each gift, as defined in RCW 42.17.020, which was received by the official or officer or by a member of his or her immediate family during the previous calendar year. The statement shall apply to that portion of the previous calendar year during which the official or officer held an office or position for which a statement of financial affairs is required under RCW 42.17.240. The statement shall identify the nature of the gift, the date it was received, and the name of the donor. The commission may adopt a form for reporting the receipt of gifts under this section or may incorporate that reporting into the form or forms adopted by the commission for the statement of financial affairs.

Sec. 4. RCW 42.17.243 and 1977 ex.s. c 336 s 5 are each amended to read as follows:

(1) Elected and appointed officials required to report under RCW 42.17.240, shall report for themselves and for members of their immediate family to the commission any contributions received during the preceding calendar year for the officials' use in defraying nonreimbursed public office related expenses. Contributions reported under this section shall be referred to as a "public office fund" and shall not be transferred to a political committee nor used to promote or oppose a candidate or ballot proposition, other than as provided by subsection (3)(a) of this section. ~~((For the purposes of this section contributions shall include reimbursements from or payments by persons, other than the state of Washington or any agency, for travel expenses.))~~ Reimbursements or payments for travel do not constitute contributions for the purposes of this section.

A report shall be filed during the month of January of any year following a year in which such contributions were received for or expenditures made from a public office fund. The report shall include:

- (a) The name and address of each contributor;
- (b) A description of each contribution, including the date on which it was received and its amount or, if its dollar value is unascertainable, an estimate of its fair market value; and
- (c) A description of each expenditure made from a public office fund, including the name and address of the recipient, the amount, and the date of each such expenditure.

(2) No report under subsection (1) of this section shall be required if:

- (a) The receipt of the contribution has been reported pursuant to RCW 42.17.065 (continuing political committee reports) or RCW 42.17.090 (political committee reports); or
- (b) The contribution is in the form of meals, refreshments, or entertainment given in connection with official appearances or occasions where public business was discussed.

(3) Any funds which remain in a public office fund after all permissible public office related expenses have been paid may only be disposed of in one or more of the following ways:

- (a) Returned to a contributor in an amount not to exceed that contributor's original contribution; or
- (b) Donated to a charitable organization registered in accordance with chapter 19.09 RCW; or
- (c) Transferred to the state treasurer for deposit in the general fund.

***NEW SECTION.** *Sec. 5. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.*

*Sec. 5 was vetoed, see message at end of chapter.

Passed the Senate June 28, 1991.

Passed the House June 27, 1991.

Approved by the Governor July 2, 1991, with the exception of certain items which were vetoed.

Filed in Office of Secretary of State July 2, 1991.

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

"I am returning herewith, without my approval as to section 5, Engrossed Substitute Senate Bill No. 5149 entitled:

"AN ACT Relating to gifts and public office funds."

This bill represents a positive step in the area of public disclosure by requiring lobbyists and public officials to report certain gifts. The bill contains an emergency clause making the disclosure requirements effective immediately. The bill was originally proposed by the Public Disclosure Commission and did not contain an emergency clause. A short period of time is required to allow both the Commission and the approximately five thousand individuals affected by this bill to set up reporting procedures and record-keeping mechanisms. The Public Disclosure Commission agrees that a veto of the emergency clause is appropriate. For this reason, I have vetoed the emergency clause set out in section 5.

With the exception of section 5, Engrossed Substitute Senate Bill No. 5149 is approved."

CHAPTER 19

[Senate Bill 5444]

CHECKS—UNAUTHORIZED SIGNATURES AND ALTERATIONS—TIME FOR BANK CUSTOMER TO DISCOVER AND REPORT

Effective Date: 9/29/91

AN ACT Relating to the duty of a bank customer to discover and report unauthorized signatures and alterations; and amending RCW 62A.4-406.

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

Sec. 1. RCW 62A.4-406 and 1967 c 114 s 1 are each amended to read as follows:

(1) When a bank sends to its customer a statement of account accompanied by items paid in good faith in support of the debit entries or holds the statement and items pursuant to a request or instructions of its customer or otherwise in a reasonable manner makes the statement and items available to the customer, the customer must exercise reasonable care and promptness to examine the statement and items to discover his or her unauthorized signature or any alteration on an item and must notify the bank promptly after discovery thereof.

(2) If the bank establishes that the customer failed with respect to an item to comply with the duties imposed on the customer by subsection (1) of this section the customer is precluded from asserting against the bank;

(a) His or her unauthorized signature or any alteration on the item if the bank also establishes that it suffered a loss by reason of such failure; and

(b) An unauthorized signature or alteration by the same wrong-doer on any other item paid in good faith by the bank after the first item and statement was

available to the customer for a reasonable period and before the bank receives notification from the customer of any such unauthorized signature or alteration.

(3) The preclusion under subsection (2) of this section does not apply if the customer establishes lack of ordinary care on the part of the bank in paying the item(s).

(4) Without regard to care or lack of care of either the customer or the bank, a natural person whose account is primarily for personal, family, or household purposes who does not within one year and any other customer who does not within sixty days from the time the statement and items are made available to the customer (subsection (1) of this section) discover and report his or her unauthorized signature or any alteration on the face or back of the item or does not within three years from that time discover and report any unauthorized indorsement is precluded from asserting against the bank such unauthorized signature or indorsement or such alteration.

(5) If under this section a payor bank has a valid defense against a claim of a customer upon or resulting from payment of an item and waives or fails upon request to assert the defense the bank may not assert against any collecting bank or other prior party presenting or transferring the item a claim based upon the unauthorized signature or alteration giving rise to the customer's claim.

Passed the Senate June 25, 1991.

Passed the House June 19, 1991.

Approved by the Governor July 2, 1991.

Filed in Office of Secretary of State July 2, 1991.

CHAPTER 20

[Senate Bill 5718]

PURPLE HEART RECIPIENT RECOGNITION DAY

Effective Date: 9/29/91

AN ACT Relating to purple heart recipient recognition day; and amending RCW 1.16.050.

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

Sec. 1. RCW 1.16.050 and 1989 c 128 s 1 are each amended to read as follows:

The following are legal holidays: Sunday; the first day of January, commonly called New Year's Day; the third Monday of January, being celebrated as the anniversary of the birth of Martin Luther King, Jr.; the third Monday of February to be known as Presidents' Day and to be celebrated as the anniversary of the births of Abraham Lincoln and George Washington; the last Monday of May, commonly known as Memorial Day; the fourth day of July, being the anniversary of the Declaration of Independence; the first Monday in September, to be known as Labor Day; the eleventh day of November, to be known as Veterans' Day; the fourth Thursday in November, to be known as

Thanksgiving Day; the day immediately following Thanksgiving Day; and the twenty-fifth day of December, commonly called Christmas Day.

Employees of the state and its political subdivisions, except employees of school districts and except those nonclassified employees of institutions of higher education who hold appointments or are employed under contracts to perform services for periods of less than twelve consecutive months, shall be entitled to one paid holiday per calendar year in addition to those specified in this section. Each employee of the state or its political subdivisions may select the day on which the employee desires to take the additional holiday provided for herein after consultation with the employer pursuant to guidelines to be promulgated by rule of the appropriate personnel authority, or in the case of local government by ordinance or resolution of the legislative authority.

If any of the above specified state legal holidays are also federal legal holidays but observed on different dates, only the state legal holidays shall be recognized as a paid legal holiday for employees of the state and its political subdivisions except that for port districts and the law enforcement and public transit employees of municipal corporations, either the federal or the state legal holiday, but in no case both, may be recognized as a paid legal holiday for employees.

Whenever any legal holiday, other than Sunday, falls upon a Sunday, the following Monday shall be the legal holiday.

Whenever any legal holiday falls upon a Saturday, the preceding Friday shall be the legal holiday.

Nothing in this section shall be construed to have the effect of adding or deleting the number of paid holidays provided for in an agreement between employees and employers of political subdivisions of the state or as established by ordinance or resolution of the local government legislative authority.

The legislature declares that the twelfth day of October shall be recognized as Columbus Day but shall not be considered a legal holiday for any purposes.

The legislature declares that the ninth day of April shall be recognized as former prisoner of war recognition day but shall not be considered a legal holiday for any purposes.

The legislature declares that the seventh day of August shall be recognized as purple heart recipient recognition day but shall not be considered a legal holiday for any purposes.

Passed the Senate June 24, 1991.

Passed the House June 26, 1991.

Approved by the Governor July 2, 1991.

Filed in Office of Secretary of State July 2, 1991.

CHAPTER 21

[House Bill 1095]

UNIFORM COMMERCIAL CODE—ARTICLE 4A—FUNDS TRANSFERS

Effective Date: 9/29/91

AN ACT Relating to funds transfers; and adding a new Article to Title 62A RCW.

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

ARTICLE 4A

FUNDS TRANSFERS

PART 1

SUBJECT MATTER AND DEFINITIONS

NEW SECTION. Sec. 4A-101. SHORT TITLE. This Article may be cited as the Uniform Commercial Code—Funds Transfers.

NEW SECTION. Sec. 4A-102. SUBJECT MATTER. Except as otherwise provided in section 4A-108 of this act this Article applies to funds transfers defined in section 4A-104 of this act.

NEW SECTION. Sec. 4A-103. PAYMENT ORDER—DEFINITIONS. (1) In this Article:

(a) "Payment order" means an instruction of a sender to a receiving bank, transmitted orally, electronically, or in writing, to pay, or to cause another bank to pay, a fixed or determinable amount of money to a beneficiary if:

(i) The instruction does not state a condition of payment to the beneficiary other than time of payment;

(ii) The receiving bank is to be reimbursed by debiting an account of, or otherwise receiving payment from, the sender; and

(iii) The instruction is transmitted by the sender directly to the receiving bank or to an agent, funds-transfer system, or communication system for transmittal to the receiving bank.

(b) "Beneficiary" means the person to be paid by the beneficiary's bank.

(c) "Beneficiary's bank" means the bank identified in a payment order in which an account of the beneficiary is to be credited pursuant to the order or which otherwise is to make payment to the beneficiary if the order does not provide for payment to an account.

(d) "Receiving bank" means the bank to which the sender's instruction is addressed.

(e) "Sender" means the person giving the instruction to the receiving bank.

(2) If an instruction complying with subsection (1)(a) of this section is to make more than one payment to a beneficiary, the instruction is a separate payment order with respect to each payment.

(3) A payment order is issued when it is sent to the receiving bank.

NEW SECTION. Sec. 4A-104. FUNDS TRANSFER—DEFINITIONS. In this Article:

(1) "Funds transfer" means the series of transactions, beginning with the originator's payment order, made for the purpose of making payment to the beneficiary of the order. The term includes any payment order issued by the originator's bank or an intermediary bank intended to carry out the originator's payment order. A funds transfer is completed by acceptance by the beneficiary's bank of a payment order for the benefit of the beneficiary of the originator's payment order.

(2) "Intermediary bank" means a receiving bank other than the originator's bank or the beneficiary's bank.

(3) "Originator" means the sender of the first payment order in a funds transfer.

(4) "Originator's bank" means (a) the receiving bank to which the payment order of the originator is issued if the originator is not a bank, or (b) the originator if the originator is a bank.

NEW SECTION. Sec. 4A-105. OTHER DEFINITIONS. (1) In this Article:

(a) "Authorized account" means a deposit account of a customer in a bank designated by the customer as a source of payment orders issued by the customer to the bank. If a customer does not so designate an account, any account of the customer is an authorized account if payment of a payment order from that account is not inconsistent with a restriction on the use of the account.

(b) "Bank" means a person engaged in the business of banking and includes a savings bank, savings and loan association, credit union, and trust company. A branch or separate office of a bank is a separate bank for purposes of this Article.

(c) "Customer" means a person, including a bank, having an account with a bank or from whom a bank has agreed to receive payment orders.

(d) "Funds-transfer business day" of a receiving bank means the part of a day during which the receiving bank is open for the receipt, processing, and transmittal of payment orders and cancellations and amendments of payment orders.

(e) "Funds-transfer system" means a wire transfer network, automated clearing house, or other communication system of a clearing house or other association of banks through which a payment order by a bank may be transmitted to the bank to which the order is addressed.

(f) "Good faith" means honesty in fact and the observance of reasonable commercial standards of fair dealing.

(g) "Prove" with respect to a fact means to meet the burden of establishing the fact (RCW 62A.1-201(8)).

(2) Other definitions applying to this Article and the sections in which they appear are:

"Acceptance"

section 4A-209 of this act

"Beneficiary"

section 4A-103 of this act

"Beneficiary's bank"	section 4A-103 of this act
"Executed"	section 4A-301 of this act
"Execution date"	section 4A-301 of this act
"Funds transfer"	section 4A-104 of this act
"Funds-transfer system rule"	section 4A-501 of this act
"Intermediary bank"	section 4A-104 of this act
"Originator"	section 4A-104 of this act
"Originator's bank"	section 4A-104 of this act
"Payment by beneficiary's bank to beneficiary"	section 4A-405 of this act
"Payment by originator to beneficiary"	section 4A-406 of this act
"Payment by sender to receiving bank"	section 4A-403 of this act
"Payment date"	section 4A-401 of this act
"Payment order"	section 4A-103 of this act
"Receiving bank"	section 4A-103 of this act
"Security procedure"	section 4A-201 of this act
"Sender"	section 4A-103 of this act

(3) The following definitions in Article 4 (RCW 62A.4-101 through 62A.4-504) apply to this Article:

"Clearing house"	section 4-104 of this act
"Item"	section 4-104 of this act
"Suspends payments"	sections 4-104 of this act

(4) In addition to Article 1 (RCW 62A.1-101 through 62A.1-208) contains general definitions and principles of construction and interpretation applicable throughout this Article.

NEW SECTION. Sec. 4A-106. TIME PAYMENT ORDER IS RECEIVED. (1) The time of receipt of a payment order or communication canceling or amending a payment order is determined by the rules applicable to receipt of a notice stated in RCW 62A.1-201(27). A receiving bank may fix a cut-off time or times on a funds-transfer business day for the receipt and processing of payment orders and communications canceling or amending payment orders. Different cut-off times may apply to payment orders, cancellations, or amendments, or to different categories of payment orders, cancellations, or amendments. A cut-off time may apply to senders generally or different cut-off times may apply to different senders or categories of payment orders. If a payment order or communication canceling or amending a payment order is received after the close of a funds-transfer business day or after the appropriate cut-off time on a funds-transfer business day, the receiving bank may treat the payment order or communication as received at the opening of the next funds-transfer business day.

(2) If this Article refers to an execution date or payment date or states a day on which a receiving bank is required to take action, and the date or day does not fall on a funds-transfer business day, the next day that is a funds-transfer business day is treated as the date or day stated, unless the contrary is stated in this Article.

NEW SECTION. Sec. 4A-107. FEDERAL RESERVE REGULATIONS AND OPERATING CIRCULARS. Regulations of the board of governors of the federal reserve system and operating circulars of the federal reserve banks supersede any inconsistent provision of this Article to the extent of the inconsistency.

NEW SECTION. Sec. 4A-108. EXCLUSION OF CONSUMER TRANSACTIONS GOVERNED BY FEDERAL LAW. This Article does not apply to a funds transfer any part of which is governed by the Electronic Fund Transfer Act of 1978 (Title XX, P.L. 95-630, 92 Stat. 3728, 15 U.S.C. Sec. 1693 et seq.) as amended from time to time.

PART 2

ISSUE AND ACCEPTANCE OF PAYMENT ORDER

NEW SECTION. Sec. 4A-201. SECURITY PROCEDURE. "Security procedure" means a procedure established by agreement of a customer and a receiving bank for the purpose of (1) verifying that a payment order or communication amending or canceling a payment order is that of the customer, or (2) detecting error in the transmission or the content of the payment order or communication. A security procedure may require the use of algorithms or other codes, identifying words or numbers, encryption, callback procedures, or similar security devices. Comparison of a signature on a payment order or communication with an authorized specimen signature of the customer is not by itself a security procedure.

NEW SECTION. Sec. 4A-202. AUTHORIZED AND VERIFIED PAYMENT ORDERS. (1) A payment order received by the receiving bank is the authorized order of the person identified as sender if that person authorized the order or is otherwise bound by it under the law of agency.

(2) If a bank and its customer have agreed that the authenticity of payment orders issued to the bank in the name of the customer as sender will be verified pursuant to a security procedure, a payment order received by the receiving bank is effective as the order of the customer, whether or not authorized, if (a) the security procedure is a commercially reasonable method of providing security against unauthorized payment orders, and (b) the bank proves that it accepted the payment order in good faith and in compliance with the security procedure and any written agreement or instruction of the customer restricting acceptance of payment orders issued in the name of the customer. The bank is not required to

follow an instruction that violates a written agreement with the customer or notice of which is not received at a time and in a manner affording the bank a reasonable opportunity to act on it before the payment order is accepted.

(3) Commercial reasonableness of a security procedure is a question of law to be determined by considering the wishes of the customer expressed to the bank, the circumstances of the customer known to the bank, including the size, type, and frequency of payment orders normally issued by the customer to the bank, alternative security procedures offered to the customer, and security procedures in general use by customers and receiving banks similarly situated. A security procedure is deemed to be commercially reasonable if (a) the security procedure was chosen the customer after the bank offered, and the customer refused, a security procedure that was commercially reasonable for that customer, and (b) the customer expressly agreed in writing to be bound by any payment order, whether or not authorized, issued in its name, and accepted by the bank in compliance with the security procedure chosen by the customer.

(4) The term "sender" in this Article includes the customer in whose name a payment order is issued if the order is the authorized order of the customer under subsection (1) of this section, or it is effective as the order of the customer under subsection (2) of this section.

(5) This section applies to amendments and cancellations of payment orders to the same extent it applies to payment orders.

(6) Except as provided in this section and section 4A-203(1)(a) of this act, rights and obligations arising under this section or section 4A-203 of this act may not be varied by agreement.

NEW SECTION. Sec. 4A-203. UNENFORCEABILITY OF CERTAIN VERIFIED PAYMENT ORDERS. (1) If an accepted payment order is not, under section 4A-202(1) of this act, an authorized order of a customer identified as sender, but is effective as an order of the customer pursuant to section 4A-202(2) of this act, the following rules apply.

(a) By express written agreement, the receiving bank may limit the extent to which it is entitled to enforce or retain payment of the payment order.

(b) The receiving bank is not entitled to enforce or retain payment of the payment order if the customer proves that the order was not caused, directly or indirectly, by a person (i) entrusted at any time with duties to act for the customer with respect to payment orders or the security procedure, or (ii) who obtained access to transmitting facilities of the customer or who obtained, from a source controlled by the customer and without authority of the receiving bank, information facilitating breach of the security procedure, regardless of how the information was obtained or whether the customer was at fault. Information includes any access device, computer software, or the like.

(2) This section applies to amendments of payment orders to the same extent it applies to payment orders.

NEW SECTION. Sec. 4A-204. REFUND OF PAYMENT AND DUTY OF CUSTOMER TO REPORT WITH RESPECT UNAUTHORIZED PAYMENT ORDER. (1) If a receiving bank accepts a payment order issued in the name of its customer as sender which is (a) not authorized and not effective as the order of the customer under section 4A-202 of this act, or (b) not enforceable, in whole or in part, against the customer under section 4A-203 of this act, the bank shall refund any payment of the payment order received from the customer to the extent the bank is not entitled to enforce payment and shall pay interest on the refundable amount calculated from the date the bank received payment to the date of the refund. However, the customer is not entitled to interest from the bank on the amount to be refunded if the customer fails to exercise ordinary care to determine that the order was not authorized by the customer and to notify the bank of the relevant facts within a reasonable time not exceeding ninety days after the date the customer received notification from the bank that the order was accepted or that the customer's account was debited with respect to the order. The bank is not entitled to any recovery from the customer on account of a failure by the customer to give notification as stated in this section.

(2) Reasonable time under subsection (1) of this section may be fixed by agreement as stated in RCW 62A.1-204(1), but the obligation of a receiving bank to refund payment as stated in subsection (1) may not otherwise be varied by agreement.

NEW SECTION. Sec. 4A-205. ERRONEOUS PAYMENT ORDERS. (1) If an accepted payment order was transmitted pursuant to a security procedure for the detection of error and the payment order (a) erroneously instructed payment to a beneficiary not intended by the sender, (b) erroneously instructed payment in an amount greater than the amount intended by the sender, or (c) was an erroneously transmitted duplicate of a payment order previously sent by the sender, the following rules apply:

(i) If the sender proves that the sender or a person acting on behalf of the sender pursuant to section 4A-206 of this act complied with the security procedure and that the error would have been detected if the receiving bank had also complied, the sender is not obliged to pay the order to the extent stated in (ii) and (iii) of this subsection.

(ii) If the funds transfer is completed on the basis of an erroneous payment order described in (b) or (c) of this subsection, the sender is not obliged to pay the order and the receiving bank is entitled to recover from the beneficiary any amount paid to the beneficiary to the extent allowed by the law governing mistake and restitution.

(iii) If the funds transfer is completed on the basis of a payment order described in (b) of this subsection, the sender is not obliged to pay the order to the extent the amount received by the beneficiary is greater than the amount intended by the sender. In that case, the receiving bank is entitled to recover

from the beneficiary the excess amount received to the extent allowed by the law governing mistake and restitution.

(2) If (a) the sender of an erroneous payment order described in subsection (1) of this section is not obliged to pay all or part of the order, and (b) the sender receives notification from the receiving bank that the order was accepted by the bank or that the sender's account was debited with respect to the order, the sender has a duty to exercise ordinary care, on the basis of information available to the sender, to discover the error with respect to the order and to advise the bank of the relevant facts within a reasonable time, not exceeding ninety days, after the bank's notification was received by the sender. If the bank proves that the sender failed to perform that duty, the sender is liable to the bank for the loss the bank proves it incurred as a result of the failure, but the liability of the sender may not exceed the amount of the sender's order.

(3) This section applies to amendments to payment orders to the same extent it applies to payment orders.

NEW SECTION. Sec. 4A-206. TRANSMISSION OF PAYMENT ORDER THROUGH FUNDS-TRANSFER OR OTHER COMMUNICATION SYSTEM.

(1) If a payment order addressed to a receiving bank is transmitted to a funds-transfer system or other third-party communication system for transmittal to the bank, the system is deemed to be an agent of the sender for the purpose of transmitting the payment order to the bank. If there is a discrepancy between the terms of the payment order transmitted to the system and the terms of the payment order transmitted by the system to the bank, the terms of the payment order of the sender are those transmitted by the system. This section does not apply to a funds-transfer system of the federal reserve banks.

(2) This section applies to cancellations and amendments of payment orders to the same extent it applies to payment orders.

NEW SECTION. Sec. 4A-207. MISDESCRIPTION OF BENEFICIARY.

(1) Subject to subsection (2) of this section, if, in a payment order received by the beneficiary's bank, the name, bank account number, or other identification of the beneficiary refers to a nonexistent or unidentifiable person or account, no person has rights as a beneficiary of the order and acceptance of the order cannot occur.

(2) If a payment order received by the beneficiary's bank identifies the beneficiary both by name and by an identifying or bank account number and the name and number identify different persons, the following rules apply:

(a) Except as otherwise provided in subsection (3) of this section, if the beneficiary's bank does not know that the name and number refer to different persons, it may rely on the number as the proper identification of the beneficiary of the order. The beneficiary's bank need not determine whether the name and number refer to the same person.

(b) If the beneficiary's bank pays the person identified by name or knows that the name and number identify different persons, no person has rights as beneficiary except the person paid by the beneficiary's bank if that person was entitled to receive payment from the originator of the funds transfer. If no person has rights as beneficiary, acceptance of the order cannot occur.

(3) If (a) a payment order described in subsection (2) of this section is accepted, (b) the originator's payment order described the beneficiary inconsistently by name and number, and (c) the beneficiary's bank pays the person identified by number as permitted by subsection (2)(a) of this section, the following rules apply:

(i) If the originator is a bank, the originator is obliged to pay its order.

(ii) If the originator is not a bank and proves that the person identified by number was not entitled to receive payment from the originator, the originator is not obliged to pay its order unless the originator's bank proves that the originator, before acceptance of the originator's order, had notice that payment of a payment order issued by the originator might be made by the beneficiary's bank on the basis of an identifying or bank account number even if it identifies a person different from the named beneficiary. Proof of notice may be made by any admissible evidence. The originator's bank satisfies the burden of proof if it proves that the originator, before the payment order was accepted, signed a writing stating the information to which the notice relates.

(4) In a case governed by subsection (2)(a) of this section, if the beneficiary's bank rightfully pays the person identified by number and that person was not entitled to receive payment from the originator, the amount paid may be recovered from that person to the extent allowed by the law governing mistake and restitution as follows:

(a) If the originator is obliged to pay its payment order as stated in subsection (3) of this section, the originator has the right to recover.

(b) If the originator is not a bank and is not obliged to pay its payment order, the originator's bank has the right to recover.

NEW SECTION. Sec. 4A-208. MISDESCRIPTION OF INTERMEDIARY BANK OR BENEFICIARY'S BANK. (1) This subsection applies to a payment order identifying an intermediary bank or the beneficiary's bank only by an identifying number.

(a) The receiving bank may rely on the number as the proper identification of the intermediary or beneficiary's bank and need not determine whether the number identifies a bank.

(b) The sender is obliged to compensate the receiving bank for any loss and expenses incurred by the receiving bank as a result of its reliance on the number in executing or attempting to execute the order.

(2) This subsection applies to a payment order identifying an intermediary bank or the beneficiary's bank both by name and an identifying number if the name and number identify different persons.

(a) If the sender is a bank, the receiving bank may rely on the number as the proper identification of the intermediary or beneficiary's bank if the receiving bank, when it executes the sender's order, does not know that the name and number identify different persons. The receiving bank need not determine whether the name and number refer to the same person or whether the number refers to a bank. The sender is obliged to compensate the receiving bank for any loss and expenses incurred by the receiving bank as a result of its reliance on the number in executing or attempting to execute the order.

(b) If the sender is not a bank and the receiving bank proves that the sender, before the payment order was accepted, had notice that the receiving bank might rely on the number as the proper identification of the intermediary or beneficiary's bank even if it identifies a person different from the bank identified by name, the rights and obligations of the sender and the receiving bank are governed by subsection (2)(a) of this section, as though the sender were a bank. Proof of notice may be made by any admissible evidence. The receiving bank satisfies the burden of proof if it proves that the sender, before the payment order was accepted, signed a writing stating the information to which the notice relates.

(c) Regardless of whether the sender is a bank, the receiving bank may rely on the name as the proper identification of the intermediary or beneficiary's bank if the receiving bank, at the time it executes the sender's order, does not know that the name and number identify different persons. The receiving bank need not determine whether the name and number refer to the same person.

(d) If the receiving bank knows that the name and number identify different persons, reliance on either the name or the number in executing the sender's payment order is a breach of the obligation stated in section 4A-302(1)(a) of this act.

NEW SECTION. Sec. 4A-209. ACCEPTANCE OF PAYMENT ORDER.

(1) Subject to subsection (4) of this section, a receiving bank other than the beneficiary's bank accepts a payment order when it executes the order.

(2) Subject to subsections (3) and (4) of this section, a beneficiary's bank accepts a payment order at the earliest of the following times:

(a) When the bank (i) pays the beneficiary as stated in section 4A-405(1) or (2) of this act or (ii) notifies the beneficiary of receipt of the order or that the account of the beneficiary has been credited with respect to the order unless the notice indicates that the bank is rejecting the order or that funds with respect to the order may not be withdrawn or used until receipt of payment from the sender of the order;

(b) When the bank receives payment of the entire amount of the sender's order pursuant to section 4A-403(1)(a) or (b) of this act; or

(c) The opening of the next funds-transfer business day of the bank following the payment date of the order if, at that time, the amount of the sender's order is fully covered by a withdrawable credit balance in an authorized account of the sender or the bank has otherwise received full payment from the

sender, unless the order was rejected before that time or is rejected within (i) one hour after that time, or (ii) one hour after the opening of the next business day of the sender following the payment date if that time is later. If notice of rejection is received by the sender after the payment date and the authorized account of the sender does not bear interest, the bank is obliged to pay interest to the sender on the amount of the order for the number of days elapsing after the payment date to the day the sender receives notice or learns that the order was not accepted, counting that day as an elapsed day. If the withdrawable credit balance during that period falls below the amount of the order, the amount of interest payable is reduced accordingly.

(3) Acceptance of a payment order cannot occur before the order is received by the receiving bank. Acceptance does not occur under subsection (2)(b) or (c) of this section if the beneficiary of the payment order does not have an account with the receiving bank, the account has been closed, or the receiving bank is not permitted by law to receive credits for the beneficiary's account.

(4) A payment order issued to the originator's bank cannot be accepted until the payment date if the bank is the beneficiary's bank, or the execution date if the bank is not the beneficiary's bank. If the originator's bank executes the originator's payment order before the execution date or pays the beneficiary of the originator's payment order before the payment date and the payment order is subsequently canceled pursuant to section 4A-211(2) of this act, the bank may recover from the beneficiary any payment received to the extent allowed by the law governing mistake and restitution.

NEW SECTION. Sec. 4A-210. REJECTION OF PAYMENT ORDER. (1) A payment order is rejected by the receiving bank by a notice of rejection transmitted to the sender orally, electronically, or in writing. A notice of rejection need not use any particular words and is sufficient if it indicates that the receiving bank is rejecting the order or will not execute or pay the order. Rejection is effective when the notice is given if transmission is by a means that is reasonable in the circumstances. If notice of rejection is given by a means that is not reasonable, rejection is effective when the notice is received. If an agreement of the sender and receiving bank establishes the means to be used to reject a payment order, (a) any means complying with the agreement is reasonable and (b) any means not complying is not reasonable unless no significant delay in receipt of the notice resulted from the use of the noncomplying means.

(2) This subsection applies if a receiving bank other than the beneficiary's bank fails to execute a payment order despite the existence on the execution date of a withdrawable credit balance in an authorized account of the sender sufficient to cover the order. If the sender does not receive notice of rejection of the order on the execution date and the authorized account of the sender does not bear interest, the bank is obliged to pay interest to the sender on the amount of the order for the number of days elapsing after the execution date to the earlier of

the day the order is canceled pursuant to section 4A-211(4) of this act or the day the sender receives notice or learns that the order was not executed, counting the final day of the period as an elapsed day. If the withdrawable credit balance during that period falls below the amount of the order, the amount of interest is reduced accordingly.

(3) If a receiving bank suspends payments, all unaccepted payment orders issued to it are deemed rejected at the time the bank suspends payments.

(4) Acceptance of a payment order precludes a later rejection of the order. Rejection of a payment order precludes a later acceptance of the order.

NEW SECTION. Sec. 4A-211. CANCELLATION AND AMENDMENT OF PAYMENT ORDER. (1) A communication of the sender of a payment order canceling or amending the order may be transmitted to the receiving bank orally, electronically, or in writing. If a security procedure is in effect between the sender and the receiving bank, the communication is not effective to cancel or amend the order unless the communication is verified pursuant to the security procedure or the bank agrees to the cancellation or amendment.

(2) Subject to subsection (1) of this section, a communication by the sender canceling or amending a payment order is effective to cancel or amend the order if notice of the communication is received at a time and in a manner affording the receiving bank a reasonable opportunity to act on the communication before the bank accepts the payment order.

(3) After a payment order has been accepted, cancellation or amendment of the order is not effective unless the receiving bank agrees or a funds-transfer system rule allows cancellation or amendment without agreement of the bank.

(a) With respect to a payment order accepted by a receiving bank other than the beneficiary's bank, cancellation or amendment is not effective unless a conforming cancellation or amendment of the payment order issued by the receiving bank is also made.

(b) With respect to a payment order accepted by the beneficiary's bank, cancellation or amendment is not effective unless the order was issued in execution of an unauthorized payment order, or because of a mistake by a sender in the funds transfer which resulted in the issuance of a payment order (i) that is a duplicate of a payment order previously issued by the sender, (ii) that orders payment to a beneficiary not entitled to receive payment from the originator, or (iii) that orders payment in an amount greater than the amount the beneficiary was entitled to receive from the originator. If the payment order is canceled or amended, the beneficiary's bank is entitled to recover from the beneficiary any amount paid to the beneficiary to the extent allowed by the law governing mistake and restitution.

(4) An unaccepted payment order is canceled by operation of law at the close of the fifth funds-transfer business day of the receiving bank after the execution date or payment date of the order.

(5) A canceled payment order cannot be accepted. If an accepted payment order is canceled, the acceptance is nullified and no person has any right or obligation based on the acceptance. Amendment of a payment order is deemed to be cancellation of the original order at the time of amendment and issue of a new payment order in the amended form at the same time.

(6) Unless otherwise provided in an agreement of the parties or in a funds-transfer system rule, if the receiving bank, after accepting a payment order, agrees to cancellation or amendment of the order by the sender or is bound by a funds-transfer system rule allowing cancellation or amendment without the bank's agreement, the sender, whether or not cancellation or amendment is effective, is liable to the bank for any loss and expenses, including reasonable attorneys' fees, incurred by the bank as a result of the cancellation or amendment or attempted cancellation or amendment.

(7) A payment order is not revoked by the death or legal incapacity of the sender unless the receiving bank knows of the death or of an adjudication of incapacity by a court of competent jurisdiction and has reasonable opportunity to act before acceptance of the order.

(8) A funds-transfer system rule is not effective to the extent it conflicts with subsection (3)(b) of this section.

NEW SECTION. Sec. 4A-212. LIABILITY AND DUTY OF RECEIVING BANK REGARDING UNACCEPTED PAYMENT ORDER. If a receiving bank fails to accept a payment order that is obliged by express agreement to accept, the bank is liable for breach of the agreement to the extent provided in the agreement or in this Article, but does not otherwise have any duty to accept a payment order or, before acceptance, to take any action, or refrain from taking action, with respect to the order except as provided in this Article or by express agreement. Liability based on acceptance arises only when acceptance occurs as stated in section 4A-209 of this act and liability is limited to that provided in this Article. A receiving bank is not the agent of the sender or beneficiary of the payment order it accepts, or of any other party to the funds transfer, and the bank owes no duty to any party to the funds transfer except as provided in this Article or by express agreement.

PART 3

EXECUTION OF SENDER'S PAYMENT ORDER BY RECEIVING BANK

NEW SECTION. Sec. 4A-301. EXECUTION AND EXECUTION DATE.

(1) A payment order is "executed" by the receiving bank when it issues a payment order intended to carry out the payment order received by the bank. A payment order received by the beneficiary's bank can be accepted but cannot be executed.

(2) "Execution date" of a payment order means the day on which the receiving bank may properly issue a payment order in execution of the sender's

order. The execution date may be determined by instruction of the sender but cannot be earlier than the day the order is received and, unless otherwise determined, is the day the order is received. If the sender's instruction states a payment date, the execution date is the payment date or an earlier date on which execution is reasonably necessary to allow payment to the beneficiary on the payment date.

NEW SECTION. Sec. 4A-302. OBLIGATIONS OF RECEIVING BANK IN EXECUTION OF PAYMENT ORDER. (1) Except as provided in subsections (2) through (4) of this section, if the receiving bank accepts a payment order pursuant to section 4A-209(1) of this act, the bank has the following obligations in executing the order.

(a) The receiving bank is obliged to issue, on the execution date, a payment order complying with the sender's order and to follow the sender's instructions concerning (i) any intermediary bank or funds-transfer system to be used in carrying out the funds transfer, or (ii) the means by which payment orders are to be transmitted in the funds transfer. If the originator's bank issues a payment order to an intermediary bank, the originator's bank is obliged to instruct the intermediary bank according to the instruction of the originator. An intermediary bank in the funds transfer is similarly bound by an instruction given to it by the sender of the payment order it accepts.

(b) If the sender's instruction states that the funds transfer is to be carried out telephonically or by wire transfer or otherwise indicates that the funds transfer is to be carried out by the most expeditious means, the receiving bank is obliged to transmit its payment order by the most expeditious available means, and to instruct any intermediary bank accordingly. If a sender's instruction states a payment date, the receiving bank is obliged to transmit its payment order at a time and by means reasonably necessary to allow payment to the beneficiary on the payment date or as soon thereafter as is feasible.

(2) Unless otherwise instructed, a receiving bank executing a payment order may (a) use any funds-transfer system if use of that system is reasonable in the circumstances, and (b) issue a payment order to the beneficiary's bank or to an intermediary bank through which a payment order conforming to the sender's order can expeditiously be issued to the beneficiary's bank if the receiving bank exercises ordinary care in the selection of the intermediary bank. A receiving bank is not required to follow an instruction of the sender designating a funds-transfer system to be used in carrying out the funds transfer if the receiving bank, in good faith, determines that it is not feasible to follow the instruction or that following the instruction would unduly delay completion of the funds transfer.

(3) Unless subsection (1)(b) of this section applies or the receiving bank is otherwise instructed, the bank may execute a payment order by transmitting its payment order by first class mail or by any means reasonable in the circumstances. If the receiving bank is instructed to execute the sender's order by

transmitting its payment order by a particular means, the receiving bank may issue its payment order by the means stated or by any means as expeditious as the means stated.

(4) Unless instructed by the sender, (a) the receiving bank may not obtain payment of its charges for services and expenses in connection with the execution of the sender's order by issuing a payment order in an amount equal to the amount of the sender's order less the amount of the charges, and (b) may not instruct a subsequent receiving bank to obtain payment of its charges in the same manner.

NEW SECTION. Sec. 4A-303. ERRONEOUS EXECUTION OF PAYMENT ORDER. (1) A receiving bank that (a) executes the payment order of the sender by issuing a payment order in an amount greater than the amount of the sender's order, or (b) issues a payment order in execution of the sender's order and then issues a duplicate order, is entitled to payment of the amount of the sender's order under section 4A-402(3) of this act if that subsection is otherwise satisfied. The bank is entitled to recover from the beneficiary of the erroneous order the excess payment received to the extent allowed by the law governing mistake and restitution.

(2) A receiving bank that executes the payment order of the sender by issuing a payment order in an amount less than the amount of the sender's order is entitled to payment of the amount of the sender's order under section 4A-402(3) of this act if (a) that subsection is otherwise satisfied and (b) the bank corrects its mistake by issuing an additional payment order for the benefit of the beneficiary of the sender's order. If the error is not corrected, the issuer of the erroneous order is entitled to receive or retain payment from the sender of the order it accepted only to the extent of the amount of the erroneous order. This subsection does not apply if the receiving bank executes the sender's payment order by issuing a payment order in an amount less than the amount of the sender's order for the purpose of obtaining payment of its charges for services and expenses pursuant to instruction of the sender.

(3) If a receiving bank executes the payment order of the sender by issuing a payment order to a beneficiary different from the beneficiary of the sender's order and the funds transfer is completed on the basis of that error, the sender of the payment order that was erroneously executed and all previous senders in the funds transfer are not obliged to pay the payment orders they issued. The issuer of the erroneous order is entitled to recover from the beneficiary of the order the payment received to the extent allowed by the law governing mistake and restitution.

NEW SECTION. Sec. 4A-304. DUTY OF SENDER TO REPORT ERRONEOUSLY EXECUTED PAYMENT ORDER. If the sender of a payment order that is erroneously executed as stated in section 4A-303 of this act receives notification from the receiving bank that the order was executed or that the

sender's account was debited with respect to the order, the sender has a duty to exercise ordinary care to determine, on the basis of information available to the sender, that the order was erroneously executed and to notify the bank of the relevant facts within a reasonable time not exceeding ninety days after the notification from the bank was received by the sender. If the sender fails to perform that duty, the bank is not obliged to pay interest on any amount refundable to the sender under section 4A-402(4) of this act for the period before the bank learns of the execution error. The bank is not entitled to any recovery from the sender on account of a failure by the sender to perform the duty stated in this section.

NEW SECTION. Sec. 4A-305. LIABILITY FOR LATE OR IMPROPER EXECUTION OR FAILURE TO EXECUTE PAYMENT ORDER. (1) If a funds transfer is completed but execution of a payment order by the receiving bank in breach of section 4A-302 of this act results in delay in payment to the beneficiary, the bank is obliged to pay interest to either the originator or the beneficiary of the funds transfer for the period of delay caused by the improper execution. Except as provided in subsection (3) of this section, additional damages are not recoverable.

(2) If execution of a payment order by a receiving bank in breach of section 4A-302 of this act results in (a) noncompletion of the funds transfer, (b) failure to use an intermediary bank designated by the originator, or (c) issuance of a payment order that does not comply with the terms of the payment order of the originator, the bank is liable to the originator for its expenses in the funds transfer and for incidental expenses and interest losses, to the extent not covered by subsection (1) of this section, resulting from the improper execution. Except as provided in subsection (3) of this section, additional damages are not recoverable.

(3) In addition to the amounts payable under subsections (1) and (2) of this section, damages, including consequential damages, are recoverable to the extent provided in an express written agreement of the receiving bank.

(4) If a receiving bank fails to execute a payment order it was obliged by express agreement to execute, the receiving bank is liable to the sender for its expenses in the transaction and for incidental expenses and interest losses resulting from the failure to execute. Additional damages, including consequential damages, are recoverable to the extent provided in an express written agreement of the receiving bank, but are not otherwise recoverable.

(5) Reasonable attorneys' fees are recoverable if demand for compensation under subsection (1) or (2) of this section is made and refused before an action is brought on the claim. If a claim is made for breach of an agreement under subsection (4) of this section and the agreement does not provide for damages, reasonable attorneys' fees are recoverable if demand for compensation under subsection (4) of this section is made and refused before an action is brought on the claim.

(6) Except as stated in this section, the liability of a receiving bank under subsections (1) and (2) of this section may not be varied by agreement.

PART 4
PAYMENT

NEW SECTION. Sec. 4A-401. PAYMENT DATE. "Payment date" of a payment order means the day on which the amount of the order is payable to the beneficiary by the beneficiary's bank. The payment date may be determined by instruction of the sender but cannot be earlier than the day the order is received by the beneficiary's bank and, unless otherwise determined, is the day the order is received by the beneficiary's bank.

NEW SECTION. Sec. 4A-402. OBLIGATION OF SENDER TO PAY RECEIVING BANK. (1) This section is subject to sections 4A-205 and 4A-207 of this act.

(2) With respect to a payment order issued to the beneficiary's bank, acceptance of the order by the bank obliges the sender to pay the bank the amount of the order, but payment is not due until the payment date of the order.

(3) This subsection is subject to subsection (5) of this section and to section 4A-303 of this act. With respect to a payment order issued to a receiving bank other than the beneficiary's bank, acceptance of the order by the receiving bank obliges the sender to pay the bank the amount of the sender's order. Payment by the sender is not due until the execution date of the sender's order. The obligation of that sender to pay its payment order is excused if the funds transfer is not completed by acceptance by the beneficiary's bank of a payment order instructing payment to the beneficiary of that sender's payment order.

(4) If the sender of a payment order pays the order and was not obliged to pay all or part of the amount paid, the bank receiving payment is obliged to refund payment to the extent the sender was not obliged to pay. Except as provided in sections 4A-204 and 4A-304 of this act, interest is payable on the refundable amount from the date of payment.

(5) If a funds transfer is not completed as stated in this subsection and an intermediary bank is obliged to refund payment as stated in subsection (4) of this section but is unable to do so because not permitted by applicable law or because the bank suspends payments, a sender in the funds transfer that executed a payment order in compliance with an instruction, as stated in section 4A-302(1)(a) of this section, to route the funds transfer through that intermediary bank is entitled to receive or retain payment from the sender of the payment order that it accepted. The first sender in the funds transfer that issued an instruction requiring routing through that intermediary bank is subrogated to the right of the bank that paid the intermediary bank to refund as stated in subsection (4) of this section.

(6) The right of the sender of a payment order to be excused from the obligation to pay the order as stated in subsection (3) of this section or to receive refund under subsection (4) of this section may not be varied by agreement.

NEW SECTION. Sec. 4A-403. PAYMENT BY SENDER TO RECEIVING BANK. (1) Payment of the sender's obligation under section 4A-402 of this act to pay the receiving bank occurs as follows:

(a) If the sender is a bank, payment occurs when the receiving bank receives final settlement of the obligation through a federal reserve bank or through a funds-transfer system.

(b) If the sender is a bank and the sender (i) credited an account of the receiving bank with the sender, or (ii) caused an account of the receiving bank in another bank to be credited, payment occurs when the credit is withdrawn or, if not withdrawn, at midnight of the day on which the credit is withdrawable and the receiving bank learns of that fact.

(c) If the receiving bank debits an account of the sender with the receiving bank, payment occurs when the debit is made to the extent the debit is covered by a withdrawable credit balance in the account.

(2) If the sender and receiving bank are members of a funds-transfer system that nets obligations multilaterally among participants, the receiving bank receives final settlement when settlement is complete in accordance with the rules of the system. The obligation of the sender to pay the amount of a payment order transmitted through the funds-transfer system may be satisfied, to the extent permitted by the rules of the system, by setting off and applying against the sender's obligation the right of the sender to receive payment from the receiving bank of the amount of any other payment order transmitted to the sender by the receiving bank through the funds-transfer system. The aggregate balance of obligations owed by each sender to each receiving bank in the funds-transfer system may be satisfied, to the extent permitted by the rules of the system, by setting off and applying against that balance the aggregate balance of obligations owed to the sender by other members of the system. The aggregate balance is determined after the right of setoff stated in the second sentence of this subsection has been exercised.

(3) If two banks transmit payment orders to each other under an agreement that settlement of the obligations of each bank to the other under section 4A-402 of this act will be made at the end of the day or other period, the total amount owed with respect to all orders transmitted by one bank shall be set off against the total amount owed with respect to all orders transmitted by the other bank. To the extent of the setoff, each bank has made payment to the other.

(4) In a case not covered by subsection (1) of this section, the time when payment of the sender's obligation under section 4A-402 (2) or (3) of this act occurs is governed by applicable principles of law that determine when an obligation is satisfied.

NEW SECTION. Sec. 4A-404. OBLIGATION OF BENEFICIARY'S BANK TO PAY AND GIVE NOTICE TO BENEFICIARY. (1) Subject to sections 4A-211(5), 4A-405(4), and 4A-405(5) of this act, if a beneficiary's bank accepts a payment order, the bank is obliged to pay the amount of the order to the beneficiary of the order. Payment is due on the payment date of the order, but if acceptance occurs on the payment date after the close of the funds-transfer business day of the bank, payment is due on the next funds-transfer business day. If the bank refuses to pay after demand by the beneficiary and receipt of notice of particular circumstances that will give rise to consequential damages as a result of nonpayment, the beneficiary may recover damages resulting from the refusal to pay to the extent the bank had notice of the damages, unless the bank proves that it did not pay because of a reasonable doubt concerning the right of the beneficiary to payment.

(2) If a payment order accepted by the beneficiary's bank instructs payment to an account of the beneficiary, the bank is obliged to notify the beneficiary of receipt of the order before midnight of the next funds-transfer business day following the payment date. If the payment order does not instruct payment to an account of the beneficiary, the bank is required to notify the beneficiary only if notice is required by the order. Notice may be given by first class mail or any other means reasonable in the circumstances. If the bank fails to give the required notice, the bank is obliged to pay interest to the beneficiary on the amount of the payment order from the day notice should have been given until the day the beneficiary learned of receipt of the payment order by the bank. No other damages are recoverable. Reasonable attorneys' fees are also recoverable if demand for interest is made and refused before an action is brought on the claim.

(3) The right of a beneficiary to receive payment and damages as stated in subsection (a) may not be varied by agreement or a funds-transfer system rule. The right of a beneficiary to be notified as stated in subsection (2) of this section may be varied by agreement of the beneficiary or by a funds-transfer system rule if the beneficiary is notified of the rule before initiation of the funds transfer.

NEW SECTION. Sec. 4A-405. PAYMENT BY BENEFICIARY'S BANK TO BENEFICIARY. (1) If the beneficiary's bank credits an account of the beneficiary of a payment order payment of the bank's obligation under section 4A-404(1) of this act occurs when and to the extent (a) the beneficiary is notified of the right to withdraw the credit, (b) the bank lawfully applies the credit to a debt of the beneficiary, or (c) funds with respect to the order are otherwise made available to the beneficiary by the bank.

(2) If the beneficiary's bank does not credit an account of the beneficiary of a payment order, the time when payment of the bank's obligation under section 4A-404(1) of this act occurs is governed by principles of law that determine when an obligation is satisfied.

(3) Except as stated in subsections (4) and (5) of this act, if the beneficiary's bank pays the beneficiary of a payment order under a condition to payment or agreement of the beneficiary giving the bank the right to recover payment from the beneficiary if the bank does not receive payment of the order, the condition to payment or agreement is not enforceable.

(4) A funds-transfer system rule may provide that payments made to beneficiaries of funds transfers made through the system are provisional until receipt of payment by the beneficiary's bank of the payment order it accepted. A beneficiary's bank that makes a payment that is provisional under the rule is entitled to refund from the beneficiary if (a) the rule requires that both the beneficiary and the originator be given notice of the provisional nature of the payment before the funds transfer is initiated, (b) the beneficiary, the beneficiary's bank and the originator's bank agreed to be bound by the rule, and (c) the beneficiary's bank did not receive payment of the payment order that it accepted. If the beneficiary is obliged to refund payment to the beneficiary's bank, acceptance of the payment order by the beneficiary's bank is nullified and no payment by the originator of the funds transfer to the beneficiary occurs under section 4A-406 of this act.

(5) This subsection applies to a funds transfer that includes a payment order transmitted over a funds-transfer system that (a) nets obligations multilaterally among participants, and (b) has in effect a loss-sharing agreement among participants for the purpose of providing funds necessary to complete settlement of the obligations of one or more participants that do not meet their settlement obligations. If the beneficiary's bank in the funds transfer accepts a payment order and the system fails to complete settlement pursuant to its rules with respect to any payment order in the funds transfer, (i) the acceptance by the beneficiary's bank is nullified and no person has any right or obligation based on the acceptance, (ii) the beneficiary's bank is entitled to recover payment from the beneficiary, (iii) no payment by the originator to the beneficiary occurs under section 4A-406 of this act, and (iv) subject to section 4A-402(5), each sender in the funds transfer is excused from its obligation to pay its payment order under section 4A-402(5), each sender in the funds transfer is excused from its obligation to pay its payment order under section 4A-402(3) of this act because the funds transfer has not been completed.

NEW SECTION. Sec. 4A-406. PAYMENT BY ORIGINATOR TO BENEFICIARY; DISCHARGE OF UNDERLYING OBLIGATION. (1) Subject to sections 4A-211(5), 4A-405(4), and 4A-405(5) of this act, the originator of a funds transfer pays the beneficiary of the originator's payment order (a) at the time a payment order for the benefit of the beneficiary is accepted by the beneficiary's bank in the funds transfer and (b) in an amount equal to the amount of the order accepted by the beneficiary's bank, but not more than the amount of the originator's order.

(2) If payment under subsection (1) of this section is made to satisfy an obligation, the obligation is discharged to the same extent discharge would result from payment to the beneficiary of the same amount in money, unless (a) the payment under subsection (1) of this section was made by a means prohibited by the contract of the beneficiary with respect to the obligation, (b) the beneficiary, within a reasonable time after receiving notice of receipt of the order by the beneficiary's bank, notified the originator of the beneficiary's refusal of the payment, (c) funds with respect to the order were not withdrawn by the beneficiary or applied to a debt of the beneficiary, and (d) the beneficiary would suffer a loss that could reasonably have been avoided if payment had been made by a means complying with the contract. If payment by the originator does not result in discharge under this section, the originator is subrogated to the rights of the beneficiary to receive payment from the beneficiary's bank under section 4A-404(1) of this act.

(3) For the purpose of determining whether discharge of an obligation occurs under subsection (2) of this section, if the beneficiary's bank accepts a payment order in an amount equal to the amount of the originator's payment order less charges of one or more receiving banks in the funds transfer, payment to the beneficiary is deemed to be in the amount of the originator's order unless upon demand by the beneficiary the originator does not pay the beneficiary the amount of the deducted charges.

(4) Rights of the originator or of the beneficiary of a funds transfer under this section may be varied only by agreement of the originator and the beneficiary.

PART 5 MISCELLANEOUS PROVISIONS

NEW SECTION. Sec. 4A-501. VARIATION BY AGREEMENT AND EFFECT OF FUNDS-TRANSFER SYSTEM RULE. (1) Except as otherwise provided in this Article, the rights and obligations of a party to a funds transfer may be varied by agreement of the affected party.

(2) "Funds-transfer system rule" means a rule of an association of banks (a) governing transmission of payment orders by means of a funds-transfer system of the association or rights and obligations with respect to those orders, or (b) to the extent the rule governs rights and obligations between banks that are parties to a funds transfer in which a federal reserve bank, acting as an intermediary bank, sends a payment order to the beneficiary's bank. Except as otherwise provided in this Article, a funds-transfer system rule governing rights and obligations between participating banks using the system may be effective even if the rule conflicts with the Article and indirectly affects another party to the funds transfer who does not consent to the rule. A funds-transfer system rule may also govern rights and obligations of parties other than participating banks

using the system to the extent stated in sections 4A-404(3), 4A-405(4), and 4A-507(3) of this act.

NEW SECTION. Sec. 4A-502. CREDITOR PROCESS SERVED ON RECEIVING BANK; SETOFF BY BENEFICIARY'S BANK. (1) As used in this section, "creditor process" means levy, attachment, garnishment, notice of lien, sequestration, or similar process issued by or on behalf of a creditor or other claimant with respect to an account.

(2) This subsection applies to creditor process with respect to an authorized account of the sender of a payment order if the creditor process is served on the receiving bank. For the purpose of determining rights with respect to the creditor process, if the receiving bank accepts the payment order the balance in the authorized account is deemed to be reduced by the amount of the payment order to the extent the bank did not otherwise receive payment of the order, unless the creditor process is served at the time and in a manner affording the bank a reasonable opportunity to act on it before the bank accepts the payment order.

(3) If a beneficiary's bank has received a payment order for payment to the beneficiary's account in the bank, the following rules apply:

(a) The bank may credit the beneficiary's account. The amount credited may be set off against an obligation owed by the beneficiary to the bank or may be applied to satisfy creditor process served on the bank with respect to the account.

(b) The bank may credit the beneficiary's account and allow withdrawal of the amount credited unless creditor process with respect to the account is served at the time and in a manner affording the bank a reasonable opportunity to act to prevent withdrawal.

(c) If creditor process with respect to the beneficiary's account has been served and the bank has had a reasonable opportunity to act on it, the bank may not reject the payment order except for a reason unrelated to the service of process.

(4) Creditor process with respect to a payment by the originator to the beneficiary pursuant to a funds transfer may be served only on the beneficiary's bank with respect to the debt owed by that bank to the beneficiary. Any other bank served with the creditor process is not obliged to act with respect to the process.

NEW SECTION. Sec. 4A-503. INJUNCTION OR RESTRAINING ORDER WITH RESPECT TO FUNDS TRANSFER. For proper cause and in compliance with applicable law, a court may restrain (1) a person from issuing a payment order to initiate a funds transfer, (2) an originator's bank from executing the payment order of the originator, or (3) the beneficiary's bank from releasing funds to the beneficiary or the beneficiary from withdrawing the funds. A court may not otherwise restrain a person from issuing a payment order,

paying or receiving payment of a payment order, or otherwise acting with respect to a funds transfer.

NEW SECTION. Sec. 4A-504. ORDER IN WHICH ITEMS AND PAYMENT ORDERS MAY BE CHARGED TO ACCOUNT; ORDER OF WITHDRAWALS FROM ACCOUNT. (1) If a receiving bank has received more than one payment order of the sender or one or more payment orders and other items that are payable from the sender's account, the bank may charge the sender's account with respect to the various orders and items in any sequence.

(2) In determining whether a credit to an account has been withdrawn by the holder of the account or applied to a debt of the holder of the account, credits first made to the account are first withdrawn or applied.

NEW SECTION. Sec. 4A-505. PRECLUSION OF OBJECTION TO DEBIT OF CUSTOMER'S ACCOUNT. If a receiving bank has received payment from its customer with respect to a payment order issued in the name of the customer as sender and accepted by the bank, and the customer received notification reasonably identifying the order, the customer is precluded from asserting that the bank is not entitled to retain the payment unless the customer notifies the bank of the customer's objection to the payment within one year after the notification was received by the customer.

NEW SECTION. Sec. 4A-506. RATE OF INTEREST. (1) If, under this Article, a receiving bank is obliged to pay interest with respect to a payment order issued to the bank, the amount payable may be determined (a) by agreement of the sender and receiving bank, or (b) by a funds-transfer system rule if the payment order is transmitted through a funds-transfer system.

(2) If the amount of interest is not determined by an agreement or rule as stated in subsection (1) of this section, the amount is calculated by multiplying the applicable federal funds rate by the amount on which interest is payable, and then multiplying the product by the number of days for which interest is payable. The applicable federal funds rate is the average of the federal funds rates published by the federal reserve bank of New York for each of the days for which interest is payable divided by three hundred sixty. The federal funds rate for any day on which a published rate is not available is the same as the published rate for the next preceding day for which there is a published rate. If a receiving bank that accepted a payment order is required to refund payment to the sender of the order because the funds transfer was not completed, but the failure to complete was not due to any fault by the bank, the interest payable is reduced by a percentage equal to the reserve requirement on deposits of the receiving bank.

NEW SECTION. Sec. 4A-507. CHOICE OF LAW. (1) The following rules apply unless the affected parties otherwise agree or subsection (3) of this section applies;

(a) The rights and obligations between the sender of a payment order and the receiving bank are governed by the law of the jurisdiction in which the receiving bank is located.

(b) The rights and obligations between the beneficiary's bank and the beneficiary are governed by the law of the jurisdiction in which the beneficiary's bank is located.

(c) The issue of when payment is made pursuant to a funds transfer by the originator to the beneficiary is governed by the law of the jurisdiction in which the beneficiary's bank is located.

(2) If the parties described in each paragraph of subsection (1) of this section have made an agreement selecting the law of a particular jurisdiction to govern rights and obligations between each other, the law of that jurisdiction governs those rights and obligations, whether or not the payment order or the funds transfer bears a reasonable relation to that jurisdiction.

(3) A funds-transfer system rule may select the law of a particular jurisdiction to govern (a) rights and obligations between participating banks with respect to payment orders transmitted or processed through the system, or (b) the rights and obligations of some or all parties to a funds transfer any part of which is carried out by means of the system. A choice of law made pursuant to (a) of this subsection is binding on participating banks. A choice of law made pursuant to (b) of this subsection is binding on the originator, other sender, or a receiving bank having notice that the funds-transfer system might be used in the funds transfer and of the choice of law by the system when the originator, other sender, or receiving bank issued or accepted a payment order. The beneficiary of a funds transfer is bound by the choice of law if, when the funds transfer is initiated, the beneficiary has notice that the funds-transfer system might be used in the funds transfer and of the choice of law by the system. The law of a jurisdiction selected pursuant to this subsection may govern, whether or not that law bears a reasonable relation to the matter in issue.

(4) In the event of inconsistency between an agreement under subsection (2) of this section and a choice-of-law rule under subsection (3) of this section, the agreement under subsection (2) of this section prevails.

(5) If a funds transfer is made by use of more than one funds-transfer system and there is inconsistency between choice-of-law rules of the systems, the matter in issue is governed by the law of the selected jurisdiction that has the most significant relationship to the matter in issue.

NEW SECTION. Sec. 4A-508. Sections 4A-101 through 4A-507 of this act shall constitute a new Article in Title 62A RCW.

Passed the House June 26, 1991.

Passed the Senate June 24, 1991.

Approved by the Governor July 2, 1991.

Filed in Office of Secretary of State July 2, 1991.

CHAPTER 22

[Engrossed Substitute House Bill 1831]

REAL ESTATE EXCISE TAX—OWNERSHIP CHANGES SUBJECT TO TAX

Effective Date: 7/2/91

AN ACT Relating to subjecting certain ownership changes to real estate excise taxation; adding new sections to Title 82 RCW; creating a new section; and declaring an emergency.

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

NEW SECTION. Sec. 1. (1) The legislature finds that transfers of ownership of a corporation may be, in some circumstances, essentially equivalent to the sale of real property held by the corporation. The legislature further finds that all transfers of possession or use of real property should be subject to the same excise tax burdens.

(2) The intent of this act is to apply an excise tax to transfers of corporate ownership when the transfer of ownership is comparable to a sale of real property. The excise tax imposed under this act is intended to be equivalent in burden to the excise tax imposed on sales of real estate under chapter 82.45 RCW.

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

(1) "Ownership transfer" means a transfer or series of transfers in any consecutive twelve-month period, for a valuable consideration, of ownership of stock possessing more than fifty percent of the total combined voting power of the issued and outstanding shares of each class of stock entitled to vote.

(2) "Value of real property assets" means the true and fair value in money, at the time an ownership transfer is completed, of any estate or interest in real property located in this state.

NEW SECTION. Sec. 3. (1) An excise tax is imposed on each ownership transfer of a corporation, to be paid by the corporation, at the rate of one and twenty-eight one-hundredths percent of the value of the real property assets of the corporation.

(2) Chapter 82.32 RCW applies to the tax imposed in this chapter. The tax due dates, reporting periods, and return requirements applicable to chapter 82.04 RCW apply equally to the tax imposed in this chapter.

NEW SECTION. Sec. 4. The tax imposed in this chapter does not apply to ownership transfers:

(1) When the taxpayer demonstrates by a preponderance of the evidence that the primary intent of the ownership transfer is for purposes other than avoidance of the tax imposed in chapter 82.45 RCW.

(2) When the value of the real property assets of the corporation is less than fifty percent of the true and fair value in money of all assets held by the corporation at the time of the ownership transfer.

(3) Of interests that are required to be registered with the federal securities and exchange commission under the securities act of 1933 or the securities exchange act of 1934.

(4) By gift, devise, or inheritance.

(5) From one spouse to the other in accordance with the terms of a decree of divorce or in fulfillment of a property settlement agreement incident thereto.

(6) Solely for the purpose of securing a debt.

(7) Upon execution of a judgment.

(8) To a corporation that is wholly owned by the transferor and/or the transferor's spouse or children. If such transferee corporation voluntarily transfers the ownership interest, or the real property represented by the ownership interest, or such transferor, spouse, or children voluntarily transfer stock in the transferee corporation or interest in the transferee partnership capital, as the case may be, to other than (a) the transferor and/or the transferor's spouse or children, (b) a trust having the transferor and/or the transferor's spouse or children as the only beneficiaries at the time of the transfer to the trust, or (c) a corporation or partnership wholly owned by the original transferor and/or the transferor's spouse or children, within five years after the original transfer to which this exemption applies, excise taxes shall become due and payable on the original transfer as otherwise provided by law.

NEW SECTION. Sec. 5. Sections 2 through 4 of this act shall constitute a new chapter in Title 82 RCW.

NEW SECTION. Sec. 6. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House June 28, 1991.

Passed the Senate June 28, 1991.

Approved by the Governor July 2, 1991.

Filed in Office of Secretary of State July 2, 1991.

CHAPTER 23

[Engrossed Substitute House Bill 1856]

WEIGHTS AND MEASURES—REVISED PROVISIONS

Effective Date: 9/29/91

AN ACT Relating to weights and measures; amending RCW 19.94.150, 19.94.160, 19.94.190, 19.94.200, 19.94.220, 19.94.240, 19.94.250, 19.94.260, 19.94.290, 19.94.300, 19.94.330, 19.94.340, 19.94.350, 19.94.420, 19.94.440, and 19.94.450; and creating new sections.

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

NEW SECTION. Sec. 1. The legislature finds:

(1) Accurate weights and measures are essential for the efficient operation of commerce in Washington, and weights and measures are important to both consumers and businesses.

(2) Legislation to expand the weights and measures program and fund the program with license fees on weights and measures devices has been considered.

(3) Additional information is necessary before further action can be taken.

NEW SECTION. Sec. 2. It is the intent of the legislature to fund the current weights and measures program only through the first year of the 1991-93 fiscal biennium, and to base funding of the program for the second year of the biennium and ensuing biennia upon the recommendations of the study performed under section 3 of this act.

NEW SECTION. Sec. 3. The department of agriculture shall conduct a study of a weights and measures program necessary to protect both consumers and business. In the conduct of this study the department shall consult with those affected by the weights and measures program. The department may create an advisory committee made up of consumers and members of the business community affected by the weights and measures program.

(2) The study shall include:

(a) Determination of the appropriate level and form for a weights and measures program sufficient for the efficient operation of commerce in Washington.

(b) Recommendations for an appropriate funding mechanism for the weights and measures program.

(3) In conducting the study the department shall:

(a) Identify the benefits of the weights and measures program, taking into account the element of service provided the device owners and the element of consumer protection provided the general public.

(b) Survey other states about their methods of funding weights and measures programs, frequency of inspection, and number of inspection personnel.

(c) Investigate the potential for error for different types of devices and determine the appropriate frequency of inspection for different types of weights and measures devices.

(d) Determine an appropriate license fee schedule for different types of devices taking into account the cost of equipment and personnel to the department of agriculture.

(e) Determine the appropriate level of license fee revenue sharing with those first class cities operating a weights and measures program.

(f) Examine the need to license and inspect electronic scanning devices and other new weighing and measuring technology.

(g) Examine the level of complaints relating to firewood deliveries.

(h) Study any other issues relevant to the weights and measures program.

Sec. 4. RCW 19.94.150 and 1969 c 67 s 15 are each amended to read as follows:

The system of weights and measures in customary use in the United States and the metric system of weights and measures are jointly recognized, and either

one or both of these systems shall be used for all commercial purposes in this state. The definitions of basic units of weight and measure and weights and measures equivalents, as published by the national ~~((bureau of standards))~~ institute of standards and technology, are recognized and shall govern weighing and measuring equipment and transactions in the state.

Sec. 5. RCW 19.94.160 and 1969 c 67 s 16 are each amended to read as follows:

Weights and measures in conformity with the standards of the United States as have been supplied to the state by the federal government or otherwise obtained by the state for use as state standards, shall, when the same shall have been certified as such by the national ~~((bureau of standards))~~ institute of standards and technology, be the state standards of weight and measure. The state standards shall be kept in a place designated by the director and shall not be removed from the said place except for repairs or for certification: PROVIDED, That they shall be submitted at least once in ten years to the national ~~((bureau of standards))~~ institute of standards and technology for certification.

Sec. 6. RCW 19.94.190 and 1989 c 354 s 36 are each amended to read as follows:

The director shall enforce the provisions of this chapter and shall ~~((issue from time to time reasonable))~~ adopt rules for enforcing and carrying out the purposes of this chapter. Such rules shall have the effect of law and may include (1) standards of net weight, measure, or count, and reasonable standards of fill for any commodity in package form, (2) ~~((rules))~~ the governing ~~((the))~~ technical and reporting procedures to be followed, and the report and record forms and marks of rejection to be used by the director and city sealers in the discharge of their official duties, (3) ~~((rules))~~ the governing technical test procedures, reporting procedures, record and reporting forms to be used by commercial firms when installing, repairing or testing commercial weights or measures, (4) ~~((rules providing))~~ the criteria that all weights and measures used by commercial firms in repairing or servicing commercial weighing and measuring devices shall be calibrated by the department and be directly traceable to state standards and shall be submitted to the department for calibration and certification as necessary and/or at such reasonable intervals as may be established or required by the director, (5) exemptions from the sealing or marking requirements of RCW 19.94.250 with respect to weights and measures of such character or size that such sealing or marking would be inappropriate, impracticable, or damaging to the apparatus in question, (6) ~~((rules))~~ provisions that allow the director to establish fees for weighing, measuring, and providing calibration services performed by the weights and measures laboratory, with all money collected under this subsection paid to the director and deposited in an account within the agricultural local fund to be used for the repair and maintenance of weights and measures devices and other related functions, (7) exemptions from the requirements of RCW 19.94.200

and 19.94.210 for testing, with respect to classes of weights and measures found to be of such character that periodic retesting is unnecessary to continued accuracy. These ~~((regulations))~~ rules shall include specifications, tolerances, and ~~((regulations))~~ rules for weights and measures of the character of those specified in RCW 19.94.210, designed to eliminate from use, without prejudice to apparatus that conforms as closely as practicable to the official standards, those (a) that are not accurate, (b) that are of such construction that they are faulty, that is, that are not reasonably permanent in their adjustment or will not repeat their indications correctly, or (c) that facilitate the perpetration of fraud. The specifications, tolerances, and ~~((regulations))~~ rules for commercial weighing and measuring devices, together with amendments thereto, as recommended by the most recent edition of Handbook 44 published by the national ~~((bureau of standards Handbook 44, third edition as published at the time of the enactment of this chapter))~~ institute of standards and technology shall be the specifications, tolerances, and regulations for commercial weighing and/or measuring devices of the state. To promote uniformity, any supplements or amendments to Handbook 44 or any similar subsequent publication of the national ~~((bureau of standards))~~ institute of standards and technology shall be deemed to have been adopted under this section. The director may, however, within thirty days of the publication or effective date of Handbook 44 or any supplements, amendments, or similar publications give public notice that a hearing will be held to determine if such publications should not be applicable under this section. The hearing shall be conducted under chapter 34.05 RCW. For the purpose of this chapter, apparatus shall be deemed to be "correct" when it conforms to all applicable requirements promulgated as specified in this section; all other apparatus shall be deemed to be "incorrect".

Sec. 7. RCW 19.94.200 and 1969 c 67 s 20 are each amended to read as follows:

The director shall test the standards of weight and measure procured by any city for which the appointment of a sealer of weights and measures is provided by this chapter, at least once every five years, and shall approve the same when found to be correct, and ~~((he))~~ the director shall inspect such standards at least once every two years. ~~((He))~~ The director shall test all weights and measures used in checking the receipt or disbursement of supplies in every institution for the maintenance of which moneys are appropriated by the legislature, and ~~((he))~~ the director shall report ~~((his))~~ the findings, in writing, to the executive officer of the institution concerned.

Sec. 8. RCW 19.94.220 and 1969 c 67 s 22 are each amended to read as follows:

The director shall investigate complaints made ~~((to him))~~ concerning violations of the provisions of this chapter, and shall, upon his or her own initiative, conduct such investigations as ~~((he deems))~~ deemed appropriate and advisable to develop information on prevailing procedures in commercial quantity

determination and on possible violations of the provisions of this chapter and to promote the general objective of accuracy in the determination and representation of quantity in commercial transactions.

Sec. 9. RCW 19.94.240 and 1969 c 67 s 24 are each amended to read as follows:

The director shall have the power to issue stop-use orders, stop-removal orders and removal orders with respect to weights and measures being, or susceptible of being, commercially used, and to issue stop-removal orders and removal orders with respect to packages or amounts of commodities kept, offered, exposed for sale, sold or in process of delivery, whenever in the course of his or her enforcement of the provisions of this chapter (~~(and/or)~~) or rules (~~(and regulations)~~) adopted hereunder he or she deems it necessary or expedient to issue such orders. No person shall use, remove from the premises specified or fail to remove from any premises specified any weight, measure, or package or amount of commodity contrary to the terms of a stop-use order, stop-removal order or removal order issued under the authority of this section.

Sec. 10. RCW 19.94.250 and 1969 c 67 s 25 are each amended to read as follows:

The director shall reject and mark or tag as "rejected" such weights and measures as he or she finds upon inspection or test to be "incorrect" as defined in RCW 19.94.190, but which in his or her best judgment are susceptible of satisfactory repair: PROVIDED, That such sealing or marking shall not be required with respect to such weights and measures as may be exempted therefrom by (~~(a regulation)~~) rule of the director issued under the authority of RCW 19.94.190. The director may reject or seize any weights and measures found to be incorrect that, in his or her best judgment, are not susceptible of satisfactory repair. Weights and measures that have been rejected may be confiscated and may be destroyed by the director if not corrected as required by RCW 19.94.330 or if used or disposed of contrary to the requirements of said section.

Sec. 11. RCW 19.94.260 and 1969 c 67 s 26 are each amended to read as follows:

(1) With respect to the enforcement of this chapter and any other acts dealing with weights and measures that he or she is, or may be empowered to enforce, the director is authorized (~~(to arrest any violator of the said chapter, and)~~) to seize for use as evidence incorrect or unsealed weights and measures or amounts or packages of commodities to be used, retained, offered, exposed for sale or sold in violation of the law.

(2) In the performance of his or her official duties the director is authorized at reasonable times during the normal business hours of the person using the weights and measures to enter into or upon any structure or premises where weights and measures are used or kept for commercial purposes. Should the director be denied access to any premises or establishment where such access

was sought for the purposes set forth in this section, ~~((he))~~ the director may apply to any court of competent jurisdiction for a search warrant authorizing access to such premises or establishment for said purposes. The court may, upon such application, issue the search warrant for the purposes requested.

Sec. 12. RCW 19.94.290 and 1969 c 67 s 29 are each amended to read as follows:

A bond with sureties, to be approved by the appointing power, and conditioned upon the faithful performance of ~~((his))~~ duties and the safekeeping of any standards or equipment entrusted to ~~((his))~~ the city sealer's care, shall forthwith, upon his or her appointment, be given by each city sealer and deputy sealer in the penal sum of one thousand dollars; the premium on such bond shall be paid by the city for which the officer in question is appointed.

Sec. 13. RCW 19.94.300 and 1969 c 67 s 30 are each amended to read as follows:

The city sealer and his or her deputy sealers when acting under his or her instructions and at his or her direction shall have the same powers and shall perform the same duties within the city for which appointed as are granted to and imposed upon the director by RCW 19.94.210, 19.94.220, 19.94.230, 19.94.240, and 19.94.250.

Sec. 14. RCW 19.94.330 and 1969 c 67 s 33 are each amended to read as follows:

Weights and measures that have been rejected under the authority of the director or a city sealer shall remain subject to the control of the rejecting authority until such time as suitable repair or disposition thereof has been made as required by this section. The owners of such rejected weights and measures shall cause the same to be made correct within thirty days or such longer period as may be authorized by the rejecting authority; or, in lieu of this, may dispose of the same, but only in such a manner as is specifically authorized by the rejecting authority. Weights and measures that have been rejected shall not again be used commercially until they have been officially reexamined ~~((and found to be correct or until specific written permission for such use is issued by the rejecting authority))~~ or until standardized corrective measures have been instituted as prescribed by rule as adopted by the department.

Sec. 15. RCW 19.94.340 and 1969 c 67 s 34 are each amended to read as follows:

Commodities in liquid form shall be sold only by liquid measure or by weight, and, except as otherwise provided in this chapter, commodities not in liquid form shall be sold only by weight, by measure of length or area, or by count: PROVIDED, That liquid commodities may be sold by weight and commodities not in liquid form may be sold by count only if such methods give accurate information as to the quantity of commodity sold: AND PROVIDED FURTHER, That the provisions of this section shall not apply (1) to commodities

when sold for immediate consumption on the premises where sold, (2) to vegetables when sold by the head or bunch, (3) to commodities in containers standardized by a law of this state or by federal law, (4) to commodities in package form when there exists a general consumer usage to express the quantity in some other manner, (5) to concrete aggregates, concrete mixtures, and loose solid materials such as earth, soil, gravel, crushed stone, and the like, when sold by cubic measure, or (6) to unprocessed vegetable and animal fertilizer when sold by cubic measure. The director may issue such reasonable ~~((regulations))~~ rules as are necessary to assure that amounts of commodity sold are determined in accordance with good commercial practice and are so determined and represented to be accurate and informative to all interested parties.

Sec. 16. RCW 19.94.350 and 1969 c 67 s 35 are each amended to read as follows:

Except as otherwise provided in this chapter, any commodity in package form introduced or delivered for introduction into or received in intrastate commerce, kept for the purpose of sale, offered or exposed for sale or sold in intrastate commerce, shall bear on the outside of the package such definite, plain, and conspicuous declaration of (1) the identity of the commodity in the package unless the same can easily be identified through the wrapper or container~~(s)~~; (2) the net quantity of the contents in terms of weight, measure or count; and (3) in the case of any package not sold on the premises where packed, the name and place of business of the manufacturer, packer, or distributor, as may be prescribed by ~~((regulation))~~ rule issued by the director: PROVIDED, That in connection with the declaration required under ~~((subdivision))~~ subsection (2) of this section, neither the qualifying term "when packed" or any words of similar import, nor any term qualifying a unit of weight, measure, or count (for example, "jumbo", "giant", "full", "or over", and the like) that tends to exaggerate the amount of commodity in a package, shall be used: AND PROVIDED FURTHER, That under ~~((clause))~~ subsection (2) of this section the director shall by ~~((regulation))~~ rule establish (a) reasonable variations to be allowed, (b) exemptions as to small packages and (c) exemptions as to commodities put up in variable weights or sizes for sale to the consumer intact and either customarily not sold as individual units or customarily weighed or measured at time of sale to the consumer.

Sec. 17. RCW 19.94.420 and 1975 1st ex.s. c 51 s 1 are each amended to read as follows:

All fluid dairy products, including but not limited to whole milk, skimmed milk, cultured milk, sweet cream, sour cream and buttermilk and all fluid imitation and fluid substitute dairy products shall be packaged for retail sale only in units as provided by the director of the department of agriculture by ~~((regulation))~~ rule pursuant to the provisions of chapter 34.05 RCW.

Sec. 18. RCW 19.94.440 and 1969 c 67 s 44 are each amended to read as follows:

When a vehicle delivers to an individual purchaser a commodity in bulk, and the commodity is sold in terms of weight units, the delivery shall be accompanied by a duplicate delivery ticket with the following information clearly stated, in ink or other indelible marking equipment and, in clarity, equal to type or printing: (1) the name and address of the vendor, (2) the name and address of the purchaser, and (3) the net weight of the delivery expressed in pounds, and, if the net weight is derived from determinations of gross and tare weights, such gross and tare weights also shall be stated in terms of pounds. One of these tickets shall be retained by the vendor, and the other shall be delivered to the purchaser at the time of delivery of the commodity, or shall be surrendered on demand to the director or the deputy director or the inspector, or the sealer or deputy sealer, who, if he or she desires to retain it as evidence, shall issue a weight slip in lieu thereof for delivery to the purchaser: **PROVIDED**, That if the purchaser himself or herself carries away ~~((his))~~ the purchase, the vendor shall be required only to give the purchaser at the time of sale a delivery ticket stating the number of pounds of commodity delivered to ~~((him))~~ the purchaser.

Sec. 19. RCW 19.94.450 and 1969 c 67 s 45 are each amended to read as follows:

All solid fuels such as, but not limited to, coal, coke, charcoal, broiler chips, pressed fuels and briquets shall be sold by weight: **PROVIDED**, That solid fuels such as hogged fuel, sawdust and similar industrial fuels may be sold or purchased by cubic measure. Unless the fuel is delivered to the purchaser in package form, each delivery of coal, coke, or charcoal to an individual purchaser shall be accompanied by duplicate delivery tickets on which, in ink or other indelible substance, there shall be clearly stated (1) the name and address of the vendor; (2) the name and address of the purchaser; and (3) the net weight of the delivery and the gross and tare weights from which the net weight is computed, each expressed in pounds. One of these tickets shall be retained by the vendor and the other shall be delivered to the purchaser at the time of delivery of the fuel, or shall be surrendered, on demand, to the director or his or her deputy or inspector or a city sealer or deputy sealer who, if he or she desires to retain it as evidence, shall issue a weight slip in lieu thereof for delivery to the purchaser: **PROVIDED**, That if the purchaser carries away ~~((his))~~ the purchase, the vendor shall be required only to give to the purchaser at the time of sale a delivery ticket stating the number of pounds of fuel delivered to ~~((him))~~ the purchaser.

Passed the House June 28, 1991.

Passed the Senate June 28, 1991.

Approved by the Governor July 2, 1991.

Filed in Office of Secretary of State July 2, 1991.

CHAPTER 24

[House Bill 2242]

HOMES FOR THE AGING—PARTIAL PROPERTY TAX EXEMPTIONS—EXTENSION

Effective Date: 7/2/91

AN ACT Relating to delaying the phase-in of property taxes for homes for the aging; amending RCW 84.36.041; and declaring an emergency.

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

Sec. 1. RCW 84.36.041 and 1991 c 203 s 2 are each amended to read as follows:

(1) All real and personal property used by a nonprofit home for the aging that is reasonably necessary for the purposes of the home is exempt from taxation if the benefit of the exemption inures to the home and:

(a) At least fifty percent of the occupied dwelling units in the home are occupied by eligible residents; or

(b) The home is subsidized under a federal department of housing and urban development program. The department of revenue shall provide by rule a definition of homes eligible for exemption under this subsection (b), consistent with the purposes of this section.

(2) A home for the aging is eligible for a partial exemption if the home does not meet the requirements of subsection (1) of this section because fewer than fifty percent of the occupied dwelling units are occupied by eligible residents. The amount of exemption shall be calculated by multiplying the assessed value of the property reasonably necessary for the purposes of the home by a fraction. The numerator of the fraction is the number of dwelling units occupied by eligible persons multiplied by two. The denominator of the fraction is the total number of occupied dwelling units. The fraction shall never exceed one.

(3) To be exempt under this section, the property must be used exclusively for the purposes for which the exemption is granted, except as provided in RCW 84.36.805.

(4) A home for the aging is exempt from taxation only if the organization operating the home is exempt from income tax under section 501(c) of the federal internal revenue code as existing on January 1, 1989, or such subsequent date as the director may provide by rule consistent with the purposes of this section.

(5) Each eligible resident of a home for the aging shall submit the form required under RCW 84.36.385 to the county assessor by July 1st of the assessment year. An eligible resident who has filed a form for a previous year need not file a new form until there is a change in status affecting the person's eligibility.

(6) In determining the true and fair value of a home for the aging for purposes of the partial exemption provided by subsection (2) of this section, the assessor shall apply the computation method provided by RCW 84.34.060 and shall consider only the use to which such property is applied during the years for

which such partial exemptions are available and shall not consider potential uses of such property.

(7) A home for the aging that was exempt for taxes levied for collection in 1990 and is not fully exempt under this section is entitled to partial exemptions as follows:

(a) For taxes levied for collection in 1991 and 1992, two-thirds of the assessed value that would otherwise be subject to tax under this section is exempt from taxation.

(b) For taxes levied for collection in ~~((1992))~~ 1993, one-third of the assessed value that would otherwise be subject to tax under this section is exempt from taxation.

(8) As used in this section:

(a) "Eligible resident" means a person who would be eligible for an exemption of regular property taxes under RCW 84.36.381 if the person owned a single-family dwelling. For the purposes of determining eligibility under this section, a "cotenant" as used in RCW 84.36.383 means a person who resides with an eligible resident and who shares personal financial resources with the eligible resident.

(b) "Home for the aging" means a residential housing facility that (i) provides a housing arrangement chosen voluntarily by the resident, the resident's guardian or conservator, or another responsible person; (ii) has only residents who are at least sixty-two years of age or who have needs for care generally compatible with persons who are at least sixty-two years of age; and (iii) provides varying levels of care and supervision, as agreed to at the time of admission or as determined necessary at subsequent times of reappraisal.

NEW SECTION. Sec. 2. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House June 28, 1991.

Passed the Senate June 28, 1991.

Approved by the Governor July 2, 1991.

Filed in Office of Secretary of State July 2, 1991.

CHAPTER 25

[Engrossed Substitute Senate Bill 5790]

MOTOR VEHICLE LIABILITY INSURANCE—PROOF OF FINANCIAL RESPONSIBILITY REQUIREMENTS

Effective Date: 9/29/91

AN ACT Relating to mandatory liability insurance; amending RCW 46.30.020, 46.30.040, and 46.63.151; and prescribing penalties.

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

Sec. 1. RCW 46.30.020 and 1991 c 339 s 24 are each amended to read as follows:

(1)(a) No person may operate a motor vehicle subject to registration under chapter 46.16 RCW in this state unless the person is insured under a motor vehicle liability policy with liability limits of at least the amounts provided in RCW 46.29.090, is self-insured as provided in RCW 46.29.630, is covered by a certificate of deposit in conformance with RCW 46.29.550, or is covered by a liability bond of at least the amounts provided in RCW 46.29.090. Written proof of financial responsibility for motor vehicle operation must be provided on the request of a law enforcement officer in the format specified under RCW 46.30.030.

(b) A person who drives a motor vehicle that is required to be registered in another state that requires drivers and owners of vehicles in that state to maintain insurance or financial responsibility shall, when requested by a law enforcement officer, provide evidence of financial responsibility or insurance as is required by the laws of the state in which the vehicle is registered.

(c) When asked to do so by a law enforcement officer, failure to display an insurance identification card as specified under RCW 46.30.030 creates a presumption that the person does not have motor vehicle insurance.

(d) Failure to provide proof of motor vehicle insurance is a traffic infraction and is subject to penalties as set by the supreme court under RCW 46.63.110 or community service.

~~(2) ((A violation of this section constitutes a traffic infraction punishable by a fine of two hundred and fifty dollars unless a court determines that in the interest of justice the fine should be reduced. In lieu of the fine, a court may permit the defendant to perform community service designated by the court.~~

~~(3)))~~ If a person cited for a violation of subsection (1) of this section appears in person before the court and provides written evidence that at the time the person was cited, he or she was in compliance with the financial responsibility requirements of subsection (1) of this section, the citation shall be dismissed. In lieu of personal appearance, a person cited for a violation of subsection (1) of this section may, before the date scheduled for the person's appearance before the court, submit by mail to the court written evidence that at the time the person was cited, he or she was in compliance with the financial responsibility requirements of subsection (1) of this section, in which case the citation shall be dismissed without cost, except that the court may assess court administrative costs of twenty-five dollars at the time of dismissal.

~~((4)))~~ (3) The provisions of this chapter shall not govern:

(a) The operation of a motor vehicle registered under RCW 46.16.305(1), governed by RCW 46.16.020, or registered with the Washington utilities and transportation commission as common or contract carriers; or

(b) The operation of a motorcycle as defined in RCW 46.04.330, a motor-driven cycle as defined in RCW 46.04.332, or a moped as defined in RCW 46.04.304.

~~((5))~~ (4) RCW 46.29.490 shall not be deemed to govern all motor vehicle liability policies required by this chapter but only those certified for the purposes stated in chapter 46.29 RCW.

Sec. 2. RCW 46.30.040 and 1989 c 353 s 4 are each amended to read as follows:

~~((1)) Whenever a person operates a motor vehicle subject to registration under chapter 46.16 RCW, the person shall have in his or her possession an identification card of the type specified in RCW 46.30.030 and shall display the card upon demand to a law enforcement officer.~~

~~(2) Every person who drives a motor vehicle required to be registered in another state that requires drivers and owners of vehicles in that state to maintain insurance or financial responsibility shall, when requested by a law enforcement officer, provide evidence of financial responsibility or insurance as is required by the laws of the state in which the vehicle is registered.~~

(3)) Any person who knowingly provides false evidence of financial responsibility to a law enforcement officer or to a court, including an expired or canceled insurance policy, bond, or certificate of deposit is guilty of a misdemeanor.

Sec. 3. RCW 46.63.151 and 1981 c 19 s 4 are each amended to read as follows:

Each party to a traffic infraction case is responsible for costs incurred by that party. No costs or attorney fees may be awarded to either party in a traffic infraction case, except as provided for in RCW 46.30.020(2).

Passed the Senate June 28, 1991.

Passed the House June 28, 1991.

Approved by the Governor July 2, 1991.

Filed in Office of Secretary of State July 2, 1991.

CHAPTER 26

[House Bill 2214]

MUNICIPAL CRIMINAL JUSTICE ASSISTANCE ACCOUNT—CRIMINAL JUSTICE PURPOSES DEFINED

Effective Date: 7/2/91

AN ACT Relating to the municipal criminal justice assistance account; amending RCW 82.14.320; adding a new section to chapter 82.14 RCW; creating a new section; and declaring an emergency.

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

Sec. 1. RCW 82.14.320 and 1990 2nd ex.s. c 1 s 104 are each amended to read as follows:

(1) The municipal criminal justice assistance account is created in the state treasury. The account shall consist of all motor vehicle excise tax receipts deposited into the account under chapter 82.44 RCW.

(2) No city may receive a distribution under this section from the municipal criminal justice assistance account unless:

(a) The city has a crime rate in excess of one hundred twenty-five percent of the state-wide average as calculated in the most recent annual report on crime in Washington state as published by the Washington association of sheriffs and police chiefs;

(b) The city has levied the tax authorized in RCW 82.14.030(2) at the maximum rate or the tax authorized in RCW 82.46.010(2) at the maximum rate; and

(c) The city has a per capita yield from the tax imposed under RCW 82.14.030(1) at the maximum rate of less than one hundred fifty percent of the state-wide average per capita yield for all cities from such local sales and use tax.

(3) The moneys deposited in the municipal criminal justice (~~assistance~~) assistance account for distribution under this section shall be distributed at such times as distributions are made under RCW 82.44.150. The distributions shall be made as follows:

(a) Thirty percent of the moneys shall be distributed ratably based on population as last determined by the office of financial management to those cities eligible under subsection (2) of this section that have a crime rate determined under subsection (2)(a) of this section which is greater than two times the state-wide average crime rate. No city may receive more than fifty percent of any moneys distributed under this subsection (a).

(b) The remainder of the moneys shall be distributed to all cities eligible under subsection (2) of this section ratably based on population as last determined by the office of financial management.

(4) No city may receive more than thirty percent of all moneys distributed under subsection (3) of this section.

(5) Moneys distributed under this section shall be expended exclusively for criminal justice purposes and shall not be used to replace or supplant existing funding. Criminal justice purposes are defined as activities that substantially assist the criminal justice system, which may include circumstances where ancillary benefit to the civil justice system occurs. Existing funding for purposes of this subsection is defined as calendar year 1989 actual operating expenditures for criminal justice purposes. Calendar year 1989 actual operating expenditures for criminal justice purposes exclude the following: Expenditures for extraordinary events not likely to reoccur, changes in contract provisions for criminal justice services, beyond the control of the local jurisdiction receiving the services, and major nonrecurring capital expenditures.

(6) This section expires January 1, 1994.

***NEW SECTION. Sec. 2.** *A new section is added to chapter 82.14 RCW to read as follows:*

Beginning in January 1, 1992, no city with a population in excess of four hundred thousand shall receive any distribution of moneys from the municipal justice assistance account until the city has entered an agreement with the office of court administrator regarding the utilization of the district and municipal court information system. The agreement shall require any municipal court system of such cities to be linked to the system and be fully capable of on-line use of the data contained therein. The agreement shall specify a date by which such linkage and use shall be effective and in no event shall the date be later than January 1, 1994, unless funding is not made available by the legislature, in which case the date for linkage shall be postponed only until such funding is available.

*Sec. 2 was vetoed, see message at end of chapter.

NEW SECTION. Sec. 3. The changes contained in section 1, chapter —, Laws of 1991 1st ex. sess. (section 1 of this act) are remedial, curative, and clarify ambiguities in prior existing law. These changes shall apply retroactively to July 1, 1990.

NEW SECTION. Sec. 4. 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. 5. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House June 26, 1991.

Passed the Senate June 24, 1991.

Approved by the Governor July 2, 1991, with the exception of certain items which were vetoed.

Filed in Office of Secretary of State July 2, 1991.

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

"I am returning herewith, without my approval as to section 2, House Bill No. 2214 entitled:

"AN ACT Relating to the municipal criminal justice assistance account."

This bill was intended to rectify an ambiguity resulting from a partial veto of Chapter 311, Laws of 1991. That measure defined criminal justice purposes and established a base year for supplanting provisions of the local criminal justice assistance provided by the Legislature in 1990. Section 3 of Chapter 311, Laws of 1991, contained the same language as sections 1 and 2 of this bill.

I vetoed section 3 because I believe it to be inappropriate to withhold critically needed criminal justice funds to effect an administrative agreement between two public entities. For these same reasons, I am vetoing section 2 of House Bill No. 2214.

With the exception of section 2, House Bill No. 2214 is approved."

CHAPTER 27

[Engrossed Senate Bill 5985]

**HIGHER EDUCATION HEALTH TRAINING AND EDUCATION
PROGRAMS—INSTITUTIONAL PLAN REQUIREMENTS****Effective Date: 9/29/91**

AN ACT Relating to higher education health care training; adding a new section to chapter 28B.-- RCW; repealing RCW 18.150.080, 28B.104.010, 28B.104.020, 28B.104.030, 28B.104.040, 28B.104.050, 28B.104.060, 28B.104.070, 28B.104.900, 70.180.007, 70.180.010, 70.180.050, 70.180.060, 70.180.070, 70.180.080, 70.180.090, 70.180.100, and 70.180.910; creating a new section; and repealing 1991 c 332 s 45 (uncodified).

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

NEW SECTION. Sec. 1. A new section is added to chapter 28B.-- RCW (1991 c 332 s 4 & 5) to read as follows:

The institutional plans provided for in this chapter are to be implemented by each institution consistent with the biennial appropriation of the legislature. Whenever feasible, each institution shall make a good faith effort to implement the plan utilizing existing financial resources.

If there is a conflict between portions of the institutional plans proposing changes in curriculum and the accreditation standards of health training and education programs, the institution may deviate from the plan. However, the institution shall provide to the committee established in this chapter confirmation from the accrediting body indicating that the proposed changes will jeopardize accreditation and that the institution has made a good faith effort to obtain approval for such changes. If the institution is unable to obtain approval from the accrediting agency, it shall present to the committee an alternative proposal with changes that meet the objectives of the state-wide and institutional plans and has the approval of the accrediting agency.

Implementation of the institutional plans with respect to changes in admission requirements or curriculum are subject to the approval of the board of regents or the board of trustees as specified in Title 28B RCW. If the board believes that implementation of portions of the institutional plan may not be consistent with standards and practices of the institution, the board shall conduct a public hearing in accordance with chapter 34.05 RCW. At such time, the committee shall present an explanation of the need for such changes. In addition, the institution shall present alternative recommended changes to the institutional plan that meet the requirements of this chapter for the state-wide and institutional plans. After deliberation the board shall prepare a summary of the proceedings together with recommendations for modifications of the institutional plan.

NEW SECTION. Sec. 2. The following acts or parts of acts are each repealed:

- (1) RCW 18.150.080 and 1989 1st ex.s. c 9 s 723;
- (2) RCW 28B.104.010 and 1988 c 242 s 1;
- (3) RCW 28B.104.020 and 1989 1st ex.s. c 9 s 206, 1989 c 115 s 1, & 1988 c 242 s 2;

- (4) RCW 28B.104.030 and 1988 c 242 s 3;
 (5) RCW 28B.104.040 and 1988 c 242 s 4;
 (6) RCW 28B.104.050 and 1988 c 242 s 5;
 (7) RCW 28B.104.060 and 1991 c 164 s 7, 1991 c 3 s 292, & 1988 c 242 s 6;
 (8) RCW 28B.104.070 and 1988 c 242 s 7;
 (9) RCW 28B.104.900 and 1988 c 242 s 9;
 (10) RCW 70.180.007 and 1990 c 271 s 5;
 (11) RCW 70.180.010 and 1990 c 271 s 6;
 (12) RCW 70.180.050 and 1990 c 271 s 7;
 (13) RCW 70.180.060 and 1990 c 271 s 8;
 (14) RCW 70.180.070 and 1990 c 271 s 10;
 (15) RCW 70.180.080 and 1990 c 271 s 11;
 (16) RCW 70.180.090 and 1990 c 271 s 12;
 (17) RCW 70.180.100 and 1991 c 164 s 9 & 1990 c 271 s 13; and
 (18) RCW 70.180.910 and 1990 c 271 s 19.

***NEW SECTION.** *Sec. 3. 1991 c 332 s 45 is repealed.*

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

***NEW SECTION.** *Sec. 4. If funding for the purposes of sections 1 through 33, 36 through 39, 43, 44, and 46 of Engrossed Substitute House Bill No. 1960 (chapter 332, Laws of 1991) is not provided in the omnibus appropriations act, sections 1 through 33, 36 through 39, 43, 44, and 46 of Engrossed Substitute House Bill No. 1960 (chapter 332, Laws of 1991) and this act shall be null and void.*

*Sec. 4 was vetoed, see message at end of chapter.

Passed the Senate June 28, 1991.

Passed the House June 26, 1991.

Approved by the Governor July 2, 1991, with the exception of certain items which were vetoed.

Filed in Office of Secretary of State July 2, 1991.

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

"I am returning herewith, without my approval as to sections 3 and 4, Engrossed Senate Bill No. 5985, entitled:

"AN ACT Relating to higher education health care training."

In the 1991 Regular Legislative Session, the Legislature passed House Bill No. 1960, which I signed on May 21st. House Bill No. 1960 contained an emergency clause and a null and void clause tying the effectiveness of the bill to a specific proviso in the 1991-93 appropriation act. Engrossed Substitute House Bill No. 1330 (the 1991-93 appropriation act) contained a proviso for House Bill No. 1960, so when I signed Engrossed Substitute House Bill No. 1330 into law on June 30, 1991, chapter 332, laws of 1991 (House Bill No. 1960) was enacted.

Section 3 of Engrossed Senate Bill No. 5985 repeals section 45 of chapter 332, laws of 1991 (the uncodified null and void clause). Section 4 of Engrossed Substitute House Bill No. 5985 replaces it with a limited null and void clause. Because the conditions of section 45 of Chapter 332, Laws of 1991 were met on June 30th, neither section 3 nor section 4 of this bill would have any effect or purpose if signed into law. For this reason, I have vetoed sections 3 and 4 of Engrossed Senate Bill No. 5985.

With the exception of sections 3 and 4, Engrossed Senate Bill No. 5985 is approved."

CHAPTER 28

[Engrossed Substitute Senate Bill 5996]

CHILD SUPPORT—CALCULATION OF AMOUNT AND MODIFICATION OF ORDERS—REVISED PROVISIONS

Effective Date: 9/1/91

AN ACT Relating to child support; amending RCW 26.09.100, 26.09.170, 26.09.225, and 26.19.090; adding new sections to chapter 26.19 RCW; creating a new section; repealing RCW 26.19.010, 26.19.040, 26.19.060, 26.19.070, and 26.19.110; providing effective dates; and declaring an emergency.

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

Sec. 1. RCW 26.09.100 and 1990 1st ex.s. c 2 s 1 are each amended to read as follows:

(1) In a proceeding for dissolution of marriage, legal separation, declaration of invalidity, maintenance, or child support, after considering all relevant factors but without regard to marital misconduct, the court shall order either or both parents owing a duty of support to any child of the marriage dependent upon either or both spouses to pay an amount determined under chapter 26.19 RCW.

(2) The court may require automatic periodic adjustments or modifications of child support. That portion of any decree that requires periodic adjustments or modifications of child support shall use the provisions in chapter 26.19 RCW as the basis for the adjustment or modification. Provisions in the decree for periodic adjustment or modification shall not conflict with RCW 26.09.170 except that the decree may require periodic adjustments or modifications of support more frequently than the time periods established pursuant to RCW 26.09.170.

(3) Upon motion of a party and without a substantial change of circumstances, the court shall modify the decree to comply with subsection (2) of this section as to installments accruing subsequent to entry of the court's order on the motion for modification.

(4) The adjustment or modification provision may be modified by the court due to economic hardship consistent with the provisions of RCW 26.09-.170(4)(a).

Sec. 2. RCW 26.09.170 and 1990 1st ex.s. c 2 s 2 are each amended to read as follows:

(1) Except as otherwise provided in subsection (7) of RCW 26.09.070, the provisions of any decree respecting maintenance or support may be modified only as to installments accruing subsequent to the motion for modification and, except as otherwise provided in subsections (4), (5), ~~((and))~~ (8), and (9) of this section, only upon a showing of a substantial change of circumstances. The provisions as to property disposition may not be revoked or modified, unless the

court finds the existence of conditions that justify the reopening of a judgment under the laws of this state.

(2) Unless otherwise agreed in writing or expressly provided in the decree the obligation to pay future maintenance is terminated upon the death of either party or the remarriage of the party receiving maintenance.

(3) Unless otherwise agreed in writing or expressly provided in the decree, provisions for the support of a child are terminated by emancipation of the child or by the death of the parent obligated to support the child.

(4) An order of child support may be modified one year or more after it has been entered without showing a substantial change of circumstances:

(a) If the order in practice works a severe economic hardship on either party or the child;

(b) If a party requests an adjustment in an order for child support which was based on guidelines which determined the amount of support according to the child's age, and the child is no longer in the age category on which the current support amount was based;

(c) If a child is still in high school, upon a finding that there is a need to extend support beyond the eighteenth birthday to complete high school; or

(d) To add an automatic adjustment of support provision consistent with RCW 26.09.100.

(5) An order or decree entered prior to June 7, 1984, may be modified without showing a substantial change of circumstances if the requested modification is to:

(a) Require health insurance coverage for a child named therein; or

(b) Modify an existing order for health insurance coverage.

(6) An obligor's voluntary unemployment or voluntary underemployment, by itself, is not a substantial change of circumstances.

(7) The department of social and health services may file an action to modify an order of child support if public assistance money is being paid to or for the benefit of the child and the child support order is twenty-five percent or more below the appropriate child support amount set forth in the standard calculation as defined in ~~((section 4(2) of this act))~~ section 4 of this act and reasons for the deviation are not set forth in the findings of fact or order. The determination of twenty-five percent or more shall be based on the current income of the parties and the department shall not be required to show a substantial change of circumstances if the reasons for the deviations were not set forth in the findings of fact or order.

(8)(a) Except as provided in (b) and (c) of this subsection, all child support decrees may be adjusted once every twenty-four months based upon changes in the income of the parents without a showing of substantially changed circumstances. Either party may initiate the modification pursuant to procedures of RCW 26.09.175.

(b) Parents whose decrees are entered before ~~((the effective date of this act))~~ July 1, 1990, may petition the court for a modification after twelve months has

expired from the entry of the decree or the most recent modification setting child support, whichever is later. However, if a party is granted relief under this provision, twenty-four months must pass before another petition for modification may be filed pursuant to (a) of this subsection.

(c) A party may petition for modification in cases of substantially changed circumstances, under subsection (1) of this section, at any time. However, if relief is granted under subsection (1) of this section, twenty-four months must pass before a petition for modification under (a) of this subsection may be filed.

(d) If, pursuant to (a) of this subsection, the court modifies a child support obligation by more than thirty percent and the change would cause significant hardship, the court may implement the change in two equal increments, one at the time of the entry of the order and the second six months from the entry of the order. Twenty-four months must pass following the second change before a petition for modification under (a) of this subsection may be filed.

(e) A parent who is receiving transfer payments who receives a wage or salary increase may not bring a modification action pursuant to (a) of this subsection alleging that increase constitutes a substantial change of circumstances under subsection (1) of this section.

(9) An order of child support may be modified twenty-four months from the date of the entry of the decree or the last modification, whichever is later, based upon changes in the economic table or standards in chapter 26.19 RCW.

Sec. 3. RCW 26.09.225 and 1990 1st ex.s. c 2 s 18 are each amended to read as follows:

(1) Each parent shall have full and equal access to the education and health care records of the child absent a court order to the contrary. Neither parent may veto the access requested by the other parent.

(2) Educational records are limited to academic, attendance, and disciplinary records of public and private schools in all grades kindergarten through twelve and any form of alternative school for all periods for which child support is paid or the child is the dependent in fact of the parent requesting access to the records.

(3) Educational records of postsecondary educational institutions are limited to enrollment and academic records necessary to determine, establish, or continue support ordered pursuant to RCW 26.19.090.

NEW SECTION. Sec. 4. A new section is added to chapter 26.19 RCW to read as follows:

DEFINITIONS. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Basic child support obligation" means the monthly child support obligation determined from the economic table based on the parties' combined monthly net income and the number of children for whom support is owed.

(2) "Child support schedule" means the standards, economic table, worksheets, and instructions, as defined in this chapter.

(3) "Court" means a superior court judge, court commissioner, and presiding and reviewing officers who administratively determine or enforce child support orders.

(4) "Deviation" means a child support amount that differs from the standard calculation.

(5) "Economic table" means the child support table for the basic support obligation provided in RCW 26.19.020.

(6) "Instructions" means the instructions developed by the office of the administrator for the courts pursuant to RCW 26.19.050 for use in completing the worksheets.

(7) "Standards" means the standards for determination of child support as provided in this chapter.

(8) "Standard calculation" means the presumptive amount of child support owed as determined from the child support schedule before the court considers any reasons for deviation.

(9) "Support transfer payment" means the amount of money the court orders one parent to pay to another parent or custodian for child support after determination of the standard calculation and deviations. If certain expenses or credits are expected to fluctuate and the order states a formula or percentage to determine the additional amount or credit on an ongoing basis, the term "support transfer payment" does not mean the additional amount or credit.

(10) "Worksheets" means the forms developed by the office of the administrator for the courts pursuant to RCW 26.19.050 for use in determining the amount of child support.

NEW SECTION. Sec. 5. A new section is added to chapter 26.19 RCW to read as follows:

STANDARDS FOR DETERMINATION OF INCOME. (1) **Consideration of all income.** All income and resources of each parent's household shall be disclosed and considered by the court when the court determines the child support obligation of each parent. Only the income of the parents of the children whose support is at issue shall be calculated for purposes of calculating the basic support obligation. Income and resources of any other person shall not be included in calculating the basic support obligation.

(2) **Verification of income.** Tax returns for the preceding two years and current paystubs shall be provided to verify income and deductions. Other sufficient verification shall be required for income and deductions which do not appear on tax returns or paystubs.

(3) **Income sources included in gross monthly income.** Except as specifically excluded in subsection (4) of this section, monthly gross income shall include income from any source, including:

- (a) Salaries;
- (b) Wages;
- (c) Commissions;

- (d) Deferred compensation;
- (e) Overtime;
- (f) Contract-related benefits;
- (g) Income from second jobs;
- (h) Dividends;
- (i) Interest;
- (j) Trust income;
- (k) Severance pay;
- (l) Annuities;
- (m) Capital gains;
- (n) Pension retirement benefits;
- (o) Workers' compensation;
- (p) Unemployment benefits;
- (q) Spousal maintenance actually received;
- (r) Bonuses;
- (s) Social security benefits; and
- (t) Disability insurance benefits.

(4) **Income sources excluded from gross monthly income.** The following income and resources shall be disclosed but shall not be included in gross income:

- (a) Income of a new spouse or income of other adults in the household;
- (b) Child support received from other relationships;
- (c) Gifts and prizes;
- (d) Aid to families with dependent children;
- (e) Supplemental security income;
- (f) General assistance; and
- (g) Food stamps.

Receipt of income and resources from aid to families with dependent children, supplemental security income, general assistance, and food stamps shall not be a reason to deviate from the standard calculation.

(5) **Determination of net income.** The following expenses shall be disclosed and deducted from gross monthly income to calculate net monthly income:

- (a) Federal and state income taxes;
- (b) Federal insurance contributions act deductions;
- (c) Mandatory pension plan payments;
- (d) Mandatory union or professional dues;
- (e) State industrial insurance premiums;
- (f) Court-ordered spousal maintenance to the extent actually paid;
- (g) Up to two thousand dollars per year in voluntary pension payments actually made if the contributions were made for the two tax years preceding the earlier of the (i) tax year in which the parties separated with intent to live separate and apart or (ii) tax year in which the parties filed for dissolution; and

(h) Normal business expenses and self-employment taxes for self-employed persons. Justification shall be required for any business expense deduction about which there is disagreement.

Items deducted from gross income under this subsection shall not be a reason to deviate from the standard calculation.

(6) **Imputation of income.** The court shall impute income to a parent when the parent is voluntarily unemployed or voluntarily underemployed. The court shall determine whether the parent is voluntarily underemployed or voluntarily unemployed based upon that parent's work history, education, health, and age, or any other relevant factors. A court shall not impute income to a parent who is gainfully employed on a full-time basis, unless the court finds that the parent is voluntarily underemployed and finds that the parent is purposely underemployed to reduce the parent's child support obligation. Income shall not be imputed for an unemployable parent. In the absence of information to the contrary, a parent's imputed income shall be based on the median income of year-round full-time workers as derived from the United States bureau of census, current populations reports, or such replacement report as published by the bureau of census.

NEW SECTION. **Sec. 6.** A new section is added to chapter 26.19 RCW to read as follows:

STANDARDS FOR DEVIATION FROM THE STANDARD CALCULATION. (1) Reasons for deviation from the standard calculation include but are not limited to the following:

(a) **Sources of income and tax planning.** The court may deviate from the standard calculation after consideration of the following:

(i) Income of a new spouse if the parent who is married to the new spouse is asking for a deviation based on any other reason. Income of a new spouse is not, by itself, a sufficient reason for deviation;

(ii) Income of other adults in the household if the parent who is living with the other adult is asking for a deviation based on any other reason. Income of the other adults in the household is not, by itself, a sufficient reason for deviation;

(iii) Child support actually received from other relationships;

(iv) Gifts;

(v) Prizes;

(vi) Possession of wealth, including but not limited to savings, investments, real estate holdings and business interests, vehicles, boats, pensions, bank accounts, insurance plans, or other assets;

(vii) Extraordinary income of a child; or

(viii) Tax planning considerations. A deviation for tax planning may be granted only if the child would not receive a lesser economic benefit due to the tax planning.

(b) **Nonrecurring income.** The court may deviate from the standard calculation based on a finding that a particular source of income included in the calculation of the basic support obligation is not a recurring source of income. Depending on the circumstances, nonrecurring income may include overtime, contract-related benefits, bonuses, or income from second jobs. Deviations for nonrecurring income shall be based on a review of the nonrecurring income received in the previous two calendar years.

(c) **Debt and high expenses.** The court may deviate from the standard calculation after consideration of the following expenses:

- (i) Extraordinary debt not voluntarily incurred;
- (ii) A significant disparity in the living costs of the parents due to conditions beyond their control;
- (iii) Special needs of disabled children; or
- (iv) Special medical, educational, or psychological needs of the children.

(d) **Residential schedule.** The court may deviate from the standard calculation if the child spends a significant amount of time with the parent who is obligated to make a support transfer payment. The court may not deviate on that basis if the deviation will result in insufficient funds in the household receiving the support to meet the basic needs of the child or if the child is receiving aid to families with dependent children. When determining the amount of the deviation, the court shall consider evidence concerning the increased expenses to a parent making support transfer payments resulting from the significant amount of time spent with that parent and shall consider the decreased expenses, if any, to the party receiving the support resulting from the significant amount of time the child spends with the parent making the support transfer payment.

(e) **Children from other relationships.** The court may deviate from the standard calculation when either or both of the parents before the court have children from other relationships to whom the parent owes a duty of support.

(i) The child support schedule shall be applied to the mother, father, and children of the family before the court to determine the presumptive amount of support.

(ii) Children from other relationships shall not be counted in the number of children for purposes of determining the basic support obligation and the standard calculation.

(iii) When considering a deviation from the standard calculation for children from other relationships, the court may consider only other children to whom the parent owes a duty of support. The court may consider court-ordered payments of child support for children from other relationships only to the extent that the support is actually paid.

(iv) When the court has determined that either or both parents have children from other relationships, deviations under this section shall be based on consideration of the total circumstances of both households. All child support

obligations paid, received, and owed for all children shall be disclosed and considered.

(2) All income and resources of the parties before the court, new spouses, and other adults in the households shall be disclosed and considered as provided in this section. The presumptive amount of support shall be determined according to the child support schedule. Unless specific reasons for deviation are set forth in the written findings of fact and are supported by the evidence, the court shall order each parent to pay the amount of support determined by using the standard calculation.

(3) The court shall enter findings that specify reasons for any deviation or any denial of a party's request for any deviation from the standard calculation made by the court. The court shall not consider reasons for deviation until the court determines the standard calculation for each parent.

(4) When reasons exist for deviation, the court shall exercise discretion in considering the extent to which the factors would affect the support obligation.

(5) Agreement of the parties is not by itself adequate reason for any deviations from the standard calculation.

Sec. 7. RCW 26.19.090 and 1990 1st ex.s. c 2 s 9 are each amended to read as follows:

STANDARDS FOR POSTSECONDARY EDUCATIONAL SUPPORT AWARDS. (1) The child support schedule shall be advisory and not mandatory for postsecondary educational support.

(2) When considering whether to order support for postsecondary educational expenses, the court shall determine whether the child is in fact dependent and is relying upon the parents for the reasonable necessities of life. The court shall exercise its discretion when determining whether and for how long to award postsecondary educational support based upon consideration of factors that include but are not limited to the following: Age of the child; the child's needs; the expectations of the parties for their children when the parents were together; the child's prospects, desires, aptitudes, abilities or disabilities; the nature of the postsecondary education sought; and the parents' level of education, standard of living, and current and future resources. Also to be considered are the amount and type of support that the child would have been afforded if the parents had stayed together.

(3) The child must ~~((be enrolled))~~ enroll in an accredited academic or vocational school, must be actively pursuing a course of study commensurate with the child's vocational goals, and must be in good academic standing as defined by the institution ((or)). ~~The court-ordered postsecondary educational support ((may)) shall be automatically suspended during the period or periods the child fails to comply with these conditions. ((The court in its discretion may order that the payment be made directly to the parent who has been receiving the transfer payments, to the educational institution if feasible, or to the child.))~~

(4) The child shall also make available all academic records and grades to both parents as a condition of receiving postsecondary educational support. Each parent shall have full and equal access to the postsecondary education records as provided in RCW 26.09.225.

(5) The court shall not order the payment of postsecondary educational expenses beyond the child's twenty-third birthday, except for exceptional circumstances, such as mental, physical, or emotional disabilities.

(6) The court shall direct that either or both parents' payments for postsecondary educational expenses be made directly to the educational institution if feasible. If direct payments are not feasible, then the court in its discretion may order that either or both parents' payments be made directly to the child if the child does not reside with either parent. If the child resides with one of the parents the court may direct that the parent making the support transfer payments make the payments to the child or to the parent who has been receiving the support transfer payments.

NEW SECTION. Sec. 8. The following acts or parts of acts are each repealed:

- (1) RCW 26.19.010 and 1988 c 275 s 2;
- (2) RCW 26.19.040 and 1990 1st ex.s. c 2 s 20, 1988 c 275 s 5, & 1987 c 440 s 2;
- (3) RCW 26.19.060 and 1988 c 275 s 7;
- (4) RCW 26.19.070 and 1990 1st ex.s. c 2 s 6; and
- (5) RCW 26.19.110 and 1990 1st ex.s. c 2 s 12.

NEW SECTION. Sec. 9. 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. 10. Sections 1 through 9 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect September 1, 1991.

NEW SECTION. Sec. 11. Captions as used in this act do not constitute any part of the law.

Passed the Senate June 26, 1991.

Passed the House June 27, 1991.

Approved by the Governor July 11, 1991.

Filed in Office of Secretary of State July 11, 1991.

CHAPTER 29

[Engrossed House Bill 1376]

COMPUTER SOFTWARE—PERSONAL PROPERTY TAXATION OF

Effective Date: 7/11/91

AN ACT Relating to the taxation of computer software; amending RCW 84.36.815; amending 1990 c 255 s 2 (uncodified); adding a new section to chapter 84.04 RCW; adding a new section to chapter 84.36 RCW; adding a new section to chapter 84.40 RCW; creating new sections; and declaring an emergency.

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

NEW SECTION. Sec. 1. (1) The legislature finds that:

(a) Computer software is a class of personal property that is itself comprised of several different subclasses of personal property which can be distinguished by their use, development, distribution, and relationship to hardware, and includes custom software, canned software, and embedded software;

(b) Because different classes of software serve different needs, may be used by different taxpayers, and present different administrative burdens on both the state and the citizens of the state of Washington, the different classes of software should be treated differently for tax purposes;

(c) Canned software should continue to be subject to property tax, but, because of its rapid obsolescence, should be subject to tax for only two years; and the taxable interest should reside with the end user;

(d) Canned software that has been modified should continue to be taxable on the canned portion of the software;

(e) Embedded software should continue to be taxed as part of the machinery or equipment of which it is a part;

(f) Custom software should be exempt from taxation, in part because of the difficulty in accurately and uniformly determining the value of such software;

(g) Retained rights in computer software should be exempt from the property tax in part because of the difficulty in accurately and uniformly determining the value of such software, the difficulty in determining the scope and situs of such rights, and the adverse economic consequences to the state of taxing such rights; and

(h) So-called "golden" or "master" copies of software should be exempt from property tax like business inventory.

(2) It is the intent of the legislature that:

(a) The voluntary compliance nature of the personal property tax system should be preserved and nothing in this act shall be construed to reduce the taxpayer's obligation to fully and accurately list all taxable computer software;

(b) Computer software should be listed and assessed for property taxes payable in 1991 and 1992 in the same manner and to the same extent as computer software was listed and assessed for taxes due in 1989;

(c) The definition of custom software, golden or master copies, and retained rights shall be liberally construed in accordance with the purposes of this act;

(d) This act shall provide fairness, equity, and uniformity in the property tax treatment of each class of computer software in the state of Washington; and

(e) No inference should be taken from this act regarding the application of the property tax to data bases.

NEW SECTION. Sec. 2. A new section is added to chapter 84.04 RCW to read as follows:

(1) "Computer software" is a set of directions or instructions that exist in the form of machine-readable or human-readable code, is recorded on physical or electronic medium, and directs the operation of a computer system or other machinery or equipment. "Computer software" includes the associated documentation that describes the code and its use, operation, and maintenance and typically is delivered with the code to the user. "Computer software" does not include data bases.

A "data base" is text, data, or other information that may be accessed or managed with the aid of computer software but that does not itself have the capacity to direct the operation of a computer system or other machinery or equipment.

(2) "Custom computer software" is computer software that is designed for a single person's or a small group of persons' specific needs. "Custom computer software" includes modifications to canned computer software and can be developed in-house by the user, by outside developers, or by both.

A group of four or more persons is presumed not to be a small group of persons for the purposes of this subsection unless each of the persons is affiliated through common control and ownership. The department may by rule provide a definition of small group and affiliates consistent with this subsection.

For purposes of this subsection, "person" has the meaning given in RCW 82.04.030.

(3) "Canned computer software," occasionally known as prewritten or standard software, is computer software that is designed for and distributed "as is" for multiple persons who can use it without modifying its code and that is not otherwise considered custom computer software.

(4) "Embedded software" is computer software that resides permanently on some internal memory device in a computer system or other machinery or equipment, that is not removable in the ordinary course of operation, and that is of a type necessary for the routine operation of the computer system or other machinery or equipment. "Embedded software" may be either canned or custom computer software.

(5) "Retained rights" are any and all rights, including intellectual property rights such as those rights arising from copyrights, patents, and trade secret laws, that are owned or are held under contract or license by a computer software developer, author, inventor, publisher, licensor, sublicensor, or distributor.

(6) A "golden" or "master" copy of computer software is a copy of computer software from which a computer software developer, author, inventor, publisher, licensor, sublicensor, or distributor makes copies for sale or license.

NEW SECTION. Sec. 3. A new section is added to chapter 84.36 RCW to read as follows:

(1) All custom computer software, except embedded software, is exempt from property taxation.

(2) Retained rights in computer software are exempt from property taxation.

(3) Modifications to canned software are exempt from property taxation, but the underlying canned software remains subject to taxation as provided in section 4 of this act.

(4) Master or golden copies of computer software are exempt from property taxation.

NEW SECTION. Sec. 4. A new section is added to chapter 84.40 RCW to read as follows:

(1) Computer software, except embedded software, shall be valued in the first year of taxation at one hundred percent of the acquisition cost of the software and in the second year at fifty percent of the acquisition cost. Computer software, other than embedded software, shall have no value for purposes of property taxation after the second year.

(2) Embedded software is a part of the computer system or other machinery or equipment in which it is housed and shall be valued in the same manner as the machinery or equipment.

NEW SECTION. Sec. 5. (1) The department of revenue shall conduct a study of the property tax exemptions and valuation rules provided for computer software in sections 3 and 4 of this act. In the study, the department shall determine whether the exemptions and valuation rules are reasonably necessary and appropriate to achieve fairness, equity, and uniformity in the property tax treatment of computer software. The study shall also include a review of computer software taxation in other states, techniques for valuing computer software, and the effects of changing technology upon the appropriate application of property taxation to computer software.

(2) To assist in the performance of the study, the department shall form an advisory committee with appropriate representation from businesses and county assessors.

(3) The department shall report the findings of the study to the committees of the legislature that deal with revenue matters no later than November 30, 1998.

Sec. 6. RCW 84.36.815 and 1988 c 131 s 1 are each amended to read as follows:

In order to qualify for exempt status for any real or personal property ~~((pursuant to the provisions of chapter 84.36 RCW, as now or hereafter amended))~~ under this chapter except personal property under section 3 of this act,

all foreign national governments, churches, cemeteries, nongovernmental nonprofit corporations, organizations, and associations, private schools or colleges, and soil and water conservation districts shall file an initial application on or before March 31 with the state department of revenue. All applications shall be filed on forms prescribed by the department and shall be signed by an authorized agent of the applicant.

In order to requalify for exempt status, such applicants except nonprofit cemeteries shall file a renewal application on or before March 31 of the fourth year following the date of such initial application and on or before March 31 of every fourth year thereafter. An applicant previously granted exemption shall annually file, on forms prescribed by the department, an affidavit certifying the exempt status of the real or personal property owned by the exempt organization. When an organization acquires real property qualified for exemption or converts real property to exempt status, such organization shall file an initial application for the property within sixty days following the acquisition or conversion. If the application is filed after the expiration of the sixty-day period a late filing penalty shall be imposed pursuant to RCW 84.36.825, as now or hereafter amended.

When organizations acquire real property qualified for exemption or convert real property to an exempt use, the property, upon approval of the application for exemption, is entitled to a property tax exemption for property taxes due and payable the following year. If the owner has paid taxes for the year following the year the property qualified for exemption, the owner is entitled to a refund of the amount paid on the property so acquired or converted.

Sec. 7. 1990 c 255 s 2 (uncodified) is amended to read as follows:

(1) For property taxes due in 1991, a county assessor shall list and assess computer software in the same manner and to the same extent as computer software was listed and assessed for taxes due in 1989. If the assessor adds an item of computer software to the assessment list for any taxpayer for 1991 taxes, and that item was not listed and assessed for 1989 taxes for that taxpayer, the assessor shall have the burden of proving the item of computer software is taxable within the intent of this act.

(2) For property taxes due in 1992, a county assessor shall list and assess computer software in the same manner and to the same extent as computer software was listed and assessed for taxes due in 1989. If the assessor adds an item of computer software to the assessment list for any taxpayer for 1992 taxes, and that item was not listed and assessed for 1989 taxes for that taxpayer, the assessor shall have the burden of proving the item of computer software is taxable within the intent of this act.

NEW SECTION. Sec. 8. 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. 9. Sections 2 through 4 and 6 of this act apply to taxes levied for collection in 1993, and thereafter.

NEW SECTION. Sec. 10. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House June 28, 1991.

Passed the Senate June 29, 1991.

Approved by the Governor July 11, 1991.

Filed in Office of Secretary of State July 11, 1991.

CHAPTER 30

[Engrossed Substitute House Bill 1907]

LOCAL GOVERNMENT—SELF-INSURANCE AUTHORITY

Effective Date: 1/1/92

AN ACT Relating to the regulation of local government self-insurance; amending RCW 41.04.180, 35.23.460, 35A.41.020, 36.32.400, 53.08.170, 54.04.050, 56.08.100, 57.08.100, 43.09.260, 39.58.080, and 4.28.080; adding new sections to chapter 48.62 RCW; creating new sections; repealing RCW 48.62.010, 48.62.020, 48.62.030, 48.62.035, 48.62.040, 48.62.050, 48.62.060, 48.62.070, 48.62.080, 48.62.090, 48.62.100, 48.62.110, and 48.62.120; and providing an effective date.

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

NEW SECTION. Sec. 1. This chapter is intended to provide the exclusive source of local government entity authority to individually or jointly self-insure risks, jointly purchase insurance or reinsurance, and to contract for risk management, claims, and administrative services. This chapter shall be liberally construed to grant local government entities maximum flexibility in self-insuring to the extent the self-insurance programs are operated in a safe and sound manner. This chapter is intended to require prior approval for the establishment of every individual local government self-insured employee health and welfare benefit program and every joint local government self-insurance program. In addition, this chapter is intended to require every local government entity that establishes a self-insurance program not subject to prior approval to notify the state of the existence of the program and to comply with the regulatory and statutory standards governing the management and operation of the programs as provided in this chapter. This chapter is not intended to authorize or regulate self-insurance of unemployment compensation under chapter 50.44 RCW, or industrial insurance under chapter 51.14 RCW.

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

(1) "Local government entity" or "entity" means every unit of local government, both general purpose and special purpose, and includes, but is not limited to, counties, cities, towns, port districts, public utility districts, water districts, sewer districts, school districts, fire protection districts, irrigation districts, metropolitan municipal corporations, conservation districts, and other

political subdivisions, governmental subdivisions, municipal corporations, and quasi-municipal corporations.

(2) "Risk assumption" means a decision to absorb the entity's financial exposure to a risk of loss without the creation of a formal program of advance funding of anticipated losses.

(3) "Self-insurance" means a formal program of advance funding and management of entity financial exposure to a risk of loss that is not transferred through the purchase of an insurance policy or contract.

(4) "Health and welfare benefits" means a plan or program established by a local government entity or entities for the purpose of providing its employees and their dependents, and in the case of school districts, its district employees, students, directors, or any of their dependents, with health care, accident, disability, death, and salary protection benefits.

(5) "Property and liability risks" includes the risk of property damage or loss sustained by a local government entity and the risk of claims arising from the tortious or negligent conduct or any error or omission of the local government entity, its officers, employees, agents, or volunteers as a result of which a claim may be made against the local government entity.

(6) "State risk manager" means the state risk manager of the division of risk management within the department of general administration.

NEW SECTION. Sec. 3. (1) The governing body of a local government entity may individually self-insure, may join or form a self-insurance program together with other entities, and may jointly purchase insurance or reinsurance with other entities for property and liability risks, and health and welfare benefits only as permitted under this chapter. In addition, the entity or entities may contract for or hire personnel to provide risk management, claims, and administrative services in accordance with this chapter.

(2) The agreement to form a joint self-insurance program shall be made under chapter 39.34 RCW.

(3) Every individual and joint self-insurance program is subject to audit by the state auditor.

(4) If provided for in the agreement or contract established under chapter 39.34 RCW, a joint self-insurance program may, in conformance with this chapter:

(a) Contract or otherwise provide for risk management and loss control services;

(b) Contract or otherwise provide legal counsel for the defense of claims and other legal services;

(c) Consult with the state insurance commissioner and the state risk manager;

(d) Jointly purchase insurance and reinsurance coverage in such form and amount as the program's participants agree by contract; and

(e) Possess any other powers and perform all other functions reasonably necessary to carry out the purposes of this chapter.

(5) A local government entity that has decided to assume a risk of loss must have available for inspection by the state auditor a written report indicating the class of risk or risks the governing body of the entity has decided to assume.

(6) Every joint self-insurance program governed by this chapter shall appoint the risk manager as its attorney to receive service of, and upon whom shall be served, all legal process issued against it in this state upon causes of action arising in this state.

(a) Service upon the risk manager as attorney shall constitute service upon the program. Service upon joint insurance programs subject to this act can be had only by service upon the risk manager. At the time of service, the plaintiff shall pay to the risk manager a fee to be set by the risk manager, taxable as costs in the action.

(b) With the initial filing for approval with the risk manager, each joint self-insurance program shall designate by name and address the person to whom the risk manager shall forward legal process so served upon him or her. The joint self-insurance program may change such person by filing a new designation.

(c) The appointment of the risk manager as attorney shall be irrevocable, shall bind any successor in interest or to the assets or liabilities of the joint self-insurance program, and shall remain in effect as long as there is in force in this state any contract made by the joint self-insurance program or liabilities or duties arising therefrom.

(d) The risk manager shall keep a record of the day and hour of service upon him or her of all legal process. A copy of the process, by registered mail with return receipt requested, shall be sent by the risk manager, to the person designated for the purpose by the joint self-insurance program in its most recent such designation filed with the risk manager. No proceedings shall be had against the joint self-insurance program, and the program shall not be required to appear, plead, or answer, until the expiration of forty days after the date of service upon the risk manager.

NEW SECTION. Sec. 4. (1) The property and liability advisory board is created, consisting of the insurance commissioner and the state risk manager, or their designees, as ex officio members and five members appointed by the governor on the basis of their experience and knowledge in matters pertaining to local government risk management, self-insurance, and management of joint self-insurance programs. The board shall include at least two representatives from individual property or liability self-insurance programs and at least two representatives from joint property or liability self-insurance programs.

(2) The board shall assist the state risk manager in:

(a) Adopting rules governing the operation and management of both individual and joint self-insurance programs covering liability and property risks;

(b) Reviewing and approving the creation of joint self-insurance programs covering property or liability risks;

(c) Reviewing annual reports filed by joint self-insurance programs covering property and liability risks and recommending that corrective action be taken by the programs when necessary; and

(d) Responding to concerns of the state auditor related to the management and operation of both individual and joint self-insurance programs covering liability or property risks.

(3) The board shall annually elect a chair and a vice-chair from its members. The board shall meet at least quarterly at such times as the state risk manager may fix. The board members who are appointed shall serve without compensation from the state but shall suffer no loss because of absence from their regular employment. Members of the board who are not public employees shall be compensated in accordance with RCW 43.03.240.

(4) A majority of the board constitutes a quorum for the transaction of business.

(5) The board shall keep public records of its proceedings.

NEW SECTION. Sec. 5. (1) The health and welfare advisory board is created consisting of the insurance commissioner and the state risk manager, or their designees, as ex officio members and six members appointed by the governor on the basis of their experience and knowledge pertaining to local government self-insured health and welfare benefits programs. The board shall include one city management representative; one county management representative; two management representatives from local government self-insured health and welfare programs; and two representatives of state-wide employee organizations representing local government employees.

(2) The board shall assist the state risk manager in:

(a) Adopting rules governing the operation and management of both individual and joint self-insured health and welfare benefits programs;

(b) Reviewing and approving the creation of both individual and joint self-insured health and welfare benefits programs;

(c) Reviewing annual reports filed by health and welfare benefits programs and in recommending that corrective action be taken by the programs when necessary; and

(d) Responding to concerns of the state auditor related to the management and operation of health and welfare benefits programs.

(3) The board shall annually elect a chair and a vice-chair from its members. The board shall meet at least quarterly at such times as the state risk manager may fix. The board members who are appointed shall serve without compensation from the state but shall suffer no loss because of absence from their regular employment. Members of the board who are not public employees shall be compensated in accordance with RCW 43.03.240.

(4) A majority of the board constitutes a quorum for the transaction of business.

(5) The board shall keep public records of its proceedings.

NEW SECTION. Sec. 6. The state risk manager, in consultation with the property and liability advisory board, shall adopt rules governing the management and operation of both individual and joint local government self-insurance programs covering property or liability risks. The state risk manager shall also adopt rules governing the management and operation of both individual and joint local government self-insured health and welfare benefits programs in consultation with the health and welfare benefits advisory board. All rules shall be appropriate for the type of program and class of risk covered. The state risk manager's rules shall include:

(1) Standards for the management, operation, and solvency of self-insurance programs, including the necessity and frequency of actuarial analyses and claims audits;

(2) Standards for claims management procedures; and

(3) Standards for contracts between self-insurance programs and private businesses including standards for contracts between third-party administrators and programs.

NEW SECTION. Sec. 7. Before the establishment of a joint self-insurance program covering property or liability risks by local government entities, or an individual or joint local government self-insured health and welfare benefits program, the entity or entities must obtain the approval of the state risk manager. Risk manager approval is not required for the establishment of an individual local government self-insurance program covering property or liability risks. The entity or entities proposing creation of a self-insurance program requiring prior approval shall submit a plan of management and operation to the state risk manager and the state auditor that provides at least the following information:

(1) The risk or risks to be covered, including any coverage definitions, terms, conditions, and limitations or in the case of health and welfare benefits programs, the benefits to be provided, including any benefit definitions, terms, conditions, and limitations;

(2) The amount and method of financing the benefits or covered risks, including the initial capital and proposed rates and projected premiums;

(3) The proposed claim reserving practices;

(4) The proposed purchase and maintenance of insurance or reinsurance in excess of the amounts retained by the self-insurance program;

(5) In the case of a joint program, the legal form of the program, including but not limited to any bylaws, charter, or trust agreement;

(6) In the case of a joint program, the agreements with members of the program defining the responsibilities and benefits of each member and management;

(7) The proposed accounting, depositing, and investment practices of the program;

(8) The proposed time when actuarial analysis will be first conducted and the frequency of future actuarial analysis;

(9) A designation of the individual upon whom service of process shall be executed on behalf of the program. In the case of a joint program, a designation of the individual to whom service of process shall be forwarded by the risk manager on behalf of the program;

(10) All contracts between the program and private persons providing risk management, claims, or other administrative services;

(11) A professional analysis of the feasibility of creation and maintenance of the program; and

(12) Any other information required by rule of the state risk manager that is necessary to determine the probable financial and management success of the program or that is necessary to determine compliance with this chapter.

NEW SECTION. Sec. 8. A local government entity may participate in a joint self-insurance program covering property or liability risks with similar local government entities from other states if the program satisfies the following requirements:

(1) Only those local government entities of this state and similar entities of other states that are provided insurance by the program may have ownership interest in the program;

(2) The participating local government entities of this state and other states shall elect a board of directors to manage the program, a majority of whom shall be affiliated with one or more of the participating entities;

(3) The program must provide coverage through the delivery to each participating entity of one or more written policies effecting insurance of covered risks;

(4) The program shall be financed, including the payment of premiums and the contribution of initial capital, in accordance with the plan of management and operation submitted to the state risk manager in accordance with this chapter;

(5) The financial statements of the program shall be audited annually by the certified public accountants for the program, and such audited financial statements shall be delivered to the Washington state auditor and the state risk manager not more than one hundred twenty days after the end of each fiscal year of the program;

(6) The investments of the program shall be initiated only with financial institutions and/or broker-dealers doing business in those states in which participating entities are located, and such investments shall be audited annually by the certified public accountants for the program, and a list of such investments shall be delivered to the Washington state auditor not more than one hundred twenty days after the end of each fiscal year of the program;

(7) The treasurer of a multistate joint self-insurance program shall be designated by resolution of the program and such treasurer shall be located in the state of one of the participating entities;

(8) The participating entities may have no contingent liabilities for covered claims, other than liabilities for unpaid premiums, retrospective premiums, or assessments, if assets of the program are insufficient to cover the program's liabilities; and

(9) The program shall obtain approval from the state risk manager in accordance with this chapter and shall remain in compliance with the provisions of this chapter, except to the extent that such provisions are modified by or inconsistent with this section.

NEW SECTION. Sec. 9. (1) Within one hundred twenty days of receipt of a plan of management and operation, the state risk manager shall either approve or disapprove the formation of the self-insurance program after reviewing the plan to determine whether the proposed program complies with this chapter and all rules adopted in accordance with this chapter.

(2) If the state risk manager denies a request for approval, the state risk manager shall specify in detail the reasons for denial and the manner in which the program fails to meet the requirements of this chapter or any rules adopted in accordance with this chapter.

(3) Whenever the state risk manager determines that a joint self-insurance program covering property or liability risks or an individual or joint self-insured health and welfare benefits program is in violation of this chapter or is operating in an unsafe financial condition, the state risk manager may issue and serve upon the program an order to cease and desist from the violation or practice.

(a) The state risk manager shall deliver the order to the appropriate entity or entities directly or mail it to the appropriate entity or entities by registered mail with return receipt requested.

(b) If the program violates the order or has not taken steps to comply with the order after the expiration of twenty days after the cease and desist order has been received by the program, the program is deemed to be operating in violation of this chapter, and the state risk manager shall notify the state auditor and the attorney general of the violation.

(c) After hearing or with the consent of a program governed by this chapter and in addition to or in lieu of a continuation of the cease and desist order, the risk manager may levy a fine upon the program in an amount not less than three hundred dollars and not more than ten thousand dollars. The order levying such fine shall specify the period within which the fine shall be fully paid. The period within which such fines shall be paid shall not be less than fifteen nor more than thirty days from the date of such order. Upon failure to pay any such fine when due the risk manager shall request the attorney general to bring a civil action on the risk manager's behalf to collect the fine. The risk manager shall pay any fine so collected to the state treasurer for the account of the general fund.

(4) Each self-insurance program approved by the state risk manager shall annually file a report with the state risk manager and state auditor providing:

(a) Details of any changes in the articles of incorporation, bylaws, or interlocal agreement;

(b) Copies of all the insurance coverage documents;

(c) A description of the program structure, including participants' retention, program retention, and excess insurance limits and attachment point;

(d) An actuarial analysis, if required;

(e) A list of contractors and service providers;

(f) The financial and loss experience of the program; and

(g) Such other information as required by rule of the state risk manager.

(5) No self-insurance program requiring the state risk manager's approval may engage in an act or practice that in any respect significantly differs from the management and operation plan that formed the basis for the state risk manager's approval of the program unless the program first notifies the state risk manager in writing and obtains the state risk manager's approval. The state risk manager shall approve or disapprove the proposed change within sixty days of receipt of the notice. If the state risk manager denies a requested change, the risk manager shall specify in detail the reasons for denial and the manner in which the program would fail to meet the requirements of this chapter or any rules adopted in accordance with this chapter.

NEW SECTION. Sec. 10. (1) All self-insurance programs governed by this chapter may provide for executive sessions in accordance with chapter 42.30 RCW to consider litigation and settlement of claims when it appears that public discussion of these matters would impair the program's ability to conduct its business effectively.

(2) Notwithstanding any provision to the contrary contained in the public disclosure act, chapter 42.17 RCW, in a claim or action against the state or a local government entity, no person is entitled to discover that portion of any funds or liability reserve established for purposes of satisfying a claim or cause of action, except that the reserve is discoverable in a supplemental or ancillary proceeding to enforce a judgment. All other records of individual or joint self-insurance programs are subject to disclosure in accordance with chapter 42.17 RCW.

(3) In accordance with chapter 42.17 RCW, bargaining groups representing local government employees shall have reasonable access to information concerning the experience and performance of any health and welfare benefits program established for the benefit of such employees.

NEW SECTION. Sec. 11. (1) The assets of a joint self-insurance program governed by this chapter may be invested only in accordance with the general investment authority that participating local government entities possess as a governmental entity.

(2) Except as provided in subsection (3) of this section, a joint self-insurance program may invest all or a portion of its assets by depositing the assets with the

treasurer of a county within whose territorial limits any of its member local government entities lie, to be invested by the treasurer for the joint program.

(3) Local government members of a joint self-insurance program may by resolution of the program designate some other person having experience in financial or fiscal matters as treasurer of the program, if that designated treasurer is located in Washington state. The program shall, unless the program's treasurer is a county treasurer, require a bond obtained from a surety company authorized to do business in Washington in an amount and under the terms and conditions that the program finds will protect against loss arising from mismanagement or malfeasance in investing and managing program funds. The program may pay the premium on the bond.

All program funds must be paid to the treasurer and shall be disbursed by the treasurer only on warrants issued by the treasurer or a person appointed by the program and upon orders or vouchers approved by the program or as authorized under chapters 35A.40 and 42.24 RCW. The treasurer shall establish a program account, into which shall be recorded all program funds, and the treasurer shall maintain such special accounts as may be created by the program into which the treasurer shall record all money as the program may direct by resolution.

(4) The treasurer of the joint program shall deposit all program funds in a qualified public depository or depositories as defined in RCW 39.58.010(2) and under the same restrictions, contracts, and security as provided for any participating local government entity, and such depository shall be designated by resolution of the program.

(5) A joint self-insurance program may invest all or a portion of its assets by depositing the assets with the state investment board, to be invested by the state investment board in accordance with chapter 43.33A RCW. The state investment board shall designate a manager for those funds to whom the program may direct requests for disbursement upon orders or vouchers approved by the program or as authorized under chapters 35A.40 and 42.24 RCW.

(6) All interest and earnings collected on joint program funds belong to the program and must be deposited to the program's credit in the proper program account.

(7) A joint program may require a reasonable bond from any person handling money or securities of the program and may pay the premium for the bond.

(8) Subsections (3) and (4) of this section do not apply to a multistate joint self-insurance program governed by section 8 of this act.

NEW SECTION. Sec. 12. (1) No employee or official of a local government entity may directly or indirectly receive anything of value for services rendered in connection with the operation and management of a self-insurance program other than the salary and benefits provided by his or her employer or the reimbursement of expenses reasonably incurred in furtherance

of the operation or management of the program. No employee or official of a local government entity may accept or solicit anything of value for personal benefit or for the benefit of others under circumstances in which it can be reasonably inferred that the employee's or official's independence of judgment is impaired with respect to the management and operation of the program.

(2) No local government entity may participate in a joint self-insurance program in which local government entities do not retain complete governing control. This prohibition does not apply to local government contribution to a self-insured employee health and welfare benefits plan otherwise authorized and governed by state statute nor to local government participation in a multistate joint program where control is shared with local government entities from other states.

(3) Moneys made available and moneys expended by school districts and educational service districts for self-insurance under this chapter are subject to such rules of the superintendent of public instruction as the superintendent may adopt governing budgeting and accounting. However, the superintendent shall ensure that the rules are consistent with those adopted by the state risk manager for the management and operation of self-insurance programs.

(4) RCW 48.30.140, 48.30.150, 48.30.155, and 48.30.157 apply to the use of agents and brokers by local government self-insurance programs.

(5) Every individual and joint local government self-insured health and welfare benefits program that provides comprehensive coverage for health care services shall include mandated benefits that the state health care authority is required to provide under RCW 41.05.170 and 41.05.180. The state risk manager may adopt rules identifying the mandated benefits.

NEW SECTION. Sec. 13. Every local government entity that has established a self-insurance program not subject to the prior approval requirements of this chapter shall provide written notice to the state auditor of the existence of the program. The notice must identify the manager of the program and the class or classes of risk self-insured. The notice must also identify all investments and distribution of assets of the program, the current depository of assets and the program's designation of asset depository and investment agent as required by section 11 of this act. In addition, the local government entity shall notify the state auditor whenever the program covers a new class of risk or discontinues the self-insurance of a class of risk.

NEW SECTION. Sec. 14. Every joint self-insurance program covering liability or property risks, excluding multistate programs governed by section 8 of this act, shall provide for the contingent liability of participants in the program if assets of the program are insufficient to cover the program's liabilities.

NEW SECTION. Sec. 15. A joint self-insurance program approved in accordance with this chapter is exempt from insurance premium taxes, from fees assessed under chapter 48.02 RCW, from chapters 48.32 and 48.32A RCW, from business and occupations taxes imposed under chapter 82.04 RCW, and from any

assigned risk plan or joint underwriting association otherwise required by law. This section does not apply to and no exemption is provided for insurance companies issuing policies to cover program risks, nor does it apply to or provide an exemption for third-party administrators or brokers serving the self-insurance program.

NEW SECTION. Sec. 16. (1) The state risk manager shall establish and charge an investigation fee in an amount necessary to cover the costs for the initial review and approval of a self-insurance program. The fee must accompany the initial submission of the plan of operation and management.

(2) The costs of subsequent reviews and investigations shall be charged to the self-insurance program being reviewed or investigated in accordance with the actual time and expenses incurred in the review or investigation.

(3) After the formation of the two advisory boards, each board may calculate, levy, and collect from each joint property and liability self-insurance program and each individual and joint health and welfare benefit program regulated by this chapter a start-up assessment to pay initial expenses and operating costs of the boards and the risk manager's office in administering this chapter. Any program failing to remit its assessment when due is subject to denial of permission to operate or to a cease and desist order until the assessment is paid.

NEW SECTION. Sec. 17. (1) Any person who files reports or furnishes other information required under Title 48 RCW, required by the risk manager or the state auditor under authority granted by Title 48 RCW, or which is useful to the risk manager or the state auditor in the administration of Title 48 RCW, shall be immune from liability in any civil action or suit arising from the filing of any such report or furnishing such information to the risk manager or to the state auditor, unless actual malice, fraud, or bad faith is shown.

(2) The risk manager and the state auditor, and the agents and employees of each, are immune from liability in any civil action or suit arising from the publication of any report or bulletins or arising from dissemination of information related to the official activities of the risk manager, the advisory boards, or the state auditor, unless actual malice, fraud, or bad faith is shown.

(3) The immunity granted by this section is in addition to any common law or statutory privilege or immunity enjoyed by such person, and nothing in this section is intended to abrogate or modify in any way such common law or statutory privilege or immunity.

Sec. 18. RCW 41.04.180 and 1974 ex.s. c 82 s 1 are each amended to read as follows:

Any county, municipality, or other political subdivision of the state acting through its principal supervising official or governing body may, whenever funds shall be available for that purpose provide for all or a part of hospitalization and medical aid for its employees and their dependents through contracts with regularly constituted insurance carriers or with health care service contractors as

defined in chapter 48.44 RCW or self-insurers as provided for in chapter ~~((48.52))~~ 48.62 RCW, for group hospitalization and medical aid policies or plans: PROVIDED, That any county, municipality, or other political subdivision of the state acting through its principal supervising official or governing body shall provide the employees thereof a choice of policies or plans through contracts with not less than two regularly constituted insurance carriers or health care service contractors or other health care plans, including but not limited to, trusts of self-insurance as provided for in chapter ~~((48.52))~~ 48.62 RCW: AND PROVIDED FURTHER, That any county may provide such hospitalization and medical aid to county elected officials and their dependents on the same basis as such hospitalization and medical aid is provided to other county employees and their dependents: PROVIDED FURTHER, That provision for school district personnel shall not be made under this section but shall be as provided for in RCW 28A.400.350.

Sec. 19. RCW 35.23.460 and 1965 c 7 s 35.23.460 are each amended to read as follows:

Subject to chapter 48.62 RCW, any city of the second or third class or town may contract with an insurance company authorized to do business in this state to provide group insurance for its employees including group false arrest insurance for its law enforcement personnel, and pursuant thereto may use a portion of its revenues to pay an employer's portion of the premium for such insurance, and may make deductions from the payrolls of employees for the amount of the employees' contribution and may apply the amount deducted in payment of the employees' portion of the premium.

Sec. 20. RCW 35A.41.020 and 1983 c 3 s 66 are each amended to read as follows:

Except as otherwise provided in this title, the general provisions relating to public employment, including hospitalization and medical aid as provided in chapter 41.04 RCW, and the application of federal social security for public employees, the acceptance of old age and survivors insurance as provided in chapters 41.47 and 41.48 RCW, military leave as provided in RCW 38.40.060, self-insurance as provided in chapter 48.62 RCW, the application of industrial insurance as provided in Title 51 RCW, and chapter 43.101 RCW relating to training of law enforcement officers, shall apply to code cities. Any code city may retain any civil service system theretofore in effect in such city and may adopt any system of civil service which would be available to any class of city under general law.

Sec. 21. RCW 36.32.400 and 1975-'76 2nd ex.s. c 106 s 7 are each amended to read as follows:

Subject to chapter 48.62 RCW, any county by a majority vote of its board of county commissioners may enter into contracts to provide health care services and/or group insurance for the benefit of its employees, and may pay all or any part of the cost thereof. Any two or more counties, by a majority vote of their

respective boards of county commissioners may, if deemed expedient, join in the procuring of such health care services and/or group insurance, and the board of county commissioners of each participating county may, by appropriate resolution, authorize their respective counties to pay all or any portion of the cost thereof.

Nothing in this section shall impair the eligibility of any employee of a county, municipality, or other political subdivision under RCW 41.04.205.

Sec. 22. RCW 53.08.170 and 1987 c 50 s 1 are each amended to read as follows:

The port commission shall have authority to create and fill positions, to fix wages, salaries and bonds thereof, to pay costs and assessments involved in securing or arranging to secure employees, and to establish such benefits for employees, including holiday pay, vacations or vacation pay, retirement and pension benefits, medical, surgical or hospital care, life, accident, or health disability insurance, and similar benefits, already established by other employers of similar employees, as the port commissioner shall by resolution provide: **PROVIDED**, That any district providing insurance benefits for its employees in any manner whatsoever may provide health and accident insurance, life insurance with coverage not to exceed that provided district employees, and business related travel, liability, and errors and omissions insurance, for its commissioners, which insurance shall not be considered to be compensation.

Subject to chapter 48.62 RCW, the port commission shall have authority to provide or pay such benefits directly, or to provide for such benefits by the purchase of insurance policies or entering into contracts with and compensating any person, firm, agency or organization furnishing such benefits, or by making contributions to vacation plans or funds, or health and welfare plans and funds, or pension plans or funds, or similar plans or funds, already established by other employers of similar employees and in which the port district is permitted to participate for particular classifications of its employees by the trustees or other persons responsible for the administration of such established plans or funds: **PROVIDED FURTHER**, That no port district employee shall be allowed to apply for admission to or be accepted as a member of the state employees' retirement system after January 1, 1965, if admission to such system would result in coverage under both a private pension system and the state employees' retirement system, it being the purpose of this proviso that port districts shall not at the same time contribute for any employee to both a private pension or retirement plan and to the state employees' retirement system. The port commission shall have authority by resolution to utilize and compensate agents for the purpose of paying, in the name and by the check of such agent or agents or otherwise, wages, salaries and other benefits to employees, or particular classifications thereof, and for the purpose of withholding payroll taxes and paying over tax moneys so withheld to appropriate government agencies, on a combined basis with the wages, salaries, benefits, or taxes of other employers or otherwise; to

enter into such contracts and arrangements with and to transfer by warrant such funds from time to time to any such agent or agents so appointed as are necessary to accomplish such salary, wage, benefit, or tax payments as though the port district were a private employer, notwithstanding any other provision of the law to the contrary. The funds of a port district transferred to such an agent or agents for the payment of wages or salaries of its employees in the name or by the check of such agent or agents shall be subject to garnishment with respect to salaries or wages so paid, notwithstanding any provision of the law relating to municipal corporations to the contrary.

Sec. 23. RCW 54.04.050 and 1984 c 15 s 1 are each amended to read as follows:

(1) Subject to chapter 48.62 RCW, any public utility district engaged in the operation of electric or water utilities may enter into contracts of group insurance for the benefit of its employees, and pay all or any part of the premiums for such insurance. Such premiums shall be paid out of the revenues derived from the operation of such properties: PROVIDED, That if the premium is to be paid by the district and employees jointly, and the benefits of the policy are offered to all eligible employees, not less than seventy-five percent of such employees may be so insured.

(2) A public utility district whose employees or officials are not members of the state retirement system engaged in the operation of electric or water utilities may contract for individual annuity contracts, retirement income policies or group annuity contracts, including prior service, to provide a retirement plan, or any one or more of them, and pay all or any part of the premiums therefor out of the revenue derived from the operation of its properties.

Sec. 24. RCW 56.08.100 and 1991 c 82 s 1 are each amended to read as follows:

Subject to chapter 48.62 RCW, a sewer district, by a majority vote of its board of commissioners, may enter into contracts to provide health care services and/or group insurance and/or term life insurance and/or social security insurance for the benefit of its employees and may pay all or any part of the cost thereof. Any two or more sewer districts or one or more sewer districts and one or more water districts, by a majority vote of their respective boards of commissioners, may, if deemed expedient, join in the procuring of such health care services and/or group insurance and/or term life insurance, and the board of commissioners of each participating sewer and/or water district may by appropriate resolution authorize their respective district to pay all or any portion of the cost thereof.

A sewer district with five thousand or more customers providing health, group, or life insurance to its employees may provide its commissioners with the same coverage: PROVIDED, That the per person amounts for such insurance paid by the district shall not exceed the per person amounts paid by the district for its employees.

Sec. 25. RCW 57.08.100 and 1991 c 82 s 5 are each amended to read as follows:

Subject to chapter 48.62 RCW, a water district, by a majority vote of its board of commissioners, may enter into contracts to provide health care services and/or group insurance and/or term life insurance and/or social security insurance for the benefit of its employees and may pay all or any part of the cost thereof. Any two or more water districts or any one or more water districts and one or more sewer districts, by a majority vote of their respective boards of commissioners, may, if deemed expedient, join in the procuring of such health care services and/or group insurance and/or term life insurance, and the board of commissioners of each participating sewer and/or water district may by appropriate resolution authorize their respective district to pay all or any portion of the cost thereof.

A water district with five thousand or more customers providing health, group, or life insurance to its employees may provide its commissioners with the same coverage: **PROVIDED**, That the per person amounts for such insurance paid by the district shall not exceed the per person amounts paid by the district for its employees.

Sec. 26. RCW 43.09.260 and 1979 c 71 s 1 are each amended to read as follows:

The state auditor, the chief examiner, and every state examiner shall have power by himself or herself or by any person legally appointed to perform the service, to examine into all financial affairs of every public office and officer.

The examination of the financial affairs of all taxing districts shall be made at such reasonable, periodic intervals as the state auditor shall determine. However, an examination of the financial affairs of all taxing districts shall be made at least once in every three years, and an examination of individual local government health and welfare benefit plans and local government self-insurance programs shall be made at least once every two years. The term "taxing districts" for purposes of RCW 43.09.190 through 43.09.285 includes but is not limited to all counties, cities, and other political subdivisions, municipal corporations, and quasi-municipal corporations, however denominated.

The state auditor shall establish a schedule to govern the auditing of taxing districts which shall include: A designation of the various classifications of taxing districts; a designation of the frequency for auditing each type of taxing district; and a description of events which cause a more frequent audit to be conducted.

On every such examination, inquiry shall be made as to the financial condition and resources of the taxing district; whether the Constitution and laws of the state, the ordinances and orders of the taxing district, and the requirements of the division of municipal corporations have been properly complied with; and into the methods and accuracy of the accounts and reports.

The state auditor, his or her deputies, every state examiner and every person legally appointed to perform such service, may issue subpoenas and compulsory

process and direct the service thereof by any constable or sheriff, compel the attendance of witnesses and the production of books and papers before him or her at any designated time and place, and may administer oaths.

When any person summoned to appear and give testimony neglects or refuses so to do, or neglects or refuses to answer any question that may be put to him or her touching any matter under examination, or to produce any books or papers required, the person making such examination shall apply to a superior court judge of the proper county to issue a subpoena for the appearance of such person before him or her; and the judge shall order the issuance of a subpoena for the appearance of such person forthwith before him to give testimony; and if any person so summoned fails to appear, or appearing, refuses to testify, or to produce any books or papers required, he or she shall be subject to like proceedings and penalties for contempt as witnesses in the superior court. Willful false swearing in any such examination shall be perjury and punishable as such.

A report of such examination shall be made in triplicate, one copy to be filed in the office of the state auditor, one in the auditing department of the taxing district reported upon, and one in the office of the attorney general. If any such report discloses malfeasance, misfeasance, or nonfeasance in office on the part of any public officer or employee, within thirty days from the receipt of his copy of the report, the attorney general shall institute, in the proper county, such legal action as is proper in the premises by civil process and prosecute the same to final determination to carry into effect the findings of the examination.

It shall be unlawful for the county commissioners or any board or officer to make a settlement or compromise of any claim arising out of such malfeasance, misfeasance, or nonfeasance, or any action commenced therefor, or for any court to enter upon any compromise or settlement of such action, without the written approval and consent of the attorney general and the state auditor.

Sec. 27. RCW 39.58.080 and 1986 c 160 s 1 are each amended to read as follows:

Except for funds deposited pursuant to a fiscal agency contract with the state fiscal agent or its correspondent bank, and funds deposited pursuant to a local government multistate joint self-insurance program as provided in section 8 of this act, no public funds shall be deposited in demand or investment deposits except in a qualified public depository located in this state or as otherwise expressly permitted by statute: PROVIDED, That the commission, upon good cause shown, may authorize a treasurer to maintain a demand deposit account with a banking institution located outside the state of Washington solely for the purpose of transmitting money received to financial institutions in the state of Washington for deposit for such time and upon such terms and conditions as the commission deems appropriate.

Sec. 28. RCW 4.28.080 and 1987 c 361 s 1 are each amended to read as follows:

The summons shall be served by delivering a copy thereof, as follows:

(1) If the action be against any county in this state, to the county auditor or, during normal office hours, to the deputy auditor, or in the case of a charter county, summons may be served upon the agent, if any, designated by the legislative authority.

(2) If against any town or incorporated city in the state, to the mayor, city manager, or, during normal office hours, to the mayor's or city manager's designated agent or the city clerk thereof.

(3) If against a school or fire district, to the superintendent or commissioner thereof or by leaving the same in his or her office with an assistant superintendent, deputy commissioner, or business manager during normal business hours.

(4) If against a railroad corporation, to any station, freight, ticket or other agent thereof within this state.

(5) If against a corporation owning or operating sleeping cars, or hotel cars, to any person having charge of any of its cars or any agent found within the state.

(6) If against a domestic insurance company, to any agent authorized by such company to solicit insurance within this state.

(7) If against a foreign or alien insurance company, as provided in chapter 48.05 RCW.

(8) If against a company or corporation doing any express business, to any agent authorized by said company or corporation to receive and deliver express matters and collect pay therefor within this state.

(9) If the suit be against a company or corporation other than those designated in the preceding subdivisions of this section, to the president or other head of the company or corporation, the registered agent, secretary, cashier or managing agent thereof or to the secretary, stenographer or office assistant of the president or other head of the company or corporation, registered agent, secretary, cashier or managing agent.

(10) If the suit be against a foreign corporation or nonresident joint stock company, partnership or association doing business within this state, to any agent, cashier or secretary thereof.

(11) If against a minor under the age of fourteen years, to such minor personally, and also to his father, mother, guardian, or if there be none within this state, then to any person having the care or control of such minor, or with whom he resides, or in whose service he is employed, if such there be.

(12) If against any person for whom a guardian has been appointed for any cause, then to such guardian.

(13) If against a foreign or alien steamship company or steamship charterer, to any agent authorized by such company or charterer to solicit cargo or passengers for transportation to or from ports in the state of Washington.

(14) If against a self-insurance program regulated by chapter 48.62 RCW, as provided in chapter 48.62 RCW.

(15) In all other cases, to the defendant personally, or by leaving a copy of the summons at the house of his usual abode with some person of suitable age and discretion then resident therein.

Service made in the modes provided in this section shall be taken and held to be personal service.

NEW SECTION. Sec. 29. Sections 1 through 17 of this act shall be added to chapter 48.62 RCW.

NEW SECTION. Sec. 30. (1) This act shall take effect January 1, 1992, but the state risk manager shall take all steps necessary to implement this act on its effective date.

(2) Every individual local government self-insured employee health and welfare plan and self-insurance program that has been in continuous operation for at least one year before the effective date of this act need not obtain approval to continue operations until January 1, 1993, but must comply with all other provisions of this act.

(3) Local government entity authority to self-insure employee health and welfare benefits applies retroactively to 1979.

NEW SECTION. Sec. 31. All rules adopted by the superintendent of public instruction by the effective date of this act that apply to self-insurance programs of educational service districts remain in effect until expressly amended, repealed, or superseded by the state risk manager or the state health care authority.

NEW SECTION. Sec. 32. 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. 33. The following acts or parts of acts are each repealed:

- (1) RCW 48.62.010 and 1985 c 277 s 1 & 1979 ex.s. c 256 s 1;
- (2) RCW 48.62.020 and 1979 ex.s. c 256 s 2;
- (3) RCW 48.62.030 and 1985 c 277 s 2, 1983 c 59 s 17, & 1979 ex.s. c 256 s 3;
- (4) RCW 48.62.035 and 1985 c 277 s 3;
- (5) RCW 48.62.040 and 1986 c 302 s 1, 1985 c 278 s 1, & 1979 ex.s. c 256 s 4;
- (6) RCW 48.62.050 and 1989 c 175 s 114 & 1979 ex.s. c 256 s 5;
- (7) RCW 48.62.060 and 1979 ex.s. c 256 s 6;
- (8) RCW 48.62.070 and 1988 c 281 s 4, 1985 c 277 s 4, & 1979 ex.s. c 256 s 7;
- (9) RCW 48.62.080 and 1985 c 277 s 5 & 1979 ex.s. c 256 s 8;
- (10) RCW 48.62.090 and 1979 ex.s. c 256 s 9;
- (11) RCW 48.62.100 and 1985 c 277 s 6 & 1979 ex.s. c 256 s 10;
- (12) RCW 48.62.110 and 1985 c 277 s 7 & 1979 ex.s. c 256 s 11; and

(13) RCW 48.62.120 and 1979 ex.s. c 256 s 12.

Passed the House June 28, 1991.

Passed the Senate June 28, 1991.

Approved by the Governor July 11, 1991.

Filed in Office of Secretary of State July 11, 1991.

CHAPTER 31

[Reengrossed Substitute House Bill 1430]

GENERAL OBLIGATION BONDS—AUTHORITY TO ISSUE

Effective Date: 7/11/91

AN ACT Relating to state general obligation and revenue bonds and related accounts; amending RCW 28B.14D.900, 43.01.090, 46.08.172, 43.99H.030, 43.99H.040, 43.99H.060, 84.52.065, and 77.12.190; adding a new chapter to Title 43 RCW; creating a new section; and declaring an emergency.

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

NEW SECTION. Sec. 1. The state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of one billion ninety-five million dollars, or so much thereof as may be required, to finance the projects described and authorized by the legislature in the capital and operating appropriations acts for the 1991-1993 fiscal biennium and subsequent fiscal biennia, and all costs incidental thereto.

Bonds authorized in this section shall be sold in such manner, at such time or times, in such amounts, and at such price as the state finance committee shall determine. No such bonds may be offered for sale without prior legislative appropriation of the net proceeds of the sale of the bonds. The state finance committee may obtain insurance, letters of credit, or other credit enhancements and may authorize the execution and delivery of agreements, promissory notes, and other obligations for the purpose of insuring the payment or enhancing the marketability of bonds authorized in this section. Promissory notes or other obligations issued pursuant to this section shall not constitute a debt or the contracting of indebtedness under any constitutional or statutory indebtedness limitation if their payment is conditioned upon the failure of the state to pay the principal of or interest on the bonds with respect to which the same relate.

The state finance committee shall consider the issuance of short-term obligations in lieu of long-term obligations for the purposes of more favorable interest rates, lower total interest costs, and increased marketability and for the purpose of retiring the bonds during the life of the project for which they were issued.

NEW SECTION. Sec. 2. Bonds issued under section 1 of this act are subject to the following conditions and limitations:

General obligation bonds of the state of Washington in the sum of one billion ninety-five million dollars, or so much thereof as may be required, shall be issued for the purposes described and authorized by the legislature in the

capital and operating appropriations acts for the 1991-93 fiscal biennium and subsequent fiscal biennia, and to provide for the administrative cost of such projects, including costs of bond issuance and retirement, salaries and related costs of officials and employees of the state, costs of insurance or credit enhancement agreements, and other expenses incidental to the administration of capital projects. Subject to such changes as may be required in the appropriations acts, the proceeds from the sale of the bonds issued for the purposes of this subsection shall be deposited in the state building construction account created by RCW 43.83.020 and transferred as follows:

(1) Eight hundred thirty-five thousand dollars to the state higher education construction account created by RCW 28B.10.851;

(2) Eight hundred twenty-three million dollars to the state building construction account created by RCW 43.83.020;

(3) Fifteen million dollars to the energy efficiency construction account created by RCW 39.—.— (section 11, chapter 201, Laws of 1991);

(4) Three million fifty thousand dollars to the energy efficiency services account created by RCW 39.—.— (section 12, chapter 201, Laws of 1991);

(5) One hundred twenty million dollars to the common school reimbursable construction account hereby created in the state treasury;

(6) Ninety-eight million six hundred forty-eight thousand dollars to the higher education reimbursable construction account hereby created in the state treasury; and

(7) Two million four hundred five thousand dollars to the wildlife reimbursable construction account hereby created in the state treasury.

These proceeds shall be used exclusively for the purposes specified in this subsection, and for the payment of expenses incurred in the issuance and sale of the bonds issued for the purposes of this section, and shall be administered by the office of financial management, subject to legislative appropriation.

NEW SECTION. Sec. 3. (1) Both principal of and interest on the bonds issued for the purposes specified in section 2 (1) through (7) of this act shall be payable from the state general obligation bond retirement fund. The state finance committee may provide that a special account be created in such fund to facilitate payment of such principal and interest.

(2) The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount required to provide for the payment of principal and interest on such bonds during the ensuing fiscal year in accordance with the provisions of the bond proceedings. The state treasurer shall withdraw from any general state revenues received in the state treasury and deposit in the state general obligation bond retirement fund, or a special account in such fund, such amounts and at such times as are required by the bond proceedings.

NEW SECTION. Sec. 4. (1) On each date on which any interest or principal and interest payment is due on bonds issued for the purposes of section 2 (3) and (4) of this act, the state treasurer shall transfer from the energy

efficiency construction account created in RCW 39.— (section 11, chapter 201, Laws of 1991) to the general fund of the state treasury the amount computed in section 3 of this act for the bonds issued for the purposes of section 2 (3) and (4) of this act.

(2) On each date on which any interest or principal and interest payment is due on bonds issued for the purposes of section 2(5) of this act, the state treasurer shall transfer from property taxes in the state general fund levied for this support of the common schools under RCW 84.52.065 to the general fund of the state treasury for unrestricted use the amount computed in section 3 of this act for the bonds issued for the purposes of section 2(5) of this act.

(3) On each date on which any interest or principal and interest payment is due on bonds issued for the purposes of section 2(6) of this act, the state treasurer shall transfer from higher education operating fees deposited in the general fund to the general fund of the state treasury for unrestricted use the amount computed in section 3 of this act for the bonds issued for the purposes of section 2(6) of this act.

(4) On each date on which any interest or principal and interest payment is due on bonds issued for the purposes of section 2(7) of this act, the state treasurer shall transfer from the state wildlife fund to the general fund of the state treasury the amount computed in section 3 of this act for the bonds issued for the purpose of section 2(7) of this act.

NEW SECTION. Sec. 5. In addition to any other charges authorized by law and to assist in the reimbursement of principal and interest payments on bonds issued for the purposes of section 2 (3) and (4) of this act, the director of the energy office shall cause to be accumulated in the energy efficiency construction account, from project revenues, loan repayments, and other moneys legally available for such purposes, amounts adequate to make payments of principal of and interest coming due on general obligation bonds issued for the purposes of section 2 (3) and (4) of this act. As needed during each fiscal year, the director shall cause amounts so accumulated to be deposited into the general fund of the state treasury. If the director is unable to accumulate and transfer the full amount necessary for such payments of principal of and interest coming due on the bonds, any shortfall shall be credited to an account receivable from the energy office to the state treasury.

NEW SECTION. Sec. 6. Bonds issued under section 1 of this act shall state that they are a general obligation of the state of Washington, shall pledge the full faith and credit of the state to the payment of the principal thereof and the interest thereon, and shall contain an unconditional promise to pay the principal and interest as the same shall become due.

The owner and holder of each of the bonds or the trustee for the owner and holder of any of the bonds may by mandamus or other appropriate proceeding require the transfer and payment of funds as directed in this section.

NEW SECTION. Sec. 7. The legislature may provide additional means for raising moneys for the payment of the principal of and interest on the bonds authorized in section 1 of this act, and sections 3 and 4 of this act shall not be deemed to provide an exclusive method for the payment.

NEW SECTION. Sec. 8. The bonds authorized in section 1 of this act shall be a legal investment for all state funds or funds under state control and for all funds of any other public body.

Sec. 9. RCW 28B.14D.900 and 1985 c 390 s 9 are each amended to read as follows:

No provision of this chapter or chapter 43.99 RCW, or of RCW 28B.20.750 through 28B.20.758 shall be deemed to repeal, override, or limit any provision of RCW 28B.10.300 through 28B.10.335, 28B.15.210, 28B.15.310, ((28B.15-404)) 28B.20.700 through 28B.20.745, 28B.30.700 through 28B.30.780, or 28B.35.700 through 28B.35.790, ((or 28B.40.700 through 28B.40.790)) nor any provision or covenant of the proceedings of the board of regents or board of trustees of any state institution of higher education heretofore or hereafter taken in the issuance of its revenue bonds secured by a pledge of its building fees and/or other revenues mentioned within such statutes. The obligation of ((the)) such boards to make the transfers provided for in RCW 28B.14D.070 ((and in RCW)), 28B.14C.080(2), 28B.14C.090(2), 28B.14C.100(2), 28B.14C.110(2), 28B.14C.120(2), ((and)) 28B.14C.130(2), 28B.14G.060, 28B.20.757, 43.99G.070, and 43.99H.060 (1) and (4), and in any similar law heretofore or hereafter enacted shall be subject and subordinate to the lien and charge of any revenue bonds heretofore or hereafter issued((s)) by such boards on the building fees and/or other revenues pledged to secure such revenue bonds, and on the moneys in the building account or capital project account and the individual institutions of higher education bond retirement funds.

Sec. 10. RCW 43.01.090 and 1979 c 151 s 81 are each amended to read as follows:

The director of general administration may assess a charge or rent against each state board, commission, agency, office, department, activity, or other occupant or user for payment of a ((proportion)) proportionate share of costs for occupancy of buildings, structures, or facilities including but not limited to all costs of acquiring, constructing, operating, and maintaining such buildings, structures, or facilities and the repair, remodeling, or furnishing thereof and for the rendering of any service or the furnishing or providing of any supplies, equipment, or materials.

The director of general administration may recover the full costs including appropriate overhead charges of the foregoing by periodic billings ((either quarterly or semiannually)) as determined by the director including but not limited to transfers upon accounts and advancements into the general administration facilities and services revolving fund. Rates shall be established by the director of general administration after consultation with the director of financial

management. The director of general administration may allot, provide, or furnish any of such facilities, structures, services, equipment, supplies, or materials to any other public service type occupant or user at such rates or charges as are equitable and reasonably reflect the actual costs of the services provided: PROVIDED, HOWEVER, That the legislature, its duly constituted committees, interim committees and other committees shall be exempted from the provisions of this section. ~~((Billings shall be adjusted at intervals of not to exceed six months to reflect any change in actual costs relative to whatever estimates may have been made for budget purposes.))~~

Upon receipt of such bill, each entity, occupant, or user shall cause a warrant or check in the amount thereof to be drawn in favor of the department of general administration which shall be deposited in the state treasury to the credit of the general administration facilities and services revolving fund established in RCW 43.19.500 unless the director of financial management has authorized another method for payment of costs.

NEW SECTION. Sec. 11. The director of general administration, in cooperation with the director of the office of financial management, shall develop a plan for assessing rental charges under RCW 43.01.090 to occupants of all state office and support facilities. The plan shall set forth a timetable for imposing the charges, giving priority to imposing charges relating to buildings on the capitol campus. The plan shall consider the relationship of the proposed charges to the costs of acquiring, constructing, operating, maintaining, repairing, furnishing, and supplying the buildings. The plan shall include any recommendations for budget and accounting changes necessary to implement the rental charges. The plan shall be submitted to the capital facilities and financing committee of the house of representatives and the senate ways and means committee by December 1, 1991.

Sec. 12. RCW 46.08.172 and 1988 ex.s. c 2 s 901 are each amended to read as follows:

There is hereby established an account in the state treasury to be known as the "state capitol vehicle parking account". The director of the department of general administration shall establish ~~((an))~~ equitable and consistent ~~((employee))~~ parking rental fees for state-owned or leased property, ~~((effective July 1, 1988))~~ to be charged to employees, visitors, clients, service providers, and others, that reflect the legislature's intent to reduce state subsidization of parking. All fees shall take into account the market rate of comparable privately owned rental parking, as determined by the director. All unpledged parking rental income collected by the department of general administration from rental of parking space on the capitol grounds and the east capitol site shall be deposited in the "state capitol vehicle parking account". All earnings of investments of balances in the state capitol vehicle parking account shall be credited to the general fund.

The director may delegate the responsibility for the collection of parking fees to other agencies of state government when cost-effective.

The "state capitol vehicle parking account" shall be used to pay costs incurred in the operation, maintenance, regulation and enforcement of vehicle parking and parking facilities (~~(at the state capitol)~~).

Sec. 13. RCW 43.99H.030 and 1990 1st ex.s. c 15 s 4 are each amended to read as follows:

Both principal of and interest on the bonds issued for the purposes specified in RCW 43.99H.020 (1) through (3), (5) through (14), and (19) shall be payable from the state general obligation bond retirement fund. The state finance committee may provide that a special account be created in such fund to facilitate payment of such principal and interest.

The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount required to provide for the payment of principal and interest on such bonds during the ensuing fiscal year in accordance with the provisions of the bond proceedings. The state treasurer shall withdraw from any general state revenues received in the state treasury and deposit in the state general obligation bond retirement fund, or a special account in such fund, such amounts and at such times as are required by the bond proceedings.

Sec. 14. RCW 43.99H.040 and 1990 1st ex.s. c 15 s 5 are each amended to read as follows:

(1) Both principal of and interest on the bonds issued for the purposes of RCW 43.99H.020(16) shall be payable from the higher education bond retirement fund of 1979. The state finance committee may provide that a special account be created in such fund to facilitate payment of such principal and interest.

The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount required to provide for the payment of principal and interest on such bonds during the ensuing fiscal year in accordance with the provisions of the bond proceedings. The state treasurer shall withdraw from any general state revenues received in the state treasury and deposit in the higher education bond retirement fund of 1979, or a special account in such fund, such amounts and at such times as are required by the bond proceedings.

(2) Both principal of and interest on the bonds issued for the purposes of RCW 43.99H.020(15) shall be payable from the state general obligation bond retirement fund. The state finance committee may provide that a special account be created in such fund to facilitate payment of such principal and interest.

The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount required to provide for the payment of principal and interest on such bonds during the ensuing fiscal year in accordance with the provisions of the bond proceedings. The state treasurer shall withdraw from any general state revenues received in the state treasury and deposit in the state general obligation bond retirement fund, or a special account in such fund, such amounts and at such times as are required by the bond proceedings.

(3) Both principal of and interest on the bonds issued for the purposes of RCW 43.99H.020(17) shall be payable from the state general obligation bond

retirement fund. The state finance committee may provide that a special account be created in such fund to facilitate payment of such principal and interest.

The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount required to provide for the payment of principal and interest on such bonds during the ensuing fiscal year in accordance with the provisions of the bond proceedings. The state treasurer shall withdraw from any general state revenues received in the state treasury and deposit in the state general obligation bond retirement fund, or a special account in such fund, such amounts and at such times as are required by the bond proceedings.

(4) Both principal of and interest on the bonds issued for the purposes of RCW 43.99H.020(18) shall be payable from the state general obligation bond retirement fund. The state finance committee may provide that a special account be created in such fund to facilitate payment of such principal and interest.

The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount required to provide for the payment of principal and interest on such bonds during the ensuing fiscal year in accordance with the provisions of the bond proceedings. The state treasurer shall withdraw from any general state revenues received in the state treasury and deposit in the state general obligation bond retirement fund, or a special account in such fund, such amounts and at such times as are required by the bond proceedings.

(5) Both principal of and interest on the bonds issued for the purposes of RCW 43.99H.020(20) shall be payable from the state general obligation bond retirement fund. The state finance committee may provide that a special account be created in such fund to facilitate payment of such principal and interest.

The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount required to provide for the payment of principal and interest on such bonds during the ensuing fiscal year in accordance with the provisions of the bond proceedings. The state treasurer shall withdraw from any general state revenues received in the state treasury and deposit in the state general obligation bond retirement fund, or a special account in such fund, such amounts and at such times as are required by the bond proceedings.

(6) Both principal of and interest on the bonds issued for the purposes of RCW 43.99H.020(4) shall be payable from the state general obligation bond retirement fund. The state finance committee may provide that a special account be created in such fund to facilitate payment of such principal and interest.

The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount required to provide for the payment of principal and interest on such bonds during the ensuing fiscal year in accordance with the provisions of the bond proceedings. The state treasurer shall withdraw from any general state revenues received in the state treasury and deposit in the state general obligation bond retirement fund, or a special account in such fund, such amounts and at such times as are required by the bond proceedings.

Sec. 15. RCW 43.99H.060 and 1990 1st ex.s. c 15 s 6 are each amended to read as follows:

(1) For bonds issued for the purposes of RCW 43.99H.020(16), on each date on which any interest or principal and interest payment is due, the board of regents or the board of trustees of Washington State University shall cause the amount computed in RCW 43.99H.040(1) to be paid out of the appropriate building account or capital projects account to the state treasurer for deposit into the general fund of the state treasury.

(2) For bonds issued for the purposes of RCW 43.99H.020(15), on each date on which any interest or principal and interest payment is due, the state treasurer shall transfer the amount computed in RCW 43.99H.040(2) from the capitol campus reserve account, hereby created in the state treasury, to the general fund of the state treasury. At the time of sale of the bonds issued for the purposes of RCW 43.99H.020(15), and on or before June 30th of each succeeding year while such bonds remain outstanding, the state finance committee shall determine, based on current balances and estimated receipts and expenditures from the capitol campus reserve account, that portion of principal and interest on such RCW 43.99H.020(15) bonds which will, by virtue of payments from the capitol campus reserve account, be reimbursed from sources other than "general state revenues" as that term is defined in Article VIII, section 1 of the state Constitution. The amount so determined by the state finance committee, as from time to time adjusted in accordance with this subsection, shall not constitute indebtedness for purposes of the limitations set forth in RCW 39.42.060.

(3) For bonds issued for the purposes of RCW 43.99H.020(17), on each date on which any interest or principal and interest payment is due, the director of the department of labor and industries shall cause fifty percent of the amount computed in RCW 43.99H.040(3) to be transferred from the accident fund created in RCW 51.44.010 and fifty percent of the amount computed in RCW 43.99H.040(3) to be transferred from the medical aid fund created in RCW 51.44.020, to the general fund of the state treasury.

(4) For bonds issued for the purposes of RCW 43.99H.020(18), on each date on which any interest or principal and interest payment is due, the board of regents of the University of Washington shall cause the amount computed in RCW 43.99H.040(4) to be paid out of ~~((the))~~ University of Washington ~~((building account))~~ nonappropriated local funds to the state treasurer for deposit into the general fund of the state treasury.

(5) For bonds issued for the purposes of RCW 43.99H.020(20), on each date on which any interest or principal and interest payment is due, the state treasurer shall transfer the amount computed in RCW 43.99H.040(5) from the public safety and education account created in RCW 43.08.250 to the general fund of the state treasury.

(6) For bonds issued for the purposes of RCW 43.99H.020(4), on each date on which any interest or principal and interest payment is due, the state treasurer shall transfer from property taxes in the state general fund levied for the support

of the common schools under RCW 84.52.065 to the general fund of the state treasury for unrestricted use the amount computed in RCW 43.99H.040(6).

Sec. 16. RCW 84.52.065 and 1979 ex.s. c 218 s 1 are each amended to read as follows:

Subject to the limitations in RCW 84.55.010, in each year the state shall levy for collection in the following year for the support of common schools of the state a tax of three dollars and sixty cents per thousand dollars of assessed value upon the assessed valuation of all taxable property within the state adjusted to the state equalized value in accordance with the indicated ratio fixed by the state department of revenue.

As used in this section, "the support of common schools" includes the payment of the principal and interest on bonds issued for capital construction projects for the common schools.

Sec. 17. RCW 77.12.190 and 1987 c 506 s 27 are each amended to read as follows:

Moneys in the state wildlife fund may be used only for the purposes of this title, including the payment of principal and interest on bonds issued for capital projects.

NEW SECTION. **Sec. 18.** 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. 19.** Sections 1 through 8 of this act shall constitute a new chapter in Title 43 RCW.

NEW SECTION. **Sec. 20.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House June 30, 1991.

Passed the Senate June 30, 1991.

Approved by the Governor July 11, 1991.

Filed in Office of Secretary of State July 11, 1991.

CHAPTER 32

[Reengrossed Substitute House Bill 1025]

GROWTH MANAGEMENT—REVISED PROVISIONS

Effective Date: 7/16/91

AN ACT Relating to growth strategies; amending RCW 36.70A.190, 36.70A.060, 43.155.070, 70.146.070, 43.88.110, 19.27.097, 36.70A.110, 43.62.035, 36.79.150, 47.26.080, 82.46.035, and 66.08.190; adding a new section to chapter 36.93 RCW; adding a new section to chapter 43.01 RCW; adding a new section to chapter 82.14 RCW; adding a new section to chapter 82.08 RCW; adding new sections to chapter 36.70A RCW; creating new sections; and declaring an emergency.

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

NEW SECTION. Sec. 1. SITING OF ESSENTIAL PUBLIC FACILITIES.

(1) The comprehensive plan of each county and city that is planning under this chapter shall include a process for identifying and siting essential public facilities. Essential public facilities include those facilities that are typically difficult to site, such as airports, state education facilities and state or regional transportation facilities, state and local correctional facilities, solid waste handling facilities, and in-patient facilities including substance abuse facilities, mental health facilities, and group homes.

(2) The office of financial management shall maintain a list of those essential state public facilities that are required or likely to be built within the next six years. The office of financial management may at any time add facilities to the list. No local comprehensive plan or development regulation may preclude the siting of essential public facilities.

NEW SECTION. Sec. 2. COUNTY-WIDE PLANNING POLICIES. (1)

The legislature recognizes that counties are regional governments within their boundaries, and cities are primary providers of urban governmental services within urban growth areas. For the purposes of this section, a "county-wide planning policy" is a written policy statement or statements used solely for establishing a county-wide framework from which county and city comprehensive plans are developed and adopted pursuant to this chapter. This framework shall ensure that city and county comprehensive plans are consistent as required in RCW 36.70A.100. Nothing in this section shall be construed to alter the land-use powers of cities.

(2) The legislative authority of a county that plans under RCW 36.70A.040 shall adopt a county-wide planning policy in cooperation with the cities located in whole or in part within the county as follows:

(a) No later than sixty calendar days from the effective date of this act, the legislative authority of the county shall convene a meeting with representatives of each city for the purpose of establishing a collaborative process that will provide a framework for the adoption of a county-wide planning policy;

(b) The process and framework for adoption of a county-wide planning policy specified in (a) of this subsection shall determine the manner in which the county and the cities agree to all procedures and provisions including but not limited to desired planning policies, deadlines, ratification of final agreements and demonstration thereof, and financing, if any, of all activities associated therewith;

(c) If a county fails for any reason to convene a meeting with representatives of cities as required in (a) of this subsection, the governor may immediately impose any appropriate sanction or sanctions on the county from those specified under section 26 of this act;

(d) If there is no agreement by October 1, 1991, the governor shall first inquire of the jurisdictions as to the reason or reasons for failure to reach an agreement. If the governor deems it appropriate, the governor may immediately

request the assistance of the department of community development to mediate any disputes that preclude agreement. If mediation is unsuccessful in resolving all disputes that will lead to agreement, the governor may impose appropriate sanctions from those specified under section 26 of this act on the county, city, or cities for failure to reach an agreement as provided in this section. The governor shall specify the reason or reasons for the imposition of any sanction; and

(e) No later than July 1, 1992, the legislative authority of the county shall adopt a county-wide planning policy according to the process provided under this section and that is consistent with the agreement pursuant to (b) of this subsection, and after holding a public hearing or hearings on the proposed county-wide planning policy.

(3) A county-wide planning policy shall at a minimum, address the following:

(a) Policies to implement RCW 36.70A.110;

(b) Policies for promotion of contiguous and orderly development and provision of urban services to such development;

(c) Policies for siting public capital facilities of a county-wide or state-wide nature;

(d) Policies for county-wide transportation facilities and strategies;

(e) Policies that consider the need for affordable housing, such as housing for all economic segments of the population and parameters for its distribution;

(f) Policies for joint county and city planning within urban growth areas;

(g) Policies for county-wide economic development and employment; and

(h) An analysis of the fiscal impact.

(4) Federal agencies and Indian tribes may participate in and cooperate with the county-wide planning policy adoption process. Adopted county-wide planning policies shall be adhered to by state agencies.

(5) Failure to adopt a county-wide planning policy that meets the requirements of this section may result in the imposition of a sanction or sanctions on a county or city within the county, as specified in section 26 of this act. In imposing a sanction or sanctions, the governor shall specify the reasons for failure to adopt a county-wide planning policy in order that any imposed sanction or sanctions are fairly and equitably related to the failure to adopt a county-wide planning policy.

(6) Cities and the governor may appeal an adopted county-wide planning policy to the growth planning hearings board within sixty days of the adoption of the county-wide planning policy.

(7) Multicounty planning policies shall be adopted by two or more counties, each with a population of four hundred fifty thousand or more, with contiguous urban areas and may be adopted by other counties, according to the process established under this section or other processes agreed to among the counties and cities within the affected counties throughout the multicounty region.

Sec. 3. RCW 36.70A.190 and 1990 1st ex.s. c 17 s 20 are each amended to read as follows:

(1) The department shall establish a program of technical and financial assistance and incentives to counties and cities to encourage and facilitate the adoption and implementation of comprehensive plans and development regulations throughout the state.

(2) The department shall develop a priority list and establish funding levels for planning and technical assistance grants both for counties and cities that plan under RCW 36.70A.040. Priority for assistance shall be based on a county's or city's population growth rates, commercial and industrial development rates, the existence and quality of a comprehensive plan and development regulations, and other relevant factors.

(3) The department shall develop and administer a grant program to provide direct financial assistance to counties and cities for the preparation of comprehensive plans under this chapter. The department may establish provisions for county and city matching funds to conduct activities under this subsection. Grants may be expended for any purpose directly related to the preparation of a county or city comprehensive plan as the county or city and the department may agree, including, without limitation, the conducting of surveys, inventories and other data gathering and management activities, the retention of planning consultants, contracts with regional councils for planning and related services, and other related purposes.

(4) The department shall establish a program of technical assistance:

(a) Utilizing department staff, the staff of other state agencies, and the technical resources of counties and cities to help in the development of comprehensive plans required under this chapter. The technical assistance may include, but not be limited to, model land use ordinances, regional education and training programs, and information for local and regional inventories; and

(b) Adopting by rule procedural criteria to assist counties and cities in adopting comprehensive plans and development regulations that meet the goals and requirements of this chapter. These criteria shall reflect regional and local variations and the diversity that exists among different counties and cities that plan under this chapter.

(5) The department shall provide mediation services to resolve disputes between counties and cities regarding, among other things, coordination of regional issues and designation of urban growth areas.

(6) The department shall provide planning grants to enhance citizen participation under RCW 36.70A.140.

NEW SECTION. Sec. 4. STATE AGENCIES REQUIRED TO COMPLY WITH COMPREHENSIVE PLANS. State agencies shall comply with the local comprehensive plans and development regulations and amendments thereto adopted pursuant to this chapter.

NEW SECTION. Sec. 5. GROWTH PLANNING HEARINGS BOARDS CREATED. (1) There are hereby created three growth planning hearings boards for the state of Washington. The boards shall be established as follows:

(a) An Eastern Washington board with jurisdictional boundaries including all counties that are required to or choose to plan under RCW 36.70A.040 and are located east of the crest of the Cascade mountains;

(b) A Central Puget Sound board with jurisdictional boundaries including King, Pierce, Snohomish, and Kitsap counties; and

(c) A Western Washington board with jurisdictional boundaries including all counties that are required or choose to plan under RCW 36.70A.040 and are located west of the crest of the Cascade mountains and are not included in the Central Puget Sound board jurisdictional boundaries. Skamania county, should it be required or choose to plan under RCW 36.70A.040, may elect to be included within the jurisdictional boundaries of either the Western or Eastern board.

(2) Each board shall only hear matters pertaining to the cities and counties located within its jurisdictional boundaries.

NEW SECTION. Sec. 6. GROWTH PLANNING HEARINGS BOARDS—MEMBER QUALIFICATIONS. (1) Each growth planning hearings board shall consist of three members qualified by experience or training in matters pertaining to land use planning and residing within the jurisdictional boundaries of the applicable board. At least one member of each board must be admitted to practice law in this state and at least one member must have been a city or county elected official. Each board shall be appointed by the governor and not more than two members at the time of appointment or during their term shall be members of the same political party. No more than two members at the time of appointment or during their term shall reside in the same county.

(2) Each member of a board shall be appointed for a term of six years. A vacancy shall be filled by appointment by the governor for the unexpired portion of the term in which the vacancy occurs. The terms of the first three members of a board shall be staggered so that one member is appointed to serve until July 1, 1994, one member until July 1, 1996, and one member until July 1, 1998.

NEW SECTION. Sec. 7. CONDUCT, PROCEDURE, AND COMPENSATION OF GROWTH PLANNING HEARINGS BOARDS. Each growth planning hearings board shall be governed by the following rules on conduct and procedure:

(1) Any board member may be removed for inefficiency, malfeasance, and misfeasance in office, under specific written charges filed by the governor. The governor shall transmit such written charges to the member accused and the chief justice of the supreme court. The chief justice shall thereupon designate a tribunal composed of three judges of the superior court to hear and adjudicate the

charges. Removal of any member of a board by the tribunal shall disqualify such member for reappointment.

(2) Each board member shall receive reimbursement for travel expenses incurred in the discharge of his or her duties in accordance with RCW 43.03.050 and 43.03.060. If it is determined that the review boards shall operate on a full-time basis, each member shall receive an annual salary to be determined by the governor pursuant to RCW 43.03.040. If it is determined that a review board shall operate on a part-time basis, each member shall receive compensation pursuant to RCW 43.03.250, provided such amount shall not exceed the amount that would be set if they were a full-time board member. The principal office of each board shall be located by the governor within the jurisdictional boundaries of each board. The boards shall operate on either a part-time or full-time basis, as determined by the governor.

(3) Each board member shall not: (a) Be a candidate for or hold any other public office or trust; (b) engage in any occupation or business interfering with or inconsistent with his or her duty as a board member; and (c) for a period of one year after the termination of his or her board membership, act in a representative capacity before the board on any matter.

(4) A majority of each board shall constitute a quorum for making orders or decisions, adopting rules necessary for the conduct of its powers and duties, or transacting other official business, and may act even though one position of the board is vacant. One or more members may hold hearings and take testimony to be reported for action by the board when authorized by rule or order of the board. The board may also appoint as its authorized agents one or more hearing examiners to assist the board in the performance of its hearing function pursuant to the authority contained in the administrative procedure act, chapter 34.05 RCW. The findings of the hearing examiner shall not become final until they have been formally approved by the board. Such hearing examiners must have demonstrated knowledge of land use planning and law. The board shall perform all the powers and duties specified in this chapter or as otherwise provided by law.

(5) Each board shall make findings of fact and prepare a written decision in each case decided by it, and such findings and decision shall be effective upon being signed by two or more members of the board and upon being filed at the board's principal office, and shall be open for public inspection at all reasonable times.

(6) All proceedings before the board or any of its members shall be conducted in accordance with such administrative rules of practice and procedure as the boards jointly prescribe. All three boards shall jointly meet to develop and adopt joint rules of practice and procedure, including rules regarding expeditious and summary disposition of appeals. The boards shall publish such rules and arrange for the reasonable distribution of the rules. The administrative procedure act, chapter 34.05 RCW, shall govern the administrative rules of practice and procedure adopted by the boards.

(7) The members of the boards shall meet jointly on at least an annual basis with the objective of sharing information that promotes the goals and purposes of this chapter.

NEW SECTION. Sec. 8. COMPREHENSIVE PLANS—DEVELOPMENT REGULATIONS—TRANSMITTAL TO STATE. (1) Each county and city proposing adoption of a comprehensive plan or development regulations under this chapter shall notify the department of its intent to adopt such plan or regulations at least sixty days prior to final adoption. State agencies including the department may provide comments to the county or city on the proposed comprehensive plan, or proposed development regulations, during the public review process prior to adoption.

(2) Each county and city planning under this chapter shall transmit a complete and accurate copy of its comprehensive plan or development regulations to the department within ten days after final adoption.

(3) Any amendments for permanent changes to a comprehensive plan or development regulation that are proposed by a county or city to its adopted plan or regulations shall be submitted to the department in the same manner as initial plans and development regulations under this section. Any amendments to a comprehensive plan or development regulations that are adopted by a county or city shall be transmitted to the department in the same manner as the initial plans and regulations under this section.

NEW SECTION. Sec. 9. MATTERS SUBJECT TO BOARD REVIEW. (1) A growth planning hearings board shall hear and determine only those petitions alleging either: (a) That a state agency, county, or city is not in compliance with the requirements of this chapter, or chapter 43.21C RCW as it relates to plans, regulations, and amendments thereto, adopted under RCW 36.70A.040; or (b) that the twenty-year growth management planning population projections adopted by the office of financial management pursuant to RCW 43.62.035 should be adjusted.

(2) A petition may be filed only by the state, a county or city that plans under this chapter, a person who has either appeared before the county or city regarding the matter on which a review is being requested or is certified by the governor within sixty days of filing the request with the board, or a person qualified pursuant to RCW 34.05.530.

(3) For purposes of this section "person" means any individual, partnership, corporation, association, governmental subdivision or unit thereof, or public or private organization or entity of any character.

(4) When considering a possible adjustment to a growth management planning population projection prepared by the office of financial management, a board shall consider the implications of any such adjustment to the population forecast for the entire state.

The rationale for any adjustment that is adopted by a board must be documented and filed with the office of financial management within ten working days after adoption.

If adjusted by a board, a county growth management planning population projection shall only be used for the planning purposes set forth in this chapter and shall be known as a "board adjusted population projection". None of these changes shall affect the official state and county population forecasts prepared by the office of financial management, which shall continue to be used for state budget and planning purposes.

NEW SECTION. Sec. 10. PETITIONS TO GROWTH PLANNING HEARINGS BOARDS—EVIDENCE TO BE CONSIDERED BY BOARD. (1) All requests for review to a growth planning hearings board shall be initiated by filing a petition that includes a detailed statement of issues presented for resolution by the board.

(2) All petitions relating to whether or not an adopted comprehensive plan, development regulation, or permanent amendment thereto, is in compliance with the goals and requirements of this chapter must be filed within sixty days after publication by the legislative bodies of the county or city. The date of publication for a city shall be the date the city publishes the ordinance, or summary of the ordinance, adopting the comprehensive plan or development regulations, or amendment thereto, as is required to be published. Promptly after adoption, a county shall publish a notice that it has adopted the comprehensive plan or development regulations, or amendment thereto. The date of publication for a county shall be the date the county publishes the notice that it has adopted the comprehensive plan or development regulations, or amendment thereto.

(3) Unless the board dismisses the petition as frivolous or finds that the person filing the petition lacks standing, the board shall, within ten days of receipt of the petition, set a time for hearing the matter.

(4) The board shall base its decision on the record developed by the city, county, or the state and supplemented with additional evidence if the board determines that such additional evidence would be necessary or of substantial assistance to the board in reaching its decision.

(5) The board, shall consolidate, when appropriate, all petitions involving the review of the same comprehensive plan or the same development regulation or regulations.

NEW SECTION. Sec. 11. FINAL ORDERS. (1) The board shall issue a final order within one hundred eighty days of receipt of the petition for review, or, when multiple petitions are filed, within one hundred eighty days of receipt of the last petition that is consolidated. Such a final order shall be based exclusively on whether or not a state agency, county, or city is in compliance with the requirements of this chapter, or chapter 43.21C RCW as it relates to plans, regulations, and amendments thereto, adopted under RCW 36.70A.040. In the final order, the board shall either: (a) Find that the state agency, county,

or city is in compliance with the requirements of this chapter; or (b) find that the state agency, county, or city is not in compliance with the requirements of this chapter, in which case the board shall remand the matter to the affected state agency, county, or city and specify a reasonable time not in excess of one hundred eighty days within which the state agency, county, or city shall comply with the requirements of this chapter.

(2) Any party aggrieved by a final decision of the hearings board may appeal the decision to Thurston county superior court within thirty days of the final order of the board.

NEW SECTION. Sec. 12. LIMITATIONS ON APPEAL BY THE STATE. A request for review by the state to a growth planning hearings board may be made only by the governor, or with the governor's consent the head of an agency, or by the commissioner of public lands as relating to state trust lands, for the review of whether: (1) A county or city that is required or chooses to plan under RCW 36.70A.040 has failed to adopt a comprehensive plan or development regulations, or county-wide planning policies within the time limits established by this chapter; or (2) a county or city that is required or chooses to plan under this chapter has adopted a comprehensive plan, development regulations, or county-wide planning policies, that are not in compliance with the requirements of this chapter.

NEW SECTION. Sec. 13. PRESUMPTION OF VALIDITY—BURDEN OF PROOF—PLANS AND REGULATIONS. Comprehensive plans and development regulations, and amendments thereto, adopted under this chapter are presumed valid upon adoption. In any petition under this chapter, the board, after full consideration of the petition, shall determine whether there is compliance with the requirements of this chapter. In making its determination, the board shall consider the criteria adopted by the department under RCW 36.70A.190(4). The board shall find compliance unless it finds by a preponderance of the evidence that the state agency, county, or city erroneously interpreted or applied this chapter.

NEW SECTION. Sec. 14. NONCOMPLIANCE. (1) After the time set for complying with the requirements of this chapter under section 11(1)(b) of this act has expired, the board, on its own motion or motion of the petitioner, shall set a hearing for the purpose of determining whether the state agency, county, or city is in compliance with the requirements of this chapter.

(2) The board shall conduct a hearing and issue a finding of compliance or noncompliance. A hearing under this subsection shall be given the highest priority of business to be conducted by the board, and a finding shall be issued within forty-five days of the filing of the motion under subsection (1) of this section with the board.

(3) If the board finds that the state agency, county, or city is not in compliance, the board shall transmit its finding to the governor. The board may

recommend to the governor that the sanctions authorized by this chapter be imposed.

NEW SECTION. Sec. 15. PHASING OF COMPREHENSIVE PLANS SUBMITTAL. The department may adopt a schedule to permit phasing of comprehensive plan submittal for counties and cities planning under RCW 36.70A.040. This schedule shall not permit a comprehensive plan to be submitted greater than one hundred eighty days past the date that the plan was required to be submitted and shall be used to facilitate expeditious review and interjurisdictional coordination of comprehensive plans and development regulations.

NEW SECTION. Sec. 16. NEW FULLY CONTAINED COMMUNITIES. A county required or choosing to plan under RCW 36.70A.040 may establish a process as part of its urban growth areas, that are designated under RCW 36.70A.110, for reviewing proposals to authorize new fully contained communities located outside of the initially designated urban growth areas.

(1) A new fully contained community may be approved in a county planning under this chapter if criteria including but not limited to the following are met:

(a) New infrastructure is provided for and impact fees are established consistent with the requirements of RCW 82.02.050;

(b) Transit-oriented site planning and traffic demand management programs are implemented;

(c) Buffers are provided between the new fully contained communities and adjacent urban development;

(d) A mix of uses is provided to offer jobs, housing, and services to the residents of the new community;

(e) Affordable housing is provided within the new community for a broad range of income levels;

(f) Environmental protection has been addressed and provided for;

(g) Development regulations are established to ensure urban growth will not occur in adjacent nonurban areas;

(h) Provision is made to mitigate impacts on designated agricultural lands, forest lands, and mineral resource lands;

(i) The plan for the new fully contained community is consistent with the development regulations established for the protection of critical areas by the county pursuant to RCW 36.70A.170.

(2) New fully contained communities may be approved outside established urban growth areas only if a county reserves a portion of the twenty-year population projection and offsets the urban growth area accordingly for allocation to new fully contained communities that meet the requirements of this chapter. Any county electing to establish a new community reserve shall do so no more often than once every five years as a part of the designation or review of urban growth areas required by this chapter. The new community reserve shall be allocated on a project-by-project basis, only after specific project approval

procedures have been adopted pursuant to this chapter as a development regulation. When a new community reserve is established, urban growth areas designated pursuant to this chapter shall accommodate the unreserved portion of the twenty-year population projection.

Final approval of an application for a new fully contained community shall be considered an adopted amendment to the comprehensive plan prepared pursuant to RCW 36.70A.070 designating the new fully contained community as an urban growth area.

NEW SECTION. Sec. 17. NEW MASTER PLANNED RESORTS. Counties that are required or choose to plan under RCW 36.70A.040 may permit master planned resorts which may constitute urban growth outside of urban growth areas as limited by this section. A master planned resort means a self-contained and fully integrated planned unit development, in a setting of significant natural amenities, with primary focus on destination resort facilities consisting of short-term visitor accommodations associated with a range of developed on-site indoor or outdoor recreational facilities. A master planned resort may include other residential uses within its boundaries, but only if the residential uses are integrated into and support the on-site recreational nature of the resort.

A master planned resort may be authorized by a county only if:

(1) The comprehensive plan specifically identifies policies to guide the development of master planned resorts;

(2) The comprehensive plan and development regulations include restrictions that preclude new urban or suburban land uses in the vicinity of the master planned resort, except in areas otherwise designated for urban growth under RCW 36.70A.110;

(3) The county includes a finding as a part of the approval process that the land is better suited, and has more long-term importance, for the master planned resort than for the commercial harvesting of timber or agricultural production, if located on land that otherwise would be designated as forest land or agricultural land under RCW 36.70A.170;

(4) The county ensures that the resort plan is consistent with the development regulations established for critical areas; and

(5) On-site and off-site infrastructure impacts are fully considered and mitigated.

NEW SECTION. Sec. 18. PROTECTION OF PRIVATE PROPERTY. (1) The state attorney general shall establish by October 1, 1991, an orderly, consistent process, including a checklist if appropriate, that better enables state agencies and local governments to evaluate proposed regulatory or administrative actions to assure that such actions do not result in an unconstitutional taking of private property. It is not the purpose of this section to expand or reduce the scope of private property protections provided in the state and federal Constitu-

tions. The attorney general shall review and update the process at least on an annual basis to maintain consistency with changes in case law.

(2) Local governments that are required or choose to plan under RCW 36.70A.040 and state agencies shall utilize the process established by subsection (1) of this section to assure that proposed regulatory or administrative actions do not result in an unconstitutional taking of private property.

(3) The attorney general, in consultation with the Washington state bar association, shall develop a continuing education course to implement this section.

(4) The process used by government agencies shall be protected by attorney client privilege. Nothing in this section grants a private party the right to seek judicial relief requiring compliance with the provisions of this section.

****NEW SECTION. Sec. 19. OPEN SPACE PROTECTION. When open space is to be protected for the purpose of public use and access, a county or city shall acquire sufficient interest to prevent its development. This acquisition requirement does not apply to the land areas needed to protect critical areas. County and city governments may utilize a variety of methods to limit the future use of, or otherwise conserve, selected open space including, but not limited to, incentive zoning, the acquisition by gift, purchase, grant, bequest, devise, lease, or otherwise, the fee simple interest or lesser interest, transfer of development right, easement, covenant, or other contractual right.***

**Sec. 19 was vetoed, see message at end of chapter.*

NEW SECTION. Sec. 20. ENVIRONMENTAL PLANNING PILOT PROJECTS. (1) The legislature intends to determine whether the environmental review process mandated under chapter 43.21C RCW may be enhanced and simplified, and coordination improved, when applied to comprehensive plans mandated by this chapter. The department of community development shall undertake pilot projects on environmental review to determine if the review process can be improved by fostering more coordination and eliminating duplicative environmental analysis which is made to assist decision makers approving comprehensive plans pursuant to this chapter. Such pilot projects should be designed and scoped to consider cumulative impacts resulting from plan decisions, plan impacts on environmental quality, impacts on adjacent jurisdictions, and similar factors in sufficient depth to simplify the analysis of subsequent specific projects being carried out pursuant to the approved plan.

(2) The legislature hereby authorizes the department of community development to establish, in cooperation with business, industry, cities, counties, and other interested parties, at least two but not more than four pilot projects, one of which shall be with a county, on enhanced draft and final nonproject environmental analysis of comprehensive plans prepared pursuant to this chapter, for the purposes outlined in subsection (1) of this section. The department of community development may select appropriate geographic subareas within a

comprehensive plan if that will best serve the purposes of this section and meet the requirements of chapter 43.21C RCW.

(3) An enhanced draft and final nonproject environmental analysis prepared pursuant to this section shall follow the rules adopted pursuant to chapter 43.21C RCW.

(4) Not later than December 31, 1993, the department of community development shall evaluate the overall effectiveness of the pilot projects under this section regarding preparing enhanced nonproject environmental analysis for the approval process of comprehensive plans and shall:

(a) Provide an interim report of its findings to the legislature with such recommendations as may be appropriate, including the need, if any, for further legislation;

(b) Consider adoption of any further rules or guidelines as may be appropriate to assist counties and cities in meeting requirements of chapter 43.21C RCW when considering comprehensive plans; and

(c) Prepare and circulate to counties and cities such instructional manuals or other information derived from the pilot projects as will assist all counties and cities in meeting the requirements and objectives of chapter 43.21C RCW in the most expeditious and efficient manner in the process of considering comprehensive plans pursuant to this chapter.

(5) The department of community development shall submit a final report to the legislature no later than December 31, 1995.

Sec. 21. RCW 36.70A.060 and 1990 1st ex.s. c 17 s 6 are each amended to read as follows:

FOREST, AGRICULTURE, AND MINERAL RESOURCE LANDS AND CRITICAL AREAS—DEVELOPMENT REGULATIONS. (1) Each county that is required or chooses to plan under RCW 36.70A.040, and each city within such county, shall adopt development regulations on or before September 1, 1991, to assure the conservation of agricultural, forest, and mineral resource lands designated under RCW 36.70A.170. Regulations adopted under this ~~(section)~~ subsection may not prohibit uses ~~(permitted)~~ legally existing on any parcel prior to their adoption and shall remain in effect until ~~(a)~~ the county or city adopts development regulations pursuant to RCW 36.70A.120. Such regulations shall assure that the use of lands adjacent to agricultural, forest, or mineral resource lands shall not interfere with the continued use, in the accustomed manner and in accordance with best management practices, of these designated lands for the production of food, agricultural products, or timber, or for the extraction of minerals. Counties and cities shall require that all plats, short plats, development permits, and building permits issued for development activities on, or within three hundred feet of, lands designated as agricultural lands, forest lands, or mineral resource lands, contain a notice that the subject property is within or near designated agricultural lands, forest lands, or mineral resource lands on

which a variety of commercial activities may occur that are not compatible with residential development for certain periods of limited duration.

~~(2) Each county ((that is required or chooses to plan under RCW 36.70A.040,)) and ((each)) city ((within such county,)) shall adopt development regulations ((on or before September 1, 1991, precluding land uses or development)) that ((is incompatible with the)) protect critical areas that are required to be designated under RCW 36.70A.170. For counties and cities that are required or choose to plan under RCW 36.70A.040, such development regulations shall be adopted on or before September 1, 1991. For the remainder of the counties and cities, such development regulations shall be adopted on or before March 1, 1992.~~

~~((2)) (3) Such counties and cities shall review these designations and development regulations when adopting their comprehensive plans under RCW 36.70A.040 and implementing development regulations under RCW 36.70A.120 and may alter such designations and development regulations to insure consistency.~~

(4) Forest land and agricultural land located within urban growth areas shall not be designated by a county or city as forest land or agricultural land of long-term commercial significance under RCW 36.70A.170 unless the city or county has enacted a program authorizing transfer or purchase of development rights.

NEW SECTION. Sec. 22. A new section is added to chapter 36.93 RCW to read as follows:

POWER TO DISBAND BOUNDARY REVIEW BOARD. When a county and the cities and towns within the county have adopted a comprehensive plan and consistent development regulations pursuant to the provisions of chapter 36.70A RCW, the county may, at the discretion of the county legislative authority, disband the boundary review board in that county.

Sec. 23. RCW 43.155.070 and 1990 1st ex.s. c 17 s 82 are each amended to read as follows:

BOARD TO CONSIDER WHETHER REGIONAL PLANS ARE ADOPTED WHEN MAKING LOANS. (1) To qualify for loans or pledges under this chapter the board must determine that a local government meets all of the following conditions:

(a) The city or county must be imposing a tax under chapter 82.46 RCW at a rate of at least one-quarter of one percent;

(b) The local government must have developed a long-term plan for financing public works needs; ~~((and))~~

(c) The local government must be using all local revenue sources which are reasonably available for funding public works, taking into consideration local employment and economic factors; and

(d) A county, city, or town that is required or chooses to plan under RCW 36.70A.040 must have adopted a comprehensive plan in conformance with the requirements of chapter 36.70A RCW, after it is required that the comprehensive

plan be adopted, and must have adopted development regulations in conformance with the requirements of chapter 36.70A RCW, after it is required that development regulations be adopted.

(2) The board shall develop a priority process for public works projects as provided in this section. The intent of the priority process is to maximize the value of public works projects accomplished with assistance under this chapter. The board shall attempt to assure a geographical balance in assigning priorities to projects. The board shall consider at least the following factors in assigning a priority to a project:

(a) Whether the local government receiving assistance has experienced severe fiscal distress resulting from natural disaster or emergency public works needs;

(b) Whether the project is critical in nature and would affect the health and safety of a great number of citizens;

(c) The cost of the project compared to the size of the local government and amount of loan money available;

(d) The number of communities served by or funding the project;

(e) Whether the project is located in an area of high unemployment, compared to the average state unemployment;

(f) Whether the project is the acquisition, expansion, improvement, or renovation by a local government of a public water system that is in violation of health and safety standards, including the cost of extending existing service to such a system;

(g) The relative benefit of the project to the community, considering the present level of economic activity in the community and the existing local capacity to increase local economic activity in communities that have low economic growth; and

(h) Other criteria that the board considers advisable.

(3) Existing debt or financial obligations of local governments shall not be refinanced under this chapter. Each local government applicant shall provide documentation of attempts to secure additional local or other sources of funding for each public works project for which financial assistance is sought under this chapter.

(4) Before November 1 of each year, the board shall develop and submit to the chairs of the ways and means committees of the senate and house of representatives a description of the emergency loans made under RCW 43.155.065 during the preceding fiscal year and a prioritized list of projects which are recommended for funding by the legislature, including one copy to the staff of each of the committees. The list shall include, but not be limited to, a description of each project and recommended financing, the terms and conditions of the loan or financial guarantee, the local government jurisdiction and unemployment rate, demonstration of the jurisdiction's critical need for the project and documentation of local funds being used to finance the public works project. The list shall also include measures of fiscal capacity for each

jurisdiction recommended for financial assistance, compared to authorized limits and state averages, including local government sales taxes; real estate excise taxes; property taxes; and charges for or taxes on sewerage, water, garbage, and other utilities.

(5) The board shall not sign contracts or otherwise financially obligate funds from the public works assistance account before the legislature has appropriated funds for a specific list of public works projects. The legislature may remove projects from the list recommended by the board. The legislature shall not change the order of the priorities recommended for funding by the board.

(6) Subsections (4) and (5) of this section do not apply to loans made for emergency public works projects under RCW 43.155.065.

Sec. 24. RCW 70.146.070 and 1986 c 3 s 10 are each amended to read as follows:

When making grants or loans for water pollution control facilities, the department shall consider the following:

- (1) The protection of water quality and public health;
- (2) The cost to residential ratepayers if they had to finance water pollution control facilities without state assistance;
- (3) Actions required under federal and state permits and compliance orders;
- (4) The level of local fiscal effort by residential ratepayers since 1972 in financing water pollution control facilities;
- (5) The extent to which the applicant county or city, or if the applicant is another public body, the extent to which the county or city in which the applicant public body is located, has established programs to mitigate nonpoint pollution of the surface or subterranean water sought to be protected by the water pollution control facility named in the application for state assistance; and
- (6) The recommendations of the Puget Sound water quality authority and any other board, council, commission, or group established by the legislature or a state agency to study water pollution control issues in the state.

A county, city, or town that is required or chooses to plan under RCW 36.70A.040 may not receive a grant or loan for water pollution control facilities unless it has adopted a comprehensive plan in conformance with the requirements of chapter 36.70A RCW, after it is required that the comprehensive plan be adopted, or unless it has adopted development regulations in conformance with the requirements of chapter 36.70A RCW, after it is required that development regulations be adopted.

NEW SECTION. **Sec. 25.** A new section is added to chapter 43.01 RCW to read as follows:

COUNTY-WIDE PLANNING POLICY INCENTIVES. Whenever a state agency is considering awarding grants or loans for a county, city, or town to finance public facilities, it shall consider whether the county, city, or town that is requesting the grant or loan is a party to a county-wide planning policy under section 2 of this act relating to the type of public facility for which the grant or

loan is sought, and shall accord additional preference to the county, city, or town if such county-wide planning policy exists. Whenever a state agency is considering awarding grants or loans to a special district for public facilities, it shall consider whether the county, city, or town in whose planning jurisdiction the proposed facility is located is a party to a county-wide planning policy under section 2 of this act relating to the type of public facility for which the grant or loan is sought.

NEW SECTION. Sec. 26. NONCOMPLIANCE AND SANCTIONS.

Upon receipt from the board of a finding that a state agency, county, or city is in noncompliance under section 14 of this act, or as a result of failure to meet the requirements of section 2 of this act, the governor may either:

(1) Notify and direct the director of the office of financial management to revise allotments in appropriation levels;

(2) Notify and direct the state treasurer to withhold the portion of revenues to which the county or city is entitled under one or more of the following: The motor vehicle fuel tax, as provided in chapter 82.36 RCW; the transportation improvement account, as provided in RCW 47.26.084; the urban arterial trust account, as provided in RCW 47.26.080; the rural arterial trust account, as provided in RCW 36.79.150; the sales and use tax, as provided in chapter 82.14 RCW; the liquor profit tax, as provided in RCW 66.08.190; and the liquor excise tax, as provided in RCW 82.08.170; or

(3) File a notice of noncompliance with the secretary of state and the county or city, which shall temporarily rescind the county or city's authority to collect the real estate excise tax under RCW 82.46.030 until the governor files a notice rescinding the notice of noncompliance.

Sec. 27. RCW 43.88.110 and 1987 c 502 s 5 are each amended to read as follows:

EXPENDITURE PROGRAMS—ALLOTMENTS—RESERVES. This section sets forth the expenditure programs and the allotment and reserve procedures to be followed by the executive branch for public funds. Allotments of an appropriation for any fiscal period shall conform to the terms, limits, or conditions of the appropriation.

(1) The director of financial management shall provide all agencies with a complete set of instructions for preparing a statement of proposed expenditures at least thirty days before the beginning of a fiscal period. The set of instructions need not include specific appropriation amounts for the agency.

(2) Within forty-five days after the beginning of the fiscal period or within forty-five days after the governor signs the omnibus biennial appropriations act, whichever is later, all agencies shall submit to the governor a statement of proposed expenditures at such times and in such form as may be required by the governor. If at any time during the fiscal period the governor projects a cash deficit as defined by RCW 43.88.050, the governor shall make across-the-board reductions in allotments so as to prevent a cash deficit, unless the legislature has

directed the liquidation of the cash deficit over one or more fiscal periods. Except for the legislative and judicial branches and other agencies headed by elective officials, the governor shall review the statement of proposed expenditures for reasonableness and conformance with legislative intent. Once the governor approves the statements of proposed expenditures, further revisions shall be made only at the beginning of the second fiscal year and must be initiated by the governor. However, changes in appropriation level authorized by the legislature, changes required by across-the-board reductions mandated by the governor, ~~((and))~~ changes caused by executive increases to spending authority, and changes caused by executive decreases to spending authority for failure to comply with the provisions of chapter 36.70A RCW may require additional revisions. Revisions shall not be made retroactively. Revisions caused by executive increases to spending authority shall not be made after June 30, 1987. However, the governor may assign to a reserve status any portion of an agency appropriation withheld as part of across-the-board reductions made by the governor and any portion of an agency appropriation conditioned on a contingent event by the appropriations act. The governor may remove these amounts from reserve status if the across-the-board reductions are subsequently modified or if the contingent event occurs. The director of financial management shall enter approved statements of proposed expenditures into the state budgeting, accounting, and reporting system within forty-five days after receipt of the proposed statements from the agencies. If an agency or the director of financial management is unable to meet these requirements, the director of financial management shall provide a timely explanation in writing to the legislative fiscal committees.

(3) It is expressly provided that all agencies shall be required to maintain accounting records and to report thereon in the manner prescribed in this chapter and under the regulations issued pursuant to this chapter. Within ninety days of the end of the fiscal year, all agencies shall submit to the director of financial management their final adjustments to close their books for the fiscal year. Prior to submitting fiscal data, written or oral, to committees of the legislature, it is the responsibility of the agency submitting the data to reconcile it with the budget and accounting data reported by the agency to the director of financial management. The director of financial management shall monitor agency expenditures against the approved statement of proposed expenditures and shall provide the legislature with quarterly explanations of major variances.

(4) The director of financial management may exempt certain public funds from the allotment controls established under this chapter if it is not practical or necessary to allot the funds. Allotment control exemptions expire at the end of the fiscal biennium for which they are granted. The director of financial management shall report any exemptions granted under this subsection to the legislative fiscal committees.

Sec. 28. RCW 19.27.097 and 1990 1st ex.s. c 17 s 63 are each amended to read as follows:

(1) Each applicant for a building permit of a building necessitating potable water shall provide evidence of an adequate water supply for the intended use of the building. Evidence may be in the form of a water right permit from the department of ecology, a letter from an approved water purveyor stating the ability to provide water, or another form sufficient to verify the existence of an adequate water supply. In addition to other authorities, the county or city may impose conditions on building permits requiring connection to an existing public water system where the existing system is willing and able to provide safe and reliable potable water to the applicant with reasonable economy and efficiency. An application for a water right shall not be sufficient proof of an adequate water supply.

(2) Within counties not required or not choosing to plan pursuant to RCW 36.70A.040, the county and the state may mutually determine those areas in the county in which the requirements of subsection (1) of this section shall not apply. The departments of health and ecology shall coordinate on the implementation of this section. Should the county and the state fail to mutually determine those areas to be designated pursuant to this subsection, the county may petition the department of community development to mediate or, if necessary, make the determination.

(3) Buildings that do not need potable water facilities are exempt from the provisions of this section. The department of ecology, after consultation with local governments, may adopt rules to implement this section, which may recognize differences between high-growth and low-growth counties.

Sec. 29. RCW 36.70A.110 and 1990 1st ex.s. c 17 s 11 are each amended to read as follows:

COMPREHENSIVE PLANS—URBAN GROWTH AREAS. (1) Each county that is required or chooses to adopt a comprehensive land use plan under RCW 36.70A.040 shall designate an urban growth area or areas within which urban growth shall be encouraged and outside of which growth can occur only if it is not urban in nature. Each city that is located in such a county shall be included within an urban growth area. An urban growth area may include more than a single city. An urban growth area may include territory that is located outside of a city only if such territory already is characterized by urban growth or is adjacent to territory already characterized by urban growth.

(2) Based upon the population (~~forecast~~) growth management planning population projection made for the county by the office of financial management, the urban growth areas in the county shall include areas and densities sufficient to permit the urban growth that is projected to occur in the county for the succeeding twenty-year period. Each urban growth area shall permit urban densities and shall include greenbelt and open space areas. Within one year of July 1, 1990, each county required to designate urban growth areas shall begin

consulting with each city located within its boundaries and each city shall propose the location of an urban growth area. The county shall attempt to reach agreement with each city on the location of an urban growth area within which the city is located. If such an agreement is not reached with each city located within the urban growth area, the county shall justify in writing why it so designated the area an urban growth area. A city may object formally with the department over the designation of the urban growth area within which it is located. Where appropriate, the department shall attempt to resolve the conflicts, including the use of mediation services.

(3) Urban growth should be located first in areas already characterized by urban growth that have existing public facility and service capacities to serve such development, and second in areas already characterized by urban growth that will be served by a combination of both existing public facilities and services and any additional needed public facilities and services that are provided by either public or private sources. Further, it is appropriate that urban government services be provided by cities, and urban government services should not be provided in rural areas.

Sec. 30. RCW 43.62.035 and 1990 1st ex.s. c 17 s 32 are each amended to read as follows:

DETERMINING POPULATION. The office of financial management shall determine the population of each county of the state annually as of April 1st of each year and on or before July 1st of each year shall file a certificate with the secretary of state showing its determination of the population for each county. The office of financial management also shall determine the percentage increase in population for each county over the preceding ten-year period, as of April 1st, and shall file a certificate with the secretary of state by July 1st showing its determination. At least once every ten years the office of financial management shall prepare ((a)) twenty-year growth management planning population ((forecast)) projections required by RCW 36.70A.110 for each county that adopts a comprehensive plan under RCW 36.70A.040 and shall review these projections with such counties before final adoption.

Sec. 31. RCW 36.79.150 and 1983 1st ex.s. c 49 s 15 are each amended to read as follows:

RURAL ARTERIAL TRUST ACCOUNT. (1) Whenever the board approves a rural arterial project it shall determine the amount of rural arterial trust account funds to be allocated for such project. The allocation shall be based upon information contained in the six-year plan submitted by the county seeking approval of the project and upon such further investigation as the board deems necessary. The board shall adopt reasonable rules pursuant to which rural arterial trust account funds allocated to a project may be increased upon a subsequent application of the county constructing the project. The rules adopted by the board shall take into account, but shall not be limited to, the following factors: (((1))) (a) The financial effect of increasing the original allocation for

the project upon other rural arterial projects either approved or requested; ~~((2))~~ (b) whether the project for which an additional allocation is requested can be reduced in scope while retaining a usable segment; ~~((3))~~ (c) whether the original cost of the project shown in the applicant's six-year program was based upon reasonable engineering estimates; and ~~((4))~~ (d) whether the requested additional allocation is to pay for an expansion in the scope of work originally approved.

(2) The board shall not allocate funds, nor make payments under RCW 36.79.160, to any county or city identified by the governor under section 26 of this act.

Sec. 32. RCW 47.26.080 and 1988 c 167 s 13 are each amended to read as follows:

URBAN ARTERIAL TRUST ACCOUNT. There is hereby created in the motor vehicle fund the urban arterial trust account. All moneys deposited in the motor vehicle fund to be credited to the urban arterial trust account shall be expended for the construction and improvement of city arterial streets and county arterial roads within urban areas, for expenses of the transportation improvement board, or for the payment of principal or interest on bonds issued for the purpose of constructing or improving city arterial streets and county arterial roads within urban areas, or for reimbursement to the state, counties, cities, and towns in accordance with RCW 47.26.4252 and 47.26.4254, the amount of any payments made on principal or interest on urban arterial trust account bonds from motor vehicle or special fuel tax revenues which were distributable to the state, counties, cities, and towns.

The board shall not allocate funds, nor make payments of the funds under RCW 47.26.260, to any county, city, or town identified by the governor under section 26 of this act.

Sec. 33. RCW 82.46.035 and 1990 1st ex.s. c 17 s 38 are each amended to read as follows:

ADDITIONAL TAX—CERTAIN COUNTIES—BALLOT PROPOSITION—USE LIMITED TO CAPITAL PROJECTS. (1) The governing body of any county or any city that plans under RCW 36.70A.040(1) may impose an additional excise tax on each sale of real property in the unincorporated areas of the county for the county tax and in the corporate limits of the city for the city tax at a rate not exceeding one-quarter of one percent of the selling price. Any county choosing to plan under RCW 36.70A.040(2) and any city within such a county may only adopt an ordinance imposing the excise tax authorized by this section if the ordinance is first authorized by a proposition approved by a majority of the voters of the taxing district voting on the proposition at a general election held within the district or at a special election within the taxing district called by the district for the purpose of submitting such proposition to the voters.

(2) Revenues generated from the tax imposed under subsection (1) of this section shall be used by such counties and cities solely for financing capital projects specified in a capital facilities plan element of a comprehensive plan.

(3) Revenues generated by the tax imposed by this section shall be deposited in a separate account.

(4) As used in this section, "city" means any city or town.

(5) When the governor files a notice of noncompliance under section 26 of this act with the secretary of state and the appropriate county or city, the county or city's authority to impose the additional excise tax under this section shall be temporarily rescinded until the governor files a subsequent notice rescinding the notice of noncompliance.

Sec. 34. RCW 66.08.190 and 1988 c 229 s 4 are each amended to read as follows:

LIQUOR REVOLVING FUND—DISBURSEMENT OF EXCESS FUNDS TO STATE, COUNTIES AND CITIES. When excess funds are distributed, all moneys subject to distribution shall be disbursed as follows:

(1) Three-tenths of one percent to the department of community development to be allocated to border areas under RCW 66.08.195; and

(2) From the amount remaining after distribution under subsection (1) of this section, fifty percent to the general fund of the state, ten percent to the counties of the state, and forty percent to the incorporated cities and towns of the state.

(3) The governor may notify and direct the state treasurer to withhold the revenues to which the counties and cities are entitled under this section if the counties or cities are found to be in noncompliance pursuant to section 26 of this act.

NEW SECTION. **Sec. 35.** A new section is added to chapter 82.14 RCW to read as follows:

WITHHOLDING REVENUE—NONCOMPLIANCE. The governor may notify and direct the state treasurer to withhold the revenues to which the county or city is entitled under this chapter if a county or city is found to be in noncompliance pursuant to section 26 of this act.

NEW SECTION. **Sec. 36.** A new section is added to chapter 82.08 RCW to read as follows:

WITHHOLDING REVENUE—NONCOMPLIANCE. The governor may notify and direct the state treasurer to withhold the revenues to which the counties, cities, and towns are entitled under RCW 82.08.170 if the counties, cities, or towns are found to be in noncompliance pursuant to section 26 of this act.

NEW SECTION. **Sec. 37.** **TEMPORARY COMMITTEE ON NATURAL RESOURCES OF STATE-WIDE SIGNIFICANCE.** (1) There is created a temporary committee consisting of the commissioner of public lands, the director of parks and recreation, the director of wildlife, the director of fisheries, the

director of ecology, the director of community development, the director of the interagency committee for outdoor recreation, or their designees, one representative from the association of Washington cities, one representative from the Washington state association of counties, and by appointment of the governor, three members of the public. In selecting the three members of the public to serve on this committee, the governor shall keep in mind the diversity of the state's natural resources and the diverse needs of state residents. The director of community development shall serve as the chair of the committee and the department shall provide staff to the committee. Members employed by the state shall serve without additional pay, and participation in the work of the committee shall be deemed performance of their employment. Members from the public at large shall be compensated in accordance with RCW 43.03.240 and shall be entitled to reimbursement individually for travel expenses incurred in performance of their duties as members of the committee in accordance with RCW 43.03.050 and 43.03.060.

(2) This section shall expire January 1, 1992.

NEW SECTION. Sec. 38. LEGISLATIVE REPORT ON NATURAL RESOURCES OF STATE-WIDE SIGNIFICANCE. (1) The committee established in section 37 of this act shall submit to the legislature a report on or before December 31, 1991, that develops recommendations on: (a) Criteria that could be used in identifying natural resources of state-wide significance; (b) minimum standards to protect natural resources of state-wide significance within the jurisdictions of cities or counties and means for resolving issues of protection between jurisdictions; (c) the need for acquisition of natural resources of state-wide significance; and (d) issues regarding designation of mineral resource lands of long-term commercial significance within and outside urban growth areas. In carrying out the responsibilities under this subsection, the committee shall consult with interested parties and shall conduct public hearings in various regions of the state. The committee shall consider the input obtained at such public hearings when developing the recommendations.

(2) For purposes of this section, natural resources of state-wide significance are those natural resources that possess outstanding natural, ecological, or scenic values, and are of the highest quality and most significant of their type. Because of their quality, they are of interest to all resident of the state.

(3) This section shall expire January 1, 1992.

NEW SECTION. Sec. 39. A new section is added to chapter 36.70A RCW to read as follows:

The department may extend the date by which a county or city is required to designate agricultural lands, forest lands, mineral resource lands, and critical areas under RCW 36.70A.170, or the date by which a county or city is required to protect such lands and critical areas under RCW 36.70A.060, if the county or city demonstrates that it is proceeding in an orderly fashion, and is making a good faith effort, to meet these requirements. An extension may be for up to an

additional one hundred eighty days. The length of an extension shall be based on the difficulty of the effort to conform with these requirements.

NEW SECTION. Sec. 40. HEADINGS. Section headings as used in this act do not constitute any part of the law.

NEW SECTION. Sec. 41. CODIFICATION. Sections 1, 2, 4 through 20, and 26 of this act are each added to chapter 36.70A RCW.

NEW SECTION. Sec. 42. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House June 27, 1991.

Passed the Senate June 28, 1991.

Approved by the Governor July 16, 1991, with the exception of certain items which were vetoed.

Filed in Office of Secretary of State July 16, 1991.

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

"I am returning herewith, without my approval as to section 19, Reengrossed Substitute House Bill No. 1025 entitled:

"AN ACT Relating to growth strategies."

I welcome this measure, and am pleased to sign it into law.

Passage of this legislation fulfills an important promise made to the state's citizens. It is a success story that should strengthen the public's faith in the democratic political process.

I commend the Legislature - and particularly the legislative leadership - for keeping its commitment to Washington citizens, and for working hard to ensure that this bill will effectively protect our quality of life.

Reengrossed Substitute House Bill No. 1025 builds on the landmark growth management legislation passed last year, and on the recommendations of the Growth Strategies Commission. Even more important, it builds trust: trust between citizens and their elected representatives, trust between businesses and local governments, and trust among the bipartisan group of legislators who crafted it. That trust is, in the end, the key element necessary for effective and sustained growth management.

While I welcome this legislation, I have determined that section 19 of this bill is so ambiguous that it gives rise to numerous legal interpretations of its meaning and invites litigation.

I am not alone in this belief. Among the many letters my office has received on this bill, the overwhelming opinion is that because key terms are left undefined, and because the language is vague, this section is likely to result in significant court action. Such litigation could result in a reduction of existing local authority to protect open space — thus producing a consequence that is the direct opposite of the section's intent. I intend to insist that we take actions that ensure that the existing authority of local governments to protect open space are not compromised in any way.

I support the intent of the negotiators to address the relationship between open space designation and protection of private property rights, and I believe that we can come to consensus on how to clarify this issue.

Clearly, it is better to negotiate than to litigate. And this issue is far too important to leave to the uncertainties of the judicial system. If we want clear and effective protection for open space, we have more work to do, and I am committed to working with legislators to make sure it gets done in the next legislative session.

With the exception of section 19, I am approving Reengrossed Substitute House Bill No. 1025."

**PROPOSED CONSTITUTIONAL AMENDMENT
ADOPTED AT THE 1991 REGULAR SESSION
FOR SUBMISSION TO THE VOTERS
AT THE STATE GENERAL ELECTION, NOVEMBER 1991**

HOUSE JOINT RESOLUTION 4218

BE IT RESOLVED, BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF WASHINGTON, IN LEGISLATIVE SESSION ASSEMBLED:

THAT, At the next general election to be held in this state there shall be submitted to the qualified voters of the state for their approval and ratification, or rejection, an amendment to Article IV, section 23 of the Constitution of the state of Washington to read as follows:

Article IV, section 23. There may be appointed in each county, by the judge of the superior court having jurisdiction therein, one or more court commissioners, ~~((not exceeding three in number,))~~ who shall have authority to perform like duties as a judge of the superior court at chambers, subject to revision by such judge, to take depositions and to perform such other business connected with the administration of justice as may be prescribed by law. The number of court commissioners in each county shall be determined by the legislative authority of that county.

BE IT FURTHER RESOLVED, That the secretary of state shall cause notice of the foregoing constitutional amendment to be published at least four times during the four weeks next preceding the election in every legal newspaper in the state.

Passed the House March 19, 1991.

Passed the Senate April 18, 1991.

Filed in Office of Secretary of State April 26, 1991.

**PROPOSED CONSTITUTIONAL AMENDMENT
ADOPTED AT THE 1991 REGULAR SESSION
FOR SUBMISSION TO THE VOTERS
AT THE STATE GENERAL ELECTION, NOVEMBER 1991**

SUBSTITUTE HOUSE JOINT RESOLUTION 4221

BE IT RESOLVED, BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF WASHINGTON, IN LEGISLATIVE SESSION ASSEMBLED:

THAT, At the next general election to be held in this state there shall be submitted to the qualified voters of the state for their approval and ratification,

SHJR 4221 PROPOSED CONSTITUTIONAL AMENDMENTS, 1991

or rejection, an amendment to Article IV, section 6 of the Constitution of the state of Washington to read as follows:

Article IV, section 6. The superior court shall have original jurisdiction (~~in all cases in equity and~~) in all cases at law which involve the title or possession of real property, or the legality of any tax, impost, assessment, toll, or municipal fine, and in all other cases in which the demand or the value of the property in controversy amounts to three thousand dollars or as otherwise determined by law, or a lesser sum in excess of the jurisdiction granted to justices of the peace and other inferior courts, and in all criminal cases amounting to felony, and in all cases of misdemeanor not otherwise provided for by law; of actions of forcible entry and detainer; of proceedings in insolvency; of actions to prevent or abate a nuisance; of all matters of probate, of divorce, and for annulment of marriage; and for such special cases and proceedings as are not otherwise provided for. The superior court shall also have original jurisdiction in all cases and of all proceedings in which jurisdiction shall not have been by law vested exclusively in some other court; and said court shall have the power of naturalization and to issue papers therefor. They shall have such appellate jurisdiction in cases arising in justices' and other inferior courts in their respective counties as may be prescribed by law. They shall always be open, except on nonjudicial days, and their process shall extend to all parts of the state. Said courts and their judges shall have power to issue writs of mandamus, quo warranto, review, certiorari, prohibition, and writs of habeas corpus, on petition by or on behalf of any person in actual custody in their respective counties. Injunctions and writs of prohibition and of habeas corpus may be issued and served on legal holidays and nonjudicial days.

BE IT FURTHER RESOLVED, That the secretary of state shall cause notice of the foregoing constitutional amendment to be published at least four times during the four weeks next preceding the election in every legal newspaper in the state.

Passed the House March 19, 1991.

Passed the Senate April 18, 1991.

Filed in Office of Secretary of State April 26, 1991.

**PROPOSED CONSTITUTIONAL AMENDMENT
ADOPTED AT THE 1991 REGULAR SESSION
FOR SUBMISSION TO THE VOTERS
AT THE STATE GENERAL ELECTION, NOVEMBER 1991**

SENATE JOINT RESOLUTION 8203

BE IT RESOLVED, BY THE SENATE AND HOUSE OF REPRESENTATIVES OF THE STATE OF WASHINGTON, IN LEGISLATIVE SESSION ASSEMBLED:

THAT, At the next general election to be held in this state there shall be submitted to the qualified voters of the state for their approval and ratification, or rejection, an amendment to Article XI of the Constitution of the state of Washington by adding a new section to read as follows:

Article XI, section . . . In addition to the methods of framing a county home rule charter contained in section 4 of this Article, a charter may be framed as provided in this section. The legislature shall without unreasonable delay enact legislation creating and appropriating funds for a temporary county home rule commission of fifteen members. The commission shall draft five alternative county "Home Rule" charters, a copy of which shall be submitted to the legislative authority of each county, and shall be retained by the state in its permanent records. The commission shall exist not more than one year. Commission members shall be appointed by the governor with at least one-third of the members to consist of members of the legislature and elected county officials. A new county home rule commission with the same membership qualifications, which shall exist no longer than a one-year period, shall be appointed by the governor to redraft any of the alternative "Home Rule" charters whenever the legislature enacts legislation calling for the creation of a new temporary home rule commission. As far as practical, all commissions created under this section shall be representative of major geographic areas of the state and the state's demographic distribution.

A single alternative charter may be submitted at an election to voters of any county for their approval and ratification, or rejection, upon either: (1) An ordinance adopted by the county legislative authority; or (2) the filing of a petition calling for an election which is signed by registered voters of the county equal in number to ten percent of the voters voting at the last preceding general election in the county. Upon approval and ratification of a charter by the voters of the county under this section, the charter shall become the organic law of the county.

BE IT FURTHER RESOLVED, That the secretary of state shall cause notice of the foregoing constitutional amendment to be published at least four times during the four weeks next preceding the election in every legal newspaper in the state and that the ballot title of the foregoing constitutional amendment

shall be: "Shall an additional procedure be permitted to simplify the process by which a proposed county charter is placed upon the ballot?"

Passed the Senate February 22, 1991.

Passed the House April 9, 1991.

Filed in Office of Secretary of State April 12, 1991.

AUTHENTICATION

I, Dennis W. Cooper, Code Reviser of the State of Washington, do hereby certify that, with the exception of such corrections as I have made in accordance with the powers vested in me by the provisions of RCW 44.20.060, the laws published in this volume are a true and correct reproduction of the copies of the enrolled laws of the 1991 regular and first special sessions (52nd Legislature), chapters 308 through 367, and 1 through 32, respectively, as certified and transmitted to the Statute Law Committee by the Secretary of State pursuant to RCW 44.20.020.

IN TESTIMONY WHEREOF, I have hereunto set my hand at Olympia, Washington, this 8th day of August, 1991.



DENNIS W. COOPER
Code Reviser

INDEX AND TABLES

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		SSB 5204	84
		SB 5219	21
		SB 5220	46
		SB 5221	41
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		ESSB 5245	201
		ESSB 5256	226 PV
		SSB 5260	100
		SSB 5261	170
		SB 5264	179
		SSB 5266	293
		SSB 5276	20
		SSB 5288	56
		SB 5290	73
		SSB 5295	241
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		ESB 5311	45
		SSB 5322	139
		SSB 5332	204
		2SSB 5341	283
		SSB 5357	18
		2SSB 5358	350
		SSB 5359	278
		ESSB 5363	93
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		SSB 5374	172
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		ReSSB 5395	2 E1
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		SB 5444	19 E1
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		SSB 5450	42
		SSB 5456	294
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2SSB 5167	234		
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"E1" Denotes 1991 1st special sess. [2931]

"PV" Denotes partial veto by Governor

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SSB 5497	281	ESB 5801	342
SSB 5501	144	SSB 5806	4
SSB 5504	258	SB 5821	125
SB 5512	190	ESB 5824	353
SSB 5518	191	ESSB 5825	221
SSB 5520	149	2SSB 5830	296
SB 5528	91	SB 5834	184
SSB 5536	121	SSB 5835	75
ESSB 5555	315	ESSB 5837	246
SB 5578	303 PV	SSB 5873	254 PV
2SSB 5568	366 PV	2SSB 5882	345
SSB 5577	44	ESB 5906	23
SSB 5583	248	SSB 5916	340
SB 5586	43	SSB 5928	52
2SSB 5591	319 PV	SB 5982	37
SSB 5611	244	ESB 5959	10 E1
SSB 5612	352	ESB 5960	3 E1
SSB 5613	323	ESB 5875	26 E1 PV
ESSB 5624	279	SB 5988	17 E1
SSB 5626	67	ESSB 5996	27 E1 PV
SSB 5628	286	SB 5997	11 E1
ESSB 5629	325	ESB 5998	12 E1
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SSB 5632	180 PV		HOUSE
SSB 5645	39	SHB 1008	68
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2SSB 5667	262	SHB 1019	151
SSB 5669	295	HB 1024	243
SSB 5670	306 PV	ReSHB 1025	32 E1 PV
ESSB 5672	105	ESHB 1027	200 PV
SB 5678	57	ESHB 1028	199 PV
SB 5684	87	ESHB 1031	82
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ESB 5745	287	SHB 1052	126 PV
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"E1" Denotes 1991 1st special sess. [2932]

"PV" Denotes partial veto by Governor

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ESHB	1120	270	ESHB	1330	16
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ESHB	1136	324	ESHB	1341	314
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ESHB	1211	365	ReSHB	1430	31
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"E1" Denotes 1991 1st special sess. [2933]

"PV" Denotes parital veto by Governor

BILL NO. TO CHAPTER NO. OF 1991 STATUTES

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SHB 1830	169	SHB 2044	308

"E1" Denotes 1991 1st special sess. [2934]

"PV" Denotes parital veto by Governor

BILL NO. TO CHAPTER NO. OF 1991 STATUTES

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ESHB 2058	212	
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EHB 2231	6	E1
EHB 2235	7	E1
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"E1" Denotes 1991 1st special sess. [2935]

"PV" Denotes parital veto by Governor

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1.16.050	AMD	20 E1	1	4.24.130	AMD 33 5
1.16.050	AMD	57	2	4.24.210	AMD 50 1
1.20	ADD	62	1	4.24.210	AMD 69 1
2.08.061	AMD	299	1	4.28.080	AMD 30 E1 28
2.08.062	AMD	299	2		(Effective 1/1/92)
		(Effective 1/1/92)	4.44	ADD	197 1
2.08.063	AMD	299	3	4.84.185	AMD 70 1
2.08.064	AMD	299	4	4.92	ADD 187 1
		(Effective 7/1/92)	4.92.130	AMD	13 E1 92
2.08.065	AMD	299	5	4.92.160	AMD 187 3
2.10	ADD	159	1	4.92.220	AMD 13 E1 91
2.10.080	AMD	13 E1	114	5.44.040	AMD 59 1
2.10.095	REP	35	3	5.60	ADD 321 1
2.10.180	AMD	365	18	6	ADD 153 1-15
2.12	ADD	159	2		(Effective 1/1/92)
2.12.070	REP	35	3	6.13.030	AMD 123 2
2.12.080	REP	35	3	6.15	ADD 123 3
2.12.090	AMD	365	19	6.15.010	AMD 112 1
2.14.070	AMD	13 E1	70	6.27.150	AMD 365 26
2.14.080	AMD	13 E1	103	7.06.010	AMD 363 7
2.24.010	AMD	300	1	7.28.230	AMD 188 1
2.24.040	AMD	33	6	7.48.310	AMD 317 2
2.32.180	AMD	299	6	7.68.035	AMD 293 1
2.32.180	AMD	363	2	7.68.070	AMD 301 2
2.32.280	AMD	363	3	7.72.010	AMD 189 3
2.42.020	REP	171	5	7.72.040	AMD 189 2
2.42.030	REP	171	5	8.04.080	AMD 363 8
2.42.040	REP	171	5	9.08	ADD 325 1,2
2.42.110	AMD	171	1	9.41	ADD 221 1
2.42.130	AMD	171	2	9.46	ADD 261 11-12
2.42.160	AMD	171	3	9.46.0213	AMD 261 1
2.42.170	AMD	171	4	9.46.0265	AMD 261 2
2.56.110	AMD	290	1	9.46.0315	AMD 192 4
3.30.020	AMD	363	4	9.46.0331	AMD 287 1
3.34	ADD	313	3	9.46.100	AMD 16 E1 917
3.34.010	AMD	354	1	9.46.110	AMD 161 1
3.34.020	AMD	313	2	9.46.160	AMD 261 3
3.34.040	AMD	338	2	9.46.170	AMD 261 4
3.34.060	AMD	361	1	9.46.180	AMD 261 5
3.38.030	AMD	363	5	9.46.185	AMD 261 6
3.58.020	AMD	338	3	9.46.190	AMD 261 7
3.66.020	AMD	33	1	9.46.196	AMD 261 8
3.66.070	AMD	290	2	9.46.220	AMD 261 10
3.74.940	AMD	363	6	9.46.240	AMD 261 9
4.12.040	AMD	300	2	9.73.070	AMD 312 1
4.12.050	AMD	300	3	9.73.070	AMD 329 8
4.16.340	AMD	212	2	9.73.220	AMD 363 9
4.24	ADD	283	3	9.94A	ADD 93 1,3-11
4.24	ADD	325	3-5	9.94A	ADD 147 1

"E1" Denotes 1991 1st special sess.

[2937]

RCW SECTIONS AFFECTED BY 1991 STATUTES

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9.94A.030	AMD	181	1	11.92.180	AMD	289	12
9.94A.030	AMD	290	3	11.93.010	REP	193	27
9.94A.030	AMD	348	4	11.93.020	REP	193	27
9.94A.120	AMD	104	3	11.93.030	REP	193	27
9.94A.120	AMD	181	3	11.93.040	REP	193	27
9.94A.120	AMD	221	2	11.93.050	REP	193	27
9.94A.145	AMD	93	2	11.93.060	REP	193	27
9.94A.180	AMD	181	4	11.93.070	REP	193	27
9.94A.190	AMD	181	5	11.93.080	REP	193	27
9.94A.270	AMD	104	1	11.93.900	REP	193	27
9.94A.310	AMD	32	2	11.93.910	REP	193	27
9.94A.320	AMD	32	3	11.93.911	REP	193	27
9.95B.010	REP	77	1	11.93.912	REP	193	27
9.95B.020	REP	77	1	11.93.920	REP	193	27
9.95B.030	REP	77	1	11.98.080	AMD	6	2
9.95B.040	REP	77	1	11.98.170	AMD	193	29
9.95B.900	REP	77	1	11.108.025	AMD	6	1
9A.44.120	AMD	169	1	12.40.010	AMD	71	1
9A.44.130	AMD	274	2	12.40.080	AMD	71	2
9A.44.140	AMD	274	3	13.04.035	AMD	363	10
9A.76.010	AMD	181	6	13.04.093	AMD	363	11
10.01.160	AMD	247	4	13.20.010	AMD	363	12
10.05.140	AMD	247	1	13.20.060	AMD	363	13
10.05.170	AMD	247	2	13.32A.196	AMD	364	14
10.14.150	AMD	33	2	13.34	ADD	326	8,9
10.64.120	AMD	247	3	13.34.030	AMD	326	6
10.82.030	AMD	183	1	13.34.110	AMD	340	3
10.99.020	AMD	301	3	13.34.130	REMD	127	4
10.99.040	AMD	301	4	13.34.210	AMD	127	6
10.99.050	AMD	301	5	13.40	ADD	326	4
11	ADD	193	1-26	13.70	ADD	127	1
11.36.021	AMD	72	1	13.70.005	AMD	127	2
11.40.010	AMD	5	1	13.70.005	AMD	363	14
11.76.090	REP	193	31	13.70.010	AMD	127	3
11.76.095	AMD	193	28	13.70.110	AMD	127	5
11.86.041	AMD	7	1	13.70.900	REP	127	7
11.88.010	AMD	289	1	15	ADD	341	1-9
11.88.030	AMD	289	2	15.04	ADD	280	1,2
11.88.040	AMD	289	3	15.09.080	AMD	257	1
11.88.045	AMD	289	4	15.26.155	AMD	257	2
11.88.090	AMD	289	5	15.32.100	AMD	109	1
11.88.095	AMD	289	6	15.32.110	AMD	109	2
11.88.120	AMD	289	7	15.32.584	AMD	109	3
11.88.125	AMD	289	8	15.35	ADD	239	7
11.88.140	AMD	289	9	15.35.020	REP	239	17
11.92	ADD	289	13	15.35.030	AMD	239	1
11.92.040	AMD	289	10	15.35.040	REP	239	17

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RCW	CH.	SEC.	RCW	CH.	SEC.		
15.35.050	REP	239	17	16.58.130	AMD	109	14
15.35.060	AMD	239	2	16.58.160	AMD	109	15
15.35.070	AMD	239	3	16.65	ADD	17	5
15.35.080	AMD	239	4	16.65.030	AMD	17	1
15.35.090	AMD	239	5	16.65.370	AMD	17	2
15.35.100	AMD	239	6	16.65.420	AMD	17	3
15.35.110	AMD	239	8	16.65.450	AMD	17	4
15.35.120	AMD	239	9	16.67.040	AMD	9	1
15.35.140	AMD	239	10	16.67.050	AMD	9	2
15.35.150	AMD	239	11	16.67.060	AMD	9	3
15.35.170	AMD	239	12	16.67.070	AMD	9	4
15.35.180	AMD	239	13	16.70.010	AMD	3	2
15.35.230	AMD	239	14	16.70.020	AMD	3	3
15.35.250	AMD	239	15	17.04.180	AMD	245	1
15.35.310	AMD	239	16	17.21.070	AMD	109	30
15.36.425	AMD	3	1	17.21.110	AMD	109	31
15.58	ADD	341	12-14	17.21.122	AMD	109	32
15.58.030	AMD	264	1	17.21.126	AMD	109	33
15.58.040	AMD	264	2	17.21.129	AMD	109	34
15.58.150	AMD	264	3	17.21.132	AMD	109	35
15.58.200	AMD	109	38	17.21.140	AMD	109	36
15.58.210	AMD	109	39	17.21.190	AMD	263	1
15.58.210	AMD	264	4	17.21.220	AMD	109	37
15.58.220	AMD	109	40	17.24	ADD	257	3-21
15.60.170	AMD	363	15	17.24.005	REP	257	23
15.74	ADD	67	2	17.24.030	REP	257	23
15.74.030	AMD	67	1	17.24.035	REP	257	23
15.74.060	AMD	67	3	17.24.060	REP	257	23
15.76.120	AMD	238	74	17.24.070	REP	257	23
	(Effective 9/1/91)			17.24.080	REP	257	23
15.80.460	AMD	109	7	17.24.105	REP	257	23
15.80.470	AMD	109	8	17.24.110	REP	257	23
15.80.500	AMD	109	9	17.24.120	REP	257	23
16.49.440	AMD	109	4	17.24.130	REP	257	23
16.49.442	AMD	109	5	17.24.140	REP	257	23
16.49.630	AMD	109	6	17.24.200	REP	257	23
16.57.080	AMD	110	1	18	ADD	236	1-8
16.57.120	AMD	110	2	18	ADD	328	1-27
16.57.160	AMD	110	3	18	ADD	334	1-28
16.57.240	AMD	110	4	18.04.105	AMD	13	E1 20
16.57.280	AMD	110	5	18.06.010	AMD	3	4
16.57.320	AMD	110	6	18.06.020	AMD	3	5
16.57.360	AMD	110	7	18.06.030	AMD	3	6
16.57.380	AMD	110	8	18.06.050	AMD	3	7
16.58.060	AMD	109	10	18.06.060	AMD	3	8
16.58.090	REP	109	41	18.06.070	AMD	3	9
16.58.095	AMD	109	11	18.06.080	AMD	3	10
16.58.110	AMD	109	12	18.06.110	AMD	3	11
16.58.120	AMD	109	13	18.06.120	AMD	3	12

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RCW		CH.	SEC.	RCW		CH.	SEC.
18.06.130	AMD	3	13	18.25.075	AMD	3	41
18.06.140	AMD	3	14	18.25.090	AMD	320	9
18.06.160	AMD	3	15	18.25.100	AMD	3	42
18.06.170	AMD	3	16	18.26	ADD	320	1-7
18.06.180	AMD	3	17	18.26.020	AMD	3	43
18.06.190	AMD	3	18	18.26.050	AMD	3	44
18.08.240	AMD	13	EI 2	18.26.070	AMD	3	45
18.08.420	AMD	72	2	18.29.021	AMD	3	46
18.16	ADD	324	8,9,15	18.29.045	AMD	3	47
			16,20	18.29.060	AMD	3	48
18.16.020	AMD	324	1	18.29.071	AMD	3	49
18.16.030	AMD	324	2	18.29.100	AMD	3	50
18.16.040	REP	324	24	18.29.110	AMD	3	51
18.16.050	AMD	324	3	18.29.120	AMD	3	52
18.16.060	AMD	324	4	18.29.130	AMD	3	53
18.16.090	AMD	324	5	18.29.140	AMD	3	54
18.16.100	AMD	324	6	18.29.150	AMD	3	55
18.16.110	AMD	324	7	18.29.160	AMD	3	56
18.16.120	REP	324	24	18.29.180	AMD	3	57
18.16.130	AMD	324	10	18.32.010	AMD	3	58
18.16.140	AMD	324	11	18.32.030	AMD	3	59
18.16.150	AMD	324	12	18.32.037	AMD	3	60
18.16.160	AMD	324	13	18.32.040	AMD	3	61
18.16.200	AMD	324	14	18.32.100	AMD	3	62
18.19.020	AMD	3	19	18.32.110	AMD	3	63
18.19.030	AMD	3	20	18.32.120	AMD	3	64
18.19.050	AMD	3	21	18.32.160	AMD	3	65
18.19.070	AMD	3	22	18.32.170	AMD	3	66
18.19.080	AMD	3	23	18.32.180	AMD	3	67
18.19.090	AMD	3	24	18.32.190	AMD	3	68
18.19.100	AMD	3	25	18.32.195	AMD	3	69
18.19.110	AMD	3	26	18.32.220	AMD	3	70
18.19.120	AMD	3	27	18.32.520	AMD	3	71
18.19.130	AMD	3	28	18.32.534	AMD	3	72
18.19.140	AMD	3	29	18.32.745	AMD	3	73
18.19.150	AMD	3	30	18.34	ADD	332	33
18.19.160	AMD	3	31	18.34.020	AMD	3	74
18.19.170	AMD	3	32	18.34.030	AMD	3	75
18.19.180	AMD	3	33	18.34.070	AMD	3	76
18.20.020	AMD	3	34	18.34.080	AMD	3	77
18.20.060	AMD	3	35	18.34.110	AMD	3	78
18.25	ADD	222	9	18.34.120	AMD	3	79
18.25	ADD	320	10	18.35	ADD	332	31
18.25.006	AMD	3	36	18.35.010	AMD	3	80
18.25.017	AMD	3	37	18.35.040	AMD	3	81
18.25.020	AMD	3	38	18.35.060	AMD	3	82
18.25.040	AMD	3	39	18.35.080	AMD	3	83
18.25.040	AMD	320	8	18.35.090	AMD	3	84
18.25.070	AMD	3	40	18.35.240	AMD	3	85

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RCW		CH.	SEC.	RCW		CH.	SEC.
18.35.250	AMD	3	86	18.52A.020	REP	16	16
18.36A.020	AMD	3	87	18.52A.030	AMD	3	123
18.36A.030	AMD	3	88	18.52A.030	REP	16	16
18.36A.040	AMD	3	89	18.52A.040	REP	16	16
18.36A.050	AMD	3	90	18.52A.050	REP	16	16
18.36A.060	AMD	3	91	18.52B.050	AMD	3	124
18.36A.070	AMD	3	92	18.52B.050	REP	16	16
18.36A.080	AMD	3	93	18.52B.080	AMD	3	125
18.36A.090	AMD	3	94	18.52B.080	REP	16	16
18.36A.100	AMD	3	95	18.52B.110	AMD	3	126
18.36A.110	AMD	3	96	18.52B.110	REP	16	16
18.36A.120	AMD	3	97	18.52B.120	AMD	3	127
18.36A.130	AMD	3	98	18.52B.120	REP	16	16
18.36A.140	AMD	3	99	18.52B.150	AMD	3	128
18.43.020	AMD	19	1	18.52B.150	REP	16	16
18.43.040	AMD	19	2	18.52B.160	AMD	3	129
18.43.050	AMD	19	3	18.52B.160	REP	16	16
18.43.060	AMD	19	4	18.52B.900	REP	16	16
18.43.070	AMD	19	5	18.52B.901	REP	16	16
18.43.100	AMD	19	7	18.52C.020	AMD	3	130
18.43.130	AMD	19	6	18.52C.030	AMD	3	131
18.43.150	AMD	277	2	18.52C.040	AMD	3	132
18.46.010	AMD	3	100	18.53	ADD	332	30
18.46.050	AMD	3	101	18.53.021	AMD	3	133
18.50	ADD	332	32	18.53.050	AMD	3	134
18.50.05	AMD	3	102	18.53.060	AMD	3	135
18.50.010	AMD	3	103	18.53.070	AMD	3	136
18.50.020	AMD	3	104	18.53.100	AMD	3	137
18.50.034	AMD	3	105	18.53.140	AMD	3	138
18.50.040	AMD	3	106	18.54.050	AMD	3	139
18.50.045	AMD	3	107	18.54.070	AMD	3	140
18.50.050	AMD	3	108	18.54.140	AMD	3	141
18.50.060	AMD	3	109	18.55	ADD	180	1,3,5
18.50.102	AMD	3	110				8,9,12
18.50.105	AMD	3	111	18.55.020	AMD	3	142
18.50.115	AMD	3	112	18.55.020	AMD	180	2
18.50.135	AMD	3	113	18.55.030	AMD	3	143
18.50.140	AMD	3	114	18.55.040	AMD	3	144
18.50.150	AMD	3	115	18.55.040	AMD	180	4
18.51.050	AMD	8	E1 1	18.55.050	AMD	3	145
18.51.310	AMD	8	E1 2	18.55.050	AMD	180	6
18.52.020	AMD	3	116	18.55.060	AMD	3	146
18.52.060	AMD	3	117	18.55.060	AMD	180	7
18.52.070	AMD	3	118	18.57	ADD	160	4,9
18.52.100	AMD	3	119	18.57.001	AMD	3	147
18.52.110	AMD	3	120	18.57.001	AMD	160	1
18.52.130	AMD	3	121	18.57.003	AMD	160	2
18.52A.010	REP	16	16	18.57.020	AMD	3	148
18.52A.020	AMD	3	122	18.57.020	AMD	160	3

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RCW	CH.	SEC.	RCW	CH.	SEC.
18.57.040	AMD	160	5	18.72.400	AMD 3 171
18.57.050	AMD	3	149	18.74	ADD 12 4,5
18.57.050	AMD	160	6	18.74.010	AMD 3 172
18.57.080	AMD	3	150		173
18.57.080	AMD	160	7	18.74.010	AMD 12 1
18.57.085	REP	160	11	18.74.012	AMD 12 2
18.57.130	AMD	3	151	18.74.020	AMD 3 174
18.57.130	AMD	160	10	18.74.023	AMD 3 175
18.57.145	AMD	160	8	18.74.023	AMD 12 3
18.57A.040	REMD	3	152		(Effective 1/1/92)
18.59.020	AMD	3	153	18.74.035	AMD 3 176
18.59.080	AMD	3	154	18.74.040	AMD 3 177
18.59.090	AMD	3	155	18.74.050	AMD 3 178
18.59.110	AMD	3	156	18.74.060	AMD 3 179
18.59.150	AMD	3	157	18.74.070	AMD 3 180
18.64	ADD	87	6,11,12	18.74.090	AMD 3 181
	(Effective 10/1/91)			18.74.095	AMD 3 182
18.64	ADD	189	1	18.74.120	AMD 3 183
18.64	ADD	229	2	18.76.020	AMD 3 184
18.64.043	AMD	229	3	18.78.005	AMD 84 1
18.64.045	AMD	229	4	18.78.010	AMD 3 185
18.64.046	AMD	229	5	18.78.010	AMD 84 13
18.64.047	AMD	229	6	18.78.020	AMD 84 2
18.64.140	AMD	229	7	18.78.030	AMD 84 3
18.64A	ADD	229	10	18.78.040	AMD 84 4
18.71	ADD	44	2	18.78.050	AMD 3 186
18.71.010	AMD	3	158	18.78.050	AMD 84 5
18.71.015	AMD	3	159	18.78.055	AMD 84 6
18.71.015	AMD	44	1	18.78.060	AMD 3 187
18.71.040	AMD	3	160	18.78.060	AMD 84 7
18.71.050	AMD	3	161	18.78.080	AMD 3 188
18.71.051	AMD	3	162	18.78.080	AMD 84 8
18.71.080	AMD	3	163	18.78.090	REMD 3 189
18.71.080	AMD	195	1	18.78.090	REMD 84 9
18.71.095	AMD	3	164	18.78.100	AMD 3 190
18.71.200	AMD	3	165	18.78.100	AMD 84 10
18.72	ADD	215	1,2	18.78.110	AMD 3 191
18.72.040	REP	215	4	18.78.110	REP 84 14
18.72.050	REP	215	4	18.78.160	AMD 84 12
18.72.055	REP	215	4	18.78.182	AMD 84 11
18.72.060	REP	215	4	18.78.225	AMD 3 192
18.72.070	REP	215	4	18.83.010	AMD 3 193
18.72.080	REP	215	4	18.83.025	AMD 3 194
18.72.100	AMD	3	166	18.83.045	AMD 3 195
18.72.120	AMD	3	167	18.83.050	AMD 3 196
18.72.155	AMD	3	168	18.83.060	AMD 3 197
18.72.306	AMD	3	169	18.83.072	AMD 3 198
18.72.380	AMD	3	170	18.83.080	AMD 3 199
18.72.390	AMD	13	E1 17	18.83.090	AMD 3 200

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RCW	CH.	SEC.	RCW	CH.	SEC.
18.83.105	AMD	3	201	18.89.070	AMD 3 230
18.83.170	AMD	3	202	18.89.080	AMD 3 231
18.83.190	AMD	3	203	18.89.090	AMD 3 232
18.84	ADD	222	4-8,10	18.89.100	AMD 3 233
18.84.010	AMD	222	1	18.89.110	AMD 3 234
18.84.020	AMD	3	204	18.89.120	AMD 3 235
18.84.020	AMD	222	2	18.89.130	AMD 3 236
18.84.030	AMD	222	3	18.89.140	AMD 3 237
18.84.040	AMD	3	205	18.92	ADD 47 1
18.84.040	AMD	222	11	18.92	ADD 332 41
18.84.050	AMD	3	206	18.92.015	AMD 3 238
18.84.060	AMD	3	207	18.92.015	AMD 332 40
18.84.070	AMD	3	208	18.92.035	AMD 3 239
18.84.080	AMD	3	209	18.92.040	AMD 3 240
18.84.090	AMD	3	210	18.92.047	AMD 3 241
18.84.100	AMD	3	211	18.92.070	AMD 3 242
18.84.110	AMD	3	212	18.92.100	AMD 3 243
18.84.900	REP	222	13	18.92.115	AMD 3 244
18.85.140	AMD	225	2	18.92.120	AMD 3 245
18.85.165	AMD	225	1	18.92.130	AMD 3 246
18.85.220	AMD	277	1	18.92.140	AMD 3 247
18.88.030	AMD	3	213	18.92.145	AMD 3 248
18.88.080	AMD	3	214	18.92.145	AMD 332 42
18.88.090	AMD	3	215	18.100.050	AMD 72 3
18.88.160	AMD	3	216	18.100.116	AMD 72 4
18.88.175	AMD	3	217	18.100.130	AMD 72 5
18.88.190	AMD	3	218	18.100.133	AMD 72 6
18.88.200	AMD	3	219	18.100.134	AMD 72 7
18.88.220	AMD	3	220	18.104.040	AMD 3 249
18.88A	ADD	16	5,7,11 13-15	18.104.080	AMD 3 250
18.88A.010	AMD	16	1	18.104.110	AMD 3 251
18.88A.020	AMD	3	221	18.108.010	AMD 3 252
18.88A.020	AMD	16	2	18.108.020	AMD 3 253
18.88A.030	AMD	16	3	18.108.025	AMD 3 254
18.88A.040	AMD	16	4	18.108.040	AMD 3 255
18.88A.050	AMD	3	222	18.108.060	AMD 3 256
18.88A.050	AMD	16	6	18.108.070	AMD 3 257
18.88A.060	AMD	16	8	18.108.073	AMD 3 258
18.88A.070	AMD	3	223	18.108.085	AMD 3 259
18.88A.070	AMD	16	9	18.120.030	AMD 332 6
18.88A.080	AMD	3	224	18.122.040	AMD 3 260
18.88A.080	AMD	16	10	18.122.060	AMD 3 261
18.88A.090	AMD	3	225	18.122.070	AMD 3 262
18.88A.100	AMD	3	226	18.122.080	AMD 3 263
18.88A.100	AMD	16	12	18.122.090	AMD 3 264
18.89.020	AMD	3	227	18.122.120	AMD 3 265
18.89.050	AMD	3	228	18.122.130	AMD 3 266
18.89.060	AMD	3	229	18.122.140	AMD 3 267
				18.122.150	AMD 3 268

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RCW	CH.	SEC.	RCW	CH.	SEC.
18.130	ADD	229	1	19.25.030	AMD 38 3
18.130	ADD	332	2,3	19.25.040	AMD 38 4
18.130.010	AMD	332	1	19.26.010	REP 38 10
18.130.060	AMD	3	269	19.26.020	REP 38 10
18.130.175	AMD	3	270	19.27	ADD 139 1
18.130.180	AMD	215	3	19.27	ADD 170 1
18.130.180	AMD	332	34	19.27	ADD 297 15
18.130.190	REMD	3	271	19.27	ADD 298 5,6
18.135.020	AMD	3	272	19.27.095	AMD 281 27
18.135.030	AMD	3	273		(Effective 4/1/92)
18.135.050	AMD	3	274	19.27.097	AMD 32 E1 28
18.135.055	AMD	3	275	19.27.160	AMD 363 16
18.135.065	AMD	3	276	19.27.170	AMD 347 16
18.135.080	AMD	3	277	19.27A	ADD 122 3
18.138.010	AMD	3	278	19.32.110	AMD 3 287
18.138.020	AMD	3	279	19.60	ADD 323 11
18.138.030	AMD	3	280	19.60.010	AMD 323 1
18.138.040	AMD	3	281	19.60.020	AMD 323 2
18.138.050	AMD	3	282	19.60.040	AMD 323 3
18.138.060	AMD	3	283	19.60.045	AMD 323 4
18.138.070	AMD	3	284	19.60.050	AMD 323 5
18.138.080	AMD	3	285	19.60.055	AMD 323 6
18.138.090	AMD	3	286	19.60.060	AMD 323 7
18.150.010	RECD	332	36	19.60.061	AMD 323 8
18.150.020	AMD	332	15	19.60.062	AMD 323 9
18.150.020	RECD	332	36	19.60.066	AMD 323 10
18.150.030	AMD	332	16	19.60.066	AMD 355 21
18.150.030	RECD	332	36		(Effective 1/1/92)
18.150.040	AMD	332	18	19.94.150	AMD 23 E1 4
18.150.040	RECD	332	36	19.94.160	AMD 23 E1 5
18.150.050	AMD	332	22	19.94.190	AMD 23 E1 6
18.150.050	RECD	332	36	19.94.200	AMD 23 E1 7
18.150.060	AMD	164	8	19.94.220	AMD 23 E1 8
18.150.060	AMD	332	24	19.94.240	AMD 23 E1 9
18.150.060	RECD	332	36	19.94.250	AMD 23 E1 10
18.150.070	RECD	332	36	19.94.260	AMD 23 E1 11
18.150.080	REP	27	E1 2	19.94.290	AMD 23 E1 12
18.150.900	RECD	332	36	19.94.300	AMD 23 E1 13
18.150.91C	RECD	332	36	19.94.330	AMD 23 E1 14
18.160	ADD	6	E1 1	19.94.340	AMD 23 E1 15
18.160.060	REP	6	E1 2	19.94.350	AMD 23 E1 16
19	ADD	128	1-10	19.94.420	AMD 23 E1 17
		(Effective 1/1/92)		19.94.440	AMD 23 E1 18
19	ADD	191	1-7	19.94.450	AMD 23 E1 19
19	ADD	227	1-8	19.100	ADD 226 12,16,17
19.02.100	AMD	72	8	19.100.010	AMD 226 1
19.25	ADD	38	5-8	19.100.020	AMD 226 2
19.25.010	AMD	38	1	19.100.030	AMD 226 3
19.25.020	AMD	38	2	19.100.040	AMD 226 4

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RCW		CH.	SEC.	RCW		CH.	SEC.
19.100.070	AMD	226	5	23B.01.200	AMD	72	24
19.100.080	AMD	226	6	23B.01.210	AMD	72	25
19.100.100	AMD	226	7	23B.01.220	AMD	72	26
19.100.140	AMD	226	8	23B.01.280	AMD	72	27
19.100.160	AMD	226	9	23B.01.400	AMD	72	28
19.100.170	AMD	226	10	23B.01.400	AMD	269	35
19.100.180	AMD	226	11	23B.01.410	AMD	72	29
19.100.220	AMD	226	13	23B.01.570	AMD	72	30
19.100.240	AMD	226	14	23B.02.050	AMD	72	31
19.105.365	AMD	227	9	23B.04.010	AMD	72	32
19.112	ADD	199	231	23B.04.010	AMD	269	36
19.112.010	AMD	145	1	23B.07.040	AMD	72	33
19.114.010	REP	319	315	23B.07.060	AMD	72	34
19.114.020	REP	319	315	23B.08.240	AMD	72	35
19.114.030	REP	319	315	23B.10.070	AMD	72	36
19.114.040	RECD	319	316	23B.11	ADD	269	38-41
19.114.900	REP	319	315	23B.13.020	AMD	269	37
20.01	ADD	109	24	23B.14.200	AMD	72	37
20.01.010	AMD	174	1	23B.15.040	AMD	72	38
20.01.040	AMD	109	16	23B.15.300	AMD	72	39
20.01.050	AMD	109	17	23B.16.010	AMD	72	40
20.01.210	AMD	109	18	23B.16.220	AMD	72	41
20.01.212	AMD	109	19	24.03.035	AMD	72	42
20.01.370	AMD	109	20	24.03.070	AMD	72	43
20.01.380	AMD	109	21	24.03.388	AMD	223	3
20.01.420	AMD	109	22	24.03.405	AMD	223	1
20.01.440	AMD	109	23	24.06.450	AMD	223	2
22.09.050	AMD	109	25	24.06.905	AMD	72	44
22.09.055	AMD	109	26	24.36.050	AMD	72	45
22.09.070	AMD	109	27	24.36.090	AMD	72	46
22.09.075	AMD	109	28	25.10	ADD	269	11,13-28
22.09.240	AMD	109	29				31-33,43,44
22.09.411	AMD	13	E1 67	25.10.020	AMD	72	47
23.78.020	AMD	72	9	25.10.020	AMD	269	1
23.78.030	AMD	72	10	25.10.030	AMD	269	2
23.78.050	AMD	72	11	25.10.100	AMD	269	3
23.78.060	AMD	72	12	25.10.110	AMD	269	4
23.78.080	AMD	72	13	25.10.130	AMD	269	5
23.78.100	AMD	72	14	25.10.140	AMD	269	6
23.86.070	AMD	72	15	25.10.160	AMD	269	7
23.86.145	AMD	72	16	25.10.210	AMD	269	10
23.86.200	AMD	72	17	25.10.370	AMD	269	29
23.86.210	AMD	72	18	25.10.380	REP	269	34
23.86.220	AMD	72	19	25.10.440	AMD	269	30
23.86.230	AMD	72	20	25.10.600	AMD	72	48
23.86.330	AMD	72	21	25.10.600	AMD	269	12
23.86.340	AMD	72	22	26.04	ADD	23	12
23.86.360	AMD	72	23	26.09.015	AMD	367	2
23A.32.050	REP	72	59				(Effective 9/1/91)

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RCW	CH.	SEC.	RCW	CH.	SEC.
26.09.100	AMD 28	E1 1			
	(Effective 9/1/91)		26.12.220	AMD 367	15
26.09.138	AMD 365	24		(Effective 9/1/91)	
26.09.160	AMD 367	4	26.18.100	AMD 367	20
	(Effective 9/1/91)			(Effective 9/1/91)	
26.09.170	AMD 28	E1 2	26.18.110	AMD 367	21
	(Effective 9/1/91)			(Effective 9/1/91)	
26.09.175	AMD 367	6	26.18.140	AMD 367	22
	(Effective 9/1/91)			(Effective 9/1/91)	
26.09.184	AMD 367	7	26.19	ADD 28	E1 4-6
	(Effective 9/1/91)			(Effective 9/1/91)	
26.09.225	AMD 28	E1 3	26.19	ADD 367	26,27
	(Effective 9/1/91)				30,31
26.09.260	REMD 367	9			33
	(Effective 9/1/91)			(Effective 9/1/91)	
26.09.280	AMD 367	10	26.19.010	REP 28	E1 8
	(Effective 9/1/91)			(Effective 9/1/91)	
26.12	ADD 367	16-18	26.19.020	AMD 367	25
	(Effective 9/1/91)			(Effective 9/1/91)	
26.12.010	AMD 367	11	26.19.040	REP 28	E1 8
	(Effective 9/1/91)			(Effective 9/1/91)	
26.12.050	AMD 300	4	26.19.060	REP 28	E1 8
26.12.050	AMD 363	17		(Effective 9/1/91)	
26.12.060	AMD 300	5	26.19.070	REP 28	E1 8
26.12.060	AMD 367	12		(Effective 9/1/91)	
	(Effective 9/1/91)		26.19.090	AMD 28	E1 7
26.12.090	REP 367	49		(Effective 9/1/91)	
	(Effective 9/1/91)		26.19.110	REP 28	E1 8
26.12.100	REP 367	49		(Effective 9/1/91)	
	(Effective 9/1/91)		26.21.230	AMD 367	37
26.12.110	REP 367	49		(Effective 9/1/91)	
	(Effective 9/1/91)		26.23	ADD 367	43
26.12.120	REP 367	49		(Effective 9/1/91)	
	(Effective 9/1/91)		26.23.035	AMD 367	38
26.12.130	REP 367	49		(Effective 9/1/91)	
	(Effective 9/1/91)		26.23.050	AMD 367	39
26.12.140	REP 367	49		(Effective 9/1/91)	
	(Effective 9/1/91)		26.23.060	AMD 367	40
26.12.150	REP 367	49		(Effective 9/1/91)	
	(Effective 9/1/91)		26.23.070	AMD 367	41
26.12.170	AMD 367	13		(Effective 9/1/91)	
	(Effective 9/1/91)		26.23.100	AMD 367	42
26.12.180	REP 367	49		(Effective 9/1/91)	
	(Effective 9/1/91)		26.33.040	AMD 136	1
26.12.190	AMD 367	14	26.33.160	AMD 136	2
	(Effective 9/1/91)		26.33.190	AMD 136	3
26.12.200	REP 367	49	26.33.300	AMD 3	288
	(Effective 9/1/91)		26.33.350	AMD 136	4
26.12.210	AMD 367	49	26.33.390	AMD 136	5

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RCW	CH.	SEC.	RCW	CH.	SEC.
26.33.400	AMD	136	6	28A.230.130	AMD 116 9
26.44.030	AMD	111	1	28A.230.200	REP 116 26
26.44.070	REP	14	2	28A.300	ADD 128 11
26.44.070	REP	111	2		(Effective 1/1/92)
26.44.140	AMD	301	15	28A.300	ADD 238 78
26.50	ADD	301	7	28A.300	ADD 252 1
26.50.010	AMD	301	8	28A.300.040	AMD 116 2
26.50.110	AMD	301	6	28A.300.060	AMD 116 3
27.04	ADD	91	1	28A.300.200	AMD 128 13
27.24.062	AMD	363	18		(Effective 1/1/92)
27.24.068	AMD	363	19	28A.305	ADD 259 3
27.34.090	AMD	13	E1 36	28A.305.130	AMD 116 11
27.60.060	REP	13	E1 122	28A.305.180	REP 116 26
28A	ADD	201	18	28A.305.190	AMD 116 5
28A	ADD	238	140	28A.305.260	RECD 285 3
			141	28A.305.270	AMD 238 75
28A	ADD	297	18		(Effective 9/1/91)
28A.26.010	REP	116	26	28A.305.270	RECD 285 3
28A.26.020	REP	116	26	28A.310.450	REP 116 26
28A.26.030	REP	116	26	28A.310.490	AMD 92 1
28A.26.040	REP	116	26	28A.310.900	REP 116 26
28A.26.050	REP	116	26	28A.315	ADD 288 9
28A.26.060	REP	116	26	28A.315	ADD 288 1,9
28A.26.900	REP	116	26	28A.315.110	AMD 288 2
28A.150	ADD	238	76	28A.315.230	AMD 116 25
28A.150.090	REP	116	26	28A.315.450	AMD 363 20
28A.150.230	AMD	61	1	28A.315.460	AMD 363 21
28A.150.260	AMD	116	10	28A.315.530	AMD 60 1
28A.150.430	REP	116	26	28A.315.580	REMD 288 3
28A.155.110	REP	116	26	28A.315.580	REMD 363 22
28A.155.120	REP	116	26	28A.315.590	AMD 288 4
28A.155.130	REP	116	26	28A.315.590	AMD 363 23
28A.155.140	AMD	116	4	28A.315.600	AMD 363 24
28A.160	ADD	230	2-4	28A.315.610	AMD 363 25
28A.160.130	AMD	114	2	28A.315.620	AMD 363 26
28A.170.100	AMD	116	24	28A.315.630	AMD 363 27
28A.175.010	AMD	235	4	28A.315.670	AMD 288 5
28A.210.030	AMD	3	289	28A.315.670	REMD 288 6
28A.210.090	AMD	3	290		(Effective 7/1/92)
28A.210.110	AMD	3	291	28A.315.670	REMD 363 28
28A.210.180	AMD	86	1		(Effective 7/1/92)
28A.210.190	AMD	86	2	28A.315.680	AMD 288 7
28A.210.200	AMD	86	3	28A.315.680	REMD 288 8
28A.210.230	REP	86	4		(Effective 7/1/92)
28A.220	ADD	217	2	28A.315.680	REMD 363 29
28A.220.900	AMD	217	1		(Effective 7/1/92)
28A.230.020	AMD	116	6	28A.315.685	REP 288 10
28A.230.060	AMD	116	7	28A.320	ADD 238 142
28A.230.100	AMD	116	8	28A.320.220	REP 116 26

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RCW		CH.	SEC.	RCW		CH.	SEC.
28A.330.100	AMD	116	17	28A.625.040	REP	255	11
28A.335.040	REMD	116	12	28A.625.050	AMD	255	8
28A.335.120	AMD	116	13	28A.625.060	AMD	255	9
28A.335.180	AMD	116	1	28A.625.070	REP	255	11
28A.345.030	AMD	66	1	28A.625.420	REP	258	11
28A.400	ADD	102	1	28A.630	ADD	265	1-5
28A.400	ADD	254	1	28A.630	ADD	346	1-12
28A.400.030	AMD	116	14	28A.630.310	REP	116	26
28A.400.210	AMD	92	2	28A.630.340	REP	116	26
28A.405	ADD	116	16	28A.630.400	AMD	285	2
28A.405.020	REP	115	2	28B	ADD	27	E1 1
28A.405.050	AMD	115	1	28B	ADD	98	2-5
28A.405.400	AMD	116	18	28B	ADD	228	1-4
28A.405.450	AMD	116	19	28B	ADD	332	4,5,17
28A.405.450	RECD	285	3				19-21
28A.405.460	AMD	116	15				23,25,28
28A.410.020	AMD	116	20	28B.10	ADD	164	1,3
28A.410.030	AMD	116	21	28B.10.016	AMD	238	113
28A.410.130	REP	116	26	28B.10.060	AMD	205	1
28A.410.900	REP	116	26	28B.10.808	AMD	164	4
28A.415	ADD	155	1	28B.10.821	AMD	13	E1 12
28A.415	ADD	258	1-10	28B.10.851	AMD	13	E1 45
28A.415.010	AMD	285	1	28B.10.868	AMD	13	E1 99
28A.505.190	REP	116	26	28B.10.882	AMD	13	E1 88
28A.510.270	AMD	245	2	28B.14C.060	AMD	13	E1 80
28A.515.320	AMD	13	E1 58	28B.14D.040	AMD	13	E1 8
28A.515.320	AMD	76	2	28B.14D.900	AMD	31	E1 9
28A.520.020	AMD	13	E1 113	28B.15	ADD	164	2
28A.525.100	REP	116	26	28B.15	ADD	228	14
28A.525.102	REP	116	26		(Effective 6/30/94)		
28A.525.104	REP	116	26	28B.15	ADD	353	1
28A.525.106	REP	116	26	28B.15.502	AMD	353	2
28A.525.108	REP	116	26	28B.15.547	REP	255	12
28A.525.110	REP	116	26	28B.15.600	AMD	164	5
28A.525.112	REP	116	26	28B.16	ADD	238	107
28A.525.114	REP	116	26	28B.20.253	AMD	13	E1 117
28A.525.116	REP	116	26	28B.20.426	AMD	176	3
28A.530	ADD	114	1	28B.20.468	AMD	13	E1 106
28A.530.010	AMD	114	3	28B.20.500	AMD	332	26
28A.550.010	REP	116	26	28B.20.800	AMD	13	E1 97
28A.600.060	AMD	116	22	28B.20.810	AMD	13	E1 78
28A.600.070	AMD	116	23	28B.25	ADD	205	5,6
28A.615.010	REP	116	26				9,10
28A.615.020	REP	116	26	28B.25.010	AMD	205	2
28A.615.030	REP	116	26	28B.25.020	AMD	205	3
28A.615.040	REP	116	26	28B.25.030	AMD	205	4
28A.625	ADD	255	3-5	28B.25.040	AMD	205	7
28A.625.020	REMD	255	1	28B.25.050	AMD	205	8
28A.625.030	AMD	255	2	28B.25.060	REP	205	12

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RCW	CH.	SEC.	RCW	CH.	SEC.	
28B.30.730	AMD	13 E1	50	28B.50.143	AMD 238	41
28B.30.741	AMD	13 E1	76	(Effective 9/1/91)		
28B.30.742	AMD	13 E1	77	28B.50.145	AMD 238	42
28B.31.040	REP	13 E1	122	(Effective 9/1/91)		
28B.35.205	AMD	58	2	28B.50.150	AMD 238	43
28B.35.370	REMD	13 E1	49	(Effective 9/1/91)		
28B.35.751	AMD	13 E1	95	28B.50.205	AMD 238	44
28B.40.206	AMD	58	3	(Effective 9/1/91)		
28B.45.050	AMD	205	11	28B.50.242	AMD 238	45
28B.50	ADD	238	19,24-29	(Effective 9/1/91)		
			77,79,82-84	28B.50.250	AMD 238	46
			92-94,100-103	(Effective 9/1/91)		
			111,134,139	28B.50.300	DECD 238	164
			143,144,158	28B.50.320	AMD 238	47
28B.50	ADD	294	5	(Effective 9/1/91)		
28B.50	ADD	315	16,17	28B.50.330	AMD 238	48
28B.50.010	AMD	238	20	(Effective 9/1/91)		
	(Effective 9/1/91)			28B.50.340	AMD 238	49
28B.50.020	AMD	238	21	(Effective 9/1/91)		
	(Effective 9/1/91)			28B.50.350	AMD 238	50
28B.50.030	AMD	238	22	(Effective 9/1/91)		
	(Effective 9/1/91)			28B.50.360	AMD 238	51
28B.50.030	AMD	315	15	(Effective 9/1/91)		
28B.50.040	AMD	238	23	28B.50.360	REMD 13 E1	47
	(Effective 9/1/91)			28B.50.360	REMD 13 E1	48
28B.50.050	AMD	238	30	(Effective 9/1/91)		
	(Effective 9/1/91)			28B.50.370	AMD 238	52
28B.50.055	REP	238	156	(Effective 9/1/91)		
	(Effective 9/1/91)			28B.50.402	AMD 238	53
28B.50.060	AMD	238	31	(Effective 9/1/91)		
	(Effective 9/1/91)			28B.50.404	AMD 238	54
28B.50.085	AMD	238	32	(Effective 9/1/91)		
	(Effective 9/1/91)			28B.50.405	AMD 238	55
28B.50.090	AMD	238	33	(Effective 9/1/91)		
28B.50.092	AMD	238	34	28B.50.409	AMD 238	56
	(Effective 9/1/91)			(Effective 9/1/91)		
28B.50.093	AMD	238	35	28B.50.520	AMD 238	57
	(Effective 9/1/91)			(Effective 9/1/91)		
28B.50.095	AMD	238	36	28B.50.535	AMD 238	58
	(Effective 9/1/91)			(Effective 9/1/91)		
28B.50.100	AMD	238	37	28B.50.551	AMD 238	59
	(Effective 9/1/91)			(Effective 9/1/91)		
28B.50.130	AMD	238	38	28B.50.600	AMD 238	60
	(Effective 9/1/91)			(Effective 9/1/91)		
28B.50.140	AMD	58	1	28B.50.740	AMD 238	61
28B.50.140	AMD	238	39	(Effective 9/1/91)		
	(Effective 9/1/91)			28B.50.835	AMD 238	62
28B.50.142	AMD	238	40	(Effective 9/1/91)		
	(Effective 9/1/91)			28B.50.837	AMD 13 E1	108

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RCW	CH.	SEC.	RCW	CH.	SEC.
28B.50.837	AMD 13 E1	109	28B.56.030	REP 13 E1	122
	(Effective 9/1/91)		28B.57.050	AMD 13 E1	51
28B.50.837	AMD 238	63	28B.80	ADD 228	7,8
	(Effective 9/1/91)		28B.80	ADD 255	6,7
28B.50.839	AMD 238	64	28B.80	ADD 315	18-21
	(Effective 9/1/91)		28B.102.060	AMD 164	6
28B.50.841	AMD 238	65	28B.104.010	REP 27 E1	2
	(Effective 9/1/91)		28B.104.020	REP 27 E1	2
28B.50.843	AMD 238	66	28B.104.030	REP 27 E1	2
	(Effective 9/1/91)		28B.104.040	REP 27 E1	2
28B.50.850	AMD 238	67	28B.104.050	REP 27 E1	2
	(Effective 9/1/91)		28B.104.060	AMD 3	292
28B.50.851	AMD 238	68	28B.104.060	AMD 164	7
	(Effective 9/1/91)		28B.104.060	REP 27 E1	2
28B.50.851	AMD 294	2	28B.104.070	REP 27 E1	2
28B.50.852	AMD 294	3	28B.104.900	REP 27 E1	2
28B.50.857	AMD 294	4	28B.108.010	AMD 228	10
28B.50.867	AMD 238	69	28B.108.030	AMD 228	11
	(Effective 9/1/91)		28B.108.050	AMD 13 E1	107
28B.50.869	AMD 238	70	28B.108.060	AMD 13 E1	110
	(Effective 9/1/91)		28B.108.070	AMD 228	12
28B.50.870	AMD 238	71	28B.150	ADD 238	134
	(Effective 9/1/91)				139
28B.50.873	AMD 238	72			158
	(Effective 9/1/91)			(Effective 9/1/91)	
28B.50.875	AMD 238	73	28B.150	ADD 238	76,77,79
	(Effective 9/1/91)				82-84,92-94
28B.52	ADD 238	109			100-103,111
28B.52.010	AMD 238	145			143,144
28B.52.020	AMD 238	146	28C	ADD 238	2-7
	(Effective 9/1/91)				16-18
28B.52.030	AMD 238	147	28C.04.015	REP 238	157
	(Effective 9/1/91)			(Effective 10/1/91)	
28B.52.035	AMD 238	148	28C.04.024	REP 238	157
	(Effective 9/1/91)			(Effective 10/1/91)	
28B.52.050	AMD 238	149	28C.04.035	REP 238	157
	(Effective 9/1/91)			(Effective 10/1/91)	
28B.52.060	AMD 238	150	28C.04.045	REP 238	157
	(Effective 9/1/91)			(Effective 10/1/91)	
28B.52.070	AMD 238	151	28C.10.020	AMD 238	81
	(Effective 9/1/91)		28C.10.082	AMD 13 E1	85
28B.52.078	AMD 238	152	28C.15.010	REP 238	156
	(Effective 9/1/91)			(Effective 9/1/91)	
28B.52.090	AMD 238	153	28C.15.020	REP 238	156
	(Effective 9/1/91)			(Effective 9/1/91)	
28B.52.200	AMD 238	154	28C.15.030	REP 238	156
	(Effective 9/1/91)			(Effective 9/1/91)	
28B.52.210	AMD 238	155	28C.15.900	REP 238	156
	(Effective 9/1/91)			(Effective 9/1/91)	

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RCW	CH.	SEC.	RCW	CH.	SEC.
29.01.155	AMD	23	13	29.85.020	AMD 81 2
29.04	ADD	178	2	29.85.030	REP 81 41
29.04	ADD	186	1,2	29.85.040	AMD 81 3
29.04	RECD	178	3	29.85.050	REP 81 41
	(Effective 7/1/92)			29.85.060	AMD 81 5
29.04.200	AMD	363	30	29.85.070	AMD 81 6
29.07.130	AMD	81	21	29.85.080	REP 81 41
29.07.151	REP	81	41	29.85.090	AMD 81 7
29.07.220	AMD	81	22	29.85.100	AMD 81 8
29.10	ADD	81	25	29.85.105	REP 81 41
29.10.020	AMD	81	23	29.85.110	AMD 81 9
29.10.030	REP	81	41	29.85.120	REP 81 41
29.10.040	AMD	81	24	29.85.130	REP 81 41
29.10.050	REP	81	41	29.85.140	REP 81 41
29.10.110	AMD	81	26	29.85.160	REP 81 41
29.10.120	REP	81	41	29.85.170	AMD 81 10
29.10.150	AMD	81	27	29.85.180	REP 81 41
29.10.160	REP	81	41	29.85.190	AMD 81 11
29.10.170	AMD	81	28	29.85.190	RECD 81 40
29.10.180	AMD	363	31	29.85.200	AMD 81 12
29.13.025	REP	363	163	29.85.200	RECD 81 40
29.13.060	AMD	363	32	29.85.210	AMD 81 13
29.18	ADD	178	1	29.85.220	AMD 81 14
29.18	RECD	178	3	29.85.225	AMD 81 15
	(Effective 7/1/92)			29.85.230	AMD 81 16
29.30.060	AMD	363	33	29.85.240	AMD 81 17
	(Effective 7/1/92)			29.85.260	AMD 81 18
29.30.105	REP	81	41	29.85.275	AMD 81 19
29.36.010	AMD	81	29	31	ADD 355 1-20
29.36.013	AMD	81	30		(Effective 1/1/92)
29.36.030	REMD	81	31	31.04	ADD 208 1-21
29.36.060	AMD	81	32		(Effective 1/1/92)
29.36.097	AMD	81	33	31.04.010	REP 208 23
29.36.160	AMD	81	34		(Effective 1/1/92)
29.36.170	AMD	81	35	31.04.030	REP 208 23
29.42.050	AMD	363	34		(Effective 1/1/92)
29.42.070	AMD	363	35	31.04.040	REP 208 23
29.45.010	AMD	106	1		(Effective 1/1/92)
29.45.030	AMD	106	2	31.04.050	REP 208 23
29.51.020	AMD	81	20		(Effective 1/1/92)
29.64	ADD	90	3	31.04.060	REP 208 23
29.64.015	AMD	90	2		(Effective 1/1/92)
29.64.020	AMD	81	36	31.04.070	REP 208 23
29.64.030	AMD	81	37		(Effective 1/1/92)
29.64.050	REP	90	4	31.04.080	REP 208 23
29.64.070	AMD	81	38		(Effective 1/1/92)
29.82.060	AMD	363	36	31.04.090	REP 208 23
29.85	ADD	81	4		(Effective 1/1/92)
29.85.010	AMD	81	1		

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RCW SECTIONS AFFECTED BY 1991 STATUTES

RCW	CH.	SEC.	RCW	CH.	SEC.
31.04.095	REP 208	23		(Effective 1/1/93)	
	(Effective 1/1/92)		31.08.150	REP 208	24
31.04.100	REP 208	23		(Effective 1/1/93)	
	(Effective 1/1/92)		31.08.160	REP 208	24
31.04.110	REP 208	23		(Effective 1/1/93)	
	(Effective 1/1/92)		31.08.170	REP 208	24
31.04.120	REP 208	23		(Effective 1/1/93)	
	(Effective 1/1/92)		31.08.173	REP 208	24
31.04.130	REP 208	23		(Effective 1/1/93)	
	(Effective 1/1/92)		31.08.175	REP 208	24
31.04.140	REP 208	23		(Effective 1/1/93)	
	(Effective 1/1/92)		31.08.180	REP 208	24
31.04.150	REP 208	23		(Effective 1/1/93)	
	(Effective 1/1/92)		31.08.190	REP 208	24
31.04.160	REP 208	23		(Effective 1/1/93)	
	(Effective 1/1/92)		31.08.200	REP 208	24
31.04.200	REP 208	23		(Effective 1/1/93)	
	(Effective 1/1/92)		31.08.210	REP 208	24
31.04.210	REP 208	23		(Effective 1/1/93)	
	(Effective 1/1/92)		31.08.220	REP 208	24
31.04.220	REP 208	23		(Effective 1/1/93)	
	(Effective 1/1/92)		31.08.230	REP 208	24
31.04.230	REP 208	23		(Effective 1/1/93)	
	(Effective 1/1/92)		31.08.240	REP 208	24
31.04.250	REP 208	23		(Effective 1/1/93)	
	(Effective 1/1/92)		31.08.250	REP 208	24
31.04.260	REP 208	23		(Effective 1/1/93)	
	(Effective 1/1/92)		31.08.260	REP 208	24
31.08.010	REP 208	24		(Effective 1/1/93)	
	(Effective 1/1/93)		31.08.270	REP 208	24
31.08.020	REP 208	24		(Effective 1/1/93)	
	(Effective 1/1/93)		31.08.900	REP 208	24
31.08.030	REP 208	24		(Effective 1/1/93)	
	(Effective 1/1/93)		31.08.910	REP 208	24
31.08.050	REP 208	24		(Effective 1/1/93)	
	(Effective 1/1/93)		31.08.911	REP 208	24
31.08.060	REP 208	24		(Effective 1/1/93)	
	(Effective 1/1/93)		31.08.920	REP 208	24
31.08.070	REP 208	24		(Effective 1/1/93)	
	(Effective 1/1/93)		31.24.030	AMD 72	49
31.08.080	REP 208	24	31.24.150	AMD 72	50
	(Effective 1/1/93)		33.48.025	AMD 72	51
31.08.090	REP 208	24	33.48.030	AMD 72	52
	(Effective 1/1/93)		35.02	ADD 360	2,4-7
31.08.100	REP 208	24			11,12
	(Effective 1/1/93)		35.02.130	AMD 360	3
31.08.130	REP 208	24	35.02.210	AMD 360	8
	(Effective 1/1/93)		35.02.220	AMD 360	9
31.08.140	REP 208	24	35.21	ADD 182	1

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RCW SECTIONS AFFECTED BY 1991 STATUTES

<u>RCW</u>	<u>CH.</u>	<u>SEC.</u>	<u>RCW</u>	<u>CH.</u>	<u>SEC.</u>
35.21	ADD 185	1	36.17.020	AMD 363	52
35.21	ADD 319	404	36.17.040	AMD 363	53
35.21.010	AMD 363	37	36.18	ADD 26	1
35.21.300	AMD 165	2	36.18.010	AMD 26	2
35.21.422	AMD 363	38	36.21.015	AMD 218	3
35.23.460	AMD 30 E1 19 (Effective 1/1/92)		36.21.100	AMD 218	4
35.33	ADD 152	1	36.22.180	REP 13 E1 122	
35.34	ADD 152	2	36.24.175	AMD 363	54
35.58.040	AMD 363	39	36.27.060	AMD 363	55
35.58.273	309	6	36.28A	ADD 363	56
35.58.273	AMD 309	1	36.29.010	AMD 245	4
35.58.273	AMD 339	29	36.29.020	AMD 245	5
35.58.273	AMD 363	40	36.29.030	REP 245	42
35.67	ADD 36	3	36.29.060	AMD 245	6
35.67.020	AMD 347	17	36.29.080	REP 245	42
35.67.200	AMD 36	2	36.29.110	AMD 245	7
35.81.010	AMD 363	41	36.29.140	REP 245	42
35.82.070	AMD 167	1	36.29.180	AMD 245	8
35.82.130	AMD 167	2	36.32	ADD 182	3
35.82.285	AMD 167	3	36.32	ADD 357	3
35.83.020	AMD 167	4	36.32	ADD 363	61-63
35.83.030	AMD 167	5	36.32.180	REP 245	42
35.92.010	REMD 347	18	36.32.240	AMD 363	57
35.92.060	AMD 124	1	36.32.250	REMD 363	58
35A.11	ADD 182	2	36.32.271	REP 363	164
35A.21	ADD 319	405	36.32.273	REP 363	164
35A.33	ADD 152	3	36.32.275	REP 363	164
35A.34	ADD 152	4	36.32.277	REP 363	164
35A.40	ADD 185	2	36.32.350	AMD 363	59
35A.41.020	AMD 30 E1 20 (Effective 1/1/92)		36.32.400	AMD 30 E1 21 (Effective 1/1/92)	
35A.42.040	AMD 81	39	36.32.500	REP 363	164
36	ADD 363	99-108	36.32.505	REP 363	164
36.01.130	AMD 363	43	36.33.060	AMD 363	64
36.13.010	REP 363	163	36.33.065	AMD 363	65
36.13.020	AMD 363	44	36.33.160	AMD 245	9
36.13.075	REP 363	163	36.34.020	AMD 363	66
36.13.080	REP 363	163	36.34.050	AMD 363	67
36.13.090	REP 363	163	36.34.080	AMD 245	10
36.13.100	AMD 363	45	36.34.080	AMD 363	68
36.16.030	AMD 363	46	36.34.090	AMD 363	69
36.16.030	AMD 363 47 (Effective 7/1/93)		36.34.100	AMD 363	70
36.16.032	AMD 363	48	36.36.010	AMD 151	1
36.16.050	AMD 363	49	36.36.040	AMD 151	2
36.16.140	AMD 245	3	36.47.040	AMD 363	71
36.16.140	AMD 363	50	36.48.070	AMD 245	11
36.17.010	AMD 363	51	36.56.010	AMD 363	72
			36.57A.020	AMD 363	73

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RCW SECTIONS AFFECTED BY 1991 STATUTES

RCW	CH.	SEC.	RCW	CH.	SEC.
36.57A.040	AMD	318	15	38.38.260	AMD 43 6
36.57A.055	AMD	318	16	38.38.404	AMD 43 7
36.57A.140	AMD	318	17	38.38.564	AMD 43 8
36.58.030	AMD	363	74	38.40.060	AMD 25 1
36.58.100	AMD	363	75	38.40.110	AMD 43 9
36.62	ADD	363	76	38.44.020	AMD 43 10
36.64.060	AMD	363	77	38.44.030	AMD 43 11
36.64.070	AMD	363	78	38.44.040	AMD 43 12
36.69.010	AMD	363	79	38.44.050	AMD 43 13
36.70.540	AMD	363	80	38.44.060	AMD 43 14
36.70A	ADD	32	E1 1,2 4-18 20,26,39	38.52	ADD 54 1,3-6
				38.52	ADD 329 7
				38.52.030	AMD 54 2
36.70A.060	AMD	32	E1 21	38.52.030	AMD 322 20
36.70A.110	AMD	32	E1 29	39	ADD 201 2-13,17
36.70A.150	AMD	322	23	39.04	ADD 130 2,3
36.70A.190	AMD	32	E1 3	39.04	ADD 363 109-111
36.77	ADD	363	81	39.12.040	AMD 15 1
36.78.020	AMD	363	82	39.30	ADD 363 112
36.78.040	AMD	363	83	39.35	ADD 201 15,16
36.79.140	AMD	363	84	39.35.030	AMD 201 14
36.79.150	AMD	32	E1 31	39.58.080	AMD 30 E1 27
36.80.010	AMD	363	85		(Effective 1/1/92)
36.81.130	AMD	363	86	40	ADD 23 1-9
36.82.020	AMD	363	87	40.04.100	AMD 363 113
36.82.030	REP	363	164	40.14.020	AMD 184 1
36.82.130	REP	363	164	40.14.020	AMD 237 4
36.82.150	REP	363	164	40.14.025	AMD 13 E1 5
36.82.160	AMD	363	88	41.04	ADD 238 106
36.87.020	AMD	363	89	41.04.005	AMD 240 1
36.88	ADD	245	12	41.04.065	REP 35 3
36.88	ADD	363	90	41.04.180	AMD 30 E1 18
36.89.090	AMD	36	1		(Effective 1/1/92)
36.93	ADD	32	E1 22	41.04.255	AMD 249 2
36.93.030	AMD	363	91	41.04.260	REMD 13 E1 101
36.93.040	AMD	363	92	41.04.340	AMD 249 1
36.93.051	AMD	363	93	41.05	ADD 238 105
36.93.061	AMD	363	94	41.05.026	AMD 79 1
36.93.063	AMD	363	95	41.05.120	AMD 13 E1 100
36.93.100	AMD	363	96	41.06	ADD 238 104
36.93.140	AMD	363	97	41.06.167	AMD 196 1
36.93.920	REP	363	163	41.14.040	AMD 363 114
36.95.020	AMD	363	98	41.14.065	AMD 363 115
36.96	ADD	28	1	41.14.070	AMD 363 116
38.04.010	AMD	43	1	41.14.210	AMD 363 117
38.12.200	AMD	43	2	41.24.030	REMD 13 E1 98
38.16.030	AMD	43	3	41.26	ADD 35 101,102
38.24.010	AMD	43	4	41.26.005	AMD 35 12
38.38.132	AMD	43	5	41.26.005	RECD 35 8

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RCW SECTIONS AFFECTED BY 1991 STATUTES

RCW	CH.	SEC.	RCW	CH.	SEC.
41.26.010	RECD	35	8	41.26.160	RECD 35 8
41.26.020	RECD	35	8	41.26.160	REEN 11 E1 5
41.26.030	AMD	35	13		(Effective 9/1/91)
41.26.030	AMD	343	14	41.26.170	AMD 35 24
		(Effective 9/1/91)		41.26.170	RECD 35 8
41.26.030	AMD	365	35	41.26.180	AMD 35 25
41.26.030	RECD	35	8	41.26.180	AMD 365 20
41.26.030	REEN	11 E1	3	41.26.180	RECD 35 8
		(Effective 9/1/91)		41.26.190	AMD 35 26
41.26.030	REMD	12 E1	1	41.26.190	RECD 35 8
41.26.035	AMD	35	14	41.26.200	RECD 35 8
41.26.035	RECD	35	8	41.26.210	RECD 35 8
41.26.040	AMD	35	15	41.26.220	RECD 35 8
41.26.040	RECD	35	8	41.26.230	RECD 35 8
41.26.043	DECD	35	4	41.26.240	AMD 35 27
41.26.045	RECD	35	8	41.26.240	RECD 35 8
41.26.046	RECD	35	8	41.26.250	RECD 35 8
41.26.047	RECD	35	8	41.26.260	RECD 35 8
41.26.051	DECD	35	4	41.26.270	RECD 35 8
41.26.060	AMD	35	16	41.26.280	AMD 35 28
41.26.060	RECD	35	5	41.26.280	RECD 35 8
41.26.065	REP	35	3	41.26.300	RECD 35 8
41.26.070	REP	35	3	41.26.310	DECD 35 4
41.26.080	AMD	35	17	41.26.320	REP 35 3
41.26.080	RECD	35	8	41.26.330	REP 35 3
41.26.090	AMD	35	18	41.26.400	DECD 35 4
41.26.090	AMD	343	15	41.26.410	AMD 35 29
		(Effective 9/1/91)		41.26.410	RECD 35 8
41.26.090	RECD	35	8	41.26.420	RECD 35 8
41.26.090	REEN	11 E1	4	41.26.425	RECD 35 8
		(Effective 9/1/91)		41.26.430	AMD 343 18
41.26.100	AMD	343	16		(Effective 9/1/91)
		(Effective 9/1/91)		41.26.430	RECD 35 8
41.26.100	RECD	35	8	41.26.440	RECD 35 8
41.26.110	RECD	35	8	41.26.450	RECD 35 8
41.26.115	RECD	35	8	41.26.460	RECD 35 8
41.26.120	AMD	35	19	41.26.470	RECD 35 8
41.26.120	RECD	35	8	41.26.475	DECD 35 4
41.26.125	RECD	35	8	41.26.480	RECD 35 8
41.26.130	AMD	35	20	41.26.490	RECD 35 8
41.26.130	RECD	35	8	41.26.500	RECD 35 8
41.26.135	RECD	35	8	41.26.510	AMD 365 31
41.26.140	AMD	35	21	41.26.510	RECD 35 8
41.26.140	RECD	35	8	41.26.520	RECD 35 8
41.26.150	AMD	35	22	41.26.530	RECD 35 8
41.26.150	RECD	35	8	41.26.540	RECD 35 8
41.26.160	AMD	35	23	41.26.550	RECD 35 8
41.26.160	AMD	343	17	41.26.560	DECD 35 4
		(Effective 9/1/91)		41.26.600	REP 35 3

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RCW SECTIONS AFFECTED BY 1991 STATUTES

RCW	CH.	SEC.	RCW	CH.	SEC.		
41.26.900	RECD	35	8	41.32.2432	DECD	35	4
41.26.901	RECD	35	8	41.32.245	DECD	35	4
41.26.910	RECD	35	8	41.32.250	DECD	35	4
41.26.920	RECD	35	8	41.32.260	AMD	35	40
41.26.921	RECD	35	8	41.32.260	RECD	35	9
41.28.020	AMD	363	118	41.32.265	DECD	35	4
41.32	ADD	35	41,103	41.32.270	RECD	35	9
			104	41.32.280	DECD	35	4
41.32	ADD	278	1,2	41.32.290	DECD	35	4
41.32	ADD	365	34	41.32.300	AMD	35	42
41.32.005	AMD	35	30	41.32.300	RECD	35	9
41.32.005	RECD	35	9	41.32.310	AMD	35	43
41.32.010	AMD	35	31	41.32.310	DECD	35	4
41.32.010	AMD	343	3	41.32.310	RECD	35	9
	(Effective 9/1/91)			41.32.320	REP	35	3
41.32.010	RECD	35	9	41.32.330	AMD	35	44
41.32.011	RECD	35	9	41.32.330	RECD	35	9
41.32.013	AMD	343	4	41.32.340	AMD	35	45
	(Effective 9/1/91)			41.32.340	RECD	35	9
41.32.013	RECD	35	9	41.32.350	AMD	35	46
41.32.015	DECD	35	4	41.32.350	RECD	35	9
41.32.020	RECD	35	9	41.32.360	AMD	35	47
41.32.030	AMD	35	32	41.32.360	RECD	35	9
41.32.030	RECD	35	6	41.32.365	DECD	35	4
41.32.045	REP	35	3	41.32.366	AMD	35	48
41.32.120	AMD	35	33	41.32.366	RECD	35	9
41.32.120	RECD	35	6	41.32.380	RECD	35	9
41.32.130	AMD	35	34	41.32.390	AMD	35	49
41.32.130	RECD	35	6	41.32.390	RECD	35	9
41.32.140	REP	35	3	41.32.401	REP	35	3
41.32.160	AMD	35	35	41.32.403	RECD	35	9
41.32.160	RECD	35	9	41.32.405	AMD	35	50
41.32.170	REP	35	3	41.32.405	RECD	35	6
41.32.180	REP	35	3	41.32.420	AMD	35	51
41.32.190	AMD	35	36	41.32.420	RECD	35	6
41.32.190	RECD	35	6	41.32.430	AMD	35	52
41.32.201	REP	35	3	41.32.430	RECD	35	6
41.32.202	REP	35	3	41.32.440	REP	35	3
41.32.203	REP	35	3	41.32.460	RECD	35	9
41.32.207	REP	35	3	41.32.470	RECD	35	9
41.32.220	REP	35	3	41.32.480	AMD	35	53
41.32.230	AMD	35	37	41.32.480	RECD	35	9
41.32.230	RECD	35	6	41.32.485	RECD	35	9
41.32.240	AMD	35	38	41.32.486	DECD	35	4
41.32.240	RECD	35	9	41.32.487	RECD	35	9
41.32.242	AMD	35	39	41.32.488	RECD	35	9
41.32.242	RECD	35	9	41.32.491	DECD	35	4
41.32.243	DECD	35	4	41.32.492	DECD	35	4
41.32.2431	DECD	35	4	41.32.4931	RECD	35	9

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RCW SECTIONS AFFECTED BY 1991 STATUTES

RCW	CH.	SEC.	RCW	CH.	SEC.			
41.32.494	DECD	35	4	41.32.760	RECD	35	9	
41.32.4943	DECD	35	4	41.32.762	RECD	35	9	
41.32.4944	REP	35	3	41.32.765	AMD	343	5	
41.32.4945	AMD	35	54		(Effective 9/1/91)			
41.32.4945	RECD	35	9	41.32.765	RECD	35	9	
41.32.497	RECD	35	9	41.32.770	RECD	35	9	
41.32.498	AMD	35	55	41.32.775	RECD	35	9	
41.32.498	RECD	35	9	41.32.780	AMD	35	67	
41.32.499	AMD	35	56	41.32.780	RECD	35	9	
41.32.499	RECD	35	9	41.32.785	RECD	35	9	
41.32.500	AMD	35	57	41.32.790	AMD	35	68	
41.32.500	RECD	35	9	41.32.790	RECD	35	9	
41.32.510	RECD	35	9	41.32.795	RECD	35	9	
41.32.520	AMD	35	58	41.32.800	RECD	35	9	
41.32.520	AMD	365	29	41.32.805	AMD	365	30	
41.32.520	RECD	35	9	41.32.805	RECD	35	9	
41.32.522	AMD	35	59	41.32.810	RECD	35	9	
41.32.522	RECD	35	9	41.32.815	RECD	35	9	
41.32.523	AMD	35	60	41.32.820	RECD	35	9	
41.32.523	RECD	35	9	41.32.825	RECD	35	9	
41.32.530	RECD	35	9	41.32.830	RECD	35	6	
41.32.540	AMD	35	61	41.32.850	RECD	35	9	
41.32.540	RECD	35	9	41.40	ADD	35	105-107	
41.32.550	AMD	35	62	41.40	ADD	238	108	
41.32.550	AMD	365	33	41.40.005	RECD	35	10	
41.32.550	RECD	35	9	41.40.005	REMD	35	69	
41.32.550	REEN	11	E1	6	41.40.010	AMD	35	70
41.32.560	DECD	35	4	41.40.010	AMD	343	6	
41.32.561	DECD	35	4		(Effective 9/1/91)			
41.32.565	REP	35	3	41.40.010	RECD	35	10	
41.32.567	DECD	35	4	41.40.011	DECD	35	4	
41.32.570	RECD	35	9	41.40.020	AMD	35	71	
41.32.575	RECD	35	9	41.40.020	RECD	35	10	
41.32.580	RECD	35	9	41.40.022	DECD	35	4	
41.32.583	DECD	35	4	41.40.072	REP	35	3	
41.32.590	AMD	35	63	41.40.075	REP	35	3	
41.32.590	AMD	365	21	41.40.077	REP	35	3	
41.32.590	RECD	35	9	41.40.080	AMD	35	72	
41.32.600	REP	35	3	41.40.080	RECD	35	7	
41.32.610	AMD	35	64	41.40.083	AMD	35	73	
41.32.610	REP	35	3	41.40.083	RECD	35	7	
41.32.620	AMD	35	65	41.40.090	REP	35	3	
41.32.620	REP	35	3	41.40.100	AMD	35	74	
41.32.630	AMD	35	66	41.40.100	RECD	35	7	
41.32.630	REP	35	3	41.40.110	AMD	35	75	
41.32.650	REP	35	3	41.40.110	RECD	35	7	
41.32.670	RECD	35	9	41.40.120	RECD	35	10	
41.32.750	DECD	35	4	41.40.123	RECD	35	10	
41.32.755	RECD	35	9	41.40.130	AMD	35	76	

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RCW SECTIONS AFFECTED BY 1991 STATUTES

RCW	CH.	SEC.	RCW	CH.	SEC.
41.40.130	RECD	35	41.40.325	RECD	35
41.40.135	DECD	35	41.40.330	RECD	35
41.40.138	DECD	35	41.40.340	AMD	35
41.40.150	RECD	35	41.40.340	RECD	35
41.40.155	REP	35	41.40.350	AMD	35
41.40.160	AMD	35	41.40.350	RECD	35
41.40.160	RECD	35	41.40.361	RECD	35
41.40.165	RECD	35	41.40.363	AMD	35
41.40.170	AMD	35	41.40.363	RECD	35
41.40.170	RECD	35	41.40.370	RECD	35
41.40.180	RECD	35	41.40.380	AMD	35
41.40.185	AMD	343	41.40.380	AMD	365
	(Effective 9/1/91)	7	41.40.380	RECD	35
41.40.185	RECD	35	41.40.400	RECD	35
41.40.188	RECD	35	41.40.403	RECD	35
41.40.190	RECD	35	41.40.405	DECD	35
41.40.193	RECD	35	41.40.406	DECD	35
41.40.195	AMD	35	41.40.407	DECD	35
41.40.195	RECD	35	41.40.410	AMD	35
41.40.198	RECD	35	41.40.410	RECD	35
41.40.1981	RECD	35	41.40.411	DECD	35
41.40.1982	DECD	35	41.40.412	AMD	35
41.40.199	DECD	35	41.40.412	RECD	35
41.40.200	AMD	35	41.40.414	RECD	35
41.40.200	RECD	35	41.40.420	RECD	35
41.40.210	RECD	35	41.40.440	AMD	35
41.40.220	AMD	35	41.40.440	RECD	35
41.40.220	RECD	35	41.40.450	AMD	35
41.40.223	RECD	35	41.40.450	AMD	343
41.40.225	DECD	35		(Effective 9/1/91)	9
41.40.230	AMD	35	41.40.450	RECD	35
41.40.230	RECD	35	41.40.500	DECD	35
41.40.235	AMD	35	41.40.501	DECD	35
41.40.235	AMD	343	41.40.502	DECD	35
	(Effective 9/1/91)	8	41.40.503	DECD	35
41.40.235	RECD	35	41.40.504	DECD	35
41.40.250	AMD	35	41.40.505	DECD	35
41.40.250	RECD	35	41.40.506	DECD	35
41.40.260	AMD	35	41.40.507	DECD	35
41.40.260	RECD	35	41.40.509	DECD	35
41.40.270	AMD	365	41.40.515	DECD	35
41.40.270	RECD	35	41.40.516	DECD	35
41.40.280	AMD	35	41.40.517	DECD	35
41.40.280	RECD	35	41.40.518	DECD	35
41.40.300	RECD	35	41.40.519	DECD	35
41.40.310	AMD	35	41.40.520	DECD	35
41.40.310	RECD	35	41.40.521	DECD	35
41.40.320	AMD	35	41.40.522	DECD	35
41.40.320	RECD	35	41.40.527	DECD	35

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RCW SECTIONS AFFECTED BY 1991 STATUTES

RCW	CH.	SEC.	RCW	CH.	SEC.	
41.40.530	RECD	35	10	41.50.620	AMD 365	10
41.40.535	DECD	35	4	41.50.630	AMD 365	11
41.40.540	RECD	35	10	41.50.650	AMD 365	12
41.40.542	RECD	35	10	41.56	ADD 238	112
41.40.600	DECD	35	4		(Effective 9/1/91)	
41.40.610	AMD	35	97	41.56.030	AMD 363	119
41.40.610	RECD	35	10	41.60.050	AMD 16	EI 918
41.40.620	AMD	343	10	42.17	ADD 18	EI 3
	(Effective 9/1/91)			42.17	ADD 335	902
41.40.620	RECD	35	10	42.17	ADD 355	22
41.40.625	AMD	35	98		(Effective 1/1/92)	
41.40.625	RECD	35	10	42.17.020	AMD 18	EI 1
41.40.630	AMD	343	11	42.17.105	AMD 157	1
	(Effective 9/1/91)			42.17.170	AMD 18	EI 2
41.40.630	RECD	35	10	42.17.175	AMD 157	2
41.40.640	RECD	35	10	42.17.240I	AMD 200	404
41.40.650	RECD	35	10	42.17.240I	REMD 3	293
41.40.660	RECD	35	10	42.17.243	AMD 18	EI 4
41.40.670	AMD	35	99	42.17.310	AMD 1	1
41.40.670	RECD	35	10	42.17.310	AMD 23	10
41.40.680	RECD	35	10	42.17.310	AMD 87	13
41.40.690	RECD	35	10	42.17.310	AMD 301	13
41.40.700	AMD	365	28	42.17.311	AMD 23	11
41.40.700	RECD	35	10	42.23.030	AMD 363	120
41.40.710	AMD	35	100	43	ADD 24	1,2,4
41.40.710	RECD	35	10	43	ADD 31	EI 1-8
41.40.720	RECD	35	10	43	ADD 200	402,403
41.40.730	RECD	35	10			405,407
41.40.740	RECD	35	10	43	ADD 251	1,2
41.40.800	RECD	35	10	43	ADD 296	2-11
41.40.810	RECD	35	10	43	ADD 297	1-4,6-9
41.40.900	RECD	35	10			11-13,16,17
41.40.920	RECD	35	10	43	ADD 356	9-19
41.48.060	AMD	13	EI 112	43.01	ADD 32	EI 25
41.48.065	AMD	13	EI 111	43.01	ADD 238	110
41.50	ADD	35	108,109	43.01.090	AMD 31	EI 10
41.50	ADD	343	2	43.03.011	AMD 1	EI 1
41.50	ADD	365	13-17	43.03.012	AMD 1	EI 2
			25	43.03.013	AMD 1	EI 3
41.50.065	AMD	282	1	43.03.028	AMD 3	294
41.50.500	AMD	365	1	43.06.010	AMD 257	22
41.50.510	AMD	365	2	43.07	ADD 237	1-3
41.50.530	AMD	365	3	43.07.120	AMD 72	53
41.50.540	AMD	365	4	43.07.130	AMD 72	54
41.50.550	AMD	365	5	43.07.140	AMD 72	55
41.50.560	AMD	365	6	43.07.190	AMD 72	56
41.50.580	AMD	365	7	43.08.190	AMD 13	EI 83
41.50.590	AMD	365	8	43.08.250	AMD 13	EI 25
41.50.600	AMD	365	9	43.08.250	AMD 16	EI 919

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RCW SECTIONS AFFECTED BY 1991 STATUTES

RCW	CH.	SEC.	RCW	CH.	SEC.
43.09.240	AMD	245	13	43.59.030	AMD 3 298
43.09.260	AMD	30	E1 26	43.59.140	AMD 290 4
	(Effective 1/1/92)			43.60A	ADD 55 1-4
43.09.270	AMD	16	E1 920	43.62.035	AMD 32 E1 30
43.10	ADD	345	2,3	43.63A	ADD 13 E1 79
43.17	ADD	85	2	43.63A	ADD 135 2,3
43.17.065	AMD	314	28	43.63A	ADD 315 23-27
43.19	ADD	199	213	43.70	ADD 3 377,378
43.19	ADD	216	3	43.70.320	AMD 3 299
43.19.190	AMD	238	135	43.70.320	AMD 13 E1 18
43.19.1919	AMD	216	2	43.78	ADD 297 10
43.19.1923	AMD	16	E1 921	43.79.110	AMD 13 E1 96
43.19.537	REP	297	19	43.79.130	AMD 13 E1 94
43.19.538	AMD	297	5	43.79.201	AMD 13 E1 39
43.19.610	AMD	13	E1 35	43.79.201	AMD 204 3
43.20A	ADD	204	2	43.79.330	AMD 13 E1 3
43.20A	ADD	364	6	43.79.415	REP 13 E1 122
43.20B.020	AMD	3	295	43.79.445	AMD 13 E1 21
43.20B.110	AMD	3	296	43.79.445	AMD 176 4
43.21A	ADD	302	2,4	43.79A.020	AMD 13 E1 81
43.21F	ADD	201	1	43.79A.040	AMD 13 E1 82
43.31	ADD	272	19-21	43.83.020	AMD 13 E1 46
	(Effective 1/1/93)			43.83A.030	AMD 13 E1 43
43.31	ADD	314	2-10,30	43.83B.030	AMD 13 E1 53
43.31.145	AMD	24	7	43.83B.360	AMD 13 E1 33
43.31.502	AMD	248	1	43.83B.380	AMD 3 300
43.31.506	AMD	248	2	43.83C.030	AMD 13 E1 54
43.31.545	AMD	319	210	43.83D.030	AMD 13 E1 55
43.31.552	REP	319	213	43.83H.030	AMD 13 E1 56
43.31.554	REP	319	213	43.83I.166	REP 13 E1 122
43.31.556	REP	319	213	43.84.051	AMD 13 E1 93
43.31.958	REP	13	E1 122	43.84.090	REP 13 E1 122
43.31A.400	AMD	13	E1 27	43.84.092	AMD 13 E1 57
43.33A.160	AMD	13	E1 32	43.88	ADD 284 2
43.43	ADD	214	1	43.88.020	AMD 358 6
43.43.035	AMD	63	1		(Effective 4/1/92)
43.43.170	REP	35	3	43.88.030	AMD 284 1
43.43.175	REP	35	3	43.88.030	AMD 358 1
43.43.180	REP	35	3		(Effective 4/1/92)
43.43.190	REP	35	3	43.88.110	AMD 32 E1 27
43.43.225	REP	35	3	43.88.110	AMD 358 2
43.43.280	AMD	365	32		(Effective 4/1/92)
43.43.310	AMD	365	23	43.88.120	AMD 358 3
43.43.735	AMD	3	297		(Effective 4/1/92)
43.51	ADD	107	1-3	43.88.150	AMD 284 3
43.51.200	AMD	13	E1 23	43.88.160	REMD 358 4
43.51.280	AMD	13	E1 4		(Effective 4/1/92)
43.51.280	AMD	16	E1 922	43.88.175	AMD 85 1
43.51.310	AMD	13	E1 6	43.88.195	AMD 201 19

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RCW		CH.	SEC.		RCW		CH.	SEC.
43.88.525	AMD	13	E1 13		43.200.080	AMD	13 E1	60
43.99.040	AMD	13	E1 42		43.210	ADD	314	11-14
43.99.060	AMD	13	E1 52		43.210.030	AMD	314	15
43.99C.040	REP	13	E1 122		43.210.050	REMD	314	16
43.99C.045	AMD	363	121		43.250.030	AMD	13 E1	86
43.99D.025	AMD	3	301		46.01.140	AMD	339	16
43.99E.025	AMD	3	302		46.01.270	AMD	339	18
43.99F.030	AMD	13	E1 44		46.04.670	AMD	214	2
43.99H.030	AMD	31	E1 13		46.08.172	AMD	13 E1	41
43.99H.040	AMD	31	E1 14		46.08.172	AMD	31 E1	12
43.99H.060	AMD	31	E1 15		46.09.240	AMD	363	122
43.101	ADD	267	2		46.09.290	REP	13 E1	122
43.101	ADD	328	28		46.10.075	AMD	13 E1	9
43.101	ADD	334	29		46.12.101	AMD	339	19
43.103	ADD	176	6		46.16	ADD	7 E1	13
43.103.030	AMD	176	2		46.16	ADD	302	3
43.131	ADD	253	5,6			(Effective 8/31/92)		
43.131	ADD	314	17,18		46.16.010	AMD	163	1
43.131.325	REP	177	1		46.16.015	AMD	199	209
43.131.326	REP	177	1			(Effective 1/1/93)		
43.131.349	REP	222	13		46.16.030	AMD	163	2
43.131.350	REP	222	13		46.16.083	REP	163	6
43.140.030	AMD	13	E1 7		46.16.085	AMD	163	3
43.140.900	AMD	76	1		46.16.220	AMD	339	20
43.155.070	AMD	32	E1 23		46.16.319	AMD	339	11
43.160	ADD	314	23		46.16.381	AMD	339	21
43.160	ADD	314	25		46.16.390	AMD	339	22
		(Effective 7/1/93)			46.16.710	AMD	293	2
43.160.010	AMD	314	21		46.20.021	AMD	73	1
43.160.020	AMD	314	22		46.20.021	AMD	293	3
43.160.076	AMD	314	24		46.20.207	AMD	293	4
43.160.076	REP	314	32		46.20.265	AMD	260	1
43.160.080	AMD	13	E1 115		46.20.291	AMD	293	5
43.168	ADD	314	20		46.20.342	REMD	293	6
43.168.020	AMD	314	19		46.25.070	AMD	73	2
43.185	ADD	356	2,7,8		46.29.625	REP	293	10
43.185.010	AMD	356	1		46.30.020	AMD	25 E1	1
43.185.030	AMD	13	E1 87		46.30.020	AMD	339	24
43.185.030	AMD	356	3		46.30.040	AMD	25 E1	2
43.185.040	REP	13	E1 122		46.37	ADD	166	1
43.185.050	AMD	356	4		46.37.480	AMD	95	1
43.185.060	AMD	295	1		46.44	ADD	276	1
43.185.070	AMD	295	2		46.44.030	AMD	113	1
43.185.070	AMD	356	5		46.44.034	AMD	143	1
43.185.080	AMD	356	6		46.44.037	AMD	143	2
43.185.110	AMD	204	4		46.52.100	AMD	363	123
43.190.020	AMD	8	E1 3		46.52.130	AMD	243	1
43.200	ADD	272	16-18		46.55.010	AMD	292	1
		(Effective 1/1/93)			46.55.100	AMD	20	1

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RCW SECTIONS AFFECTED BY 1991 STATUTES

RCW	CH.	SEC.	RCW	CH.	SEC.
46.55.140	AMD	20	2	47.12.125	AMD 291 3
46.55.230	AMD	292	2	47.12.242	AMD 291 1
46.55.240	AMD	292	3	47.12.244	AMD 291 2
46.61	ADD	348	2	47.12.246	AMD 291 4
46.61.165	AMD	15 E1	67	47.17	ADD 342 1,3,4
46.61.520	AMD	348	1		6-10,12,14
46.61.560	AMD	319	408		16,20,22
46.61.582	AMD	339	25		24-26,29-31
46.61.583	AMD	339	26	47.17	ADD 342 39,40,44
46.61.990	AMD	214	3		45,51,55
46.61.990	AMD	290	5		(Effective 4/1/92)
46.63.020	REMD	339	27	47.17.115	AMD 342 2
46.63.151	AMD	25 E1	3		(Effective 4/1/92)
46.65.020	AMD	293	7	47.17.140	AMD 56 2
46.65.090	REP	293	10	47.17.170	AMD 342 5
46.68	ADD	15 E1	59		(Effective 4/1/92)
46.68.090	AMD	342	56	47.17.225	AMD 342 11
		(Effective 4/1/92)			(Effective 4/1/92)
46.68.100	AMD	310	2	47.17.245	REP 342 65
46.68.110	AMD	15 E1	46		(Effective 4/1/92)
46.68.110	AMD	342	59	47.17.255	AMD 342 13
		(Effective 4/1/92)			(Effective 4/1/92)
46.68.120	AMD	15 E1	47	47.17.270	REP 342 65
46.68.120	AMD	342	64		(Effective 4/1/92)
		(Effective 4/1/92)		47.17.305	AMD 342 15
46.68.210	AMD	13 E1	104		(Effective 4/1/92)
46.70.023	AMD	339	28	47.17.330	AMD 342 17
46.70.083	AMD	140	2		(Effective 4/1/92)
46.70.090	AMD	140	1	47.17.370	AMD 342 18
46.70.101	AMD	140	3		(Effective 4/1/92)
46.72.010	AMD	99	1	47.17.375	AMD 342 19
46.82.420	AMD	217	3		(Effective 4/1/92)
46.87	ADD	339	5	47.17.410	AMD 342 21
46.87.020	AMD	163	4		(Effective 4/1/92)
46.87.070	AMD	163	5	47.17.415	REP 342 65
46.87.070	AMD	339	9		(Effective 4/1/92)
46.87.140	AMD	339	10	47.17.420	REP 342 65
46.90.300	AMD	118	1		(Effective 4/1/92)
46.90.300	AMD	118	2	47.17.450	REP 342 65
		(Effective 4/1/92)			(Effective 4/1/92)
46.90.300	AMD	293	8	47.17.453	REP 342 65
46.90.300	AMD	293	9		(Effective 4/1/92)
		(Effective 4/1/92)		47.17.460	AMD 342 23
46.90.406	AMD	118	3		(Effective 4/1/92)
47	ADD	202	1-9	47.17.517	AMD 342 27
47.04	ADD	214	5,6		(Effective 4/1/92)
47.05.070	AMD	358	5	47.17.550	AMD 342 28
		(Effective 4/1/92)			(Effective 4/1/92)
47.12	ADD	291	5		

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RCW SECTIONS AFFECTED BY 1991 STATUTES

RCW	CH.	SEC.	RCW	CH.	SEC.
47.17.555	REP 342	65	47.26.121	AMD 308	1
	(Effective 4/1/92)		47.26.121	AMD 363	124
47.17.590	REP 342	65	47.28	ADD 297	14
	(Effective 4/1/92)		47.28.140	AMD 322	29
47.17.600	REP 342	65	47.36	ADD 94	3-5
	(Effective 4/1/92)		47.36	ADD 214	4
47.17.615	AMD 342	32	47.39.020	AMD 342	54
	(Effective 4/1/92)			(Effective 4/1/92)	
47.17.620	REP 342	65	47.42.020	AMD 94	1
	(Effective 4/1/92)		47.42.040	AMD 94	2
47.17.625	AMD 342	33	47.42.046	RECD 94	6
	(Effective 4/1/92)		47.42.047	RECD 94	6
47.17.630	AMD 342	34	47.42.0475	RECD 94	6
	(Effective 4/1/92)		47.42.052	RECD 94	6
47.17.640	AMD 78	1	47.42.160	RECD 94	6
47.17.650	AMD 342	35	47.42.170	RECD 94	6
	(Effective 4/1/92)		47.56.725	AMD 310	1
47.17.660	AMD 342	36	47.68.236	AMD 13 E1	38
	(Effective 4/1/92)		47.76.030	AMD 13 E1	22
47.17.680	AMD 342	37	47.76.030	AMD 363	125
	(Effective 4/1/92)		47.76.040	AMD 15 E1	61
47.17.695	AMD 342	38	47.76.040	AMD 363	126
	(Effective 4/1/92)		47.76.050	AMD 15 E1	62
47.17.700	REP 342	65	47.76.060	AMD 15 E1	63
	(Effective 4/1/92)		47.76.070	AMD 15 E1	64
47.17.730	AMD 342	41	47.76.080	AMD 15 E1	65
	(Effective 4/1/92)		47.76.090	AMD 15 E1	66
47.17.752	AMD 342	42	47.76.160	AMD 13 E1	120
	(Effective 4/1/92)		47.76.160	AMD 363	127
47.17.755	AMD 342	43	47.78.010	AMD 13 E1	66
	(Effective 4/1/92)		47.78.010	AMD 13 E1	121
47.17.810	REP 342	65	47.86.030	AMD 231	7
	(Effective 4/1/92)		48	ADD 268	1-20
47.17.824	AMD 342	46	48.05.340	AMD 5 E1	1
	(Effective 4/1/92)		48.10	ADD 266	1
47.17.825	AMD 342	47	48.15.090	AMD 5 E1	2
	(Effective 4/1/92)		48.20	ADD 87	7
47.17.830	AMD 342	48		(Effective 10/1/91)	
	(Effective 4/1/92)		48.21	ADD 87	8
47.17.835	AMD 342	49		(Effective 10/1/91)	
	(Effective 4/1/92)		48.44	ADD 87	9
47.17.855	AMD 342	50		(Effective 10/1/91)	
	(Effective 4/1/92)		48.46	ADD 87	10
47.24.020	AMD 342	52		(Effective 10/1/91)	
	(Effective 4/1/92)		48.48.045	AMD 170	2
47.26	ADD 342	60	48.48.140	AMD 154	1
	(Effective 4/1/92)		48.62	ADD 30 E1	1-17
47.26	ADD 342	62,63		(Effective 1/1/92)	
47.26.080	AMD 32 E1	32			

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RCW SECTIONS AFFECTED BY 1991 STATUTES

RCW	CH.	SEC.	RCW	CH.	SEC.	
48.62.010	REP	30 E1	33	50.22	ADD 315	4
	(Effective 1/1/92)			50.24	ADD 117	4
48.62.020	REP	30 E1	33	50.29.020	AMD 129	1
	(Effective 1/1/92)			51.08	ADD 246	1
48.62.030	REP	30 E1	33		(Effective 1/1/92)	
	(Effective 1/1/92)			51.08.070	AMD 246	2
48.62.035	REP	30 E1	33		(Effective 1/1/92)	
	(Effective 1/1/92)			51.08.180	AMD 246	3
48.62.040	REP	30 E1	33		(Effective 1/1/92)	
	(Effective 1/1/92)			51.12.020	AMD 246	4
48.62.050	REP	30 E1	33		(Effective 1/1/92)	
	(Effective 1/1/92)			51.12.020	AMD 324	18
48.62.060	REP	30 E1	33	51.12.100	AMD 88	3
	(Effective 1/1/92)			51.12.110	AMD 246	5
48.62.070	REP	30 E1	33		(Effective 1/1/92)	
	(Effective 1/1/92)			51.12.115	REP 246	8
48.62.080	REP	30 E1	33		(Effective 1/1/92)	
	(Effective 1/1/92)			51.16.110	AMD 88	4
48.62.090	REP	30 E1	33	51.16.115	REP 88	5
	(Effective 1/1/92)			51.32.050	AMD 88	2
48.62.100	REP	30 E1	33	51.32.240	AMD 88	1
	(Effective 1/1/92)			51.36.060	AMD 89	3
48.62.110	REP	30 E1	33	51.44.170	AMD 13 E1	29
	(Effective 1/1/92)			52.02.020	AMD 360	10
48.62.120	REP	30 E1	33	53.08.170	AMD 30 E1	22
	(Effective 1/1/92)				(Effective 1/1/92)	
48.66	ADD	120	1	53.12.010	AMD 363	128
49.12	ADD	303	2	53.12.020	AMD 363	129
49.12	ADD	303	3-5,7	53.12.035	AMD 363	130
	(Effective 4/1/92)			53.12.035	AMD 363	131
49.12.123	AMD	303	8		(Effective 7/1/92)	
49.12.170	AMD	303	6	53.12.040	REP 363	163
49.17.180	AMD	108	1	53.12.044	REP 363	163
49.17.210	AMD	89	1	53.12.055	REP 363	163
49.17.250	AMD	89	2	53.12.160	REP 363	163
49.30.005	AMD	31	1	53.12.210	REP 363	163
50	ADD	238	14,15	53.25.100	AMD 363	132
50	ADD	315	5-14	53.31.020	AMD 363	133
50.04.030	AMD	117	1	53.31.911	REMD 363	162
50.04.140	AMD	246	6	53.36.030	AMD 314	29
	(Effective 1/1/92)			53.49.010	AMD 363	134
50.04.165	AMD	72	57	54.04.050	AMD 30 E1	23
50.04.225	AMD	324	17		(Effective 1/1/92)	
50.04.230	AMD	246	7	54.16.070	AMD 74	1
	(Effective 1/1/92)			54.16.180	AMD 363	135
50.12	ADD	238	80	54.16.285	AMD 165	3
50.16.010	AMD	13 E1	59	54.24.080	AMD 347	21
50.20.085	AMD	117	2	56.04.120	AMD 363	136
50.20.190	AMD	117	3	56.08	ADD 82	3

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<u>RCW</u>	<u>CH.</u>	<u>SEC.</u>	<u>RCW</u>	<u>CH.</u>	<u>SEC.</u>
56.08	ADD	190	1	60.04.040	REP 281 31
56.08.100	AMD	30	E1 24	(Effective 4/1/92)	
	(Effective 1/1/92)			60.04.045	RECD 281 30
56.08.100	AMD	82	1	(Effective 4/1/92)	
56.08.140	AMD	82	2	60.04.050	REP 281 31
56.12.015	AMD	190	2	(Effective 4/1/92)	
56.16.090	AMD	347	19	60.04.060	REP 281 31
56.20.030	AMD	190	3	(Effective 4/1/92)	
56.20.080	AMD	190	4	60.04.064	REP 281 31
57.08	ADD	82	7	(Effective 4/1/92)	
57.08	ADD	190	5	60.04.067	REP 281 31
57.08.010	REMD	82	4	(Effective 4/1/92)	
57.08.100	AMD	30	E1 25	60.04.070	REP 281 31
	(Effective 1/1/92)			(Effective 4/1/92)	
57.08.100	AMD	82	5	60.04.080	REP 281 31
57.08.120	AMD	82	6	(Effective 4/1/92)	
57.12.015	AMD	190	6	60.04.090	REP 281 31
57.16.060	AMD	190	7	(Effective 4/1/92)	
57.16.090	AMD	190	8	60.04.100	REP 281 31
57.20.020	AMD	347	20	(Effective 4/1/92)	
57.90.010	AMD	363	137	60.04.110	REP 281 31
58.08.040	AMD	245	14	(Effective 4/1/92)	
58.17	ADD	132	2	60.04.115	REP 281 31
58.24.060	AMD	13	E1 14	(Effective 4/1/92)	
59.18	ADD	194	2,3	60.04.120	REP 281 31
59.18.060	AMD	154	2	(Effective 4/1/92)	
59.18.130	AMD	154	3	60.04.130	REP 281 31
59.18.310	AMD	220	1	(Effective 4/1/92)	
59.21	ADD	327	8,9	60.04.140	REP 281 31
			15,16	(Effective 4/1/92)	
59.21.010	AMD	327	10	60.04.150	REP 281 31
59.21.020	AMD	327	11	(Effective 4/1/92)	
59.21.050	AMD	13	E1 74	60.04.160	REP 281 31
59.21.050	AMD	327	12	(Effective 4/1/92)	
59.21.060	AMD	327	13	60.04.170	REP 281 31
59.21.110	AMD	327	14	(Effective 4/1/92)	
59.22	ADD	327	1,4	60.04.180	REP 281 31
59.22.020	AMD	327	2	(Effective 4/1/92)	
59.22.030	AMD	13	E1 89	60.04.200	REP 281 31
59.22.050	AMD	327	3	(Effective 4/1/92)	
59.22.900	REP	327	18	60.04.210	REP 281 31
60.04	ADD	281	1-26	(Effective 4/1/92)	
	(Effective 4/1/92)			60.04.220	REP 281 31
60.04.010	REP	281	31	(Effective 4/1/92)	
	(Effective 4/1/92)			60.04.230	AMD 281 28
60.04.020	REP	281	31	(Effective 4/1/92)	
	(Effective 4/1/92)			60.10.020	AMD 33 3
60.04.030	REP	281	31	60.11.010	AMD 286 1
	(Effective 4/1/92)			60.11.020	AMD 286 2

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RCW	CH.	SEC.	RCW	CH.	SEC.
60.11.030	AMD	286	3	67.16.014	AMD 270 2
60.11.040	AMD	286	4	67.16.060	AMD 270 3
60.11.050	AMD	286	5	67.16.100	REMD 270 4
60.11.060	AMD	33	4	67.16.102	AMD 270 5
60.11.140	AMD	286	6	67.16.105	AMD 270 6
60.13.010	AMD	174	2	67.16.130	AMD 270 7
60.20.010	REP	281	31	67.16.170	AMD 270 8
	(Effective 4/1/92)			67.16.175	REMD 270 9
60.20.020	REP	281	31	67.16.200	AMD 270 10
	(Effective 4/1/92)			67.16.210	REP 270 13
60.20.030	REP	281	31	67.16.220	REP 270 13
	(Effective 4/1/92)			67.16.230	AMD 270 11
60.20.040	REP	281	31	67.16.910	REP 270 13
	(Effective 4/1/92)			67.16.911	REP 270 13
60.20.050	REP	281	31	67.28	ADD 331 1
	(Effective 4/1/92)			67.28	ADD 357 2,4
60.20.060	REP	281	31	67.28.080	AMD 357 1
	(Effective 4/1/92)			67.28.090	AMD 363 138
60.48.010	REP	281	31	67.28.180	AMD 336 1
	(Effective 4/1/92)				(Effective 1/1/92)
60.48.020	REP	281	31	67.28.180	AMD 363 139
	(Effective 4/1/92)			67.28.200	AMD 331 2
61.24.010	AMD	72	58	67.28.210	AMD 331 3
62A	ADD	21	E1 4A-101	67.28.230	REP 331 4
			through 4A-507	67.28.240	AMD 363 140
62A.3-515	AMD	168	1	67.40.040	AMD 13 E1 11
62A.3-520	AMD	168	2	67.40.045	AMD 2 1
62A.4-406	AMD	19	E1 1	67.40.090	AMD 2 3
62A.9-310	AMD	286	7	67.40.120	AMD 336 2
63.29.190	AMD	311	7		(Effective 1/1/92)
64.04	ADD	132	1	67.70.040	AMD 359 1
64.04	ADD	210	1	67.70.220	AMD 193 30
64.36.320	AMD	227	10	68.50	ADD 176 1
65.04	ADD	26	3	68.50.030	REP 176 7
65.04.030	AMD	26	4	69.04	ADD 162 2
65.04.040	AMD	26	5	69.04	ADD 232 1-4
65.04.050	AMD	26	6	69.04.001	AMD 162 1
66.04.010	AMD	192	1	69.04.110	AMD 162 3
66.08.190	AMD	32	E1 34	69.04.120	AMD 162 4
66.12	ADD	149	1-4	69.04.398	AMD 162 5
66.24.170	AMD	192	2	69.04.780	AMD 162 6
66.24.210	AMD	192	3	69.07	ADD 137 1,6-8
66.24.320	AMD	42	1	69.07.010	AMD 137 2
66.24.330	AMD	42	2	69.07.040	AMD 137 3
66.24.350	AMD	42	3	69.07.050	AMD 137 4
66.24.360	AMD	42	4	69.07.060	AMD 137 5
67.16	ADD	270	12	69.07.090	REP 137 10
67.16.010	AMD	270	1	69.07.130	REP 137 10
				69.07.150	AMD 137 9

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RCW	CH.	SEC.	RCW	CH.	SEC.
69.30.010	AMD	3	303	70.41.200	AMD 3 336
69.30.080	AMD	3	304	70.41.230	AMD 3 337
69.41.030	AMD	30	1	70.41.240	AMD 3 338
69.45.070	AMD	229	8	70.46.030	AMD 363 141
69.50.301	AMD	229	9	70.47	ADD 315 22
69.50.435	REMD	32	4	70.47.030	AMD 4 E1 1
69.60	ADD	68	2	70.47.030	AMD 13 E1 68
70	ADD	319	103-105	70.47.060	AMD 3 339
			106-113	70.47.060	AMD 4 E1 2
			201-208	70.47.110	AMD 4 E1 3
			301-310,316	70.48.120	REP 13 E1 122
70	ADD	332	7-14	70.50.010	AMD 3 340
70	ADD	335	101-901	70.54.040	AMD 3 341
70.05.053	AMD	3	305	70.54.180	AMD 363 142
70.05.054	AMD	3	306	70.58	ADD 96 1-3
70.05.055	AMD	3	307	70.58.005	AMD 3 342
70.05.060	AMD	3	308	70.58.104	AMD 96 4
70.05.070	AMD	3	309	70.58.107	AMD 3 343
70.05.080	AMD	3	310	70.58.200	REP 96 6
70.05.090	AMD	3	311	70.58.310	AMD 3 344
70.05.100	AMD	3	312	70.58.320	AMD 3 345
70.05.130	AMD	3	313	70.58.340	AMD 3 346
70.08.050	AMD	3	314	70.62.210	AMD 3 347
70.12.015	AMD	3	315	70.77	ADD 135 6
70.12.070	AMD	3	316	70.77.325	AMD 135 4
70.22.020	AMD	3	317	70.77.345	AMD 135 5
70.22.030	AMD	3	318	70.83.020	AMD 3 348
70.22.040	AMD	3	319	70.83.030	AMD 3 349
70.22.050	AMD	3	320	70.83.040	AMD 3 350
70.22.060	AMD	3	321	70.83B.020	AMD 3 351
70.24.017	AMD	3	322	70.88.080	AMD 75 2
70.24.100	AMD	3	323	70.88.090	AMD 75 3
70.24.120	AMD	3	324	70.90.110	AMD 3 352
70.24.130	AMD	3	325	70.90.130	AMD 3 353
70.24.150	AMD	3	326	70.90.210	AMD 3 354
70.24.400	AMD	3	327	70.93	ADD 11 1,2
70.24.410	AMD	3	328	70.93	ADD 319 212
70.30.081	AMD	3	329	70.93.020	AMD 319 101
70.33.010	AMD	3	330	70.93.030	AMD 319 102
70.38	ADD	271	1	70.93.180	AMD 13 E1 40
70.38.025	AMD	158	1	70.94	ADD 125 2
70.38.105	AMD	8	E1 4	70.94	ADD 199 602,603
70.38.111	AMD	158	2		(Effective 7/1/92)
70.39.170	AMD	13	E1 1	70.94	ADD 199 218,219
70.40.020	AMD	3	331		301,303,304
70.40.030	AMD	3	332		308,314,315
70.40.150	AMD	3	333		402,403,407
70.41.020	AMD	3	334		503,604,721
70.41.130	AMD	3	335	70.94	ADD 319 311

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RCW	CH.	SEC.	RCW	CH.	SEC.
70.94.011	AMD	199	102	70.94.775	AMD 199 410
70.94.030	AMD	199	103	70.94.780	AMD 199 411
70.94.041	AMD	199	506	70.94.810	REP 199 718
70.94.053	AMD	125	1	70.94.815	REP 199 718
70.94.053	REMD	199	701	70.94.825	REP 199 718
70.94.053	REMD	363	143	70.94.860	AMD 199 312
70.94.055	AMD	199	702	70.94.870	REP 199 718
70.94.055	AMD	363	144	70.94.875	AMD 199 313
70.94.092	AMD	199	703	70.95	ADD 319 402,407
70.94.100	AMD	199	704	70.95.030	AMD 298 2
70.94.130	AMD	199	705	70.95.040	AMD 319 401
70.94.141	AMD	199	706	70.95.090	AMD 298 3
70.94.152	AMD	199	302	70.95.110	AMD 298 4
70.94.155	AMD	199	305	70.95.800	AMD 13 E1 73
70.94.170	AMD	199	707	70.95C.020	AMD 319 313
70.94.181	AMD	199	306	70.95C.120	AMD 319 114
70.94.205	AMD	199	307	70.95C.200	AMD 319 314
70.94.211	AMD	199	309	70.95E.080	AMD 13 E1 75
70.94.231	AMD	199	708	70.96A.020	AMD 364 8
70.94.232	REP	199	718	70.96A.095	AMD 364 9
70.94.240	AMD	199	709	70.96A.120	AMD 290 6
70.94.331	AMD	199	710	70.96A.140	AMD 364 10
70.94.332	AMD	199	711	70.98.030	AMD 3 355
70.94.385	AMD	199	712	70.104.010	AMD 3 356
70.94.395	AMD	199	713	70.104.030	AMD 3 357
70.94.405	AMD	199	714	70.104.040	AMD 3 358
70.94.410	AMD	199	715	70.104.050	AMD 3 359
70.94.420	AMD	199	716	70.104.055	AMD 3 360
70.94.430	AMD	199	310	70.104.057	AMD 3 361
70.94.431	AMD	199	311	70.104.060	AMD 3 362
70.94.457	AMD	199	501	70.104.080	AMD 3 363
70.94.470	AMD	199	502	70.104.090	AMD 3 364
70.94.473	AMD	199	504	70.105	ADD 319 312
70.94.483	AMD	13 E1	64	70.105D.070	AMD 13 E1 69
70.94.483	AMD	13 E1	65	70.116	ADD 18 1
	(Effective 1/1/92)			70.116.010	AMD 3 365
70.94.483	AMD	199	505	70.116.030	AMD 3 366
	(Effective 1/1/92)			70.117.010	AMD 75 1
70.94.650	AMD	199	408	70.118.020	AMD 3 367
70.94.654	AMD	199	409	70.118.040	AMD 3 368
70.94.656	AMD	13 E1	28	70.119.010	AMD 305 1
70.94.656	AMD	199	413	70.119.020	AMD 3 369
70.94.660	AMD	199	404	70.119.020	AMD 305 2
70.94.670	AMD	199	405	70.119.030	AMD 305 3
70.94.680	REP	199	718	70.119.060	AMD 305 4
70.94.690	AMD	199	406	70.119.090	AMD 305 5
70.94.740	REP	199	718	70.119.100	AMD 305 6
70.94.745	AMD	199	401	70.119.110	AMD 305 7
70.94.750	AMD	199	412	70.119.130	AMD 305 8

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RCW	CH.	SEC.	RCW	CH.	SEC.
70.119A	ADD	304	5-7	70.180.060	REP 27 E1 2
70.119A.020	AMD	3	370	70.180.070	REP 27 E1 2
70.119A.020	AMD	304	2	70.180.080	REP 27 E1 2
70.119A.030	AMD	304	3	70.180.090	REP 27 E1 2
70.119A.060	AMD	304	4	70.180.100	AMD 164 9
70.119A.080	AMD	3	371	70.180.100	REP 27 E1 2
70.120	ADD	199	210	70.180.910	REP 27 E1 2
	(Effective 1/1/92)			71	ADD 326 11-14
70.120	ADD	199	211,212	71.05	ADD 105 1
			215,229	71.05.120	AMD 105 2
70.120.010	AMD	199	201	71.05.130	AMD 105 3
70.120.020	AMD	199	202	71.05.135	AMD 300 6
	(Effective 1/1/93)			71.05.135	AMD 363 146
70.120.070	AMD	199	203	71.05.137	AMD 300 7
	(Effective 1/1/93)			71.05.210	AMD 105 4
70.120.080	AMD	199	205	71.05.210	AMD 364 11
	(Effective 1/1/93)			71.05.370	AMD 105 5
70.120.110	REP	199	718	71.24.015	AMD 306 1
70.120.120	AMD	199	206	71.24.025	AMD 306 2
	(Effective 1/1/93)			71.24.035	AMD 29 1
70.120.140	REP	199	718	71.24.035	AMD 262 1
70.120.150	AMD	199	207	71.24.035	AMD 306 3
	(Effective 1/1/93)			71.24.045	AMD 29 2
70.120.170	AMD	199	208	71.24.045	AMD 306 5
	(Effective 1/1/93)			71.24.045	AMD 363 147
70.120.900	REP	199	718	71.24.300	AMD 29 3
70.121.020	AMD	3	372	71.24.300	AMD 262 2
70.123	ADD	301	10-12	71.24.300	AMD 295 3
70.123.020	AMD	301	9	71.24.800	REP 306 6
70.125	ADD	267	3	71.34.060	AMD 364 12
70.127.010	AMD	3	373	71A.10	ADD 333 1
70.128	ADD	40	1-3	72.04A.120	AMD 104 2
70.142.020	AMD	3	374	72.09.050	AMD 363 149
70.142.040	AMD	363	145	72.09.110	AMD 133 1
70.142.050	AMD	3	375	72.09.300	AMD 363 148
70.146.030	REMD	13 E1	61	72.36.035	AMD 240 2
70.146.070	AMD	32 E1	24	72.40	ADD 65 1
70.146.080	AMD	16 E1	923	72.40.115	REP 65 2
70.148	ADD	4	1-6	72.60	ADD 256 2
70.148.020	AMD	4	7	72.64	ADD 131 1,2
70.148.020	AMD	13 E1	90	72.72.030	AMD 13 E1 10
70.164.030	AMD	13 E1	62	73.04.090	AMD 240 3
70.170.080	AMD	13 E1	71	74	ADD 126 5-9
70.175.050	AMD	224	1	74.04.005	AMD 10 E1 1
70.180	ADD	332	29	74.04.005	AMD 126 1
70.180.005	AMD	332	27	74.04.055	AMD 126 2
70.180.007	REP	27 E1	2	74.04.390	REP 126 11
70.180.010	REP	27 E1	2	74.04.400	REP 126 11
70.180.050	REP	27 E1	2	74.04.410	REP 126 11

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RCW	CH.	SEC.	RCW	CH.	SEC.
74.04.420	REP	126	11	74.22.060	REP 126 11
74.04.430	REP	126	11	74.22.070	REP 126 11
74.04.440	REP	126	11	74.22.080	REP 126 11
74.04.450	REP	126	11	74.22.090	REP 126 11
74.04.460	REP	126	11	74.22.100	REP 126 11
74.04.470	REP	126	11	74.22.110	REP 126 11
74.04.473	REP	126	11	74.22.120	REP 126 11
74.04.477	REP	126	11	74.23.005	REP 126 11
74.04.500	AMD	126	3	74.23.010	REP 126 11
74.04.505	REP	126	11	74.23.020	REP 126 11
74.04.515	AMD	126	4	74.23.030	REP 126 11
74.08.044	AMD	8	E1 5	74.23.040	REP 126 11
74.09.160	AMD	103	1	74.23.050	REP 126 11
74.09.250	AMD	8	E1 6	74.23.060	REP 126 11
74.09.260	AMD	8	E1 7	74.23.070	REP 126 11
74.09.510	AMD	8	E1 8	74.23.080	REP 126 11
74.09.520	REMD	8	E1 9	74.23.090	REP 126 11
74.09.520	REMD	119	1	74.23.100	REP 126 11
74.09.520	REMD	233	1	74.23.110	REP 126 11
74.09.700	AMD	8	E1 10	74.23.120	REP 126 11
74.09.700	AMD	9	E1 7	74.23.900	REP 126 11
74.09.700	AMD	233	2	74.42.610	REP 8 E1 20
74.09.730	AMD	9	E1 8	74.46.020	AMD 8 E1 11
74.13	ADD	326	2	74.46.210	AMD 8 E1 14
74.13	ADD	340	2	74.46.360	AMD 8 E1 18
74.13.034	AMD	364	5	74.46.380	AMD 8 E1 12
74.13.0903	AMD	16	E1 924	74.46.410	AMD 8 E1 15
74.13.280	AMD	340	4	74.46.481	AMD 8 E1 16
74.14B	ADD	283	2	74.46.530	AMD 8 E1 17
74.15.020	AMD	128	14	74.46.660	AMD 8 E1 13
	(Effective 1/1/92)			74.46.700	AMD 8 E1 19
74.15.060	AMD	3	376	74.46.710	REP 8 E1 20
74.15.110	AMD	14	1	74.46.720	REP 8 E1 20
74.18.230	REMD	13	E1 19	74.46.730	REP 8 E1 20
74.18.230	REMD	13	E1 116	74.46.740	REP 8 E1 20
74.20.210	AMD	363	150	74.46.750	REP 8 E1 20
74.20.220	AMD	367	44	74.46.760	REP 8 E1 20
	(Effective 9/1/91)			75.20	ADD 279 1
74.20.310	AMD	367	45	75.20	ADD 322 18,21
	(Effective 9/1/91)			75.20.100	REMD 322 30
74.20A	ADD	367	47,48	75.20.103	REMD 322 31
	(Effective 9/1/91)			75.28	ADD 362 2
74.20A.055	AMD	367	46	75.28.010	AMD 362 1
	(Effective 9/1/91)			75.48.030	REP 13 E1 122
74.22.010	REP	126	11	76	ADD 27 1-5
74.22.020	REP	126	11	76	ADD 179 1-6
74.22.030	REP	126	11	76.04.630	REMD 13 E1 31
74.22.040	REP	126	11	76.12	ADD 10 1
74.22.050	REP	126	11	76.12	ADD 316 1,3,4

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RCW SECTIONS AFFECTED BY 1991 STATUTES

RCW		CH.	SEC.	RCW		CH.	SEC.
76.12.030	AMD	363	151	80.28	ADD	101	2
76.12.210	AMD	316	2	80.28	ADD	199	216,217
77	ADD	253	1-4	80.28.010	AMD	165	4
77.12	ADD	352	12	80.28.010	AMD	347	22
77.12.190	AMD	31	E1 17	80.28.022	AMD	150	1
77.16	ADD	211	1	80.28.025	AMD	347	23
77.32.101	AMD	7	E1 1	80.36.500	AMD	191	8
77.32.161	AMD	7	E1 2	80.36.550	REP	54	15
77.32.191	AMD	7	E1 3	80.36.5501	REP	54	15
77.32.211	AMD	7	E1 4	80.50	ADD	200	1112
77.32.230	AMD	7	E1 5	81	ADD	272	1,2,4-13
77.32.240	AMD	7	E1 6	81.04.010	AMD	272	3
77.32.256	AMD	7	E1 7	81.29.050	AMD	21	1
77.32.340	AMD	7	E1 8	81.34.010	REP	49	1
77.32.350	AMD	7	E1 9	81.34.020	REP	49	1
77.32.360	AMD	7	E1 10	81.34.030	REP	49	1
77.32.370	AMD	7	E1 11	81.34.040	REP	49	1
77.32.380	AMD	7	E1 12	81.34.050	REP	49	1
79.01	ADD	204	1,5	81.34.060	REP	49	1
79.01.135	RECD	322	27	81.34.070	REP	49	1
79.08.170	AMD	363	152	81.34.080	REP	49	1
79.12	ADD	76	3	81.34.090	REP	49	1
79.64.055	REP	13	E1 122	81.34.100	REP	49	1
79.71.010	AMD	352	1	81.34.110	REP	49	1
79.71.020	AMD	352	2	81.34.900	DECD	49	2
79.71.030	AMD	352	3	81.54.030	AMD	46	1
79.71.050	AMD	352	4	81.77	ADD	319	403,406
79.71.060	AMD	352	5	81.80	ADD	241	1
79.71.070	AMD	352	6	81.80.080	AMD	41	1
79.71.080	AMD	352	7	81.80.300	AMD	241	2
79.71.090	AMD	13	E1 118	81.80.430	AMD	146	1
79.71.090	AMD	352	8	81.80.440	AMD	148	1
79.71.110	REP	352	11	81.100.030	AMD	363	153
79.72.080	AMD	206	1	81.100.060	AMD	363	154
79.90	ADD	322	27	81.100.070	AMD	13	E1 105
79.90.130	AMD	322	24	81.100.070	AMD	13	E1 119
79.90.140	REP	322	28	81.104.010	AMD	318	1
79.90.140	REP	337	2	81.104.020	AMD	318	2
79.90.150	AMD	337	1	81.104.030		309	6
79.90.300	AMD	322	26	81.104.030	AMD	309	2
79.90.520	AMD	64	1	81.104.030	AMD	318	3
79.90.535	AMD	64	2	81.104.030	AMD	363	155
79.90.555	AMD	13	E1 63	81.104.040	AMD	318	4
80.01.060	AMD	48	1	81.104.050	AMD	318	5
80.04.010	AMD	100	1	81.104.060	AMD	318	6
80.04.015	AMD	101	1	81.104.080	AMD	318	7
80.04.110	REMD	100	2	81.104.090	AMD	318	8
80.04.110	REMD	134	1	81.104.100	AMD	15	E1 68
80.04.250	AMD	122	2	81.104.100	AMD	318	9

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RCW SECTIONS AFFECTED BY 1991 STATUTES

RCW	CH.	SEC.	RCW	CH.	SEC.
81.104.110	AMD	309	3	82.16.010	AMD 272 14
81.104.110	AMD	318	10	82.23A.020	AMD 4 8
81.104.140		309	6	82.29A.020	AMD 272 23
81.104.140	AMD	309	4		(Effective 1/1/93)
81.104.140	AMD	318	11	82.32	ADD 330 2
81.104.140	AMD	363	157	82.32.050	AMD 142 9
81.104.160	AMD	318	12		(Effective 1/1/92)
82	ADD	9	E1 1-4	82.32.060	AMD 142 10
					(Effective 1/1/92)
82	ADD	22	E1 2-4	82.32.090	AMD 142 11
82	ADD	142	1-7		(Effective 1/1/92)
82	ADD	173	1-3	82.32.330	AMD 330 1
82	ADD	200	801-804	82.36	ADD 339 1,4
			808,809	82.36.010	AMD 339 13
				82.36.025	AMD 342 57
					(Effective 4/1/92)
82.04	ADD	13	1	82.36.030	AMD 339 14
82.04	ADD	51	1	82.36.040	AMD 339 2
82.04	ADD	347	24	82.36.120	AMD 339 3
82.04.260	AMD	272	15	82.36.225	AMD 145 2
82.04.360	AMD	275	2	82.36.440	AMD 173 4
82.04.360	AMD	324	19	82.38.090	AMD 339 6
82.08	ADD	32	E1 36	82.38.150	AMD 339 15
82.08	ADD	51	2	82.38.170	AMD 339 7
82.08.0283	AMD	250	2	82.38.280	AMD 173 5
82.08.065	AMD	327	5	82.42	ADD 339 8
82.12	ADD	347	26	82.42.090	AMD 13 E1 37
82.12.0277	AMD	250	3	82.44.020	AMD 199 220
82.14	ADD	32	E1 35	82.44.110	AMD 199 221
82.14	ADD	207	1	82.44.150	309 6
82.14.045	REMD	363	158	82.44.150	AMD 199 222
82.14.050	AMD	13	E1 34	82.44.150	AMD 309 5
82.14.050	AMD	207	2	82.44.150	AMD 363 159
82.14.060	AMD	207	3	82.44.155	AMD 199 223
82.14.200	AMD	13	E1 15	82.44.180	AMD 199 224
82.14.210	AMD	13	E1 16	82.45.090	AMD 327 6
82.14.310	AMD	311	1	82.45.180	AMD 245 15
82.14.315	AMD	311	2	82.46.035	AMD 32 E1 33
82.14.320	AMD	13	E1 30	82.49.030	AMD 16 E1 925
82.14.320	AMD	26	E1 1	82.50	ADD 199 226
82.14.330	AMD	311	4	82.50.410	AMD 199 225
82.14.340	AMD	301	16	82.50.510	AMD 199 227
82.14.340	AMD	311	5	82.64	ADD 80 4,5
82.14B.010	AMD	54	9	82.64.010	AMD 80 1
82.14B.020	AMD	54	10	82.64.020	AMD 80 2
82.14B.030	AMD	54	11	82.64.030	AMD 80 3
82.14B.040	AMD	54	12	82.64.040	AMD 80 7
82.14B.080	REP	54	15	82.80.010	AMD 339 12
82.14B.090	AMD	54	13	82.80.020	AMD 318 13
82.14B.100	AMD	54	14		

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RCW SECTIONS AFFECTED BY 1991 STATUTES

RCW	CH.	SEC.	RCW	CH.	SEC.				
82.80.040	REMD	141	1	84.44.040	REP	245	43		
82.80.050	REMD	141	2	84.44.060	REP	245	43		
82.80.060	REMD	141	3	84.44.070	REP	245	43		
82.80.070	REEN	141	4	84.52.052	AMD	138	1		
84.04	ADD	29	E1	2	84.52.065	AMD	31	E1	16
84.04.043	REP	245	43	84.52.069	AMD	175	1		
84.08	ADD	218	2	84.56.020	AMD	52	1		
84.08.110	REP	245	43	84.56.020	AMD	245	16		
84.28.005	DECD	245	41	84.56.050	AMD	245	17		
84.28.006	DECD	245	41	84.56.060	AMD	245	18		
84.28.010	DECD	245	41	84.56.070	AMD	245	19		
84.28.020	DECD	245	41	84.56.120	AMD	245	20		
84.28.050	DECD	245	41	84.56.220	AMD	245	21		
84.28.060	DECD	245	41	84.56.230	AMD	245	22		
84.28.063	DECD	245	41	84.56.260	AMD	245	23		
84.28.065	DECD	245	41	84.56.280	AMD	245	24		
84.28.080	DECD	245	41	84.56.290	AMD	245	37		
84.28.090	DECD	245	41	84.64.010	REP	245	42		
84.28.095	DECD	245	41	84.64.020	REP	245	42		
84.28.100	DECD	245	41	84.64.030	REP	245	42		
84.28.110	DECD	245	41	84.64.050	AMD	245	25		
84.28.140	DECD	245	41	84.64.070	AMD	245	26		
84.28.150	DECD	245	41	84.64.080	AMD	245	27		
84.28.160	DECD	245	41	84.64.120	AMD	245	28		
84.28.170	DECD	245	41	84.64.140	REP	245	42		
84.28.200	DECD	245	41	84.64.145	REP	245	42		
84.28.205	DECD	245	41	84.64.150	REP	245	42		
84.28.210	DECD	245	41	84.64.160	REP	245	42		
84.28.215	DECD	245	41	84.64.170	REP	245	42		
84.33.041	AMD	13	E1	26	84.64.210	REP	245	42	
84.36	ADD	29	E1	3	84.64.215	AMD	245	29	
84.36.041	AMD	24	E1	1	84.64.240	REP	245	42	
84.36.041	AMD	203	2	84.64.270	AMD	245	30		
84.36.043	AMD	198	1	84.69.020	AMD	245	31		
84.36.381	AMD	203	1	84.69.030	AMD	245	32		
84.36.381	AMD	213	3	84.69.040	AMD	245	33		
84.36.383	AMD	213	4	84.69.060	AMD	245	34		
84.36.383	AMD	219	1	84.69.070	AMD	245	38		
84.36.815	AMD	29	E1	6	84.69.110	AMD	245	39	
84.38.020	AMD	213	1	84.69.120	AMD	245	40		
84.38.030	AMD	213	2	85.05.015	AMD	349	3		
84.40	ADD	29	E1	4	85.05.015	RECD	349	19	
84.40.100	REP	245	43	85.05.280	AMD	245	35		
84.40.250	REP	245	43	85.05.360	AMD	245	36		
84.40.330	REP	245	43	85.05.410	AMD	349	20		
84.40A.020	REP	245	43	85.06.380	AMD	349	21		
84.40A.030	REP	245	43	85.08	ADD	349	19		
84.40A.040	REP	245	43	85.08.320	AMD	349	22		
84.40A.050	REP	245	43	85.24.080	AMD	349	23		

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RCW SECTIONS AFFECTED BY 1991 STATUTES

RCW	CH.	SEC.	RCW	CH.	SEC.
85.24.210	REP	349	18	88.16.010	AMD 200 1001
85.24.250	AMD	349	7	88.16.090	REMD 200 1002
85.38	ADD	28	2,3	88.16.105	AMD 200 1003
85.38	ADD	349	2,6,15	88.16.110	AMD 200 1004
85.38.010	AMD	349	1	88.16.170	AMD 200 601
85.38.040	AMD	349	8	88.16.180	AMD 200 602
85.38.050	AMD	349	9	88.16.200	AMD 200 603
85.38.060	AMD	349	10	88.32.230	AMD 363 161
85.38.070	AMD	349	11	88.40.005	AMD 200 701
85.38.090	AMD	349	12	88.40.010	REP 200 1116
85.38.100	AMD	349	5	88.40.020	AMD 200 703
85.38.110	AMD	349	13	88.40.030	AMD 200 705
85.38.120	AMD	349	14	88.40.040	AMD 200 706
85.38.130	AMD	349	16	88.40.050	REP 200 1116
85.38.180	AMD	349	17	88.44.010	AMD 200 901
86.09.283	AMD	349	24	88.44.020	AMD 200 902
86.09.377	AMD	349	4	88.44.030	AMD 200 903
86.12	ADD	322	3-5	88.44.040	AMD 200 904
86.15	ADD	322	9	88.44.050	REP 200 1116
86.15.040	REP	322	13	88.44.060	REP 200 1116
86.15.178	REEN	322	10	88.44.070	REP 200 1116
86.16	ADD	322	17	88.44.080	AMD 200 905
86.16.027	REP	322	13	88.44.110	AMD 200 906
86.16.030	REP	322	13	88.44.160	AMD 200 907
86.16.040	REP	322	13	90	ADD 200 101,103
86.16.060	REP	322	13		108-110,201
86.16.065	REP	322	13		203,204,304
86.16.067	REP	322	13		501,805,806
86.16.070	REP	322	13	90	ADD 347 1,5-13
86.16.080	REP	322	13	90.03	ADD 350 1
86.16.090	REP	322	13	90.03.380	AMD 347 15
86.16.110	REMD	322	11	90.03.390	AMD 350 3
86.16.170	REP	322	13	90.14	ADD 347 14
86.26.007	AMD	13	E1 24	90.48	ADD 200 811
86.26.050	AMD	322	6	90.48.037	AMD 200 1102
86.26.090	AMD	322	7	90.48.095	AMD 200 1103
86.26.100	AMD	322	8	90.48.100	AMD 200 1104
87.03	ADD	8	1	90.48.142	AMD 200 810
87.19.020	AMD	363	160	90.48.156	AMD 200 1105
88	ADD	200	414-429	90.48.240	AMD 200 1106
88	ADD	200	430-436	90.48.315	AMD 200 102
	(Effective 7/1/97)			90.48.315	RECD 200 1115
88.02	ADD	339	32	90.48.320	RECD 200 1115
88.02.030	REMD	339	30	90.48.325	AMD 200 303
88.02.070	AMD	339	31	90.48.325	RECD 200 1115
88.02.220	AMD	339	33	90.48.330	RECD 200 1115
88.04.015	AMD	45	1	90.48.335	RECD 200 1115
88.04.075	AMD	45	2	90.48.336	RECD 200 1115
88.16	ADD	200	604-607	90.48.338	RECD 200 1115

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RCW SECTIONS AFFECTED BY 1991 STATUTES

<u>RCW</u>	<u>CH.</u>	<u>SEC.</u>	<u>RCW</u>	<u>CH.</u>	<u>SEC.</u>
90.48.340	AMD	200	305	90.54.024	AMD 273 1
90.48.340	RECD	200	1115	90.54.045	AMD 347 4
90.48.343	RECD	200	1115	90.58.100	AMD 322 32
90.48.345	REP	200	1116	90.70	ADD 200 502
90.48.350	RECD	200	1115	90.76.100	AMD 13 E1 72
90.48.355	RECD	200	1115	90.76.110	AMD 83 1
90.48.360	RECD	200	1115		
90.48.365	AMD	200	105		
90.48.365	RECD	200	1115		
90.48.366	AMD	200	812		
90.48.367	AMD	200	813		
90.48.368	AMD	200	814		
90.48.369	AMD	200	817		
90.48.370	AMD	200	104		
90.48.370	RECD	200	1115		
90.48.371	AMD	200	202		
90.48.371	RECD	200	1115		
90.48.372	RECD	200	1115		
90.48.373	AMD	200	205		
90.48.373	RECD	200	1115		
90.48.374	RECD	200	1115		
90.48.375	AMD	200	206		
90.48.375	RECD	200	1115		
90.48.376	AMD	200	301		
90.48.376	RECD	200	1115		
90.48.377	AMD	200	302		
90.48.377	RECD	200	1115		
90.48.378	AMD	200	107		
90.48.378	RECD	200	1115		
90.48.380	AMD	200	106		
90.48.380	RECD	200	1115		
90.48.381	REP	200	1116		
90.48.383	REP	200	1116		
90.48.385	AMD	200	437		
90.48.385	RECD	200	1115		
90.48.387	RECD	200	1115		
90.48.388	RECD	200	1115		
90.48.390	AMD	13 E1	84		
90.48.390	REMD	200	815		
90.48.400	AMD	200	816		
90.48.410	REP	200	1116		
90.48.465	AMD	307	1		
90.48.510	AMD	200	438		
90.48.510	RECD	200	1115		
90.48.907	AMD	200	1107		
90.48.907	RECD	200	1115		
90.48.910	REP	200	1116		
90.50A.020	AMD	13 E1	102		
90.54	ADD	347	3		

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<u>LAWS 1982</u>			<u>LAWS 1991</u>		<u>LAWS 1990 1st sp. sess.</u>			<u>LAWS 1991</u>	
<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>	<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>
159	6	REP	201	23	16	109	AMD	2	E1 104
					16	111	AMD	2	E1 106
					16	112	AMD	2	E1 107
					16	114	AMD	2	E1 108
					16	118	AMD	2	E1 109
					16	119	AMD	2	E1 110
					16	121	AMD	2	E1 112
					16	122	AMD	2	E1 113
					16	124	AMD	2	E1 114
					16	128	AMD	2	E1 115
					16	202	AMD	2	E1 202
					16	203	REP	3	E1 224
					16	205	AMD	2	E1 203
					16	206	AMD	2	E1 204
					16	207	AMD	2	E1 205
					16	208	AMD	2	E1 206
					16	209	AMD	2	E1 207
					16	210	REP	2	E1 223
					16	211	AMD	2	E1 208
					16	212	AMD	2	E1 209
					16	213	AMD	2	E1 210
					16	216	AMD	2	E1 211
					16	217	AMD	2	E1 212
					16	218	AMD	2	E1 213
					16	220	AMD	2	E1 214
					16	221	AMD	2	E1 215
					16	225	AMD	2	E1 216
					16	227	AMD	2	E1 217
					16	228	AMD	2	E1 218
					16	229	AMD	2	E1 219
					16	230	AMD	2	E1 220
					16	231	AMD	2	E1 221
					16	232	AMD	2	E1 222
					16	302	AMD	2	E1 301
					16	303	AMD	2	E1 302
					16	309	AMD	2	E1 303
					16	311	AMD	2	E1 304
					16	502	AMD	2	E1 501
					16	504	AMD	2	E1 502
					16	505	AMD	2	E1 503
					16	506	AMD	2	E1 504
					16	507	AMD	2	E1 506
					16	509	AMD	2	E1 507
					16	510	AMD	2	E1 509
					16	511	AMD	2	E1 510
					16	512	AMD	2	E1 511
					16	515	AMD	2	E1 512
					16	516	AMD	2	E1 513
					16	701	AMD	2	E1 701

<u>LAWS 1987</u>			<u>LAWS 1991</u>	
<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>
480	6	AMD	53	1

<u>LAWS 1989 1st sp. sess.</u>			<u>LAWS 1991</u>	
<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>
12	208	AMD	14 E1	11
12	301	AMD	201	20
12	397	AMD	3 E1	1
12	398	AMD	3 E1	2
12	605	AMD	3 E1	3
12	729	AMD	3 E1	4
12	733	AMD	3 E1	5
12	739	AMD	3 E1	6
19	113	AMD	2 E1	105
19	133	AMD	2 E1	111
19	201	AMD	2 E1	201
19	209	REP	2 E1	223
19	506	AMD	2 E1	505
19	511	AMD	2 E1	508
19	616	AMD	2 E1	601
19	704	AMD	2 E1	702
19	708	AMD	2 E1	703

<u>LAWS 1990</u>			<u>LAWS 1991</u>	
<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>
116	1	AMD	200	101
181	4	AMD	2 E1	2
252	9	REP	344	1
255	2	AMD	29 E1	7
274	19	AMD	35	11
290	2	AMD	91	1
290	5	REP	91	2
297	17	REP	12	6
297	18	REP	12	6
298	15	AMD	22	1
298	19	AMD	22	2
298	20	AMD	22	3
298	25	AMD	22	4

<u>LAWS 1990 1st sp. sess.</u>			<u>LAWS 1991</u>	
<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>
16		ADD	2 E1	704
16		ADD	3 E1	9
16	105	AMD	2 E1	101
16	106	AMD	2 E1	102
16	108	AMD	2 E1	103

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<u>LAWS 1990 1st sp. sess.</u>			<u>LAWS 1991</u>		
<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>		<u>Sec.</u>
16	711	AMD	2	E1	705

<u>LAWS 1991</u>			<u>LAWS 1991</u>		
<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>		<u>Sec.</u>
3	122	REP	11	E1	2
3	123	REP	11	E1	2
3	124	REP	11	E1	2
3	125	REP	11	E1	2
3	126	REP	11	E1	2
3	127	REP	11	E1	2
3	128	REP	11	E1	2
3	129	REP	11	E1	2
3	142	REP	11	E1	2
3	144	REP	11	E1	2
3	145	REP	11	E1	2
3	148	REP	11	E1	2
3	149	REP	11	E1	2
3	150	REP	11	E1	2
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HISTORY OF STATE MEASURES FILED WITH THE SECRETARY OF STATE

INITIATIVES TO THE PEOPLE (SUPPLEMENTING 1990 LAWS, PAGE 2201)

-
- INITIATIVE MEASURE NO. 533 (Shall child custody laws be revised and court custody orders normally direct equal continued and frequent contacts with each parent?)—Filed on January 8, 1990 by Bill Harrington of Edmonds. Sponsor failed to submit signatures for checking.
- INITIATIVE MEASURE NO. 534 (Shall the display and distribution to minors of sexually explicit materials and performances be further restricted, and criminal defenses limited?)—Filed on January 9, 1990 by Andrea K. Vangor of Kirkland. The sponsor submitted 180,373 signatures for checking and they were found insufficient to qualify the measure for the state general election ballot.
- INITIATIVE MEASURE NO. 535 (Shall property value for tax purposes be, the January 1, 1985 value or subsequent sale price, revised annually reflecting cost of living?)—Filed on January 9, 1990 by Marijcke V. Clapp of Seattle. Sponsor failed to submit signatures for checking.
- INITIATIVE MEASURE NO. 536 (Shall minimum sentences ranging from five to forty years be established for each of twenty-one crimes listed in this initiative?)—Filed on January 19, 1990 by Thomas R. Connon of Tacoma. Sponsor failed to submit signatures for checking.
- INITIATIVE MEASURE NO. 537 (Shall a transaction tax, not to exceed 1%, on transfers of money and property replace present state and local taxes?)—Filed on January 22, 1990 by Clarence P. Keating of Seattle. Sponsor failed to submit signatures for checking.
- INITIATIVE MEASURE NO. 538 (Shall political contributions be limited regarding amount, timing and residency of contributors, and elected officials restricted on mallings and honoraria?)—Filed on January 29, 1990 by Robert E. Adams of Bellevue. Sponsor failed to submit signatures for checking.
- INITIATIVE MEASURE NO. 539 (Shall a two-thirds vote of approval be required to impose new taxes, increase tax rates, or enlarge a tax base?)—Filed on January 26, 1990 by D. E. Jewett of Langley. Sponsor failed to submit signatures for checking.
- INITIATIVE MEASURE NO. 540 (Shall the state be required to include in the medicaid program coverage for chiropractic services?)—Filed on January 22, 1990 by Roxanne Dubarry of Everett. Sponsor failed to submit signatures for checking.
- INITIATIVE MEASURE NO. 541 (Shall the state and local tax levies on buildings be limited to a maximum of 50% of the current tax rate?)—Filed on February 5, 1990 by Charles Caussey of Spokane. Sponsor failed to submit signatures for checking.
- INITIATIVE MEASURE NO. 542 (Shall the reappraisal of real property for property tax purposes only occur when ownership changes or building construction is completed?)—Filed on February 23, 1990 by Gary C. Hoyt of Vashon Island. Sponsor failed to submit signatures for checking.
- INITIATIVE MEASURE NO. 543 (Relating to state fiscal matters.)—Filed on March 8, 1990 by Linda W. Matson of Olympia. The initiative was withdrawn by the sponsor.
- INITIATIVE MEASURE NO. 544 (Relating to state fiscal matters.)—Filed on March 8, 1990 by John H. Wright of Elma. The initiative was withdrawn by the sponsor.

INITIATIVES TO THE PEOPLE

- INITIATIVE MEASURE NO. 545 (Relating to comprehensive land use planning and economic development.)—Filed on March 15, 1990 by David A. Bricklin of Seattle. The initiative was withdrawn by the sponsor.
- INITIATIVE MEASURE NO. 546 (Relating to fiscal matters.)—Filed on March 26, 1990 by Linda W. Matson of Olympia. The initiative was withdrawn by the sponsor.
- INITIATIVE MEASURE NO. 547 (Shall state growth and environmental protection goals be implemented by measures including local comprehensive land use planning and development fees?)—Filed on March 27, 1990 by Jeffrey D. Parsons of Seattle. 229,489 signatures were submitted and found sufficient. The measure was subsequently certified to the ballot and was submitted to the voters at the November 6, 1990 general election. It was defeated by the following vote: For—327,339; Against—986,505.
- INITIATIVE MEASURE NO. 548 (Shall some state revenues be placed in reserve and 60% legislative approval required for new or increased general revenue taxes?)—Filed on March 29, 1990 by Linda W. Matson of Olympia. Sponsor failed to submit signatures for checking.
- INITIATIVE MEASURE NO. 549 (Shall state growth and environmental protection goals be implemented by measures including local comprehensive land use planning and development fees?)—Filed on March 29, 1990 by Theodore A. Mahr of Olympia. Sponsor failed to submit signatures for checking.
- INITIATIVE MEASURE NO. 550 (Relating to managing growth and economic development.)—Filed on March 29, 1990 by Theodore A. Mahr of Olympia. The initiative was withdrawn by the sponsor.
- INITIATIVE MEASURE NO. 551 (Shall changes be made relating to real property taxes, including valuing property by its purchase price and costs of improvements?)—Filed on April 30, 1990 by Karl Thun of Graham. Sponsor failed to submit signatures for checking.
- INITIATIVE MEASURE NO. 552 (Shall limitations be placed on political campaign contributions and contributors, consecutive terms of office, publicly funded incumbent mailings, and honoraria?)—Filed on January 17, 1991 by Robert E. Adams of Bellevue. Sponsor failed to submit signatures for checking.
- INITIATIVE MEASURE NO. 553 (Shall there be limitations on terms of office for Governor, Lieutenant Governor, state legislators and Washington state members of Congress?)—Filed on January 9, 1991 by Gene J. Morain of Tacoma. 254,263 signatures were submitted and were found sufficient.
- INITIATIVE MEASURE NO. 554 (Shall the display and distribution to minors of sexually explicit materials and performances be further restricted, and criminal defenses limited?)—Filed on January 10, 1991 by Andrea K. Vangor of Kirkland. Sponsor failed to submit signatures for checking.
- INITIATIVE MEASURE NO. 555 (Shall limits be placed on campaign contributions and contributors, consecutive terms of office, publicly funded incumbent mailings, gifts, and honoraria?)—Filed on January 17, 1991 by Robert E. Adams of Bellevue. Sponsor failed to submit signatures for checking.
- INITIATIVE MEASURE NO. 556 (Shall the first \$1,000,000 of appraised value of residential property, and \$2,000,000 for farm residences, be exempt from property taxes?)—Filed on January 8, 1991 by David S. Henshaw of Belfair. Sponsor failed to submit signatures for checking.
- INITIATIVE MEASURE NO. 557 (Shall campaign expenditures be limited to 50% of the elected office term salary and violations result in forfeiture of office?)—Filed on January 22, 1991 by Douglas N. Maynard of Sedro Woolley. Sponsor failed to submit signatures for checking.
- INITIATIVE MEASURE NO. 558 (Shall a limit, three consecutive terms or twelve consecutive years, be set for elected national, state, county, and municipal officers?)—Filed on January

INITIATIVES TO THE PEOPLE

- 22, 1991 by Douglas N. Maynard of Sedro Woolley. Sponsor failed to submit signatures for checking.
- INITIATIVE MEASURE NO. 559 (Shall property value for tax purposes be the January 1, 1985 value or subsequent sales price, adjusted for cost of living changes?)**--Filed on January 23, 1991 by Marijke Clapp of Seattle. 276,653 signatures were submitted and were found sufficient.
- INITIATIVE MEASURE NO. 560 (Shall abortion laws be revised, restricting availability, requiring tests and reports, and prohibiting public funding unless necessary to save life?)**--Filed on January 17, 1991 by Paul Keister of Pasco. Sponsor failed to submit signatures for checking.
- INITIATIVE MEASURE NO. 561 (Shall a transaction tax, not exceeding 1% be levied on money and property transfers, and present state taxes be repealed?)**--Filed on January 22, 1991 by Clarence P. Keating, Jr. of Seattle. Sponsor failed to submit signatures for checking.
- INITIATIVE MEASURE NO. 562 (Shall a two-thirds vote of approval be required to impose new taxes, increase tax rates, or enlarge a tax base?)**--Filed on January 29, 1991 by Don E. Jewett of Langley. Sponsor failed to submit signatures for checking.
- INITIATIVE MEASURE NO. 563 (Shall elected and appointed state legislative and executive branch officials be limited to serving a cumulative maximum of twelve years?)**--Filed on February 11, 1991 by Eric McAtee of Tacoma. Sponsor failed to submit signatures for checking.
- INITIATIVE MEASURE NO. 564 (Shall Washington residents elected to Congress have a lifetime limit of not more than twelve years of elected congressional service?)**--Filed on February 11, 1991 by Craig A. McMillan of Tacoma. Sponsor failed to submit signatures for checking.
- INITIATIVE MEASURE NO. 565 (Shall the state be required to include chiropractic services in the medical service assistance program available under the medical program?)**--Filed on January 17, 1991 by Roxanne Lea Dubarry of Everett. Sponsor failed to submit signatures for checking.
- INITIATIVE MEASURE NO. 566 (Shall campaign spending, for offices subject to the state public disclosure act, be limited to the office term's total salary?)**--Filed on February 8, 1991 by Edward M. Duke of Gig Harbor. Sponsor failed to submit signatures for checking.
- INITIATIVE MEASURE NO. 567 (Shall it be unlawful after life is created by conception to intentionally hasten or cause death except for capital punishment?)**--Filed on February 25, 1991 by Mary L. Jarrard of Everett. Sponsor failed to submit signatures for checking.
- INITIATIVE MEASURE NO. 568 (Shall pit bull dog owners be required to register, confine, and insure the dogs and remove newborns from the state?)**--Filed on February 25, 1991 by Laurence C. Mathews of Yakima. Sponsor failed to submit signatures for checking.
- INITIATIVE MEASURE NO. 569 (Shall Utilities and Transportation regulate some medical service rates, some political contributions be prohibited, and motorcycle helmet requirements be changed?)**--Filed on February 28, 1991 by Jack Zektzer of Seattle. Sponsor failed to submit signatures for checking.
- INITIATIVE MEASURE NO. 570 (Shall the state dangerous dog act be amended to require hearings and restrict the regulatory authority of cities and counties?)**--Filed on March 4, 1991 by Cherie R. Graves of Newport. Sponsor failed to submit signatures for checking.
- INITIATIVE MEASURE NO. 571 (Shall contributions to state legislative and executive campaigns be limited; and may candidates agreeing to expenditure limitations receive matching funds?)**--Filed on May 15, 1991 by Calvin B. Anderson of Seattle. Sponsor failed to submit signatures for checking.

INITIATIVES TO THE PEOPLE

INITIATIVE MEASURE NO. 572 (Shall cannabis (marijuana) be legalized for adults; amnesty provided for prior cannabis convictions, tax imposed, and provide liquor board regulation?)—Filed on May 15, 1991 by Kevin Clark Keyes of Bellingham. Sponsor failed to submit signatures for checking.

INITIATIVES TO THE LEGISLATURE
(SUPPLEMENTING 1990 LAWS, PAGE 2211)

- INITIATIVE TO THE LEGISLATURE NO. 118 (Shall state and local tax rates, fees and charges be reduced to January 1, 1990 rates, and increases require 60% voter approval?)—**Filed on March 14, 1990 by Judith Anderson of Bush Prairie. Sponsor failed to submit signatures for checking.
- INITIATIVE TO THE LEGISLATURE NO. 119 (Shall adult patients who are in a medically terminal condition be permitted to request and receive from a physician aid-in-dying?)—**Filed on March 14, 1990 by Bradley K. Robinson of Seattle. 218,327 signatures were submitted and were found sufficient.
- INITIATIVE TO THE LEGISLATURE NO. 120 (Shall state abortion laws be revised, including declaring a woman's right to choose physician performed abortion prior to fetal viability?)—**Filed on April 2, 1990 by Lee Minto of Seattle. 242,004 signatures were submitted and were found sufficient.
- INITIATIVE TO THE LEGISLATURE NO. 121 (Shall mandatory minimum jail sentences and fines be required for certain drug offenses and other drug maximum sentences be increased?)—**Filed on April 17, 1990 by James K. Linderman of Yacolt. Sponsor failed to submit signatures for checking.
- INITIATIVE TO THE LEGISLATURE NO. 122 (Shall jurors be advised they could consider the merits of laws and the wisdom of applying laws to a defendant?)—**Filed on April 19, 1990 by Richard Shepard of Tacoma. Sponsor failed to submit signatures for checking.
- INITIATIVE TO THE LEGISLATURE NO. 123 (Shall constitutional impact statements be required before adopting or implementing governmental policies which effect a taking or deprivation of property?)—**Filed on May 11, 1990 by Merrill H. English of Dayton. Sponsor failed to submit signatures for checking.
- INITIATIVE TO THE LEGISLATURE NO. 124 (Shall changes be made relating to real property taxes, including valuing property as its purchase price and any improvement costs?)—**Filed on May 30, 1990 by Karl Thun of Graham. Sponsor failed to submit signatures for checking.
- INITIATIVE TO THE LEGISLATURE NO. 125 (Shall private vehicles be required to purchase automobile insurance from a newly created state administered program, and \$200,000,000 be appropriated?)—**Filed on August 1, 1990 by Edward G. Patton of Yakima. Sponsor failed to submit signatures for checking.
- INITIATIVE TO THE LEGISLATURE NO. 126 (Shall political contributions be limited regarding amount, timing, and contributor's voting residence and elected officials mailings and honoraria be restricted?)—**Filed on August 9, 1990 by Robert E. Adams of Bellevue. Sponsor failed to submit signatures for checking.
- INITIATIVE TO THE LEGISLATURE NO. 127 (Shall property value for tax purposes be, the January 1, 1985 value or subsequent sales price, with future cost of living adjustments?)—**Filed on August 14, 1990 by Marijcke V. Clapp of Seattle. Sponsor failed to submit signatures for checking.
- INITIATIVE TO THE LEGISLATURE NO. 128 (Shall mandatory minimum jail sentences and fines be required for certain drug offenses and other drug maximum sentences be increased?)—**Filed on August 21, 1990 by James K. Linderman of Yacolt. Sponsor failed to submit signatures for checking.
- INITIATIVE TO THE LEGISLATURE NO. 129 (Shall property value for tax purposes be the January 1, 1985 value or subsequent sales price, adjusted for cost of living changes?)—**Filed on September 12, 1990 by Marijcke V. Clapp of Seattle. Sponsor failed to submit signatures for checking.

INITIATIVES TO THE LEGISLATURE

- INITIATIVE TO THE LEGISLATURE NO. 130 (Shall real property be assessed at 70% of true and fair value and increases in property tax rates be limited?)—Filed on August 29, 1990 by Pam Roach of Auburn. Sponsor failed to submit signatures for checking.
- INITIATIVE TO THE LEGISLATURE NO. 131 (Shall mandatory minimum prison sentences and fines be required for certain drug offenses and some maximum drug sentences be increased?)—Filed on March 18, 1991 by James K. Linderman, Sr. of Yacolt. Sponsor failed to submit signatures for checking.
- INITIATIVE TO THE LEGISLATURE NO. 132 (Shall no strike pledges be required in all teaching contracts at state-supported institutions of learning and violations cause employment terminations?)—Filed on April 16, 1991 by Glenn L. Blubaugh of Tacoma. Sponsor failed to submit signatures for checking.
- INITIATIVE TO THE LEGISLATURE NO. 133 (Shall there be restrictions on contributions to legislators, state officials, and candidates, and on other campaign related activities and financing?)—Filed on April 29, 1991 by Arthur Wuerth of Olympia. Sponsor failed to submit signatures for checking.
- INITIATIVE TO THE LEGISLATURE NO. 134 (Shall campaign contributions be limited; public funding of state and local campaigns be prohibited; and campaign related activities be restricted?)—Filed on June 7, 1991 by Carl R. Erickson of Olympia. Sponsor failed to submit signatures for checking.
- INITIATIVE TO THE LEGISLATURE NO. 135 (Relating to taxes.)—Filed on June 24, 1991 by Clarence P. Keating of Seattle. Sponsor failed to submit signatures for checking.

REFERENDUM MEASURES
(SUPPLEMENTING 1990 LAWS, PAGE 2216)

REFERENDUM MEASURE NO. 46 (Shall the salary increases, established by the constitutionally created Citizens Commission, for elected state officers, legislators, and judges be approved?)--Filed on June 5, 1991 by Michael G. Cahill of Walla Walla.

