

1990
SESSION LAWS
OF THE
STATE OF WASHINGTON

REGULAR SESSION
FIFTY-FIRST LEGISLATURE
Convened January 8, 1990. Adjourned March 8, 1990.

1st EXTRAORDINARY SESSION
FIFTY-FIRST LEGISLATURE
Convened March 9, 1990. Adjourned April 1, 1990.

2nd EXTRAORDINARY SESSION
FIFTY-FIRST LEGISLATURE
Convened June 5, 1990. Adjourned June 5, 1990.



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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 \$5.39 per set (\$5.00 plus \$.39 for state and local sales tax of 7.8%). All orders must be accompanied by payment.
- (c) *Permanent bound edition — when and how obtained — price.* The permanent bound edition of the 1990 session laws may be ordered from the State Law Librarian, Temple of Justice, Olympia, Washington 98504 at \$21.56 per volume (\$20.00 plus \$1.56 for state and local sales tax of 7.8%). All orders must be accompanied by payment.

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 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 [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 1990 regular session to be June 7, 1990 (midnight June 6). The pertinent date for the Laws of 1990 1st Extraordinary Session is July 1, 1990 (midnight June 30th). For effective dates of chapter 1, Laws of 1990 2nd Extraordinary Session, see section 1105 of the Act.
- (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 1990 laws may be found at the back of the permanent bound edition.

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CHAPTER 138

[Substitute Senate Bill No. 6771]

ELECTRIC TRANSMISSION RESEARCH NEEDS TASK FORCE

AN ACT Relating to magnetic fields; creating new sections; and making an appropriation.

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

NEW SECTION. Sec. 1. The legislature finds that as studies are continued into the possible health effects from electric and magnetic fields, utilities are placed in a difficult position when considering the placement of additional electric transmission and distribution lines. The legislature further finds that as certain parts of the state experience high rates of growth, continued demand for power will likely result in an increasing need for electric transmission and distribution facilities, and that additional options may be needed for locating these lines.

NEW SECTION. Sec. 2. The electric transmission research needs task force is hereby created, consisting of the director, or a designee of the state energy office, the director, or a designee of the department of health and the chair, or a designee of the utilities and transportation commission. The department of health shall serve as the lead agency of the task force.

NEW SECTION. Sec. 3. The electric transmission research needs task force shall recommend, by January 1, 1992, research needs for limiting human exposure to electric and magnetic fields from electric transmission and distribution lines. The recommendations shall take into account the costs associated with needed research. The task force shall solicit recommendations from utility representatives and other experts, including the state's higher education system, on engineering techniques and ways to limit human exposure to electric and magnetic fields. The recommendations shall include options for legislative action and options for funding such research. The task force shall report to the energy and utilities committees of the house of representatives and the senate by January 15, 1992.

NEW SECTION. Sec. 4. The sum of forty thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the general fund to the department of health for the purposes of this act.

Passed the Senate March 6, 1990.

Passed the House March 1, 1990.

Approved by the Governor March 21, 1990.

Filed in Office of Secretary of State March 21, 1990.

CHAPTER 139

[House Bill No. 2655]

LOBBYING—PUBLIC DISCLOSURE REQUIREMENTS

AN ACT Relating to the public disclosure law; amending RCW 42.17.170, 42.17.180, and 42.17.200; reenacting and amending RCW 42.17.020; and creating a new section.

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

NEW SECTION. Sec. 1. The provisions of this act which repeal the reporting requirements established by chapter 423, Laws of 1987 for registered lobbyists and employers of lobbyists are not intended to alter, expand, or restrict whatsoever the definition of "lobby" or "lobbying" contained in RCW 42.17.020 as it existed prior to the enactment of chapter 423, Laws of 1987.

Sec. 2. Section 2, chapter 1, Laws of 1973 as last amended by section 89, chapter 175, Laws of 1989 and by section 1, chapter 280, Laws of 1989 and RCW 42.17.020 are each reenacted and 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) "Immediate family" includes the spouse, dependent children, and other dependent relatives, if living in the household.

(17) "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) "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) "Lobbyist" includes any person who lobbies either in his own or another's behalf.

(20) "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) "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) "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) "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) "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) "Public office" means any federal, state, county, city, town, school district, port district, special district, or other state political subdivision elective office.

(26) "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) "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) "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. 3. Section 17, chapter 1, Laws of 1973 as last amended by section 90, chapter 175, Laws of 1989 and RCW 42.17.170 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. (~~As used in this section, "lobbying activities" includes, but is not limited to, the development of legislation or rules, the development of support for or opposition to legislation or rules, and attempts to influence the development of legislation or rules.~~) 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.

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.

Sec. 4. Section 18, chapter 1, Laws of 1973 as last amended by section 2, chapter 423, Laws of 1987 and RCW 42.17.180 are each amended to read as follows:

(1) Every employer of a lobbyist registered under this chapter during the preceding calendar year shall file with the commission on or before March 31st of each year a statement disclosing for the preceding calendar year the following information:

((1)) (a) The name of each state elected official and the name of each candidate for state office who was elected to the office and any member of the immediate family of those persons to whom the employer has paid any compensation in the amount of five hundred dollars or more during the preceding calendar year for personal employment or professional services, including professional services rendered by a corporation, partnership, joint venture, association, union, or other entity in which the person holds any office, directorship, or any general partnership interest, or an ownership interest of ten percent or more, the value of the compensation in accordance with the reporting provisions set out in RCW 42.17.241(2), and the consideration given or performed in exchange for the compensation.

((2)) (b) The name of each state elected official, successful candidate for state office, or members of his immediate family to whom the lobbyist employer made expenditures, directly or indirectly, either through a lobbyist or otherwise, the amount of the expenditures and the purpose for the expenditures. For the purposes of this subsection, the term expenditure shall not include any expenditure made by the employer in the ordinary course of business if the expenditure is not made for the purpose of influencing, honoring, or benefiting the elected official, successful candidate, or member of his immediate family, as an elected official or candidate.

((3)) (c) The total expenditures made by the employer for lobbying purposes, whether through or on behalf of a registered lobbyist or otherwise. ~~((For the purposes of this subsection, "lobbying purposes" includes, but is not limited to, the development of legislation or rules, the development of support for or opposition to legislation or rules, and attempts to influence the development of legislation or rules.~~

((4)) (d) All contributions made to a candidate for state office, to a political committee supporting or opposing a candidate for state office, or to a political committee supporting or opposing a state-wide ballot proposition. Such contributions shall be identified by the name and the address of the recipient and the aggregate amount contributed to each such recipient.

~~((5))~~ (c) The name and address of each registered lobbyist employed by the employer and the total expenditures made by the employer for each such lobbyist for lobbying purposes. ~~((As used in this subsection, "lobbying purposes" includes, but is not limited to, the development of legislation or rules, the development of support for or opposition to legislation or rules, and attempts to influence the development of legislation or rules.~~

~~(6))~~ (f) Such other information as the commission prescribes by rule.

(2) (a) Except as provided in (b) of this subsection, an employer of a lobbyist registered under this chapter shall file a special report with the commission if the employer makes a contribution or contributions aggregating more than one hundred dollars in a calendar month to any one of the following: A candidate, elected official, officer or employee of an agency, or political committee. The report shall identify the date and amount of each such contribution and the name of the candidate, elected official, agency officer or employee, or political committee receiving the contribution or to be benefited by the contribution. The report shall be filed on a form prescribed by the commission and shall be filed within fifteen days after the last day of the calendar month during which the contribution was made.

(b) The provisions of (a) of this subsection do not apply to a contribution which is made through a registered lobbyist and reportable under RCW 42.17.170.

Sec. 5. Section 20, chapter 1, Laws of 1973 as amended by section 10, chapter 367, Laws of 1985 and RCW 42.17.200 are each amended to read as follows:

(1) Any person who has made expenditures, not reported ~~((under other sections of this chapter))~~ by a registered lobbyist under RCW 42.17.170 or by a candidate or political committee under RCW 42.17.065 or 42.17.080, exceeding five hundred dollars in the aggregate within any three-month period or exceeding two hundred dollars in the aggregate within any one-month period in presenting a program addressed to the public, a substantial portion of which is intended, designed, or calculated primarily to influence legislation shall be required to register and report, as provided in subsection (2) of this section, as a sponsor of a grass roots lobbying campaign.

(2) Within thirty days after becoming a sponsor of a grass roots lobbying campaign, the sponsor shall register by filing with the commission a registration statement, in such detail as the commission shall prescribe, showing:

(a) The sponsor's name, address, and business or occupation, and, if the sponsor is not an individual, the names, addresses, and titles of the controlling persons responsible for managing the sponsor's affairs;

(b) The names, addresses, and business or occupation of all persons organizing and managing the campaign, or hired to assist the campaign, including any public relations or advertising firms participating in the campaign, and the terms of compensation for all such persons;

(c) The names and addresses of each person contributing twenty-five dollars or more to the campaign, and the aggregate amount contributed;

(d) The purpose of the campaign, including the specific legislation, rules, rates, standards, or proposals that are the subject matter of the campaign;

(e) The totals of all expenditures made or incurred to date on behalf of the campaign, which totals shall be segregated according to financial category, including but not limited to the following: Advertising, segregated by media, and in the case of large expenditures (as provided by rule of the commission), by outlet; contributions; entertainment, including food and refreshments; office expenses including rent and the salaries and wages paid for staff and secretarial assistance, or the proportionate amount thereof paid or incurred for lobbying campaign activities; consultants; and printing and mailing expenses.

(3) Every sponsor who has registered under this section shall file monthly reports with the commission, which reports shall be filed by the tenth day of the month for the activity during the preceding month. The reports shall update the information contained in the sponsor's registration statement and in prior reports and shall show contributions received and totals of expenditures made during the month, in the same manner as provided for in the registration statement.

(4) When the campaign has been terminated, the sponsor shall file a notice of termination with the final monthly report, which notice shall state the totals of all contributions and expenditures made on behalf of the campaign, in the same manner as provided for in the registration statement.

Passed the House March 5, 1990.

Passed the Senate March 2, 1990.

Approved by the Governor March 21, 1990.

Filed in Office of Secretary of State March 21, 1990.

CHAPTER 140

[House Bill No. 2306]

JURY SUMMONS

AN ACT Relating to jury summons; and amending RCW 2.36.095.

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

Sec. 1. Section 9, chapter 188, Laws of 1988 and RCW 2.36.095 are each amended to read as follows:

Persons selected to serve on a petit jury, grand jury, or jury of inquest shall be summoned by mail or personal service. The county clerk shall issue summons and thereby notify persons selected for jury duty. In courts of

limited jurisdiction summons shall be issued by the court. Upon the agreement of the courts, the ((~~superior court~~)) county clerk may summon jurors for any and all courts in the county or judicial district.

- Passed the House February 6, 1990.
- Passed the Senate March 2, 1990.
- Approved by the Governor March 21, 1990.
- Filed in Office of Secretary of State March 21, 1990.

CHAPTER 141

[Senate Bill No. 6822]

SMALL TIMBER HARVESTER BUSINESS AND OCCUPATION TAX EXEMPTION

AN ACT Relating to a business and occupation exemption for small timber harvesters; and adding a new section to chapter 82.04 RCW.

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

NEW SECTION. Sec. 1. A new section is added to chapter 82.04 RCW to read as follows:

This chapter shall not apply to the gross receipts or value of products proceeding or accruing from timber harvested by a person who is a small harvester as defined in RCW 84.33.073 and whose value of products, gross proceeds of sales, or gross income of the business is less than one hundred thousand dollars per tax year.

- Passed the Senate March 6, 1990.
- Passed the House February 26, 1990.
- Approved by the Governor March 22, 1990.
- Filed in Office of Secretary of State March 22, 1990.

CHAPTER 142

[Senate Bill No. 6862]

WASHINGTON HARDWOODS COMMISSION

AN ACT Relating to the development of hardwood forests and hardwood products within the Washington forest industry; adding a new chapter to Title 15 RCW; and declaring an emergency.

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

NEW SECTION. Sec. 1. The legislature recognizes that the economic base of the state of Washington is directly tied to the development and management of forest industries and that efforts to enhance and promote the recognition and expansion of the hardwoods industry should be coordinated between state and federal agencies, the forest products industry, commissions, institutions of higher education, and other entities. The legislature further recognizes that the development of hardwood forests and hardwood products will require multispecie, sustained-yield management

plans for industrial and nonindustrial timber tracts, the development of products and markets for all grades of hardwoods, a stable and predictable tax program for new and existing firms and financial assistance for the attraction and expansion of new and existing hardwood processing facilities. The legislature also recognizes that the welfare of the citizens of the state of Washington require, as a public purpose, a continuing effort toward the full utilization of hardwood forests and the hardwood products industry.

NEW SECTION. Sec. 2. In recognition of the findings and purposes in section 1 of this act, there is created the Washington hardwoods commission, which is created solely for the purposes set forth in this chapter. The commission shall be comprised of seven members. All members shall be members of the hardwood industry. All members shall initially be appointed by the governor and shall be appointed to staggered terms. Three members shall be appointed for a two-year term, two members to a three-year and two members to a four-year term. The hardwoods commission shall, by January 1, 1991, develop a method of electing board members to replace the appointed members. Each board member shall serve until the election of his or her successor. Five voting members of the commission constitute a quorum for the transaction of any business of the commission. Each member of the commission shall be a resident of the state and over the age of twenty-one.

NEW SECTION. Sec. 3. The commission shall have the power, duty, and responsibility to assist in the retention, expansion, and attraction of hardwood-related industries by creating a climate for development and support of the industry. The commission shall coordinate efforts to enhance and promote the expansion of the forest industry among state and federal agencies, industry organizations, and institutions of higher education. The commission shall have the power and duty to develop products and markets for various species and grades of hardwoods, and to study and recommend a tax program that will attract new firms and promote stability for existing firms. The commission shall also have as its duty the development of an enhancement and protection program that will reduce waste and respect environmental sensitivity. The commission will develop financial assistance programs from public and private moneys for attraction and expansion of new and existing primary, secondary, and tertiary processing facilities. It is also appropriate that the commission utilize recognized experts in educational institutions, public and private foundations, and agencies of the state, to facilitate research into economic development, hardwood silviculture, woodland management, and the development of new products. The commission will also work cooperatively with the department of natural resources in the development of best management practices for hardwood resources.

NEW SECTION. Sec. 4. The commission shall have the power to elect a chair and such officers as the commission deems necessary and advisable. The commission shall elect a treasurer who shall be responsible for all receipts and disbursements by the commission. The treasurer's faithful discharge of duties shall be guaranteed by a bond at the sole expense of the commission. The commission shall adopt rules for its governance, which shall provide for the holding of an annual meeting for the election of officers and the transaction of other business and for such other meetings as the commission may direct. The commission shall do all things reasonably necessary to effect the purposes of this chapter. The commission shall have no legislative power. The commission may employ and discharge managers, secretaries, agents, attorneys, and other employees or staff, and may engage the services of independent contractors, prescribe their duties, and fix their compensation.

NEW SECTION. Sec. 5. The commission shall maintain an account with one or more public depositaries, and may deposit moneys in the depository and expend moneys for purposes authorized by this chapter in the form of drafts made by the commission. The commission shall keep accurate records of all receipts, disbursements, and other financial transactions in accordance with generally accepted principles of accounting, available for audit by the state auditor.

NEW SECTION. Sec. 6. Obligations incurred by the commission and liabilities or claims against the commission shall be enforced only against the assets of the commission in the same manner as if it were a corporation and no liability for the debts or actions of the commission shall exist against either the state of Washington or any subdivision or instrumentality thereof or against any member, officer, employee, or agent of the commission in his or her individual capacity. The members of the commission, including employees of the commission, shall not be held responsible in any way whatsoever to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as principle, agent, person, or employees, except for their own individual acts of dishonesty or crime. No such person or employee shall be held responsible individually for any act or omission of any other members of the commission.

NEW SECTION. Sec. 7. To provide for permanent funding of the Washington hardwoods commission, agricultural commodity assessments shall be levied by the commission on processors of hardwoods. The commission shall determine by December 31, 1990, a method and rate of assessment on processors as well as a work plan for the commission. The commission shall report to the natural resource and revenues committees of each house of the legislature at that time.

NEW SECTION. Sec. 8. Sections 1 through 7 of this act shall constitute a new chapter in Title 15 RCW.

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. 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 9, 1990.

Passed the House March 1, 1990.

Approved by the Governor March 22, 1990.

Filed in Office of Secretary of State March 22, 1990.

CHAPTER 143

[Substitute Senate Bill No. 6031]

VOTER REGISTRATION WHEN RENEWING DRIVER'S LICENSE

AN ACT Relating to voter registration in driver's licensing facilities; amending RCW 29.07.070, 29.07.080, 29.07.140, and 29.85.200; adding new sections to chapter 29.07 RCW; adding a new section to chapter 46.20 RCW; prescribing penalties; and providing an effective date.

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

NEW SECTION. Sec. 1. A new section is added to chapter 29.07 RCW to read as follows:

(1) A person may register to vote or transfer a voter registration when he or she applies for or renews a driver's license or identification card under chapter 46.20 RCW.

(2) To register to vote or transfer a voter registration under this section, the applicant shall provide the following:

(a) His or her full name;

(b) Whether the address in the driver's license file is the same as his or her residence for voting purposes;

(c) The address of the residence for voting purposes if it is different from the address in the driver's license file;

(d) His or her mailing address if it is not the same as the address in (c) of this subsection;

(e) Additional information on the physical location of that voting residence if it is only identified by route or box;

(f) The last address at which he or she was registered to vote in this state;

(g) A declaration that he or she is a citizen of the United States; and

(h) Any other information that the secretary of state determines is necessary to establish the identity of the applicant and to prevent duplicate or fraudulent voter registrations.

(3) The following warning shall appear in a conspicuous place on the voter registration form:

"Knowingly providing false information on this voter registration form or knowingly making a false declaration about your qualifications for registration is a class C felony that is punishable by imprisonment for up to five years, or by a fine not to exceed ten thousand dollars, or by both such imprisonment and fine."

(4) The applicant shall sign a portion of the form that can be used as an initiative signature card for the verification of petition signatures by the secretary of state and shall sign and attest to the following oath:

"I declare that the facts relating to my qualifications as a voter recorded on this voter registration form are true. I am a citizen of the United States, I am not presently denied my civil rights as a result of being convicted of an infamous crime, I will have lived in this state, county, and precinct for thirty days immediately preceding the next election at which I offer to vote, and I will be at least eighteen years of age at the time of voting."

(5) The driver licensing agent shall record that the applicant has requested to register to vote or transfer a voter registration.

NEW SECTION. Sec. 2. A new section is added to chapter 29.07 RCW to read as follows:

(1) The secretary of state shall provide for the voter registration forms submitted under section 1 of this act to be collected from each driver's licensing facility at least once each week.

(2) The department of licensing shall produce and transmit to the secretary of state a machine-readable file containing the following information from the records of each individual who requested a voter registration or transfer at a driver's license facility during each period for which forms are transmitted under subsection (1) of this section: The name, address, date of birth, and sex of the applicant and the driver's license number, the date on which the application for voter registration or transfer was submitted, and the location of the office at which the application was submitted.

NEW SECTION. Sec. 3. A new section is added to chapter 29.07 RCW to read as follows:

The voter registration forms from the driver's licensing facilities shall be forwarded to the county in which the applicant has registered to vote no later than ten days after the date on which the forms were to be collected under section 2(1) of this act.

NEW SECTION. Sec. 4. A new section is added to chapter 29.07 RCW to read as follows:

(1) For any voter registration application where the address for voting purposes is different from the address in the machine-readable file received from the department of licensing, the secretary of state shall amend the

record of that application in the machine-readable file to reflect the county in which the applicant has registered to vote.

(2) The secretary of state shall sort the records in the machine-readable file according to the county in which the applicant registered to vote and produce a file of voter registration transactions for each county. The records of each county shall be transmitted on or through whatever medium the county auditor determines will best facilitate the incorporation of these records into the existing voter registration files of that county.

(3) The secretary of state shall produce a list of voter registration transactions for each county and transmit a copy of this list to that county with each file of voter registration transactions.

NEW SECTION. Sec. 5. A new section is added to chapter 29.07 RCW to read as follows:

The secretary of state shall deliver the files and lists of voter registration information produced under section 4 of this act to the county auditors no later than ten days after the date on which that information was to be transmitted under section 2(1) of this act. The county auditor shall process these records in the same manner as voter registrations executed under RCW 29.07.080.

NEW SECTION. Sec. 6. A new section is added to chapter 46.20 RCW to read as follows:

Before issuing an original license or identification card or renewing a license or identification card under this chapter, the licensing agent shall determine if the applicant wants to register to vote or transfer his or her voter registration. If the applicant chooses to register or transfer a registration, the agent shall provide the applicant with a voter registration form and instructions and shall record that the applicant has requested to register to vote or transfer a voter registration.

Sec. 7. Section 29.07.070, chapter 9, Laws of 1965 as last amended by section 3, chapter 21, Laws of 1973 1st ex. sess. and RCW 29.07.070 are each amended to read as follows:

~~((The registration officer shall interrogate the))~~ Except as provided under section 1 of this 1990 act, an applicant for voter registration(;) shall provide a voter registrar with the following information concerning his or her qualifications as a voter ((of the state, and of the county, city, town, and precinct in which he applies for registration, requiring him to)) in this state:

- (1) The ~~((previous))~~ address of the last former registration of the applicant as a voter in the state;
- (2) ~~((His))~~ The applicant's full name;
- (3) The applicant's date of birth;
- (4) ~~((Place of))~~ The address of the applicant's residence(, street and number, if any, or post office or rural mail route address)) for voting purposes;

(5) ~~((Whether he))~~ The mailing address of the applicant if that address is not the same as the address in subsection (4) of this section;

(6) The sex of the applicant;

(7) A declaration that the applicant is a citizen of the United States;
and

(8) Any other information that the secretary of state determines is necessary to establish the identity of the applicant and prevent duplicate or fraudulent voter registrations.

((Answers to all questions)) This information shall be ((inserted)) recorded on a single registration form to be prescribed by the secretary of state.

The following warning shall appear in a conspicuous place on the voter registration form:

"Knowingly providing false information on this voter registration form or knowingly making a false declaration about your qualifications for registration is a class C felony that is punishable by imprisonment for up to five years, or by a fine not to exceed ten thousand dollars, or by both such imprisonment and fine."

Sec. 8. Section 29.07.080, chapter 9, Laws of 1965 as last amended by section 4, chapter 21, Laws of 1973 1st ex. sess. and RCW 29.07.080 are each amended to read as follows:

For voter registrations executed under this section, the registrar shall ((note the sex of the applicant on the registration form. He shall then)) require the applicant to sign ((an)) the following oath ((in the following form)):

"I ((, the undersigned, on oath or affirmation, do hereby)) declare that the facts ((set forth herein)) relating to my qualifications as a voter((:)) recorded ((by the)) on this voter registration ((officer in my presence:)) form are true. I ((further certify that)) am a citizen of the United States, I am not presently denied my civil rights as a result of being convicted of an infamous crime, I will have lived in this state, county, and precinct for thirty days immediately preceding the next election at which I offer to vote, and ((that)) I will be at least eighteen years of age at the time of voting."((; and))

The registration officer shall ((sign)) attest and date ((such)) this oath ((in verification of the fact that the same was signed and sworn to before him)) in the following form:

"Subscribed and sworn to before me this day of, 19 Registration Officer."((;

Otherwise the registration officer shall refuse to register the applicant. Upon receipt of the registration record, the county auditor shall note on the record all of the identifying code numbers and precinct in which the applicant resides:))

Sec. 9. Section 29.07.140, chapter 9, Laws of 1965 as last amended by section 7, chapter 21, Laws of 1973 1st ex. sess. and RCW 29.07.140 are each amended to read as follows:

~~((The secretary of state shall prescribe the specifications, including style, form, color, quality and dimensions, for the cards, records, forms, lists, binders, cabinets or other supplies to be used in recording and maintaining voter registration records.))~~

(1) The secretary of state shall ((design a unified)) specify by rule the form of the voter registration ((form)) records required under RCW 29.07.070 and section 1 of this 1990 act. These forms shall be compatible with existing voter registration records ((which will allow the preparation, by the registration officer or other public officer from a single card or paper, of all the voter registration forms required by law, as of July 16, 1973, to be completed by the registering voter, so that the registering voter need sign)). An applicant for voter registration shall be required to complete only one form and ((need write out)) to provide the required information other than his or her signature no more than one time.

~~((This)) These forms shall also contain ((the)) information ((necessary to permit)) for the voter to transfer his or her registration ((as provided by RCW 29.10.020, as it now exists or is hereafter amended)).~~

(2) The secretary of state shall adopt by rule a uniform data format for transferring voter registration records on machine-readable media.

(3) All registration forms ((necessary to carry out the registration of voters as provided by RCW 29.07.060 through 29.07.095)) required under RCW 29.07.070 and section 1 of this 1990 act shall be produced and furnished by the secretary of state ((of Washington without cost)) to the ((respective)) county auditors and the department of licensing.

~~((He shall notify each county auditor what the specifications are, and they must in their procurement and use comply with them.))~~

(4) The secretary of state shall produce and distribute any instructional material and other supplies needed to implement sections 1 through 6 of this 1990 act.

NEW SECTION. Sec. 10. A new section is added to chapter 29.07 RCW to read as follows:

The secretary of state shall:

(1) Coordinate with the department of licensing and county auditors on the implementation of sections 1 through 6 of this act;

(2) Adopt rules governing the delivery and processing of voter registrations submitted under section 1 of this act and insuring the integrity of the voter registration process and of the data on registered voters collected under sections 1 through 6 of this act;

(3) Develop and enter into interlocal agreements with county auditors and with the department of licensing governing the systems development, testing, implementation, and other data processing services provided by the

county auditors and the department of licensing in carrying out sections 1 through 6 of this act and providing for the reimbursement of all costs to county auditors and the department of licensing for these data processing services.

NEW SECTION. Sec. 11. A new section is added to chapter 29.07 RCW to read as follows:

The secretary of state shall include in his or her biennial budget requests sufficient funds to carry out the purposes of sections 1 through 6 of this act, including the reimbursement of costs to county auditors and the department of licensing under section 10(3) of this act.

Sec. 12. Section 29.85.200, chapter 9, Laws of 1965 as amended by section 110, chapter 361, Laws of 1977 ex. sess. and RCW 29.85.200 are each amended to read as follows:

Any person who:

(1) Knowingly ((gives)) provides false information on an application for voter registration((; or who)) under any provision of this title;

(2) Knowingly inakes or attests to a false declaration as to his or her qualifications as a voter((; or who falsely personates another and procures));

(3) Knowingly causes or permits himself or herself to be registered ((as the person so personated, or)) using the name of another person;

(4) Knowingly causes himself or herself to be registered under two or more different names((;)); or

(5) Knowingly causes any ((name)) person to be registered ((otherwise than in the manner provided by law)) or causes any registration to be transferred or canceled except as authorized under this title, shall be guilty of a class C felony under RCW 9A.72.030.

NEW SECTION. Sec. 13. Sections 1 through 8 of this act shall take effect January 1, 1992.

Passed the Senate February 7, 1990.

Passed the House March 7, 1990.

Approved by the Governor March 23, 1990.

Filed in Office of Secretary of State March 23, 1990.

CHAPTER 144

[Substitute Senate Bill No. 6377]

FOOD FISH AND SHELLFISH VIOLATIONS—PENALTIES

AN ACT Relating to violations of Title 75 RCW; amending RCW 75.10.030, 75.10.110, 75.10.120, and 75.12.090; adding new sections to chapter 75.10 RCW; and prescribing penalties.

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

NEW SECTION. Sec. 1. A new section is added to chapter 75.10 RCW to read as follows:

Persons who fish for food fish or shellfish for personal use and violate this title or the rules of the director shall be subject to the following penalties:

(1) The following violations are infractions and are punishable under chapter 7.84 RCW:

(a) The failure to immediately record a catch of salmon or sturgeon on a catch record card;

(b) The use of barbed hooks in a barbless hook-only fishery; and

(c) Other personal use violations specified by the director under RCW 75.10.110.

(2) The following violations are misdemeanors and are punishable under RCW 9.92.030:

(a) The retention of undersized food fish or shellfish;

(b) The retention of more food fish or shellfish than is legally allowed, but less than three times the legally allowed personal use limit;

(c) The intentional wasting of recreationally caught food fish or shellfish; and

(d) The setting or lifting of shrimp pots in Hood Canal from one hour after sunset until one hour before sunrise.

(3) The following violations are gross misdemeanors and are punishable under RCW 9.92.020:

(a) The snagging of food fish;

(b) Fishing in closed areas or during a closed season;

(c) Commingling a personal food fish catch with a commercial food fish catch;

(d) The retention of at least three times the legally allowed personal use limits of food fish or shellfish;

(e) The sale, barter, or trade of food fish or shellfish with a wholesale value of less than two hundred fifty dollars by a person who has caught the food fish or shellfish with fishing gear authorized under personal use rules or who has received the food fish or shellfish from someone who caught it with fishing gear authorized under personal use rules; and

(f) Other unclassified personal use violations of Title 75 RCW.

(4) The following violation is a class C felony and is punishable under RCW 9A.20.021(1)(c): The sale, barter, or trade of food fish or shellfish with a wholesale value of two hundred fifty dollars or more by a person who has caught the food fish or shellfish with fishing gear authorized under personal use rules or has received the food fish or shellfish from someone who caught it with fishing gear authorized under personal use rules.

NEW SECTION. Sec. 2. A new section is added to chapter 75.10 RCW to read as follows:

Persons who fish, buy, or sell food fish and shellfish commercially and violate this title or the rules of the director shall be subject to the following penalties:

(1) The following violations are misdemeanors and are punishable under RCW 9.92.030:

(a) The failure to complete a fish ticket with all the required information for a commercial fish or shellfish landing; and

(b) The failure to report a commercial fish catch as required by department rules.

(2) The following violations are gross misdemeanors and are punishable under RCW 9.92.020:

(a) The retention of illegal food fish or shellfish species;

(b) The wasting of commercially caught food fish or shellfish;

(c) Commingling commercial and personal use food fish or shellfish catches;

(d) The failure to comply with department rules on commercial fishing licenses;

(e) The failure to comply with department requirements on fishing gear specifications;

(f) The failure to obtain a delivery license as required by department rules;

(g) Violations of the fisheries statutes or rules by fish buyers or wholesale dealers other than violations for fish tickets under subsection (1)(a) of this section;

(h) Fishing during a closed season;

(i) Illegal geoduck harvesting off the legal harvesting tract; and

(j) Other unclassified commercial violations of Title 75 RCW.

(3) The following violations are class C felonies and are punishable under RCW 9A.20.021(1)(c):

(a) Intentionally fishing in a closed area using fishing gear not authorized under personal use regulations;

(b) Intentionally netting salmon in the Pacific Ocean;

(c) Harvesting more than one hundred pounds of geoducks outside of the boundaries of a harvest tract designated by a harvest agreement from the department of natural resources if:

(i) The harvester does not have a valid harvesting agreement from the department of natural resources; or

(ii) The harvesting is done more than one-half mile from the nearest boundary of any harvesting tract designated by a department of natural resources harvesting agreement;

(d) Unlawful participation by a non-Indian fisher with intent to profit in a treaty Indian fishery;

(e) Intentionally fishing within the closed waters of a fish hatchery;

(f) The sale, barter, or trade of food fish or shellfish with a wholesale value of two hundred fifty dollars or more by a person who does not have a valid commercial fishing license and has caught the food fish or shellfish using fishing gear not authorized under personal use rules, or has received

the food fish or shellfish from someone who has caught it with fishing gear not authorized under personal use rules; and

(g) Being in possession of food fish or shellfish with a wholesale value of two hundred fifty dollars or more while using fishing gear not authorized under personal use regulations without a valid commercial fishing license.

NEW SECTION. Sec. 3. A new section is added to chapter 75.10 RCW to read as follows:

Persons who violate this title or the rules of the director shall be subject to the following penalties:

(1) The following violations are gross misdemeanors and are punishable under RCW 9A.02.020:

(a) Violating RCW 75.20.100; and

(b) Violating department statutes that require fish screens, fish ladders, and other protective devices for fish.

(2) The following violations are a class C felony and are punishable under RCW 9A.20.021(1)(c):

(a) Discharging explosives in waters that contain adult salmon or sturgeon: PROVIDED, That lawful discharge of devices for the purpose of frightening or killing marine mammals or for the lawful removal of snags or for actions approved under RCW 75.20.100 or 75.12.070(2) are exempt from this subsection; and

(b) To knowingly purchase food fish or shellfish with a wholesale value greater than two hundred fifty dollars that were taken by methods or during times not authorized by department of fisheries rules, or were taken by someone who does not have a valid commercial fishing license, a valid fish buyer's license, or a valid wholesale dealer's license, or were taken with fishing gear authorized for personal use.

NEW SECTION. Sec. 4. A new section is added to chapter 75.10 RCW to read as follows:

Persons who repeatedly demonstrate indifference and disrespect for the fisheries laws of the state shall be considered a threat to the fisheries resource. These habitual offenders shall be denied the privilege of harvesting food fish or shellfish.

The director may revoke or may prescribe conditions for issuing the personal use license or the commercial fishing license, or both, of persons who have four or more gross misdemeanors or class C felony convictions for fisheries violations within a twelve-year period. All food fish and shellfish fishing privileges shall be revoked for the same time period as a license is revoked. A revoked license shall not be reissued for a period of at least two years from the date of revocation, and shall be reissued only under the discretion of the director.

For purposes of this section, "conviction" means a final conviction in a state or municipal court. An unvacated forfeiture of bail or collateral of two hundred fifty dollars or more deposited to secure a defendant's appearance

in court, the payment of a fine, a plea of guilty, or a finding of guilt for violating a provision of this title is equivalent to a conviction regardless of whether the imposition of sentence is deferred or the penalty is suspended.

Sec. 5. Section 75.36.010, chapter 12, Laws of 1955 as amended by section 34, chapter 46, Laws of 1983 1st ex. sess. and RCW 75.10.030 are each amended to read as follows:

(1) Fisheries patrol officers and ex officio fisheries patrol officers may seize without warrant food fish or shellfish they have reason to believe have been taken, killed, transported, or possessed in violation of this title or rule of the director and may seize without warrant ((~~α~~)) boats, vehicles, gear, appliances, or other articles they have reason to believe is held with intent to violate or has been used in violation of this title or rule of the director. The articles seized shall be subject to forfeiture to the state, regardless of ownership. Articles seized may be recovered by their owner by depositing into court a cash bond equal to the value of the seized articles but not more than ((~~five~~)) twenty-five thousand dollars. The cash bond is subject to forfeiture to the state in lieu of the seized article.

(2)(a) In the event of a seizure of an article under subsection (1) of this section, proceedings for forfeiture shall be deemed commenced by the seizure. Within fifteen days following the seizure, the seizing authority shall serve notice on the owner of the property seized and on any person having any known right or interest in the property seized. Notice may be served by any method authorized by law or court rule, including service by certified mail with return receipt requested. Service by mail shall be deemed complete upon mailing within the fifteen-day period following the seizure.

(b) If no person notifies the department in writing of the person's claim of ownership or right to possession of the articles seized under subsection (1) of this section within forty-five days of the seizure, the articles shall be deemed forfeited.

(c) If any person notifies the department in writing within forty-five days of the seizure, the person shall be afforded an opportunity to be heard as to the claim or right. The hearing shall be before the director or the director's designee, or before an administrative law judge appointed under chapter 34.12 RCW, except that a person asserting a claim or right may remove the matter to a court of competent jurisdiction if the aggregate value of the articles seized is more than five thousand dollars. The department hearing and any subsequent appeal shall be as provided for in Title 34 RCW. The burden of producing evidence shall be upon the person claiming to be the lawful owner or person claiming lawful right of possession of the articles seized. The department shall promptly return the seized articles to the claimant upon a determination by the director or the director's designee, an administrative law judge, or a court that the claimant is the present lawful owner or is lawfully entitled to possession of the articles seized, and that the seized articles were improperly seized.

(d)(i) No conveyance, including vessels, vehicles, or aircraft, is subject to forfeiture under this section by reason of any act or omission established by the owner of the conveyance to have been committed or omitted without the owner's knowledge or consent.

(ii) A forfeiture of a conveyance encumbered by a perfected security interest is subject to the interest of the secured party if the secured party neither had knowledge nor consented to the act or omission.

(e) When seized property is forfeited under this section the department may retain it for official use unless the property is required to be destroyed, or upon application by any law enforcement agency of the state, release such property to the agency for the use of enforcing this title, or sell such property, and deposit the proceeds to the state general fund, as provided for in RCW 75.08.230.

Sec. 6. Section 75.08.260, chapter 12, Laws of 1955 as last amended by section 16, chapter 380, Laws of 1987 and RCW 75.10.110 are each amended to read as follows:

(1) Unless otherwise provided for in this title, a person who violates this title or rules of the director (~~((or who aids or abets in the violation))~~) is guilty of a gross misdemeanor, and upon a conviction thereof shall be (~~((punished by imprisonment in the county jail of the county in which the offense is committed for not less than thirty days or more than one year, or by a fine of not less than twenty-five dollars or more than one thousand dollars, or by both such fine and imprisonment))~~) subject to the penalties under RCW 9.92.020. Food fish or shellfish involved in the violation shall be forfeited to the state. The court may forfeit seized articles involved in the violation.

(2) The director may specify by rule, when not inconsistent with applicable statutes, that violation of a specific rule is an infraction under chapter 7.84 RCW. (~~((A person taking or possessing salmon in violation of this title or rules of the director shall be punished by a fine in an amount not more than five thousand dollars if the salmon involved in the violation have a market value greater than two hundred fifty dollars. This fine is in addition to the punishment resulting under subsection (1) of this section.))~~)

Sec. 7. Section 75.28.380, chapter 12, Laws of 1955 as last amended by section 43, chapter 46, Laws of 1983 1st ex. sess. and RCW 75.10.120 are each amended to read as follows:

(1) Upon conviction of a person for a violation of this title or rule of the director, in addition to the penalty imposed by law, the court may forfeit the person's license or licenses.

~~((2) The court shall forfeit the license: (a) Upon conviction for a violation of this title or rule of the director prescribing the length, depth, or construction of fishing gear, or (b) upon two or more convictions in a five-year period of any violation of this title or rule of the director.))~~ The license or licenses shall remain forfeited pending appeal.

(2) The director may prohibit, for one year, the issuance of ((a)) all commercial fishing licenses to a person convicted of two or more gross misdemeanor or class C felony violations of this title or rule of the director in a five-year period or prescribe the conditions under which the license or licenses may be issued. For purposes of this section, the term "conviction" means a final conviction in a state or municipal court. An unvacated forfeiture of bail or collateral of two hundred fifty dollars or more deposited to secure the defendant's appearance in court, the payment of a fine, a plea of guilty, or a finding of guilt on a violation of this title or rule of the director is equivalent to a conviction regardless of whether the imposition of sentence is deferred or the penalty is suspended.

Sec. 8. Section 75.12.090, chapter 12, Laws of 1955 as last amended by section 54, chapter 46, Laws of 1983 1st ex. sess. and RCW 75.12.090 are each amended to read as follows:

(1) It is unlawful to take food fish or shellfish from a building, vehicle, vessel, container, or fishing gear thereby depriving the rightful owner of the food fish or shellfish.

(2) It is unlawful to ((steal or)) molest gear used to take food fish or shellfish for either commercial purposes or personal use.

Passed the Senate March 3, 1990.

Passed the House February 27, 1990.

Approved by the Governor March 23, 1990.

Filed in Office of Secretary of State March 23, 1990.

CHAPTER 145

[Substitute Senate Bill No. 6493]

ADOPTION INFORMATION ACCESS

AN ACT Relating to access to adoption information; amending RCW 26.33.330 and 26.33.340; and adding new sections to chapter 26.33 RCW.

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

NEW SECTION. Sec. 1. A new section is added to chapter 26.33 RCW to read as follows:

(1) An adopted person over the age of twenty-one years, or under twenty-one with the permission of the adoptive parent, or a birth parent or member of the birth parent's family after the adoptee has reached the age of twenty-one may petition the court to appoint a confidential intermediary. The intermediary shall search for and discreetly contact the birth parent or adopted person, or if they are not alive or cannot be located within one year, the intermediary may attempt to locate members of the birth parent or

adopted person's family. These family members shall be limited to the natural grandparents of the adult adoptee, a brother or sister of a natural parent, or the child of a natural parent. The court, for good cause shown, may allow a relative more distant in degree to petition for disclosure.

(2)(a) Confidential intermediaries appointed under this section shall complete training provided by a licensed adoption service or another court-approved entity and file an oath of confidentiality and a certificate of completion of training with the superior court of every county in which they serve as intermediaries. The court may dismiss an intermediary if the intermediary engages in conduct which violates professional or ethical standards.

(b) The confidential intermediary shall sign a statement of confidentiality substantially as follows:

I,, signing under penalty of contempt of court, state: "As a condition of appointment as a confidential intermediary, I affirm that, when adoption records are opened to me:

I will not disclose to the petitioner, directly or indirectly, any identifying information in the records without further order from the court.

I will conduct a diligent search for the person being sought and make a discreet and confidential inquiry as to whether that person will consent to being put in contact with the petitioner, and I will report back to the court the results of my search and inquiry.

If the person sought consents to be put in contact with the petitioner, I will attempt to obtain a dated, written consent from the person, and attach the original of the consent to my report to the court. If the person sought does not consent to the disclosure of his or her identity, I shall report the refusal of consent to the court.

I will not make any charge or accept any compensation for my services except as approved by the court, or as reimbursement from the petitioner for actual expenses incurred in conducting the search. These expenses will be listed in my report to the court.

I recognize that unauthorized release of confidential information may subject me to civil liability under state law, and subjects me to being found in contempt of court."

/s/ ... date...

(c) The confidential intermediary shall be entitled to reimbursement from the petitioner for actual expenses in conducting the search. The court may authorize a reasonable fee in addition to these expenses.

(3) If the confidential intermediary is unable to locate the person being sought within one year, the confidential intermediary shall make a recommendation to the court as to whether or not a further search is warranted, and the reasons for this recommendation.

(4) In the case of a petition filed on behalf of a natural parent or other blood relative of the adoptee, written consent of any living adoptive parent shall be obtained prior to contact with the adoptee if the adoptee:

(a) Is less than twenty-five years of age and is residing with the adoptive parent; or

(b) Is less than twenty-five years of age and is a dependent of the adoptive parent.

(5) If the confidential intermediary locates the person being sought, a discreet and confidential inquiry shall be made as to whether or not that person will consent to having his or her present identity disclosed to the petitioner. The identity of the petitioner shall not be disclosed to the party being sought. If the party being sought consents to the disclosure of his or her identity, the confidential intermediary shall obtain the consent in writing and shall include the original of the consent in the report filed with the court. If the party being sought refuses disclosure of his or her identity, the confidential intermediary shall report the refusal to the court and shall refrain from further and subsequent inquiry without judicial approval.

(6)(a) If the confidential intermediary obtains from the person being sought written consent for disclosure of his or her identity to the petitioner, the court may then order that the name and other identifying information of that person be released to the petitioner.

(b) If the person being sought is deceased, the court may order disclosure of the identity of the deceased to the petitioner.

(c) If the confidential intermediary is unable to contact the person being sought within one year, the court may order that the search be continued for a specified time or be terminated.

NEW SECTION. Sec. 2. A new section is added to chapter 26.33 RCW to read as follows:

(1) The department of social and health services, adoption agencies, and independent adoption facilitators shall release the name and location of the court where a relinquishment of parental rights or finalization of an adoption took place to an adult adoptee, a birth parent of an adult adoptee, an adoptive parent, a birth or adoptive grandparent of an adult adoptee, or an adult sibling of an adult adoptee, or the legal guardian of any of these.

(2) The department of vital records shall make available a noncertified copy of the original birth certificate of a child to the child's birth parents upon request.

Sec. 3. Section 33, chapter 155, Laws of 1984 and RCW 26.33.330 are each amended to read as follows:

(1) All records of any proceeding under this chapter shall be sealed and shall not be thereafter open to inspection by any person except upon order of the court for good cause shown, or except by using the procedure described in section 1 of this act.

(2) The state registrar of vital statistics may charge a reasonable fee for the review of any of its sealed records.

Sec. 4. Section 34, chapter 155, Laws of 1984 and RCW 26.33.340 are each amended to read as follows:

Department and agency files regarding an (~~adopte~~) adoption shall be confidential except the department or agency may disclose nonidentifying information (~~(necessary for medical purposes)~~) upon the receipt of a verified written request for the information from the adoptive parent, the adoptee, or the natural parent. Identifying information may also be disclosed through the procedure described in section 1 of this act.

Passed the Senate February 10, 1990.

Passed the House February 28, 1990.

Approved by the Governor March 23, 1990.

Filed in Office of Secretary of State March 23, 1990.

CHAPTER 146

[Substitute Senate Bill No. 6494]

ADOPTION PROCEDURES

AN ACT Relating to adoption; amending RCW 26.33.020, 26.33.160, 26.33.190, 26.33-.200, 26.33.300, 26.33.350, and 26.33.390; reenacting and amending RCW 43.43.830 and 74-.13.031; and adding a new section to chapter 36.23 RCW.

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

Sec. 1. Section 2, chapter 155, Laws of 1984 and RCW 26.33.020 are each amended to read as follows:

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

(1) "Alleged father" means a person whose parent-child relationship has not been terminated, who is not a presumed father under chapter 26.26 RCW, and who alleges himself or whom a party alleges to be the father of the child. It includes a person whose marriage to the mother was terminated more than three hundred days before the birth of the child or who was separated from the mother more than three hundred days before the birth of the child.

(2) "Child" means a person under eighteen years of age.

(3) "Adoptee" means a person who is to be adopted or who has been adopted.

(4) "Adoptive parent" means the person or persons who seek to adopt or have adopted an adoptee.

(5) "Court" means the superior court.

(6) "Department" means the department of social and health services.

(7) "Agency" means any public or private association, corporation, or individual licensed or certified by the department as a child placing agency under chapter 74.15 RCW or as an adoption agency.

(8) "Parent" means the natural or adoptive mother or father of a child, including a presumed father under chapter 26.26 RCW. It does not include any person whose parent-child relationship has been terminated by a court of competent jurisdiction.

(9) "Legal guardian" means the department, an agency, or a person, other than a parent or stepparent, appointed by the court to promote the child's general welfare, with the authority and duty to make decisions affecting the child's development.

(10) "Guardian ad litem" means a person, not related to a party to the action, appointed by the court to represent the best interests of a party who is under a legal disability.

(11) "Relinquish or relinquishment" means the voluntary surrender of custody of a child to the department, an agency, or prospective adoptive parents.

(12) "Individual approved by the court" or "qualified salaried court employee" means a person who has a masters degree in social work or a related field and one year of experience in social work, or a bachelors degree and two years of experience in social work, and includes a person not having such qualifications only if the court makes specific findings of fact that are entered of record establishing that the person has reasonably equivalent experience.

(13) "Birth parent" means the biological mother or biological or alleged father of a child, including a presumed father under chapter 26.26 RCW, whether or not any such person's parent-child relationship has been terminated by a court of competent jurisdiction. "Birth parent" does not include a biological mother or biological or alleged father, including a presumed father under chapter 26.26 RCW, if the parent-child relationship was terminated because of an act for which the person was found guilty under chapter 9A.42 or 9A.44 RCW.

Sec. 2. Section 16, chapter 155, Laws of 1984 as last amended by section 7, chapter 170, Laws of 1987 and RCW 26.33.160 are each amended to read as follows:

(1) Except as otherwise provided in RCW 26.33.170, consent to an adoption shall be required of the following if applicable:

- (a) The adoptee, if fourteen years of age or older;
- (b) The parents and any alleged father of an adoptee under eighteen years of age;
- (c) An agency or the department to whom the adoptee has been relinquished pursuant to RCW 26.33.080; and
- (d) The legal guardian of the adoptee.

(2) Except as otherwise provided in subsection (4)(g) of this section, consent to adoption is revocable by the consenting party at any time before the consent is approved by the court. The revocation may be made in either of the following ways:

(a) Written revocation may be delivered or mailed to the clerk of the court before approval; or

(b) Written revocation may be delivered or mailed to the clerk of the court after approval, but only if it is delivered or mailed within forty-eight hours after a prior notice of revocation that was given within forty-eight hours after the birth of the child. The prior notice of revocation shall be given to the agency or person who sought the consent and may be either oral or written.

(3) Except as provided in subsection (2)(b) and (4)(g) of this section and in this subsection, a consent to adoption may not be revoked after it has been approved by the court. Within one year after approval, a consent may be revoked for fraud or duress practiced by the person, department, or agency requesting the consent, or for lack of mental competency on the part of the person giving the consent at the time the consent was given. A written consent to adoption may not be revoked more than one year after it is approved by the court.

(4) Except as provided in (g) of this subsection, the written consent to adoption shall be signed under penalty of perjury and shall state that:

(a) It is given subject to approval of the court;

(b) It has no force or effect until approved by the court;

(c) The consent will not be presented to the court until forty-eight hours after it is signed or forty-eight hours after the birth of the child, whichever occurs later;

(d) It is revocable by the consenting party at any time before its approval by the court. It may be revoked in either of the following ways:

(i) Written revocation may be delivered or mailed to the clerk of the court before approval of the consent by the court; or

(ii) Written revocation may be delivered or mailed to the clerk of the court after approval, but only if it is delivered or mailed within forty-eight hours after a prior notice of revocation that was given within forty-eight hours after the birth of the child. The prior notice of revocation shall be given to the agency or person who sought the consent and may be either oral or written;

(c) The address of the clerk of court where the consent will be presented is included;

(f) Except as provided in (g) of this subsection, after it has been approved by the court, the consent is not revocable except for fraud or duress practiced by the person, department, or agency requesting the consent or for lack of mental competency on the part of the person giving the consent at

the time the consent was given. A written consent to adoption may not be revoked more than one year after it is approved by the court; ((and))

(g) In the case of a consent to an adoption of an Indian child, no consent shall be valid unless the consent is executed in writing more than ten days after the birth of the child and unless the consent is recorded before a court of competent jurisdiction pursuant to 25 U.S.C. Sec. 1913(a). Consent may be withdrawn for any reason at any time prior to the entry of the final decree of adoption. Consent may be withdrawn for fraud or duress within two years of the entry of the final decree of adoption. Revocation of the consent prior to a final decree of adoption, may be delivered or mailed to the clerk of the court or made orally to the court which shall certify such revocation. Revocation of the consent is effective if received by the clerk of the court prior to the entry of the final decree of adoption or made orally to the court at any time prior to the entry of the final decree of adoption. Upon withdrawal of consent, the court shall return the child to the parent unless the child has been taken into custody pursuant to RCW 13.34.050 or 26.44.050, placed in shelter care pursuant to RCW 13.34.060, or placed in foster care pursuant to RCW 13.34.130; and

(h) The following statement has been read before signing the consent:

I understand that my decision to relinquish the child is an extremely important one, that the legal effect of this relinquishment will be to take from me all legal rights and obligations with respect to the child, and that an order permanently terminating all of my parental rights to the child will be entered. I also understand that there are social services and counseling services available in the community, and that there may be financial assistance available through state and local governmental agencies.

(5) A written consent to adoption which meets all the requirements of this chapter but which does not name or otherwise identify the adopting parent is valid if it contains a statement that it is voluntarily executed without disclosure of the name or other identification of the adopting parent.

Sec. 3. Section 19, chapter 155, Laws of 1984 and RCW 26.33.190 are each amended to read as follows:

(1) Any person may at any time request an agency, the department, an individual approved by the court, or a qualified salaried court employee to prepare a preplacement report. A certificate signed under penalty of perjury by the person preparing the report specifying his or her qualifications as required in this chapter shall be attached to or filed with each preplacement report. A person may have more than one preplacement report prepared. All preplacement reports shall be filed with the court in which the petition for adoption is filed.

(2) The preplacement report shall be a written document setting forth all relevant information relating to the fitness of the person requesting the

report as an adoptive parent. The report shall be based on a study which shall include an investigation of the home environment, family life, health, facilities, and resources of the person requesting the report. The report shall include a list of the sources of information on which the report is based. The report shall include a recommendation as to the fitness of the person requesting the report to be an adoptive parent.

(3) All preplacement reports shall include an investigation of the conviction record, pending charges, or disciplinary board final decisions of prospective adoptive parents. The investigation shall include an examination of state and national criminal identification data provided by Washington state patrol criminal identification system as described in chapter 43.43 RCW.

(4) An agency, the department, or a court approved individual may charge a reasonable fee based on the time spent in conducting the study and preparing the preplacement report. The court may set a reasonable fee for conducting the study and preparing the report when a court employee has prepared the report. An agency, the department, a court approved individual, or the court may reduce or waive the fee if the financial condition of the person requesting the report so warrants. An agency's, the department's, or court approved individual's, fee is subject to review by the court upon request of the person requesting the report.

~~((4))~~ (5) The person requesting the report shall designate to the agency, the department, the court approved individual, or the court in writing the county in which the preplacement report is to be filed. If the person requesting the report has not filed a petition for adoption, the report shall be indexed in the name of the person requesting the report and a cause number shall be assigned. A fee shall not be charged for filing the report. The applicable filing fee may be charged at the time a petition governed by this chapter is filed. Any subsequent preplacement reports shall be filed together with the original report.

~~((5))~~ (6) A copy of the completed preplacement report shall be delivered to the person requesting the report.

~~((6))~~ (7) A person may request that a report not be completed. A reasonable fee may be charged for the value of work done.

Sec. 4. Section 20, chapter 155, Laws of 1984 and RCW 26.33.200 are each amended to read as follows:

(1) Except as provided in RCW 26.33.220, at the time the petition for adoption is filed, the court shall order a post-placement report made to determine the nature and adequacy of the placement and to determine if the placement is in the best interest of the child. The report shall be prepared by an agency, the department, an individual approved by the court, or a qualified salaried court employee appointed by the court. A certificate signed under penalty of perjury by the person preparing the report specifying his or her qualifications as required in this chapter shall be attached to or filed with each post-placement report. The report shall be in writing and

contain all reasonably available information concerning the physical and mental condition of the child, home environment, family life, health, facilities and resources of the petitioners, and any other facts and circumstances relating to the propriety and advisability of the adoption. The report shall also include, if relevant, information on the child's special cultural heritage, including membership in any Indian tribe or band. The report shall be filed within sixty days of the date of appointment, unless the time is extended by the court. The preplacement report shall be made available to the person appointed to make the post-placement report.

(2) A fee may be charged for preparation of the post-placement report in the same manner as for a preplacement report under RCW 26.33.190(~~(3)~~).

Sec. 5. Section 30, chapter 155, Laws of 1984 and RCW 26.33.300 are each amended to read as follows:

The department shall be a depository for statistical data concerning adoption. It shall furnish to the clerk of each county a data card which shall be completed and filed with the clerk on behalf of each petitioner. The clerk shall forward the completed cards to the department which (~~(may)~~) shall compile the data and publish reports summarizing the data. A birth certificate shall not be issued showing the petitioner as the parent of any child adopted in the state of Washington until a data card has been completed and filed.

Sec. 6. Section 37, chapter 155, Laws of 1984 as amended by section 1, chapter 281, Laws of 1989 and RCW 26.33.350 are each amended to read as follows:

(1) Every person, firm, society, association, or corporation receiving, securing a home for, or otherwise caring for a minor child shall transmit to the prospective adopting parent prior to placement and shall make available to all persons with whom a child has been placed by adoption a complete medical report containing all available information concerning the mental, physical, and sensory handicaps of the child. The report shall not reveal the identity of the natural parent(~~(s)~~) of the child but shall include any available mental or physical health history of the natural parent(~~(s)~~) that needs to be known by the adoptive parent(~~(s)~~) to facilitate proper health care for the child or that will assist the adoptive parent(~~(s)~~) in maximizing the developmental potential of the child.

(2) Where available, the information provided shall include:

(a) A review of the birth family's and the child's previous medical history, if available, including x-rays, examinations, hospitalizations, and immunizations;

(b) A physical exam of the child by a licensed physician with appropriate laboratory tests and x-rays;

(c) A referral to a specialist if indicated; and

(d) A written copy of the evaluation with recommendations to the adoptive family receiving the report.

Sec. 7. Section 3, chapter 281, Laws of 1989 and RCW 26.33.390 are each amended to read as follows:

(1) All ((families)) persons adopting a child through the department shall receive written information on the department's adoption-related services including, but not limited to, adoption support, family reconciliation services, archived records, mental health, and developmental disabilities.

(2) Any person adopting a child shall receive from the adoption facilitator written information on adoption-related services. This information may be that published by the department or any other social service provider, shall include information on how to find and evaluate appropriate adoption therapists, and may include other resources for adoption-related issues.

Sec. 8. Section 1, chapter 486, Laws of 1987 as amended by section 1, chapter 90, Laws of 1989 and by section 1, chapter 334, Laws of 1989 and RCW 43.43.830 are each reenacted and amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout RCW 43.43.830 through 43.43.840.

(1) "Applicant" means either:

(a) Any prospective employee who will or may have unsupervised access to children under sixteen years of age or developmentally disabled persons or vulnerable adults during the course of his or her employment or involvement with the business or organization. However, for school districts and educational service districts, prospective employee includes only non-certificated personnel; ((or))

(b) Any prospective volunteer who will have regularly scheduled unsupervised access to children under sixteen years of age, developmentally disabled persons, or vulnerable adults during the course of his or her employment or involvement with the business or organization under circumstances where such access will or may involve groups of (i) five or fewer children under twelve years of age, (ii) three or fewer children between twelve and sixteen years of age, (iii) developmentally disabled persons, or (iv) vulnerable adults; or

(c) Any prospective adoptive parent, as defined in RCW 26.33.020.

(2) "Business or organization" means a business or organization licensed in this state, any agency of the state, or other governmental entity, that educates, trains, treats, supervises, or provides recreation to developmentally disabled persons, vulnerable adults, or children under sixteen years of age, including school districts and educational service districts.

(3) "Civil adjudication" means a specific court finding of sexual abuse or exploitation or physical abuse in a dependency action under RCW ((13.34.030(2)(b))) 13.34.040 or in a domestic relations action under Title

26 RCW. In the case of vulnerable adults, civil adjudication means a specific court finding of abuse or financial exploitation in a protection proceeding under chapter 74.34 RCW. It does not include administrative proceedings. The term "civil adjudication" is further limited to court findings that identify as the perpetrator of the abuse a named individual, over the age of eighteen years, who was a party to the dependency or dissolution proceeding or was a respondent in a protection proceeding in which the finding was made and who contested the allegation of abuse or exploitation.

(4) "Conviction record" means "conviction record" information as defined in RCW 10.97.030(3) relating to a crime against children or other persons committed by either an adult or a juvenile. It does not include a conviction for an offense that has been the subject of an expungement, pardon, annulment, certificate of rehabilitation, or other equivalent procedure based on a finding of the rehabilitation of the person convicted, or a conviction that has been the subject of a pardon, annulment, or other equivalent procedure based on a finding of innocence. It does include convictions for offenses for which the defendant received a deferred or suspended sentence, unless the record has been expunged according to law.

(5) "Disciplinary board final decision" means any final decision issued by the disciplinary board or the director of the department of licensing for the following business or professions:

- (a) Chiropractic;
- (b) Dentistry;
- (c) Dental hygiene;
- (d) (~~Drugless healing~~) Naturopathy;
- (e) Massage;
- (f) Midwifery;
- (g) Osteopathy;
- (h) Physical therapy;
- (i) Physicians;
- (j) Practical nursing;
- (k) Registered nursing;
- (l) Psychology; and
- (m) Real estate brokers and salesmen.

(6) "Crime against children or other persons" means a conviction of any of the following offenses: Aggravated murder; first or second degree murder; first or second degree kidnaping; first, second, or third degree assault; first, second, or third degree rape; first, second, or third degree rape of a child; first or second degree robbery; first degree arson; first degree burglary; first or second degree manslaughter; first or second degree extortion; indecent liberties; incest; vehicular homicide; first degree promoting prostitution; communication with a minor; unlawful imprisonment; simple assault; sexual exploitation of minors; first or second degree criminal mistreatment; child abuse or neglect as defined in RCW 26.44.020; first or second degree

custodial interference; malicious harassment; first, second, or third degree child molestation; first or second degree sexual misconduct with a minor; first or second degree rape of a child; patronizing a juvenile prostitute; child abandonment; promoting pornography; selling or distributing erotic material to a minor; custodial assault; violation of child abuse restraining order; child buying or selling; prostitution; or any of these crimes as they may be renamed in the future.

(7) "Crimes relating to financial exploitation" means a conviction for first, second, or third degree extortion; first, second, or third degree theft; first or second degree robbery; forgery; or any of these crimes as they may be renamed in the future.

(8) "Unsupervised" means not in the presence of:

(a) Another employee or volunteer from the same business or organization as the applicant; or

(b) Any relative or guardian of any of the children or developmentally disabled persons to which the applicant has access during the course of his or her employment or involvement with the business or organization.

(9) "Vulnerable adult" means a person sixty years of age or older who has the functional, mental, or physical inability to care for himself or herself or a patient in a state hospital as defined in chapter 72.23 RCW.

(10) "Financial exploitation" means the illegal or improper use of a vulnerable adult or that adult's resources for another person's profit or advantage.

(11) "Agency" means any person, firm, partnership, association, corporation, or facility which receives, provides services to, houses or otherwise cares for vulnerable adults.

Sec. 9. Section 17, chapter 172, Laws of 1967 as last amended by section 10, chapter 170, Laws of 1987 and by section 69, chapter 505, Laws of 1987 and RCW 74.13.031 are each reenacted and amended to read as follows:

The department shall have the duty to provide child welfare services as defined in RCW 74.13.020, and shall:

(1) Develop, administer, supervise, and monitor a coordinated and comprehensive plan that establishes, aids, and strengthens services for the protection and care of homeless, runaway, dependent, or neglected children.

(2) Develop a recruiting plan for recruiting an adequate number of prospective adoptive and foster homes, both regular and specialized, i.e. homes for children of ethnic minority, including Indian homes for Indian children, sibling groups, handicapped and emotionally disturbed, and annually submit the plan for review to the house and senate committees on social and health services. The plan shall include a section entitled "Foster Home Turn-Over, Causes and Recommendations."

(3) Investigate complaints of neglect, abuse, or abandonment of children, and on the basis of the findings of such investigation, offer child welfare services in relation to the problem to such parents, legal custodians, or persons serving in loco parentis, and/or bring the situation to the attention of an appropriate court, or another community agency: PROVIDED, That an investigation is not required of nonaccidental injuries which are clearly not the result of a lack of care or supervision by the child's parents, legal custodians, or persons serving in loco parentis. If the investigation reveals that a crime may have been committed, the department shall notify the appropriate law enforcement agency.

(4) Offer, on a voluntary basis, family reconciliation services to families who are in conflict.

(5) Monitor out-of-home placements, on a timely and routine basis, to assure the safety, well-being, and quality of care being provided is within the scope of the intent of the legislature as defined in RCW 74.13.010 and 74.15.010, and annually submit a report delineating the results to the house and senate committees on social and health services.

(6) Have authority to accept custody of children from parents and to accept custody of children from juvenile courts, where authorized to do so under law, to provide child welfare services including placement for adoption, and to provide for the physical care of such children and make payment of maintenance costs if needed. Except where required by Public Law 95-608 (25 U.S.C. Sec. 1915), no private adoption agency which receives children for adoption from the department shall discriminate on the basis of race, creed, or color when considering applications in their placement for adoption.

(7) Have authority to provide temporary shelter to children who have run away from home and who are admitted to crisis residential centers.

(8) Have authority to purchase care for children; and shall follow in general the policy of using properly approved private agency services for the actual care and supervision of such children insofar as they are available, paying for care of such children as are accepted by the department as eligible for support at reasonable rates established by the department.

(9) Establish a children's services advisory committee which shall assist the secretary in the development of a partnership plan for utilizing resources of the public and private sectors, and advise on all matters pertaining to child welfare, day care, licensing of child care agencies, adoption, and services related thereto. At least one-third of the membership shall be composed of child care providers, and at least one member shall represent the adoption community.

(10) Have authority to provide continued foster care or group care for individuals from eighteen through twenty years of age to enable them to complete their high school or vocational school program.

(11) Have authority within funds appropriated for foster care services to purchase care for Indian children who are in the custody of a federally recognized Indian tribe or tribally licensed child-placing agency pursuant to parental consent, tribal court order, or state juvenile court order; and the purchase of such care shall be subject to the same eligibility standards and rates of support applicable to other children for whom the department purchases care.

Notwithstanding any other provision of RCW 13.32A.170 through 13.32A.200 and RCW 74.13.032 through 74.13.036, or of this section all services to be provided by the department of social and health services under subsections (4), (6), and (7) of this section, subject to the limitations of these subsections, may be provided by any program offering such services funded pursuant to Titles II and III of the federal juvenile justice and delinquency prevention act of 1974.

NEW SECTION. Sec. 10. A new section is added to chapter 36.23 RCW to read as follows:

The county clerk shall provide the name and telephone number of at least one resource to assist adopted persons who are searching for birth parents, or birth parents who are searching for children they have relinquished, if these resources have contacted the clerk's office and requested that their name be made available to persons making inquiry.

Passed the Senate March 8, 1990.

Passed the House March 8, 1990.

Approved by the Governor March 23, 1990.

Filed in Office of Secretary of State March 23, 1990.

CHAPTER 147

[Substitute House Bill No. 2792]

PODIATRIC PHYSICIANS AND SURGEONS—LICENSURE

AN ACT Relating to podiatric physicians and surgeons; amending RCW 18.22.005, 18.22.010, 18.22.013, 18.22.014, 18.22.015, 18.22.040, 18.22.060, 18.22.083, 18.22.110, 18.22.120, 18.22.191, 18.22.210, and 18.22.230; adding new sections to chapter 18.22 RCW; and repealing RCW 18.22.030, 18.22.050, 18.22.081, 18.22.130, 18.22.185, and 18.22.930.

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

Sec. 1. Section 1, chapter 21, Laws of 1982 and RCW 18.22.005 are each amended to read as follows:

The legislature finds that the conduct of ~~((podiatrists))~~ podiatric physicians and surgeons licensed to practice in this state plays a vital role in preserving the public health and well-being ~~((and that the existing agency responsible for disciplinary action against podiatrists does not offer a simple, expedient, and effective means of handling disciplinary action when necessary for the protection of the public))~~. The purpose of this ~~((act))~~ chapter is

to establish an effective public agency to regulate the practice of ~~((podiatry))~~ podiatric medicine and surgery for the protection and promotion of the public health, safety, and welfare and to act as a disciplinary body for the licensed ~~((podiatrists))~~ podiatric physicians and surgeons of this state and to ensure that only individuals who meet and maintain minimum standards of competence and conduct may obtain a license to provide podiatric services to the public.

Sec. 2. Section 1, chapter 38, Laws of 1917 as last amended by section 2, chapter 21, Laws of 1982 and RCW 18.22.010 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) ((The practice of podiatry means the diagnosis and the medical, surgical, mechanical, manipulative, and electrical treatments of ailments of the human foot. A podiatrist is a podiatric physician and surgeon of the foot licensed to treat ailments of the foot, except:~~

~~(a) Amputation of the foot;~~

~~(b) The administration of a spinal anesthetic or any anesthetic, which renders the patient unconscious, or the administration and prescription of drugs including narcotics, other than required to perform the services authorized for the treatment of the feet; and~~

~~(c) Treatment of systemic conditions))~~ "Podiatric physician and surgeon" means an individual licensed under this chapter.

~~(2) "Board" means the Washington state ((podiatry)) podiatric medical board.~~

~~(3) "Department" means the department of ((licensing)) health.~~

~~(4) ((Director))~~ Secretary" means the ((director of licensing)) secretary of health or the secretary's designee.

~~(5) "Approved school of ((podiatry)) podiatric medicine and surgery" means a school approved by the board, which may consider official recognition of the Council of Education of the American ((Podiatry)) Podiatric Medical Association in determining the approval of schools of ((podiatry)) podiatric medicine and surgery.~~

Sec. 3. Section 8, chapter 21, Laws of 1982 and RCW 18.22.013 are each amended to read as follows:

There is created the Washington state ~~((podiatry))~~ podiatric medical board consisting of five members to be appointed by the governor. All members shall be residents of the state. One member shall be a consumer whose occupation does not include the administration of health activities or the providing of health services and who has no material financial interest in providing health care services. Four members shall be ~~((podiatrists))~~ podiatric physicians and surgeons who at the time of appointment have been licensed under the laws of this state for at least five consecutive years

immediately preceding appointment and shall at all times during their terms remain licensed (~~((podiatrists))~~) podiatric physicians and surgeons.

Board members shall serve five-year terms(~~(; except that the terms of the initial appointees shall be adjusted so that only one member's term expires each year. The initial appointees whose terms expire after two years and four years shall each be members of the existing podiatry examining committee appointed under RCW 43.24.060)~~). No person may serve more than two consecutive terms on the board. Each member shall take the usual oath of a state officer, which shall be filed with the secretary of state, and each member shall hold office for the term of appointment and until a successor is appointed and sworn.

Each member is subject to removal at the pleasure of the governor. If a vacancy on the board occurs from any cause, the governor shall appoint a successor for the unexpired term.

Sec. 4. Section 9, chapter 21, Laws of 1982 as amended by section 26, chapter 287, Laws of 1984 and RCW 18.22.014 are each amended to read as follows:

The board shall meet at the places and times it determines and as often as necessary to discharge its duties. The board shall elect a chairperson, vice-chairperson, and secretary from among its members. Members shall be compensated in accordance with RCW 43.03.240 in addition to travel expenses provided by RCW 43.03.050 and 43.03.060. A simple majority of the board members currently serving constitutes a quorum of the board.

Sec. 5. Section 10, chapter 21, Laws of 1982 as amended by section 18, chapter 259, Laws of 1986 and RCW 18.22.015 are each amended to read as follows:

The board shall:

(1) Administer all laws placed under its jurisdiction;

(2) Prepare, grade, and administer or determine the nature, grading, and administration of examinations for applicants for ~~((podiatrist))~~ podiatric physician and surgeon licenses;

(3) Examine and investigate all applicants for ~~((podiatrist))~~ podiatric physician and surgeon licenses and certify to the ~~((director))~~ secretary all applicants it judges to be properly qualified(~~(-)~~);

~~((The board may))~~ (4) Adopt any rules which it considers necessary or proper to carry out the purposes of this chapter;

(5) Determine which schools of podiatric medicine and surgery will be approved.

NEW SECTION. Sec. 6. A new section is added to chapter 18.22 RCW to read as follows:

(1) A podiatric physician and surgeon is responsible for the quality of podiatric care.

(2) The practice of podiatric medicine and surgery is the diagnosis and the medical, surgical, mechanical, manipulative, and electrical treatments of ailments of the human foot.

(3) Podiatric physicians and surgeons may issue prescriptions valid at any pharmacy for any drug, including narcotics, necessary in the practice of podiatry.

(4) Podiatrists shall not:

(a) Amputate the foot;

(b) Administer spinal anesthetic or any anesthetic that renders the patient unconscious; or

(c) Treat systemic conditions.

NEW SECTION. Sec. 7. A new section is added to chapter 18.22 RCW to read as follows:

No person may practice or represent himself or herself as a podiatric physician and surgeon without first applying for and receiving a license under this chapter to practice podiatric medicine and surgery.

Sec. 8. Section 6, chapter 38, Laws of 1917 as last amended by section 5, chapter 21, Laws of 1982 and RCW 18.22.040 are each amended to read as follows:

Before any person (~~((shall be permitted to))~~) may take an examination for the issuance of a (~~((podiatry))~~) podiatric physician and surgeon license, the applicant shall submit a completed application and a fee determined by the secretary as provided in RCW 43.70.250. The applicant shall also furnish the (~~((director of licensing))~~) secretary and the board with satisfactory proof that:

(1) The applicant (~~((is eighteen years of age or over;~~

~~((2) The applicant is of good moral character;~~

~~((3))~~) has not engaged in unprofessional conduct as defined in chapter 18.130 RCW and is not unable to practice with reasonable skill and safety as a result of a physical or mental impairment;

(2) The applicant has (~~((successfully))~~) satisfactorily completed a (~~((four-year course in a high school or its equivalent and a two-year college course leading toward the baccalaureate degree, not including correspondence courses, before beginning a course in podiatry))~~) course in an approved school of (~~((podiatry; and~~

~~((4) The applicant has received a diploma or certificate of graduation from a legally incorporated, regularly established and approved school of podiatry))~~) podiatric medicine and surgery.

Sec. 9. Section 14, chapter 52, Laws of 1957 as last amended by section 11, chapter 7, Laws of 1985 and RCW 18.22.060 are each amended to read as follows:

~~((Every applicant for a license to practice podiatry shall pay to the state treasurer a fee determined by the director as provided in RCW 43.24-086:))~~ (1) The date and location of the examination shall be established by the board. Applicants who have met the requirements for examination under RCW 18.22.040 will be scheduled for the next examination after the filing of the complete application. The board shall establish by rule the examination application deadline.

(2) An applicant who fails to pass an examination satisfactorily is entitled to reexamination ((at a meeting called for the examination of applicants,)) upon the payment of a fee for each reexamination determined by the ((director)) secretary as provided in RCW ((43.24.086)) 43.70.250.

NEW SECTION. Sec. 10. A new section is added to chapter 18.22 RCW to read as follows:

An applicant holding a license to practice podiatric medicine and surgery in another state may be licensed without examination if the secretary determines that the other state's licensing standards are substantively equivalent to the standards in this state.

Sec. 11. Section 13, chapter 21, Laws of 1982 and RCW 18.22.083 are each amended to read as follows:

((Except for applicants granted licenses under RCW 18.22.081)) Before being issued a license to practice podiatric medicine and surgery, applicants must successfully ((complete)) pass the examinations administered by the national board of podiatry examiners and an examination administered or approved by the board to determine their professional qualifications. The ((board shall prepare and give, or approve the preparation and giving of, an examination which covers those general subjects and topics, a knowledge of which is commonly required of candidates for the degree of doctor of podiatry conferred by approved colleges or schools of podiatry in the United States. The board shall have the sole responsibility for determining the proficiency of applicants under this chapter and, in so doing, may waive any prerequisite to licensure not set forth in this chapter)) examination administered by the board shall include the subject areas as the board may require by rule.

The board may approve an examination prepared or administered, or both, by a private testing agency, other licensing authority, or association of licensing authorities.

The board may by rule establish the passing grade for the examination((, and in so doing may grant credit based on experience which shall not exceed five percent of the total possible grade. The department shall keep records of the examination grades which shall be permanently kept with each applicant's file)).

Sec. 12. Section 15, chapter 52, Laws of 1957 as amended by section 9, chapter 77, Laws of 1973 and RCW 18.22.110 are each amended to read as follows:

Every holder of a ~~((podiatry))~~ podiatric physician and surgeon license shall keep ~~((his))~~ the license on exhibition in a conspicuous place in ~~((his))~~ the holder's office or place of business.

Sec. 13. Section 6, chapter 149, Laws of 1955 as last amended by section 13, chapter 7, Laws of 1985 and RCW 18.22.120 are each amended to read as follows:

~~((Every person practicing podiatry must renew his or her license each year and pay a renewal fee determined by the director as provided in RCW 43.24.086.~~

~~Failure to register and pay the annual renewal fee invalidates the license, but it shall be reinstated upon written application to the director and payment to the state of a penalty of ten dollars, together with all delinquent annual renewal fees. PROVIDED, That a person who fails to renew his or her license for a period of three years is not entitled to renewal under this section but must file an original application as provided in this chapter, and pay the required fee. The board may permit an applicant whose license has lapsed in this manner to be licensed without examination if it determines that the applicant meets all the requirements for licensure in this state and is competent to engage in the practice of podiatry.))~~ The board shall establish by rule the requirements for renewal of licenses. The secretary shall establish a renewal and late renewal penalty fee as provided in RCW 43.70.250, and the term for renewal of a license under RCW 43.70.280. Failure to renew invalidates the license and all privileges granted by it. The board shall determine by rule when a license shall be canceled for failure to renew and shall establish prerequisites for relicensing.

NEW SECTION. Sec. 14. A new section is added to chapter 18.22 RCW to read as follows:

(1) An individual may place his or her license on inactive status. The holder of an inactive license shall not practice podiatric medicine and surgery in this state without first activating the license.

(2) The inactive renewal fee shall be established by the secretary under RCW 43.70.250, but may not exceed twenty-five percent of the active license renewal fee. Failure to renew an inactive license results in cancellation in the same manner as an active license.

(3) An inactive license may be placed in an active status upon compliance with the rules established by the board.

(4) The provisions of this chapter relating to the denial, suspension, and revocation of a license are applicable to an inactive license, except that when proceedings to suspend or revoke an inactive license have been initiated, the license remains inactive until the proceedings have been completed.

Sec. 15. Section 13, chapter 149, Laws of 1955 and RCW 18.22.191 are each amended to read as follows:

The ~~((director of licensing))~~ secretary shall have the power and duty to formulate and prescribe such rules and regulations as may be reasonable in the proper administration of this chapter. In addition to any other authority provided by law, the secretary may:

(1) Set all fees required in this chapter in accordance with RCW 43.70.250;

(2) Establish forms necessary to administer this chapter;

(3) Maintain the official department record of all applicants and licensees.

Sec. 16. Section 10, chapter 38, Laws of 1917 as last amended by section 17, chapter 21, Laws of 1982 and RCW 18.22.210 are each amended to read as follows:

It ~~((shall be deemed))~~ is prima facie evidence of the practice of ~~((podiatry))~~ podiatric medicine and surgery or of holding oneself out as a practitioner of ~~((podiatry))~~ podiatric medicine and surgery within the meaning of this chapter for any person to treat in any manner ailments of the human foot by medical, surgical, or mechanical means or appliances, or to use the title "podiatrist," "podiatric physician and surgeon," or any other words or letters which designate or tend to designate to the public that the person so treating or holding himself or herself out to treat, is a ~~((podiatrist: PROVIDED, HOWEVER, That nothing herein contained shall prohibit a duly licensed physician or surgeon from treating the human foot by medical, surgical or mechanical means or appliances))~~ podiatric physician and surgeon.

Sec. 17. Section 12, chapter 149, Laws of 1955 as last amended by section 19, chapter 21, Laws of 1982 and RCW 18.22.230 are each amended to read as follows:

The following practices, acts, and operations are excepted from the operation of the provisions of this chapter:

(1) The practice of ~~((podiatry in the discharge of official duties by podiatrists in the United States armed forces, public health service, Veterans Bureau or Bureau of Indian Affairs))~~ podiatric medicine and surgery by an individual employed by the government of the United States while the individual is engaged in the performance of duties prescribed by the laws and regulations of the United States;

(2) ~~((Recognized schools of podiatry or colleges of podiatry, and the practice of podiatry by students in such recognized schools or colleges, when acting under the direction and supervision of registered and licensed podiatrists acting as instructors))~~ The practice of podiatric medicine and surgery by students enrolled in a school approved by the board. The performance of services must be pursuant to a course of instruction or assignments from an instructor and under the supervision of the instructor;

(3) The practice of ~~((podiatry))~~ podiatric medicine and surgery by licensed ~~((podiatrists))~~ podiatric physicians and surgeons of other states or countries while appearing ~~((as clinicians at meetings of the Washington state podiatry association or component parts thereof, or at meetings sanctioned by them))~~ at educational seminars;

(4) The use of roentgen and other rays for making radiograms or similar records of the feet or portions thereof, under the supervision of a licensed ~~((podiatrist))~~ podiatric physician and surgeon or a physician;

(5) The practice of ~~((podiatry))~~ podiatric medicine and surgery by externs, interns, and residents in training programs approved by the American ~~((Podiatry))~~ Podiatric Medical Association;

(6) The performing of podiatric services by persons not licensed under this chapter when performed under the supervision of a licensed podiatrist if those services are authorized by board ~~((regulation))~~ rule or other law to be so performed;

(7) The treatment of ailments of the feet by physicians licensed under chapter 18.57 or 18.71 RCW, or other licensed health professionals practicing within the scope of their licenses;

(8) The domestic administration of family remedies or treatment by prayer or spiritual means in accordance with the creed or tenets of any well recognized church or religious denomination.

***NEW SECTION. Sec. 18. A new section is added to chapter 18.22 RCW to read as follows:**

The secretary, members of the board, or individuals acting on their behalf are immune from suit in any action, civil or criminal, based on any acts performed in the course of their duties under this chapter.

*Sec. 18 was vetoed, see message at end of chapter.

NEW SECTION. Sec. 19. A new section is added to chapter 18.22 RCW to read as follows:

This chapter shall be known as the Podiatric Physician and Surgeon Practice Act.

NEW SECTION. Sec. 20. The following acts or parts of acts are each repealed:

(1) Section 18, chapter 38, Laws of 1917, section 3, chapter 77, Laws of 1973, section 4, chapter 21, Laws of 1982 and RCW 18.22.030;

(2) Section 4, chapter 149, Laws of 1955, section 5, chapter 77, Laws of 1973, section 6, chapter 21, Laws of 1982 and RCW 18.22.050;

(3) Section 3, chapter 97, Laws of 1965, section 8, chapter 77, Laws of 1973, section 17, chapter 30, Laws of 1975 1st ex. sess., section 12, chapter 21, Laws of 1982, section 12, chapter 7, Laws of 1985 and RCW 18.22.081;

(4) Section 5, chapter 38, Laws of 1917, section 11, chapter 77, Laws of 1973 and RCW 18.22.130;

(5) Section 11, chapter 149, Laws of 1955, section 15, chapter 77, Laws of 1973 and RCW 18.22.185; and

(6) Section 28, chapter 77, Laws of 1973 and RCW 18.22.930.

Passed the House February 13, 1990.

Passed the Senate March 1, 1990.

Approved by the Governor March 23, 1990, with the exception of certain items which were vetoed.

Filed in Office of Secretary of State March 23, 1990.

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

"I am returning herewith, without my approval as to section 18, Substitute House Bill No. 2792 entitled:

"AN ACT Relating to podiatric physicians and surgeons."

Section 18 of this bill restates substantially the immunity from liability extended by RCW 18.130.300 (The Uniform Disciplinary Act) to the secretary, members of the board or individuals acting on their behalf. RCW 18.130.300 provides immunity based on "official acts performed in the course of their duties" for members of a variety of health care boards. Section 18 of this bill would extend immunity only to the Washington State Podiatric Medical Board for "any act performed in the course of their duties."

Neither the bill nor its legislative history provides further explanation of the change in immunity extended by section 18, nor a justification for such change to members of this particular health care board.

In order to maintain consistency, I have vetoed section 18 of this bill.

With the exception of section 18, Substitute House Bill No. 2792 is approved."

CHAPTER 148

[Substitute House Bill No. 2375]

ALL KIDS CAN LEARN INCENTIVE GRANTS

AN ACT Relating to ALL KIDS CAN LEARN incentive grants; adding new sections to Title 28A RCW; and creating a new section.

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

NEW SECTION. Sec. 1. As we face a more complex society and increasing demands are placed on schools and the services they provide for children, it is important that each school and school district determine the role it is to play. In addition to determining their roles, school districts need to be able to implement the plans established using research and practices that work. School districts need incentives to develop and implement mission plans that produce more learning for more students. To develop their visions, school districts must determine what it is that they want and what it is that they have or know. These determinations will enable school districts to develop a vision of what the school districts are trying to accomplish and enable all parties involved to direct all activities in each school in the school district to make the vision come true.

NEW SECTION. Sec. 2. In recognition of the importance of the process of defining district purposes and systematically working to achieve the desired results using research and practices that work, the legislature creates the all kids can learn incentive grants.

NEW SECTION. Sec. 3. The superintendent of public instruction may grant funds to school districts for schools to plan and implement outcome-based education programs. Such grants shall carry out the purposes of the basic education act. Grants shall be of sufficient size and scope, shall be granted for a five-year period, shall be subject to appropriations, and shall conform to the principles underlying the outcomes-driven education process.

NEW SECTION. Sec. 4. Sections 2 and 3 of this act are each added to Title 28A RCW.

Passed the House March 3, 1990.

Passed the Senate February 28, 1990.

Approved by the Governor March 23, 1990.

Filed in Office of Secretary of State March 23, 1990.

CHAPTER 149

[House Bill No. 2253]

MINIMUM WAGE—STUDENTS AT STATE COLLEGES AND UNIVERSITIES

AN ACT Relating to the state minimum wage for students at institutions of higher education; and repealing RCW 49.46.025.

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

NEW SECTION. Sec. 1. Section 5, chapter 18, Laws of 1961 ex. sess. and RCW 49.46.025 are each repealed.

Passed the House February 6, 1990.

Passed the Senate March 1, 1990.

Approved by the Governor March 23, 1990.

Filed in Office of Secretary of State March 23, 1990.

CHAPTER 150

[Substitute House Bill No. 2809]

CHILD WITNESSES—CLOSED-CIRCUIT TELEVISION TESTIMONY

AN ACT Relating to closed-circuit transmission of testimony of child witnesses in sexual and physical abuse cases; adding a new section to chapter 9A.44 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 legislature declares that protection of child witnesses in sexual assault and physical abuse cases is a substantial and compelling interest of the state. Sexual and physical abuse cases are some of the most difficult cases to prosecute, in part because frequently no

witnesses exist except the child victim. When abuse is prosecuted, a child victim may suffer serious emotional and mental trauma from exposure to the abuser or from testifying in open court. In rare cases, the child is so traumatized that the child is unable to testify at trial and is unavailable as a witness or the child's ability to communicate in front of the jury or defendant is so reduced that the truth-seeking function of trial is impaired. In other rare cases, the child is able to proceed to trial but suffers long-lasting trauma as a result of testifying in court or in front of the defendant. The creation of procedural devices designed to enhance the truth-seeking process and to shield child victims from the trauma of exposure to the abuser and the courtroom is a compelling state interest.

NEW SECTION. Sec. 2. A new section is added to chapter 9A.44 RCW to read as follows:

(1) On motion of the prosecuting attorney in a criminal proceeding, the court may order that a child under the age of ten may testify in a room outside the presence of the defendant and the jury while one-way closed circuit television equipment simultaneously projects the child's testimony into another room so the defendant and the jury can watch and hear the child testify if:

(a) The testimony will describe an act or attempted act of sexual contact performed with or on the child by another or describe an act or attempted act of physical abuse against the child by another;

(b) The testimony is taken during the criminal proceeding;

(c) The court finds by substantial evidence, in a hearing conducted outside the presence of the jury, that requiring the child to testify in the presence of the defendant will cause the child to suffer serious emotional or mental distress that will prevent the child from reasonably communicating at the trial. If the defendant is excluded from the presence of the child, the jury must also be excluded;

(d) As provided in subsection (1) (a) and (b) of this section, the court may allow a child to testify in the presence of the defendant but outside the presence of the jury, via closed circuit television, if the court finds, upon motion and hearing outside the presence of the jury, that the child will suffer serious emotional distress that will prevent the child from reasonably communicating at the trial in front of the jury, or, that although the child may be able to reasonably communicate at trial in front of the jury, the child will suffer serious emotional or mental distress from testifying in front of the jury. If the child is able to communicate in front of the defendant but not the jury the defendant will remain in the room with the child while the jury is excluded from the room;

(e) The court finds that the prosecutor has made all reasonable efforts to prepare the child for testifying, including informing the child or the child's parent or guardian about community counseling services, giving

court tours, and explaining the trial process. If the prosecutor fails to demonstrate that preparations were implemented or the prosecutor in good faith attempted to implement them, the court shall deny the motion;

(f) The court balances the strength of the state's case without the testimony of the child against the defendant's constitutional rights and the degree of infringement of the closed-circuit television procedure on those rights;

(g) The court finds that no less restrictive method of obtaining the testimony exists that can adequately protect the child from the serious emotional or mental distress;

(h) When the court allows the child to testify outside the presence of the defendant, the defendant can communicate constantly with the defense attorney by electronic transmission and be granted reasonable court recesses during the child's testimony for person-to-person consultation with the defense attorney;

(i) The court can communicate with the attorneys by an audio system so that the court can rule on objections and otherwise control the proceedings;

(j) All parties in the room with the child are on camera and can be viewed by all other parties. If viewing all participants is not possible, the court shall describe for the viewers the location of the prosecutor, defense attorney, and other participants in relation to the child;

(k) The court finds that the television equipment is capable of making an accurate reproduction and the operator of the equipment is competent to operate the equipment; and

(l) The court imposes reasonable guidelines upon the parties for conducting the filming to avoid trauma to the child or abuse of the procedure for tactical advantage.

The prosecutor, defense attorney, and a neutral and trained victim's advocate, if any, shall always be in the room where the child is testifying. The court in the court's discretion depending on the circumstances and whether the jury or defendant or both are excluded from the room where the child is testifying, may remain or may not remain in the room with the child.

(2) During the hearing conducted under subsection (1) of this section to determine whether the child may testify outside the presence of the defendant and/or the jury, the court may conduct the observation and examination of the child outside the presence of the defendant if:

(a) The prosecutor alleges and the court concurs that the child will be unable to testify in front of the defendant or will suffer severe emotional or mental distress if forced to testify in front of the defendant;

(b) The defendant can observe and hear the child by closed-circuit television;

(c) The defendant can communicate constantly with the defense attorney during the examination of the child by electronic transmission and be granted reasonable court recesses during the child's examination for person to person consultation with the defense attorney; and

(d) The court finds the closed-circuit television is capable of making an accurate reproduction and the operator of the equipment is competent to operate the equipment. Whenever possible, all the parties in the room with the child shall be on camera so that the viewers can see all the parties. If viewing all participants is not possible, then the court shall describe for the viewers the location of the prosecutor, defense attorney, and other participants in relation to the child.

(3) The court shall make particularized findings on the record articulating the factors upon which the court based its decision to allow the child to testify via closed-circuit television pursuant to this section. The factors the court may consider include, but are not limited to, a consideration of the child's age, physical health, emotional stability, expressions by the child of fear of testifying in open court or in front of the defendant, the relationship of the defendant to the child, and the court's observations of the child's inability to reasonably communicate in front of the defendant or in open court. The court's findings shall identify the impact the factors have upon the child's ability to testify in front of the jury or the defendant or both and the specific nature of the emotional or mental trauma the child would suffer. The court shall determine whether the source of the trauma is the presence of the defendant, the jury, or both, and shall limit the use of the closed-circuit television accordingly.

(4) This section does not apply if the defendant is an attorney pro se unless the defendant has a court-appointed attorney assisting the defendant in the defense.

(5) This section may not preclude the presence of both the victim and the defendant in the courtroom together for purposes of establishing or challenging the identification of the defendant when identification is a legitimate issue in the proceeding.

(6) The Washington supreme court may adopt rules of procedure regarding closed-circuit television procedures.

(7) All recorded tapes of testimony produced by closed-circuit television equipment shall be subject to any protective order of the court for the purpose of protecting the privacy of the child.

(8) Nothing in this section creates a right of the child witness to a closed-circuit television procedure in lieu of testifying in open court.

(9) The state shall bear the costs of the closed-circuit television procedure.

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 House March 3, 1990.

Passed the Senate March 1, 1990.

Approved by the Governor March 23, 1990.

Filed in Office of Secretary of State March 23, 1990.

CHAPTER 151

[Substitute House Bill No. 2385]

CHEMICAL DEPENDENCY TREATMENT

AN ACT Relating to clarification of existing laws regarding chemical dependency; amending RCW 70.96A.150, 70.96A.140, 74.09.790, 70.96A.180, 70.96A.110, 70.96A.120, and 70.96A.320; reenacting and amending RCW 70.96A.020 and 70.96A.090; and declaring an emergency.

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

Sec. 1. Section 15, chapter 122, Laws of 1972 ex. sess. as amended by section 1, chapter 162, Laws of 1989 and RCW 70.96A.150 are each amended to read as follows:

(1) The registration and other records of treatment (~~(facilities))~~ programs shall remain confidential. Records may be disclosed (a) in accordance with the prior written consent of the patient with respect to whom such record is maintained, (b) if authorized by an appropriate order of a court of competent jurisdiction granted after application showing good cause, (c) to comply with state laws mandating the reporting of suspected child abuse or neglect, or (d) when a patient commits a crime on program premises or against program personnel, or threatens to do so.

(2) Notwithstanding subsection (1) of this section, the secretary may receive information from patients' records for purposes of research into the causes and treatment of alcoholism and other drug addiction, verification of eligibility and appropriateness of reimbursement, and the evaluation of alcoholism and other drug treatment programs. Information under this subsection shall not be published in a way that discloses patients' names or otherwise discloses their identities.

(3) Nothing contained in this chapter relieves a person or firm from the requirements under federal regulations for the confidentiality of alcohol and drug abuse patient records. Obligations imposed on drug and alcohol treatment programs and protections afforded alcohol and drug abuse patients under federal regulations apply to all programs approved by the department under RCW 70.96A.090.

Sec. 2. Section 2, chapter 122, Laws of 1972 ex. sess. as amended by section 3, chapter 270, Laws of 1989 and by section 305, chapter 271, Laws of 1989 and RCW 70.96A.020 are each reenacted and 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.

~~((8))~~ (9) "Drug addict" means a person who suffers from the disease of drug addiction.

~~((9))~~ (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.

~~((10))~~ (11) "Emergency service patrol" means a patrol established under RCW 70.96A.170.

~~((11))~~ (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))~~ (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.

~~((12))~~ (14) "Incompetent person" means a person who has been adjudged incompetent by the superior court.

~~((13))~~ (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.

~~((14))~~ (16) "Licensed physician" means a person licensed to practice medicine or osteopathy in the state of Washington.

(17) "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) "Secretary" means the secretary of the department of social and health services.

~~((15))~~ (19) "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.

~~((16))~~ (20) "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. 3. Section 14, chapter 122, Laws of 1972 ex. sess. as last amended by section 307, chapter 271, Laws of 1989 and RCW 70.96A.140 are each amended to read as follows:

(1) When ~~((the person in charge of a treatment facility, or his or her designee))~~ a designated chemical dependency specialist, receives information alleging that a person is incapacitated as a result of alcoholism, the ~~((person in charge, or his or her designee))~~ 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

~~((person in charge, or his or her designee))~~ 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. If placement in an alcohol treatment ~~((facility))~~ program is available and deemed appropriate, the petition shall allege that: The person is an alcoholic who is incapacitated by alcohol, 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 and is in need of a more sustained treatment program, or that the person is an alcoholic 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 ~~((facility))~~ 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 ~~((facility))~~ program, pursuant to RCW 70.96A.120 or 71.05.210, 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 ~~((treatment facility))~~ 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 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 ((facility)) program. It shall not order commitment of a person unless it determines that an approved treatment ((facility)) 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 ((facility)) 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 ((facility)) 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 likely to inflict physical harm on another, the ((facility)) 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 ((facility)) 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 ((facility)) 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 ((facility)) program to another if transfer is medically advisable.

(8) A person committed to the custody of a ((facility)) 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, 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, 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 ~~((facility))~~ 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 ~~((facility))~~ program designated to provide the less restrictive treatment is other than the ~~((facility))~~ program providing the initial involuntary treatment, the ~~((facility))~~ 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 ~~((county alcoholism))~~ chemical dependency specialist of original commitment, and the court of original commitment. The ~~((facility))~~ 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 ~~((facility))~~ program providing less restrictive care and the designated ~~((county alcoholism))~~ 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 ~~((county alcoholism))~~ 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 ~~((alcoholism))~~ 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 ~~((facility))~~ 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. 4. Section 4, chapter 10, Laws of 1989 1st ex. sess. and RCW 74.09.790 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout RCW 74.09.760 through 74.09.820 and 74.09.510:

(1) "At-risk eligible person" means an eligible person determined by the department to need special assistance in applying for and obtaining maternity care, including pregnant women who are substance abusers, pregnant and parenting adolescents, pregnant minority women, and other eligible persons who need special assistance in gaining access to the maternity care system.

(2) "County authority" means the board of county commissioners, county council, or county executive having the authority to participate in the maternity care access program or its designee. Two or more county authorities may enter into joint agreements to fulfill the requirements of this chapter.

(3) "Department" means the department of social and health services.

(4) "Eligible person" means a woman in need of maternity care or a child, who is eligible for medical assistance pursuant to this chapter (~~(74.09 RCW)~~) or the prenatal care program administered by the department.

(5) "Maternity care services" means inpatient and outpatient medical care, case management, and support services necessary during prenatal, delivery, and postpartum periods.

(6) "Support services" means, at least, public health nursing assessment and follow-up, health and childbirth education, psychological assessment and counseling, outreach services, nutritional assessment and counseling, needed vitamin and nonprescriptive drugs, transportation, and child care. Support services may include alcohol and substance abuse treatment for pregnant women who are addicted or at risk of being addicted to alcohol or drugs to the extent funds are made available for that purpose (~~(by Engrossed Second Substitute House Bill No. 1793, if enacted)~~).

Sec. 5. Section 9, chapter 122, Laws of 1972 ex. sess. as amended by section 131, chapter 175, Laws of 1989 and by section 19, chapter 270, Laws of 1989 and RCW 70.96A.090 are each reenacted and amended to read as follows:

(1) The department shall adopt rules establishing standards for approved treatment programs, the process for the review and inspection program applying to the department for certification as an approved treatment program, and fixing the fees to be charged by the department for the required inspections. The standards may concern the health standards to be met and standards of services and treatment to be afforded patients.

(2) The department may (~~either grant or deny a certification of approval or revoke or~~) suspend (~~(certification previously granted after investigation to ascertain whether or not the treatment program meets)~~), revoke, limit, restrict, or modify an approval, or refuse to grant approval, for failure to meet the provisions of this chapter, or the standards adopted under this chapter. RCW 43.20A.205 governs notice of a license denial, revocation, suspension, or modification and provides the right to an adjudicative proceeding.

(3) No treatment program may advertise or represent itself as an approved treatment program if approval has not been granted, has been denied, suspended, revoked, or canceled.

(4) Certification as an approved treatment program is effective for one calendar year from the date of issuance of the certificate. The certification shall specify the types of services provided by the approved treatment program that meet the standards adopted under this chapter. Renewal of certification shall be made in accordance with this section for initial approval and in accordance with the standards set forth in rules adopted by the secretary.

(5) Approved treatment programs shall not provide alcoholism or other drug addiction treatment services for which the approved treatment program has not been certified. Approved treatment programs may provide services for which approval has been sought and is pending, if approval for the services has not been previously revoked or denied.

(6) The department periodically shall inspect approved public and private treatment programs at reasonable times and in a reasonable manner.

(7) The department shall maintain and periodically publish a current list of approved treatment programs.

(8) Each approved treatment program shall file with the department on request, data, statistics, schedules, and information the department reasonably requires. An approved treatment program that without good cause fails to furnish any data, statistics, schedules, or information as requested, or files fraudulent returns thereof, may be removed from the list of approved treatment programs, and its certification revoked or suspended.

~~(9) ((The superior court may restrain any violation of this section, review any denial, restriction, or revocation of approval, and grant other relief required to enforce its provisions.~~

~~(+0))~~ Upon petition of the department and after a hearing held upon reasonable notice to the facility, the superior court may issue a warrant to an officer or employee of the department authorizing him or her to enter and inspect at reasonable times, and examine the books and accounts of, any approved public or private treatment program refusing to consent to inspection or examination by the department or which the department has reasonable cause to believe is operating in violation of this chapter.

Sec. 6. Section 18, chapter 122, Laws of 1972 ex. sess. as amended by section 31, chapter 270, Laws of 1989 and RCW 70.96A.180 are each amended to read as follows:

(1) If treatment is provided by an approved treatment program ~~((or emergency treatment is provided by a program under RCW 70.96A.080(2)(a);))~~ and the patient has not paid or is unable to pay the charge therefor, the program is entitled to any payment (a) received by the patient or to which he may be entitled because of the services rendered, and

(b) from any public or private source available to the program because of the treatment provided to the patient.

(2) A patient in a program, or the estate of the patient, or a person obligated to provide for the cost of treatment and having sufficient financial ability, is liable to the program for cost of maintenance and treatment of the patient therein in accordance with rates established.

(3) The secretary shall adopt rules governing financial ability that take into consideration the income, savings, and other personal and real property of the person required to pay, and any support being furnished by him to any person he is required by law to support.

Sec. 7. Section 11, chapter 122, Laws of 1972 ex. sess. as amended by section 25, chapter 270, Laws of 1989 and RCW 70.96A.110 are each amended to read as follows:

(1) An alcoholic or other drug addict may apply for voluntary treatment directly to an approved treatment program. If the proposed patient is a minor or an incompetent person, he or she, a parent, a legal guardian, or other legal representative may make the application.

(2) Subject to rules adopted by the secretary, the administrator in charge of an approved treatment program may determine who shall be admitted for treatment. If a person is refused admission to an approved treatment program, the administrator, subject to rules adopted by the secretary, shall refer the person to another approved treatment program for treatment if possible and appropriate.

(3) If a patient receiving inpatient care leaves an approved treatment program, he or she shall be encouraged to consent to appropriate outpatient treatment. If it appears to the administrator in charge of the treatment program that the patient is an alcoholic or other drug addict who requires help, the department may arrange for assistance in obtaining supportive services and residential ((facilities)) programs.

(4) If a patient leaves an approved public treatment program, with or against the advice of the administrator in charge of the ((facility)) program, the department may make reasonable provisions for his or her transportation to another ((facility)) program or to his or her home. If the patient has no home he or she should be assisted in obtaining shelter. If the patient is less than fourteen years of age or an incompetent person the request for discharge from an inpatient ((facility)) program shall be made by a parent, legal guardian, or other legal representative or by the minor or incompetent if he or she was the original applicant.

Sec. 8. Section 12, chapter 122, Laws of 1972 ex. sess. as last amended by section 306, chapter 271, Laws of 1989 and RCW 70.96A.120 are each amended to read as follows:

(1) An intoxicated person may come voluntarily to an approved treatment ((facility)) program for treatment. A person who appears to be intoxicated in a public place and to be in need of help, if he or she consents to

the proffered help, may be assisted to his or her home, an approved treatment ((facility)) program or other health facility.

(2) Except for a person who may be apprehended for possible violation of laws not relating to alcoholism, drug addiction, or intoxication and except for a person who may be apprehended for possible violation of laws relating to driving or being in physical control of a vehicle while intoxicated and except for a person who may wish to avail himself or herself of the provisions of RCW 46.20.308, a person who appears to be incapacitated or gravely disabled by alcohol or other drugs and who is in a public place or who has threatened, attempted, or inflicted physical harm on himself, herself, or another, shall be taken into protective custody by a peace officer or staff designated by the county and as soon as practicable, but in no event beyond eight hours brought to an approved treatment ((facility)) program for treatment. If no approved treatment ((facility)) program is readily available he or she shall be taken to an emergency medical service customarily used for incapacitated persons. The peace officer or staff designated by the county, in detaining the person and in taking him or her to an approved treatment ((facility)) program, is taking him or her into protective custody and shall make every reasonable effort to protect his or her health and safety. In taking the person into protective custody, the detaining peace officer or staff designated by the county may take reasonable steps including reasonable force if necessary to protect himself or herself or effect the custody. A taking into protective custody under this section is not an arrest. No entry or other record shall be made to indicate that the person has been arrested or charged with a crime.

(3) A person who comes voluntarily or is brought to an approved treatment ((facility)) program shall be examined by a qualified person. He or she may then be admitted as a patient or referred to another health facility, which provides emergency medical treatment, where it appears that such treatment may be necessary. The referring approved treatment ((facility)) program shall arrange for his or her transportation.

(4) A person who is found to be incapacitated or gravely disabled by alcohol or other drugs at the time of his or her admission or to have become incapacitated or gravely disabled at any time after his or her admission, may not be detained at the ((facility)) program for more than seventy-two hours after admission as a patient, unless a petition is filed under RCW 70-.96A.140, as now or hereafter amended: PROVIDED, That the treatment personnel at an approved treatment ((facility)) program are authorized to use such reasonable physical restraint as may be necessary to retain an incapacitated or gravely disabled person for up to seventy-two hours from the time of admission. The seventy-two hour periods specified in this section shall be computed by excluding Saturdays, Sundays, and holidays. A person may consent to remain in the ((facility)) program as long as the physician in charge believes appropriate.

(5) A person who is not admitted to an approved treatment ((facility)) program, is not referred to another health facility, and has no funds, may be taken to his or her home, if any. If he or she has no home, the approved treatment ((facility)) program shall provide him or her with information and assistance to access available community shelter resources.

(6) If a patient is admitted to an approved treatment ((facility)) program, his or her family or next of kin shall be notified as promptly as possible by the treatment ((facility)) program. If an adult patient who is not incapacitated requests that there be no notification, his or her request shall be respected.

(7) The peace officer, staff designated by the county, or treatment facility personnel, who act in compliance with this chapter and are performing in the course of their official duty are not criminally or civilly liable therefor.

(8) If the person in charge of the approved treatment ((facility)) program determines that appropriate treatment is available, the patient shall be encouraged to agree to further diagnosis and appropriate voluntary treatment.

Sec. 9. Section 17, chapter 270, Laws of 1989 and RCW 70.96A.320 are each amended to read as follows:

(1) A county legislative authority, or two or more counties acting jointly, may establish an alcoholism and other drug addiction program. If two or more counties jointly establish the program, they shall designate one county to provide administrative and financial services.

(2) To be eligible for funds from the department for the support of the county alcoholism and other drug addiction program, the county legislative authority shall establish a county alcoholism and other drug addiction board under RCW 70.96A.300 and appoint a county alcoholism and other drug addiction program coordinator under RCW 70.96A.310.

(3) The county legislative authority may apply to the department for financial support for the county program of alcoholism and other drug addiction. To receive financial support, the county legislative authority shall submit a plan that meets the following conditions:

- (a) It shall describe the services and activities to be provided;
- (b) It shall include anticipated expenditures and revenues;
- (c) It shall be prepared by the county alcoholism and other drug addiction program board and be adopted by the county legislative authority;
- (d) It shall reflect maximum effective use of existing services and ((facilities)) programs; and
- (e) It shall meet other conditions that the secretary may require.

(4) The county may accept and spend gifts, grants, and fees, from public and private sources, to implement its program of alcoholism and other drug addiction.

(5) The county may subcontract for detoxification, residential treatment, or outpatient treatment with treatment programs that are approved treatment programs. The county may subcontract for other services with individuals or organizations approved by the department.

(6) To continue to be eligible for financial support from the department for the county alcoholism and other drug addiction program, an increase in state financial support shall not be used to supplant local funds from a source that was used to support the county alcoholism and other drug addiction program before the effective date of the increase.

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 February 12, 1990.

Passed the Senate March 2, 1990.

Approved by the Governor March 23, 1990.

Filed in Office of Secretary of State March 23, 1990.

CHAPTER 152

[Senate Bill No. 6588]

LEWD LIVE PERFORMANCES

AN ACT Relating to live performances; and amending RCW 7.48.050, 7.48.052, 7.48-054, 7.48A.010, and 7.48A.020.

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

Sec. 1. Section 1, chapter 127, Laws of 1913 as amended by section 1, chapter 1, Laws of 1979 and RCW 7.48.050 are each amended to read as follows:

The definitions set forth in this section shall apply throughout this chapter as they relate to moral nuisances.

(1) "Knowledge" or "knowledge of such nuisance" means having knowledge of the contents and character of the patently offensive sexual conduct which appears in the lewd matter, or knowledge of the acts of lewdness, assignation, or prostitution which occur on the premises.

(2) "Lewd matter" is synonymous with "obscene matter" and means any matter:

(a) Which the average person, applying contemporary community standards, would find, when considered as a whole, appeals to the prurient interest; and

(b) Which depicts or describes patently offensive representations or descriptions of:

(i) Ultimate sexual acts, normal or perverted, actual or simulated; or

(ii) Masturbation, excretory functions, or lewd exhibition of the genitals or genital area.

Nothing herein contained is intended to include or proscribe any matter which, when considered as a whole, and in the context in which it is used, possesses serious literary, artistic, political, or scientific value.

(3) "Lewdness" shall have and include all those meanings which are assigned to it under the common law.

(4) "Live performance" means any play, show, skit, dance, or other exhibition performed or presented to or before an audience of one or more, in person or by electronic transmission, with or without consideration.

(5) "Matter" shall mean a live performance, a motion picture film, or a publication or ((both)) any combination thereof.

~~((5))~~ (6) "Moral nuisance" means a nuisance which is injurious to public morals.

~~((6))~~ (7) "Motion picture film" shall include any:

- (a) Film or plate negative;
- (b) Film or plate positive;
- (c) Film designed to be projected on a screen for exhibition;
- (d) Films, glass slides, or transparencies, either in negative or positive form, designed for exhibition by projection on a screen;

(e) Video tape or any other medium used to electronically reproduce images on a screen.

~~((7))~~ (8) "Person" means any individual, partnership, firm, association, corporation, or other legal entity.

~~((8))~~ (9) "Place" includes, but is not limited to, any building, structure, or places, or any separate part or portion thereof, whether permanent or not, or the ground itself.

~~((9))~~ (10) "Publication" shall include any book, magazine, article, pamphlet, writing, printing, illustration, picture, sound recording, or a motion picture film which is offered for sale or exhibited in a coin-operated machine.

~~((10))~~ (11) "Sale" means a passing of title or right of possession from a seller to a buyer for valuable consideration, and shall include, but is not limited to, any lease or rental arrangement or other transaction wherein or whereby any valuable consideration is received for the use of, or transfer of possession of, lewd matter.

Sec. 2. Section 2, chapter 1, Laws of 1979 as amended by section 1, chapter 141, Laws of 1988 and RCW 7.48.052 are each amended to read as follows:

The following are declared to be moral nuisances:

(1) Any and every place in the state where lewd films are publicly exhibited as a regular course of business, or possessed for the purpose of such exhibition, or where lewd live performances are publicly exhibited as a regular course of business;

(2) Any and every place in the state where a lewd film is publicly and repeatedly exhibited, or possessed for the purpose of such exhibition, or where a lewd live performance is publicly and repeatedly exhibited;

(3) Any and every lewd film which is publicly exhibited, or possessed for such purpose at a place which is a moral nuisance under this section;

(4) Any and every place of business in the state in which lewd publications constitute a principal part of the stock in trade;

(5) Any and every lewd publication possessed at a place which is a moral nuisance under this section;

(6) Every place which, as a regular course of business, is used for the purpose of lewdness, assignation, or prostitution, and every such place in or upon which acts of lewdness, assignation, or prostitution are conducted, permitted, carried on, continued, or exist;

(7) All public houses or places of resort where illegal gambling is carried on or permitted; all houses or places within any city, town, or village, or upon any public road, or highway where drunkenness, illegal gambling, fighting, or breaches of the peace are carried on or permitted; all houses, housing units, other buildings, or places of resort where controlled substances identified in Article II of chapter 69.50 RCW and not authorized by that chapter, are manufactured, delivered or possessed, or where any such substance not obtained in a manner authorized by chapter 69.50 RCW is consumed by ingestion, inhalation, injection or any other means.

Sec. 3. Section 3, chapter 1, Laws of 1979 and RCW 7.48.054 are each amended to read as follows:

The following are also declared to be moral nuisances, as personal property used in conducting and maintaining a moral nuisance:

(1) All moneys paid as admission price to the exhibition of any lewd film or lewd live performance found to be a moral nuisance;

(2) All valuable consideration received for the sale of any lewd publication which is found to be a moral nuisance;

(3) The furniture, fixtures, and contents of a place which is a moral nuisance.

From and after service of a copy of the notice of hearing of the application for a preliminary injunction, provided for in RCW 7.48.064, upon the place or its manager, acting manager, or person then in charge, all such persons are deemed to have knowledge of the acts, conditions, or things which make such place a moral nuisance. Where the circumstantial proof warrants a determination that a person had knowledge of the moral nuisance prior to such service of process, the court shall make such finding.

Sec. 4. Section 1, chapter 184, Laws of 1982 as amended by section 2, chapter 141, Laws of 1988 and RCW 7.48A.010 are each amended to read as follows:

The definitions set forth in this section shall apply throughout this chapter.

(1) "Knowledge" or "knowledge of such nuisance" means having knowledge of the contents and character of the patently offensive sexual or violent conduct which appears in the lewd matter, or knowledge of the acts of lewdness or prostitution which occur on the premises, or knowledge that controlled substances identified in Article II of chapter 69.50 RCW and not authorized by that chapter, are manufactured, delivered or possessed, or where any such substance not obtained in a manner authorized by chapter 69.50 RCW is consumed by ingestion, inhalation, or injection or any other means.

(2) "Lewd matter" is synonymous with "obscene matter" and means any matter:

(a) Which the average person, applying contemporary community standards, would find, when considered as a whole, appeals to the prurient interest; and

(b) Which explicitly depicts or describes patently offensive representations or descriptions of:

(i) Ultimate sexual acts, normal or perverted, actual or simulated; or

(ii) Masturbation, fellatio, cunnilingus, bestiality, excretory functions, or lewd exhibition of the genitals or genital area; or

(iii) Violent or destructive sexual acts, including but not limited to human or animal mutilation, dismemberment, rape or torture; and

(c) Which, when considered as a whole, and in the context in which it is used, lacks serious literary, artistic, political, or scientific value.

(3) "Lewdness" shall have and include all those meanings which are assigned to it under the common law.

(4) "Live performance" means any play, show, skit, dance, or other exhibition performed or presented to or before an audience of one or more, in person or by electronic transmission, with or without consideration.

(5) "Matter" shall mean a live performance, a motion picture film, or a publication or ((both)) any combination thereof.

~~((5))~~ (6) "Motion picture film" shall include any:

(a) Film or plate negative;

(b) Film or plate positive;

(c) Film designed to be projected on a screen for exhibition;

(d) Film, glass slides, or transparencies, either in negative or positive form, designed for exhibition by projection on a screen;

(e) Video tape or any other medium used to electronically reproduce images on a screen.

~~((6))~~ (7) "Person" means any individual, partnership, firm, association, corporation, or other legal entity.

~~((7))~~ (8) "Place" includes, but is not limited to, any building, structure, or places, or any separate part or portion thereof, whether permanent or not, or the ground itself.

~~((8))~~ (9) "Prurient" means that which incites lasciviousness or lust.

~~((9))~~ (10) "Publication" shall include any book, magazine, article, pamphlet, writing, printing, illustration, picture, sound recording, or coin-operated machine.

~~((10))~~ (11) "Sale" means a passing of title or right of possession from a seller to a buyer for valuable consideration, and shall include, but is not limited to, any lease or rental arrangement or other transaction wherein or whereby any valuable consideration is received for the use of, or transfer of possession of, lewd matter.

Sec. 5. Section 2, chapter 184, Laws of 1982 as amended by section 3, chapter 141, Laws of 1988 and RCW 7.48A.020 are each amended to read as follows:

The following are declared to be moral nuisances:

(1) Any and every place in the state where lewd films are publicly exhibited as a regular course of business, or possessed for the purpose of such exhibition, or where lewd live performances are publicly exhibited as a regular course of business;

(2) Any and every lewd film which is publicly exhibited, or possessed for such purpose at a place which is a moral nuisance under this section;

(3) Any and every place of business in the state in which lewd publications constitute a principal part of the stock in trade;

(4) Every place which, as a regular course of business, is used for the purpose of lewdness or prostitution, and every such place in or upon which acts of lewdness or prostitution are conducted, permitted, carried on, continued, or exist;

(5) All houses, housing units, other buildings, or places of resort where controlled substances identified in Article II of chapter 69.50 RCW and not authorized by that chapter, are manufactured, delivered, or possessed, or where any such substance not obtained in a manner authorized by chapter 69.50 RCW is consumed by ingestion, inhalation, injection, or any other means.

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 Senate February 13, 1990.

Passed the House March 2, 1990.

Approved by the Governor March 23, 1990.

Filed in Office of Secretary of State March 23, 1990.

CHAPTER 153

[Senate Bill No. 6213]

DEPARTMENT OF SOCIAL AND HEALTH SERVICES EMPLOYEES—
REIMBURSEMENT FOR ASSAULTS UPON

AN ACT Relating to reimbursement to department of social and health services employees for costs related to assaults; and amending RCW 72.01.045.

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

Sec. 1. Section 4, chapter 269, Laws of 1986 as amended by section 1, chapter 102, Laws of 1987 and RCW 72.01.045 are each amended to read as follows:

(1) For purposes of this section only, "assault" means an unauthorized touching of an employee by a resident, patient, or juvenile offender resulting in physical injury to the employee.

(2) In recognition of the hazardous nature of employment in state institutions, the legislature hereby provides a supplementary program to reimburse (~~institutional care~~) employees of the department of social and health services and the department of veterans affairs for some of their costs attributable to their being the victims of assault by residents, patients, or juvenile offenders. This program shall be limited to the reimbursement provided in this section.

(3) An employee is only entitled to receive the reimbursement provided in this section if the secretary of social and health services or the director of the department of veterans affairs, or the secretary's or director's designee, finds that each of the following has occurred:

(a) A resident or patient has assaulted the employee and as a result thereof the employee has sustained demonstrated physical injuries which have required the employee to miss days of work;

(b) The assault cannot be attributable to any extent to the employee's negligence, misconduct, or failure to comply with any rules or conditions of employment; and

(c) The department of labor and industries has approved the employee's workers' compensation application pursuant to chapter 51.32 RCW.

(4) The reimbursement authorized under this section shall be as follows:

(a) The employee's accumulated sick leave days shall not be reduced for the workdays missed;

(b) For each workday missed for which the employee is not eligible to receive compensation under chapter 51.32 RCW, the employee shall receive full pay; and

(c) In respect to workdays missed for which the employee will receive or has received compensation under chapter 51.32 RCW, the employee shall

be reimbursed in an amount which, when added to that compensation, will result in the employee receiving full pay for the workdays missed.

(5) Reimbursement under this section may not last longer than three hundred sixty-five consecutive days after the date of the injury.

(6) The employee shall not be entitled to the reimbursement provided in subsection (4) of this section for any workday for which the secretary, director, or applicable designee, finds that the employee has not diligently pursued his or her compensation remedies under chapter 51.32 RCW.

(7) The reimbursement shall only be made for absences which the secretary, director, or applicable designee believes are justified.

(8) While the employee is receiving reimbursement under this section, he or she shall continue to be classified as a state employee and the reimbursement amount shall be considered as salary or wages.

(9) All reimbursement payments required to be made to employees under this section shall be made by the employing department. The payments shall be considered as a salary or wage expense and shall be paid by the department in the same manner and from the same appropriations as other salary and wage expenses of the department.

(10) Should the legislature revoke the reimbursement authorized under this section or repeal this section, no affected employee is entitled thereafter to receive the reimbursement as a matter of contractual right.

Passed the Senate February 13, 1990.

Passed the House February 28, 1990.

Approved by the Governor March 23, 1990.

Filed in Office of Secretary of State March 23, 1990.

CHAPTER 154

[Substitute Senate Bill No. 6305]

TUITION WAIVERS—CHILDREN OF KILLED OR DISABLED LAW ENFORCEMENT OFFICERS AND FIRE FIGHTERS

AN ACT Relating to higher education fees; and amending RCW 28B.15.380, 28B.15.520, 28B.35.361, and 28B.40.361.

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

Sec. 1. Section 28B.15.380, chapter 223, Laws of 1969 ex. sess. as last amended by section 23, chapter 390, Laws of 1985 and RCW 28B.15.380 are each amended to read as follows:

In addition to any other exemptions as may be provided by law, the board of regents at the state universities may exempt the following classes of persons from the payment of tuition fees or services and activities fees except for individual instruction fees: (1) All veterans as defined in RCW 41.04.005: PROVIDED, That such persons are no longer entitled to federal vocational or educational benefits conferred by virtue of their military service: AND PROVIDED FURTHER, That if any such veterans have not

resided in this state for one year prior to registration said board may exempt them up to one-half of the tuition payable by other nonresident students: AND, PROVIDED FURTHER, That such exemptions shall be provided only to those persons otherwise covered who were enrolled in universities on or before October 1, 1977. (2) Children (~~((after the age of nineteen years))~~) of any law enforcement officer or fire fighter who lost his life or became totally disabled in the line of duty while employed by any public law enforcement agency or full time or volunteer fire department in this state: PROVIDED, That such persons may receive the exemption only if they begin their course of study at a state university within ten years of their graduation from high school.

Sec. 2. Section 1, chapter 390, Laws of 1987 and RCW 28B.15.520 are each amended to read as follows:

Notwithstanding any other provision of this chapter or chapter 28B.50 RCW as now or hereafter amended:

(1) Boards of trustees of the various community colleges shall waive tuition fees and services and activities fees for students nineteen years of age or older who are eligible for resident tuition and fee rates as defined in RCW 28B.15.012 through 28B.15.015 and who enroll in a course of study or program which will enable them to finish their high school education and obtain a high school diploma or certificate(~~(, and)~~);

(2) The various community college boards may waive the tuition and services and activities fees for children (~~((after the age of nineteen years))~~) of any law enforcement officer or fire fighter who lost his life or became totally disabled in the line of duty while employed by any public law enforcement agency or full time or volunteer fire department in this state(~~(:)~~): PROVIDED, That such persons may receive the exemption only if they begin their course of study at a community college within ten years of their graduation from high school;

(3) Boards of trustees of the various community colleges may waive residency requirements for students enrolled in that community college in a course of study or program which will enable them to finish their high school education and obtain a high school diploma or certificate. The waiver shall be in effect only for those courses which lead to a high school diploma or certificate(~~(:)~~); and

(4) Boards of trustees of the various community colleges may waive the nonresident portion of tuition and fees for up to forty percent of the students enrolled in the regional education program for deaf students, subject to federal funding of such program.

Sec. 3. Section 59, chapter 169, Laws of 1977 ex. sess. as last amended by section 46, chapter 390, Laws of 1985 and RCW 28B.35.361 are each amended to read as follows:

The boards of trustees of each regional university may exempt from the payment of tuition or services and activities fees, except for individual

instruction fees, (1) all veterans who served in the armed forces of the United States who have served the United States during any period of war as defined in RCW 41.04.005 and who shall have served with evidence of conduct other than undesirable, bad conduct or dishonorable upon release from active service: PROVIDED, That such person is no longer entitled to federal vocational or educational benefits conferred by virtue of his military service: PROVIDED FURTHER, That such exemptions shall be provided only to those persons otherwise covered who were enrolled in the regional universities on or before October 1, 1977, and (2) all children (~~after the age of nineteen years~~) of any law enforcement officer or fire fighter who lost his life or became totally disabled in the line of duty while employed by any public law enforcement agency or full time or volunteer fire department in this state: PROVIDED, That such persons may receive the exemption only if they begin their course of study at a regional university within ten years of their graduation from high school.

Sec. 4. Section 9, chapter 269, Laws of 1969 ex. sess. as last amended by section 53, chapter 390, Laws of 1985 and RCW 28B.40.361 are each amended to read as follows:

The board of trustees of The Evergreen State College may exempt from the payment of tuition or services and activities fees, except for individual instruction fees, (1) all veterans who served in the armed forces of the United States who have served the United States during any period of war as defined in RCW 41.04.005 and who shall have served with evidence of conduct other than undesirable, bad conduct or dishonorable upon release from active service: PROVIDED, That such person is no longer entitled to federal vocational or educational benefits conferred by virtue of his military service: PROVIDED FURTHER, That such exemptions shall be provided only to those persons otherwise covered who were enrolled in state colleges on or before October 1, 1977, and (2) all children (~~after the age of nineteen years~~) of any law enforcement officer or fire fighter who lost his life or became totally disabled in the line of duty while employed by any public law enforcement agency or full time or volunteer fire department in this state: PROVIDED, That such persons may receive the exemption only if they begin their course of study at the Evergreen State College within ten years of their graduation from high school.

Passed the Senate February 9, 1990.

Passed the House March 2, 1990.

Approved by the Governor March 23, 1990.

Filed in Office of Secretary of State March 23, 1990.

CHAPTER 155

[Substitute House Bill No. 2752]

MINORS—DEPICTIONS IN SEXUALLY EXPLICIT CONDUCT

AN ACT Relating to depictions of minors engaged in sexually explicit conduct; amending RCW 9.68A.070; adding a new section to chapter 9.94A RCW; prescribing penalties; and providing an effective date.

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

Sec. 1. Section 6, chapter 262, Laws of 1984 as amended by section 5, chapter 32, Laws of 1989 and RCW 9.68A.070 are each amended to read as follows:

A person who knowingly possesses visual or printed matter depicting a minor engaged in sexually explicit conduct is guilty of a (~~gross misdemeanor~~) class C felony.

NEW SECTION. Sec. 2. A new section is added to chapter 9.94A RCW to read as follows:

The blue ribbon panel on special sexual offender sentencing alternatives, created in 1989 under RCW 9.94A.124, shall consider whether offenders convicted of an offense under RCW 9.68A.070 or another felony related to pornography, should be eligible for sexual offender treatment under RCW 9.94A.120(7)(b) as a method of preventing future acts of sexual violence by some of these individuals. The panel shall include its recommendation on this topic in its September 1, 1991, report to the legislature.

NEW SECTION. Sec. 3. Sections 1 and 2 of this act shall be effective July 1, 1990.

Passed the House March 3, 1990.

Passed the Senate March 2, 1990.

Approved by the Governor March 23, 1990.

Filed in Office of Secretary of State March 23, 1990.

CHAPTER 156

[House Bill No. 1491]

COMMUNITY ACTION AGENCIES—ANTI-POVERTY PROGRAMS—DUTIES

AN ACT Relating to community action agencies; and adding new sections to chapter 43.63A RCW.

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

NEW SECTION. Sec. 1. A new section is added to chapter 43.63A RCW to read as follows:

(1) The community action agency network, established initially under the federal economic opportunity act of 1964 and subsequently under the federal community services block grant program of 1981, as amended, shall

be a delivery system for federal and state anti-poverty programs in this state, including but not limited to the community services block grant program, the low-income energy assistance program, and the federal department of energy weatherization program.

(2) Local community action agencies comprise the community action agency network. The community action agency network shall serve low-income persons in the counties. Each community action agency and its service area shall be designated in the state federal community service block grant plan as prepared by the department of community development.

(3) Funds for anti-poverty programs may be distributed to the community action agencies by the department of community development and other state agencies in consultation with the authorized representatives of community action agency networks.

***NEW SECTION. Sec. 2. A new section is added to chapter 43.63A RCW to read as follows:**

In addition to complying with all applicable requirements of federal law, a community action agency shall:

(1) Be an office, division, or agency of a designated political subdivision of the state, or a designated locally managed not-for-profit organization qualifying under section 501(c)(3) of the federal internal revenue code;

(2) Have a community action board of at least nine but no more than thirty-three members, constituted so that:

(a) One-third of the members of the board are currently serving as elected public officials or their designees. If the number of elected officials reasonably available and willing to serve is less than one-third of the membership, membership of appointed public officials may be counted as meeting the one-third requirement;

(b) At least one-third of the members are persons chosen through democratic selection procedures adequate to assure that they are representatives of the poor in the area served; and

(c) The remainder of the members are officials or members of business, industry, labor, religious, welfare, education, or other major groups or interests in the community;

(3) Be governed by the community action board if the agency is a private not-for-profit organization. The board shall have all duties, responsibilities, and powers normally associated with such boards, including, but not limited to:

(a) Selection, appointment, and dismissal of the executive director of the agency;

(b) Approval of all contracts, grant applications, budgets, and operational policies of the agency;

(c) Evaluation of programs; and

(d) Securing an annual audit of the agency;

(4) Be administered by the community action board if the organization is an office, division, or agency of a political subdivision of the state. The community action board shall provide for the operation of the agency and shall be directly responsible to the governing board of the political subdivision. The community action board, at a minimum, shall:

- (a) Review and be consulted on the development of program policy;**
- (b) Be involved in and consulted on the appointment and dismissal of the agency director;**
- (c) Monitor and evaluate program effectiveness;**
- (d) Insure the effectiveness of community involvement in the planning process; and**
- (e) Assume all duties delegated to it by the governing board of the political subdivision;**
- (5) Have a clearly defined, specified service area;**
- (6) Have an accounting system that meets generally accepted accounting principles and be so certified by an independent certified accountant;**
- (7) Provide assurances against the use of governmental funds for political activity by the community action agency;**
- (8) Provide assurances that no person may, on the grounds of race, color, national origin, or sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity funded in whole or in part with funds made available through the community action program; and**
- (9) Provide assurances that the community action agency will comply with any prohibition against discrimination on the basis of age under the federal age discrimination act of 1975 or with respect to an otherwise qualified handicapped individual as provided in section 504 of the federal rehabilitation act of 1973, or its successor.**

*Sec. 2 was vetoed, see message at end of chapter.

Passed the House February 2, 1990.

Passed the Senate February 23, 1990.

Approved by the Governor March 23, 1990, with the exception of certain items which were vetoed.

Filed in Office of Secretary of State March 23, 1990.

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

*I am returning herewith, without my approval as to section 2, Engrossed House Bill No. 1491 entitled:

AN ACT Relating to community action agencies.

Community action agencies provide a valuable service in the State of Washington, by administering a variety of low-income programs. Section 1 establishes a statutory reference for this service delivery system. Section 2 defines the role of community action boards.

I have vetoed section 2 because the language creating the power of the boards is in conflict with the manner in which some agencies in the state operate. Some agencies are funded through political subdivisions and the language in the bill would interfere with the administrative practices of these subdivisions and create a potential for litigation.

With the exception of section 2, Engrossed House Bill No. 1491 is approved.*

CHAPTER 157

[Senate Bill No. 6583]

AIR POLLUTION CONTROL AUTHORITIES

AN ACT Relating to air pollution control authorities; amending RCW 70.94.431; adding a new section to chapter 70.94 RCW; and repealing RCW 70.94.0935.

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

Sec. 1. Section 53, chapter 168, Laws of 1969 ex. sess. as last amended by section 19, chapter 109, Laws of 1987 and RCW 70.94.431 are each amended to read as follows:

(1) In addition to or as an alternate to any other penalty provided by law, any person who violates any of the provisions of chapter 70.94 RCW or any of the rules and regulations of the department or the board shall incur a civil penalty in an amount not to exceed one thousand dollars per day for each violation. Each such violation shall be a separate and distinct offense, and in case of a continuing violation, each day's continuance shall be a separate and distinct violation. For the purposes of this subsection, the maximum daily fine imposed by a local board for violations of standards by a specific emissions unit is one thousand dollars.

(2) Further, the person is subject to a fine of up to five thousand dollars to be levied by the director of the department of ecology if requested by the board of a local authority or if the director determines that the penalty is needed for effective enforcement of this chapter. A local board shall not make such a request until notice of violation and compliance order procedures have been exhausted, if such procedures are applicable. For the purposes of this subsection, the maximum daily fine imposed by the department of ecology for violations of standards by a specific emissions unit is five thousand dollars.

(3) Each act of commission or omission which procures, aids or abets in the violation shall be considered a violation under the provisions of this section and subject to the same penalty. The penalties provided in this section shall be imposed pursuant to RCW 43.21B.300.

(4) All penalties recovered under this section by the department shall be paid into the state treasury and credited to the general fund or, if recovered by the authority, ((fifty percent)) shall be paid into the treasury of the authority and credited to its funds ((and fifty percent shall be distributed to the cities, towns and counties within the authority, on a pro rata basis, as each contributes to support the authority pursuant to RCW 70.94.093)). If

a prior penalty for the same violation has been paid to a local authority, the penalty imposed under subsection (2) of this section shall be reduced by the amount of the payment. Notwithstanding any other provisions of this chapter, no penalty may be levied for the violation of any opacity standard in an amount exceeding four hundred dollars per day.

(5) To secure the penalty incurred under this section, the state or the authority shall have a lien on any vessel used or operated in violation of this chapter which shall be enforced as provided in RCW 60.36.050.

NEW SECTION. Sec. 2. A new section is added to chapter 70.94 RCW to read as follows:

A condominium owners' association or an association formed by residents of a multiple-family dwelling are not liable for violations of RCW 70.94.473 by a resident of a condominium or multiple-family dwelling. The associations shall cooperate with local air pollution control authorities to acquaint residents with the provisions of this section.

NEW SECTION. Sec. 3. Section 1, chapter 88, Laws of 1984 and RCW 70.94.0935 are each repealed.

Passed the Senate February 5, 1990.

Passed the House March 5, 1990.

Approved by the Governor March 23, 1990.

Filed in Office of Secretary of State March 23, 1990.

CHAPTER 158

[Second Substitute Senate Bill No. 5996]

WASTE MANAGEMENT EDUCATION AND TRAINING PROGRAM FEASIBILITY STUDY

AN ACT Relating to a study of the feasibility of a waste management education and training program; and creating new sections.

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

NEW SECTION. Sec. 1. The legislature finds that the management and safe disposal of hazardous and radioactive waste requires highly specialized skills. The technical and legal requirements for proper disposal of future wastes and environmental restoration of existing waste sites will require the training of a workforce skilled in waste management.

Existing research efforts and waste management in southeastern Washington may provide a unique opportunity for vocational, professional, and business training in waste management and disposal.

NEW SECTION. Sec. 2. Washington State University and Columbia Basin College are directed to study the feasibility of establishing programs for waste management and related technologies involving institutions of higher education, state waste management programs, and private industry.

NEW SECTION. Sec. 3. Washington State University and Columbia Basin College shall, by December 1, 1990, report to the legislature, the state board for community college education, and the higher education coordinating board on the study directed by this act. The report shall specifically consider the advisability of establishing an associate of applied sciences degree and preprofessional transfer programs at Columbia Basin College, and baccalaureate degree and graduate degree programs at the Tri-Cities branch campus of Washington State University by the 1991-92 school year.

Passed the Senate March 3, 1990.

Passed the House March 1, 1990.

Approved by the Governor March 23, 1990.

Filed in Office of Secretary of State March 23, 1990.

CHAPTER 159

[Substitute House Bill No. 2378]

EDUCATIONAL SERVICE DISTRICTS—ACQUISITION OF PROPERTY WITH BORROWED FUNDS

AN ACT Relating to educational service districts; and amending RCW 28A.21.090.

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

Sec. 1. Section 9, chapter 176, Laws of 1969 ex. sess. as last amended by section 3, chapter 65, Laws of 1988 and RCW 28A.21.090 are each amended to read as follows:

In addition to other powers and duties as provided by law, every educational service district board shall:

(1) Approve the budgets of the educational service district in accordance with the procedures provided for in this chapter.

(2) Meet regularly according to the schedule adopted at the organization meeting and in special session upon the call of the chairman or a majority of the board.

(3) Approve the selection of educational service district personnel and clerical staff as provided in RCW 28A.21.100, as now or hereafter amended.

(4) Fix the amount of and approve the bonds for those educational service district employees designated by the board as being in need of bonding.

(5) Keep in the educational service district office a full and correct transcript of the boundaries of each school district within the educational service district.

(6) Acquire by borrowing funds or by purchase, lease, devise, bequest, and gift and otherwise contract for real and personal property necessary for the operation of the educational service district and to the execution of the duties of the board and superintendent thereof and sell, lease, or otherwise

dispose of that property not necessary for district purposes(~~(-PROVIDED; That))~~). No real property shall be acquired or alienated without the prior approval of the state board of education and the acquisition or alienation of all such property shall be subject to such provisions as the board may establish. When borrowing funds for the purpose of acquiring property, the educational service district board shall pledge as collateral the property to be acquired. Borrowing shall be evidenced by a note or other instrument between the district and the lender. The authority to borrow under this subsection shall be limited to educational service districts serving a minimum of two hundred thousand students in grades kindergarten through twelve.

(7) Adopt such bylaws and rules and regulations for its own operation as it deems necessary or appropriate.

(8) Enter into contracts, including contracts with common and educational service districts and the school for the deaf and the school for the blind for the joint financing of cooperative service programs conducted pursuant to RCW 28A.21.086(3), and employ consultants and legal counsel relating to any of the duties, functions, and powers of the educational service districts.

Passed the House March 8, 1990.

Passed the Senate March 8, 1990.

Approved by the Governor March 23, 1990.

Filed in Office of Secretary of State March 23, 1990.

CHAPTER 160
[House Bill No. 2469]
LIMITED MEDICAL LICENSES

AN ACT Relating to limited medical licenses for University of Washington school of medicine departmental or divisional fellowship programs; and amending RCW 18.71.095.

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

Sec. 1. Section 1, chapter 129, Laws of 1987 and RCW 18.71.095 are each amended to read as follows:

The board may, without examination, issue a limited license to persons who possess the qualifications set forth herein:

(1) The board may, upon the written request of the secretary of the department of social and health services or the secretary of corrections, issue a limited license to practice medicine in this state to persons who have been accepted for employment by the department of social and health services or the department of corrections as physicians; who are licensed to practice medicine in another state of the United States or in the country of Canada or any province or territory thereof; and who meet all of the qualifications for licensure set forth in RCW 18.71.050.

Such license shall permit the holder thereof to practice medicine only in connection with patients, residents, or inmates of the state institutions under the control and supervision of the secretary of the department of social and health services or the department of corrections.

(2) The board may issue a limited license to practice medicine in this state to persons who have been accepted for employment by a county or city health department as physicians; who are licensed to practice medicine in another state of the United States or in the country of Canada or any province or territory thereof; and who meet all of the qualifications for licensure set forth in RCW 18.71.050.

Such license shall permit the holder thereof to practice medicine only in connection with his or her duties in employment with the city or county health department.

(3) Upon receipt of a completed application showing that the applicant meets all of the requirements for licensure set forth in RCW 18.71.050 except for completion of two years of postgraduate medical training, and that the applicant has been appointed as a resident physician in a program of postgraduate clinical training in this state approved by the board, the board may issue a limited license to a resident physician. Such license shall permit the resident physician to practice medicine only in connection with his or her duties as a resident physician and shall not authorize the physician to engage in any other form of practice. Each resident physician shall practice medicine only under the supervision and control of a physician licensed in this state, but such supervision and control shall not be construed to necessarily require the personal presence of the supervising physician at the place where services are rendered.

(4)(a) Upon nomination by the dean of the school of medicine at the University of Washington or the chief executive officer of a hospital or other appropriate health care facility licensed in the state of Washington, the board may issue a limited license to a physician applicant invited to serve as a teaching-research member of the institution's instructional staff if the sponsoring institution and the applicant give evidence that he or she has graduated from a recognized medical school and has been licensed or otherwise privileged to practice medicine at his or her location of origin. Such license shall permit the recipient to practice medicine only within the confines of the instructional program specified in the application and shall terminate whenever the holder ceases to be involved in that program, or at the end of one year, whichever is earlier. Upon request of the applicant and the institutional authority, the license may be renewed for no more than a total of two years.

(b) Upon nomination by the dean of the school of medicine of the University of Washington or the chief executive officer of any hospital or appropriate health care facility licensed in the state of Washington, the board may issue a limited license to an applicant selected by the sponsoring

institution to be enrolled in one of its designated departmental or divisional fellowship programs provided that the applicant shall have graduated from a recognized medical school and has been granted a license or other appropriate certificate to practice medicine in the location of the applicant's origin. Such license shall permit the holder only to practice medicine within the confines of the fellowship program to which he or she has been appointed and, upon the request of the applicant and the sponsoring institution, the license may be renewed by the board for ~~((a total period of time not to exceed))~~ no more than a total of two ((calendar)) years.

All persons licensed under this section shall be subject to the jurisdiction of the medical disciplinary board to the same extent as other members of the medical profession, in accordance with chapters 18.72 and 18.130 RCW.

Persons applying for licensure pursuant to this section shall pay an application fee determined by the director as provided in RCW 43.24.086 and, in the event the license applied for is issued, a license fee at the rate provided for renewals of licenses generally. Licenses issued hereunder may be renewed annually pursuant to the provisions of RCW 18.71.080. Any person who obtains a limited license pursuant to this section may, without an additional application fee, apply for licensure under this chapter, but shall submit a new application form and comply with all other licensing requirements of this chapter.

Passed the House February 6, 1990.

Passed the Senate February 28, 1990.

Approved by the Governor March 23, 1990.

Filed in Office of Secretary of State March 23, 1990.

CHAPTER 161

[Substitute Senate Bill No. 5013]

SCHOOL DISTRICTS—SECOND CLASS—ELECTION OF DIRECTORS

AN ACT Relating to school districts; amending RCW 28A.57.050, 28A.57.415, 28A.57.314, 28A.57.342, 28A.57.344, and 28A.57.410; and creating a new section.

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

NEW SECTION. Sec. 1. In a second class school district no more than two of the directors may reside within the boundaries of a director district if a second class school district maintains a system which allows members of the board of directors to be elected from a combination of three director districts and two director at-large districts.

Sec. 2. Section 2, chapter 15, Laws of 1975-'76 2nd ex. sess. as last amended by section 1, chapter 100, Laws of 1987 and RCW 28A.57.050 are each amended to read as follows:

The powers and duties of each regional committee shall be:

(1) To initiate, on its own motion and whenever it deems such action advisable, proposals or alternate proposals for changes in the organization and extent of school districts in the educational service district; to receive, consider, and revise, whenever in its judgment revision is advisable, proposals initiated by petition or presented to the committee by the educational service district superintendent as provided for in this chapter; to prepare and submit to the state board any of the aforesaid proposals that are found by the regional committee to provide for satisfactory improvement in the school district system of the educational service district and state; to prepare and submit with the aforesaid proposals, a map showing the boundaries of existing school districts affected by any proposed change and the boundaries, including a description thereof, of each proposed new school district or of each existing school district as enlarged or diminished by any proposed change, or both, and a summary of the reasons for the proposed change; and such other reports, records, and materials as the state board may request. The committee may utilize as a basis of its proposals and changes that comprehensive plan for changes in the organization and extent of the school districts of the county prepared and submitted to the state board prior to September 1, 1956, or, if the then county committee found, after considering the factors listed in RCW 28A.57.055, that no changes in the school district organization of the county were needed, the report to this effect submitted to the state board.

(2) (a) To make an equitable adjustment of the property and other assets and of the liabilities, including bonded indebtedness and excess tax levies as otherwise authorized under this section, as to the old school districts and the new district or districts, if any, involved in or affected by a proposed change in the organization and extent of the school districts; and (b) to make an equitable adjustment of the bonded indebtedness outstanding against any of the aforesaid districts whenever in its judgment such adjustment is advisable, as to all of the school districts involved in or affected by any change heretofore or hereafter effected; and (c) to provide that territory transferred from a school district by a change in the organization and extent of school districts shall either remain subject to, or be relieved of, any one or more excess tax levies which are authorized for the school district under RCW 84.52.053 before the effective date of the transfer of territory from the school district; and (d) to provide that territory transferred to a school district by a change in the organization and extent of school districts shall either be made subject to, or be relieved of, any one or more excess tax levies which are authorized for the school district under RCW 84.52.053 before the effective date of the transfer of territory to the school district; and (e) to submit to the state board the proposed terms of adjustment and a statement of the reasons therefor in each case. In making the adjustments herein provided for, the regional committee shall consider the number of children of school age resident in and the assessed valuation of the property

located in each school district and in each part of a district involved or affected; the purpose for which the bonded indebtedness of any school district was incurred; the value, location, and disposition of all improvements located in the school districts involved or affected; and any other matters which in the judgment of the committee are of importance or essential to the making of an equitable adjustment.

(3) To hold and keep a record of a public hearing or public hearings (a) on every proposal for the formation of a new school district or for the transfer from one existing district to another of any territory in which children of school age reside or for annexation of territory when the conditions set forth in RCW 28A.57.190 or 28A.57.200 prevail; and (b) on every proposal for adjustment of the assets and of the liabilities of school districts provided for in this chapter. Three members of the regional committee or two members of the committee and the educational service district superintendent may be designated by the committee to hold any public hearing that the committee is required to hold. The regional committee shall cause notice to be given, at least ten days prior to the date appointed for any such hearing, in one or more newspapers of general circulation within the geographical boundaries of the school districts affected by the proposed change or adjustment. In addition notice may be given by radio and television, or either thereof, when in the committee's judgment the public interest will be served thereby.

(4) To divide into five school directors' districts all first and second class school districts now in existence and not heretofore so divided and all first and second class school districts hereafter established: PROVIDED, That no first or second class school district (~~(not heretofore so divided and no first or second class school district hereafter created containing a city with a population in excess of seven thousand according to the latest population certificate filed with the secretary of state by the office of financial management)~~) shall be divided into directors' districts and no second class school district shall be divided into a combination of no fewer than three directors' districts nor more than two directors at large, unless a majority of the registered voters voting thereon at an election shall approve a proposition authorizing the division of the district (~~(into directors' districts)~~) in such manner. The boundaries of each directors' district shall be so established that each such district shall comprise as nearly as practicable an equal portion of the population of the school district.

(5) To rearrange at any time the committee deems such action advisable in order to correct inequalities caused by changes in population and changes in school district boundaries, the boundaries of any of the directors' districts of any school district heretofore or hereafter so divided: PROVIDED, That a petition therefor, shall be required for rearrangement in order to correct inequalities caused by changes in population. Said petition shall be signed by at least ten registered voters residing in the aforesaid school

district, and shall be presented to the educational service district superintendent. A public hearing thereon shall be held by the regional committee, which hearing shall be called and conducted in the manner prescribed in subsection (3) of this section.

(6) To prepare and submit to the superintendent of public instruction from time to time or, upon his or her request, reports and recommendations respecting the urgency of need for school plant facilities, the kind and extent of the facilities required, and the development of improved local school administrative units and attendance areas in the case of school districts that seek state assistance in providing school plant facilities.

Sec. 3. Section 9, chapter 15, Laws of 1975-'76 2nd ex. sess. and RCW 28A.57.415 are each amended to read as follows:

Upon receipt ~~((of a written petition))~~ by ~~((an))~~ the educational service district superintendent of a resolution adopted by the board of directors or a written petition from a second class school district signed by at least twenty percent of the registered voters of a school district ~~((theretofore))~~ previously divided into directors' districts ~~((after a majority vote thereon in accordance with RCW 28A.57.050(4), as now or hereafter amended))~~, which resolution or petition shall request ~~((a return to the system of directors running at large within the district))~~ dissolution of the existing directors' districts and reapportionment of the district into no fewer than three directors' districts and with no more than two directors at large, the superintendent, after formation of the question to be submitted to the voters, shall give notice thereof to the county auditor who shall call and hold a special election of the voters of the entire school district to approve or reject such proposal, such election to be called, conducted and the returns canvassed as in regular school district elections.

If approval of a majority of those registered voters voting in said election is acquired, at the expiration of terms of the incumbent directors of such school district their successors shall be elected ~~((at large))~~ in the manner approved.

Sec. 4. Section 28A.57.314, chapter 223, Laws of 1969 ex. sess. and RCW 28A.57.314 are each amended to read as follows:

Candidates for the position of school director shall file their declarations of candidacy as provided in RCW 29.21.060, as it now exists or may hereafter be amended.

Not less than ten days before the time of filing such declarations of candidacy, the officer charged with the conduct of the election shall designate by lot the positions to be filled by consecutive number, commencing with one. The positions so designated for school directors in each district shall be dealt with as separate offices for all election purposes, and where more than one position is to be filled, each candidate shall file for one of the positions so designated: **PROVIDED**, That in school districts containing director districts, or a combination of director districts and director at large

positions, candidates shall file for such director districts or at large positions. Position numbers shall be assigned to correspond to director district numbers to the extent possible.

Sec. 5. Section 28A.57.342, chapter 223, Laws of 1969 ex. sess. as last amended by section 27, chapter 385, Laws of 1985 and RCW 28A.57.342 are each 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.57.328. 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.57.355, 28A.57.356, and 28A.57.357. 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. 6. Section 28A.57.344, chapter 223, Laws of 1969 ex. sess. as last amended by section 28, chapter 385, Laws of 1985 and RCW 28A.57.344 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 ~~((five))~~ 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. 7. Section 28A.57.410, chapter 223, Laws of 1969 ex. sess. and RCW 28A.57.410 are each amended to read as follows:

Whenever all directors to be elected in a school district that is divided into directors' districts are not all to be elected for the same term of years, the county auditor, prior to the date set by law for filing a declaration of candidacy for the office of director, shall determine by lot the directors' districts from which directors shall be elected for a term of two years and the directors' districts from which directors shall be elected for a term of four years. In districts with a combination of directors' districts and directors at large, the county auditor shall determine the terms of office in such a manner that two-year terms and four-year terms are distributed evenly to the extent possible between the director district and at large positions. Each candidate shall indicate on his or her declaration of candidacy the directors' district from which he or she seeks to be elected or whether the candidate is seeking election as a director at large.

Passed the Senate March 5, 1990.

Passed the House March 2, 1990.

Approved by the Governor March 23, 1990.

Filed in Office of Secretary of State March 23, 1990.

CHAPTER 162

[Senate Bill No. 6304]

FACULTY SICK LEAVE RECORDS

AN ACT Relating to sick leave records; and amending RCW 41.04.340.

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

Sec. 1. Section 1, chapter 150, Laws of 1979 ex. sess. as amended by section 1, chapter 182, Laws of 1980 and RCW 41.04.340 are each amended to read as follows:

As used in this section the term "eligible employee" means any employee of the state, other than teaching and research faculty at the state and regional universities and The Evergreen State College, entitled to accumulate sick leave and for whom accurate sick leave records have been maintained(~~(: PROVIDED, That)~~). No employee may receive compensation under this section for any portion of sick leave accumulated at a rate in excess of one day per month. The state and regional universities and The Evergreen State College shall maintain complete and accurate sick leave records for all teaching and research faculty.

An attendance incentive program is established for all eligible employees. In January of the year following any year in which a minimum of sixty

days of sick leave is accrued, and each January thereafter, any eligible employee may receive remuneration for unused sick leave accumulated in the previous year at a rate equal to one day's monetary compensation of the employee for each four full days of accrued sick leave in excess of sixty days. Sick leave for which compensation has been received shall be deducted from accrued sick leave at the rate of four days for every one day's monetary compensation.

At the time of separation from state service due to retirement or death, an eligible employee or the employee's estate shall receive remuneration at a rate equal to one day's current monetary compensation of the employee for each four full days of accrued sick leave: PROVIDED, That community college districts may delay until July 1, 1981, payment due any eligible employee or employee's estate: PROVIDED FURTHER, That there shall be added to any such delayed payment interest at the rate of eight percent per year.

Moneys received under this section shall not be included for the purpose of computing a retirement allowance under any public retirement system in this state.

This section shall be administered, and rules shall be promulgated to carry out its purposes, by the state personnel board and the higher education personnel board for persons subject to chapters 41.06 and 28B.16 RCW, respectively, and by their respective personnel authorities for other eligible employees: PROVIDED, That determination of classes of eligible employees shall be subject to approval by the office of financial management.

Should the legislature revoke any benefits granted under this section, no affected employee shall be entitled thereafter to receive such benefits as a matter of contractual right.

Passed the Senate March 5, 1990.

Passed the House March 1, 1990.

Approved by the Governor March 23, 1990.

Filed in Office of Secretary of State March 23, 1990.

CHAPTER 163

[Senate Bill No. 6727]

STATE-OWNED AQUATIC LANDS—SALES OF VALUABLE MATERIALS

AN ACT Relating to the sale of valuable material, including shellfish, from state-owned aquatic lands; amending RCW 79.90.210, 79.90.240, 79.96.080, 79.96.085, 75.28.287, and 75.10.140; adding a new section to chapter 79.01 RCW; adding a new section to chapter 79.90 RCW; adding a new section to chapter 79.96 RCW; creating a new section; and prescribing penalties.

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

Sec. 1. Section 27, chapter 21, Laws of 1982 1st ex. sess. and RCW 79.90.210 are each amended to read as follows:

All sales of tidelands and shorelands belonging to the state, otherwise permitted by RCW 79.94.150 to be sold, shall be at public auction and all sales of valuable materials shall be at public auction or by sealed bid to the highest responsible bidder, on the terms prescribed by law and as specified in the notice provided, and no land or materials shall be sold for less than their appraised value: **PROVIDED**, That when valuable material has been appraised at an amount not exceeding ~~((twenty))~~ one hundred thousand dollars, the department of natural resources, when authorized by the board of natural resources, may arrange for the sale at public auction of said valuable material and for its removal under such terms and conditions as the department may prescribe, after the department shall have caused to be published not less than ten days prior to sale a notice of such sale in a newspaper of general circulation located nearest to the property to be sold ~~((**PROVIDED FURTHER**, That))~~. However, any sale of valuable material on aquatic lands of an appraised value of ~~((one))~~ ten thousand dollars or less may be sold directly to the applicant for cash without notice or advertising.

NEW SECTION. Sec. 2. A new section is added to chapter 79.90 RCW to read as follows:

(1) To determine the "highest responsible bidder" under RCW 79.90-.210, the department of natural resources shall be entitled to consider, in addition to price, the following:

(a) The financial and technical ability of the bidder to perform the contract;

(b) Whether the bid contains material defects;

(c) Whether the bidder has previously or is currently complying with terms and conditions of any other contracts with the state or relevant contracts with entities other than the state;

(d) Whether the bidder has been convicted of a crime relating to the public lands or natural resources of the state of Washington, the United States, or any other state, tribe, or country, where "conviction" shall include a guilty plea, or unvacated forfeiture of bail;

(e) Whether the bidder is owned, controlled, or managed by any person, partnership, or corporation that is not responsible under this statute; and

(f) Whether the subcontractors of the bidder, if any, are responsible under this statute.

(2) Whenever the department has reason to believe that the apparent high bidder is not a responsible bidder, the department may award the sale to the next responsible bidder or the department may reject all bids pursuant to RCW 79.90.240.

Sec. 3. Section 30, chapter 21, Laws of 1982 1st ex. sess. and RCW 79.90.240 are each amended to read as follows:

(1) A sale of valuable materials or tidelands or shorelands otherwise permitted by RCW 79.94.150 to be sold shall be confirmed if:

(a) No affidavit showing that the interest of the state in such sale was injuriously affected by fraud or collusion, ~~((shall be))~~ is filed with the commissioner of public lands within ten days from the receipt of the report of the auctioneer conducting the sale ~~((of any tidelands or shorelands belonging to the state, otherwise permitted by RCW 79.94.150 to be sold, or valuable materials located within or upon any aquatic lands, and))~~;

(b) It shall appear from such report that the sale was fairly conducted, that the purchaser was the highest responsible bidder at such sale, and that ~~((his bid was))~~ the sale price is not less than the appraised value of the property sold~~((. If))~~;

(c) The commissioner ~~((shall be))~~ is satisfied that the lands~~((;))~~ or material~~((;))~~ sold would not, upon being readvertised and offered for sale, sell for ~~((at least ten percent more than the price at which it shall have been sold;))~~ a substantially higher price; and

(d) The payment required by law to be made at the time of making the sale~~((;))~~ has been made, and that the best interests of the state may be subserved thereby~~((;))~~.

(2) Upon confirming a sale, the commissioner shall enter upon his records ~~((α))~~ the confirmation of sale and thereupon issue to the purchaser a contract of sale or bill of sale as the case may be, as is provided for in this chapter.

Sec. 4. Section 141, chapter 21, Laws of 1982 1st ex. sess. and RCW 79.96.080 are each amended to read as follows:

(1) Geoducks shall be sold as valuable materials under the provisions of chapter 79.90 RCW. After confirmation of the sale, the department of natural resources may enter into ~~((leases or harvesting))~~ an agreement~~((s))~~ with the purchaser for the harvesting of geoducks. The department of natural resources may place terms and conditions in the ~~((leases or))~~ harvesting agreements as the department deems necessary. The department of natural resources may enforce the provisions of any ~~((lease or))~~ harvesting agreement by suspending or canceling the ~~((lease or))~~ harvesting agreement or through any other means contained in the ~~((lease or))~~ harvesting agreement. ~~((The department of natural resources may cancel any lease or harvesting agreement upon receiving a report from the department of fisheries of the person's second violation of the geoduck licensing or harvesting provisions under Title 75 RCW;))~~ Any ~~((lessee))~~ geoduck harvester may terminate a ~~((lease))~~ harvesting agreement entered into pursuant to this subsection if actions of a governmental agency, beyond the control of the ~~((lessee))~~ harvester, its agents, or its employees, prohibit harvesting, for a

period exceeding thirty days(;) during the term of the harvesting agreement, except as provided within the agreement. Upon such termination of the ((lease)) agreement by the harvester, the ((lessee)) harvester shall be reimbursed by the ((lessor)) department of natural resources for the cost paid to the department on the ((lease)) agreement, less the value of the harvest already accomplished by the ((lessee on the leasehold)) harvester under the agreement.

(2) ~~((After May 8, 1979, all leases or))~~ Harvesting agreements under this title for the purpose of harvesting geoducks ((clams)) shall require the ((lessee)) harvester and the ((lessee's)) harvester's agent or representatives to comply with all applicable commercial diving safety standards and regulations promulgated and implemented by the federal occupational safety and health administration established under the federal occupational safety and health act of 1970 as such law exists ((on July 1, 1983)) or as hereafter amended (84 Stat. 1590 et seq.; 29 U.S.C. Sec. 651 et seq.): PROVIDED, That for the purposes of this section and RCW 75.24.100 as now or hereafter amended, all persons who dive for geoducks are deemed to be employees as defined by the federal occupational safety and health act. All ((leases)) harvesting agreements shall provide that failure to comply with these standards is cause for suspension or cancellation of the ((lease)) harvesting agreement: PROVIDED FURTHER, That for the purposes of this subsection if the ((lessee is the holder of a tract license and)) harvester contracts with another person or entity for the harvesting of geoducks, the ((lease)) harvesting agreement shall not be suspended or canceled if the ((lessee)) harvester terminates its business relationship with such entity until compliance with ((the)) this subsection is secured.

Sec. 5. Section 5, chapter 141, Laws of 1979 ex. sess. as amended by section 129, chapter 46, Laws of 1983 1st ex. sess. and RCW 79.96.085 are each amended to read as follows:

The department of natural resources shall designate the areas of aquatic lands owned by the state ~~((which))~~ that are available for geoduck harvesting by licensed geoduck harvesters in accordance with ~~((RCW 79.01.124))~~ chapter 79.90 RCW.

Sec. 6. Section 4, chapter 253, Laws of 1969 ex. sess. as last amended by section 13, chapter 316, Laws of 1989 and RCW 75.28.287 are each amended to read as follows:

~~((1)) A geoduck tract license is required for the commercial harvest of geoducks from each subtidal tract for which harvest rights have been granted by the department of natural resources. Unless adjusted by the director pursuant to the director's authority granted in RCW 75.28.065, the annual license fee is one hundred thirty-five dollars for residents and two hundred seventy dollars for nonresidents.~~

~~((2))~~ Every diver engaged in the commercial harvest of geoduck or other clams shall obtain a nontransferable geoduck diver license.

Sec. 7. Section 7, chapter 141, Laws of 1979 ex. sess. as last amended by section 4, chapter 80, Laws of 1984 and RCW 75.10.140 are each amended to read as follows:

(1) In addition to the penalties prescribed in RCW 75.10.110 and 75.10.120, the director may revoke geoduck diver licenses (~~(or geoduck tract licenses)~~) held by a person if(:

~~(a))~~ (a)) within a five-year period that person is convicted or has an unvacated bail forfeiture for two or more violations of this title or rules of the director relating to geoduck licensing or harvesting(~~(; or~~

~~(b) The department of natural resources suspended or canceled the lease or harvesting agreement under RCW 79.96.080:~~

~~(2) When a geoduck tract licensee permits a person to harvest geoducks on that tract, each violation by that person of this title or rules of the director relating to geoduck licensing or harvesting resulting in: (a) Conviction or unvacated forfeiture of bail, or (b) suspension or cancellation of the lease or harvesting agreement by the department of natural resources under RCW 79.96.080, shall be imputed to the tract licensee for the purpose of computing the number of violations by the tract licensee under subsection (1) of this section)).~~

~~((3))~~ (2) Except as provided in subsection ~~((4))~~ (3) of this section, the director shall not issue a geoduck diver license (~~(or geoduck tract license)~~) to a person who has had a license revoked. This prohibition is effective for one year after the revocation.

~~((4))~~ (3) Appeals of revocations under this section may be taken under the judicial review provisions of chapter 34.05 RCW. If the license revocation is determined to be invalid, the director shall reissue the license to that person.

NEW SECTION. Sec. 8. A new section is added to chapter 79.01 RCW to read as follows:

The department of natural resources is authorized to offer and pay a reward not to exceed one thousand dollars in each case for information regarding violations of any statute or rule adopted pursuant to any statute relating to the state's public lands and natural resources including, but not limited to, Titles 75, 76, 78, and 79 RCW, and any rule adopted pursuant thereto. No reward may be paid to any federal, state, or local government or agency employees for information obtained by them in the normal course of their employment. The department of natural resources is authorized to promulgate rules in pursuit of its authority under this section to determine the appropriate account or fund from which to pay the reward. No appropriation shall be required for disbursement.

NEW SECTION. Sec. 9. A new section is added to chapter 79.96 RCW to read as follows:

(1) If a person wrongfully takes shellfish or causes shellfish to be wrongfully taken from the public lands and the wrongful taking is intentional and knowing, then the person shall be liable for damages of treble the fair market retail value of the amount of shellfish wrongfully taken. If a person wrongfully takes shellfish from the public lands under other circumstances, then the person shall be liable for damages of double the fair market value of the amount of shellfish wrongfully taken.

(2) For purposes of this section, a person "wrongfully takes" shellfish from public lands if the person takes shellfish: (a) Above the limits of any applicable laws that govern the harvest of shellfish from public lands; (b) without reporting the harvest to the department of fisheries or the department of natural resources where such reporting is required by law or contract; (c) outside the area or above the limits that an agreement or contract from the department of natural resources allows the harvest of shellfish from public lands; or (d) without a lease or purchase of the shellfish where such lease or purchase is required by law prior to harvest of the shellfish.

(3) The remedies in this section are for civil damages and shall be proved by a preponderance of the evidence. The department of natural resources may file a civil action in Thurston county superior court or the county where the shellfish were taken against any person liable under this section. Damages recovered under this section shall be applied in the same way as received under geoduck harvesting agreements authorized by RCW 79.96.080.

(4) For purposes of the remedies created by this section, the amount of shellfish wrongfully taken by a person may be established either:

(a) By surveying the aquatic lands to reasonably establish the amount of shellfish taken from the immediate area where a person is shown to have been wrongfully taking shellfish;

(b) By weighing the shellfish on board any vessel or in possession of a person shown to be wrongfully taking shellfish; or

(c) By any other evidence that reasonably establishes the amount of shellfish wrongfully taken.

The amount of shellfish established by (a) or (b) of this subsection shall be presumed to be the amount wrongfully taken unless the defendant shows by a preponderance of evidence that the shellfish were lawfully taken or that the defendant did not take the shellfish presumed to have been wrongfully taken. Whenever there is reason to believe that shellfish in the possession of any person were wrongfully taken, the department of natural resources or the department of fisheries may require the person to proceed to a designated off-load point and to weigh all shellfish in possession of the person or on board the person's vessel.

(5) This civil remedy is supplemental to the state's power to prosecute any person for theft of shellfish, for other crimes where shellfish are involved, or for violation of regulations of the department of fisheries.

Passed the Senate March 5, 1990.

Passed the House February 27, 1990.

Approved by the Governor March 23, 1990.

Filed in Office of Secretary of State March 23, 1990.

CHAPTER 164

[Senate Bill No. 6802]

UTILITY RATES—REDUCTION FOR LOW INCOME DISABLED CITIZENS

AN ACT Relating to reduced utility rates; and amending RCW 74.38.070.

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

Sec. 1. Section 1, chapter 116, Laws of 1979 as last amended by section 1, chapter 44, Laws of 1988 and RCW 74.38.070 are each amended to read as follows:

(1) Notwithstanding any other provision of law, any county, city, town, municipal corporation, or quasi municipal corporation providing utility services may provide such services at reduced rates for low income senior citizens or low income disabled citizens: PROVIDED, That, for the purposes of this section, "low income senior citizen" or "low income disabled citizen" shall be defined by appropriate ordinance or resolution adopted by the governing body of the county, city, town, municipal corporation, or quasi municipal corporation providing the utility services except as provided in subsection (2) of this section. Any reduction in rates granted in whatever manner to low income senior citizens or low income disabled citizens in one part of a service area shall be uniformly extended to low income senior citizens or low income disabled citizens in all other parts of the service area.

(2) For purposes of implementing this section by any public utility district, (a) "low income senior citizen" means a person who is sixty-two years of age or older and whose total income, including that of his or her spouse or cotenant, does not exceed the amount specified in RCW 84.36.381(5)(b), as now or hereafter amended and (b) "low income disabled citizen" means (i) a person qualifying for special parking privileges under RCW 46.16.381(1) (a) through (f) ((σ)) , (ii) a blind person as defined in RCW 74.18.020, or (iii) a disabled, handicapped, or incapacitated person as defined under any other existing state or federal program and whose income,

including that of his or her spouse or cotenant, does not exceed the amount specified in RCW 70.164.020(4).

Passed the Senate February 7, 1990.

Passed the House March 2, 1990.

Approved by the Governor March 23, 1990.

Filed in Office of Secretary of State March 23, 1990.

CHAPTER 165

[Senate Bill No. 6399]

SUPPORT ENFORCEMENT—EMPLOYER COOPERATION

AN ACT Relating to employer cooperation with the office of support enforcement; amending RCW 26.23.080 and 26.23.090; and prescribing penalties.

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

***Sec. 1. Section 9, chapter 435, Laws of 1987 and RCW 26.23.080 are each amended to read as follows:**

~~((No employer shall discipline or discharge an employee or refuse to hire a person by reason of an action authorized in this chapter. If an employer disciplines or discharges an employee or refuses to hire a person 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 lost wages and any other damages suffered as a result of the violation and for costs and reasonable attorney fees, and shall be subject to a civil penalty of not more than two thousand five hundred dollars for each violation.))~~ (1) The legislature finds that most employers are supportive of the state's efforts to collect child support payments and are willing to assist the state in the collection of these payments as required by RCW 26.23.060. The legislature further finds that employers serve the public interest by employing persons who are attempting to comply with the ordered payment of child support in fulfillment of the provisions of RCW 26.23.060 and by helping with the collection of those obligations. It is the legislature's intent that employers be encouraged to hire and retain such persons, and that the office of support enforcement cooperate with and provide assistance to employers who wish to hire and retain such persons and who wish to help with such collection.

(2) It is unlawful for an employer to discipline or discharge an employee or refuse to employ any individual because of the existence of a withholding obligation under RCW 26.23.060. If an employer violates the provisions of this section, an employee may bring a civil action for the recovery of lost wages and other damages suffered as a result of the violation and for costs and reasonable attorneys' fees. The court may fine the employer for a violation of this section in an amount not to exceed two hundred fifty dollars. The

employer may also be ordered to hire, rehire, or reinstate the aggrieved individual.

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

Sec. 2. Section 10, chapter 435, Laws of 1987 and RCW 26.23.090 are each amended to read as follows:

(1) The employer shall be liable to the Washington state support registry for one hundred percent of the amount of the support debt, or the amount of support moneys which 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 notice of payroll deduction, to deduct and promptly remit from unpaid earnings the amounts of money required in the notice; ((or))

(b) Fails or refuses to submit an answer to the notice of payroll deduction after being served; or

(c) Is unwilling to comply with the other requirements of RCW 26.23.060.

(2) Liability may be established in superior court or may be established pursuant to RCW 74.20A.270. Awards in superior court and in actions pursuant to RCW 74.20A.270 shall include costs, interest under RCW 19.52.020 and 4.56.110, and reasonable attorney fees and staff costs as a part of the award. Debts established pursuant to this section may be collected pursuant to chapter 74.20A RCW utilizing any of the remedies contained in that chapter.

Passed the Senate March 5, 1990.

Passed the House March 2, 1990.

Approved by the Governor March 23, 1990, with the exception of certain items which were vetoed.

Filed in Office of Secretary of State March 23, 1990.

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

"I am returning herewith, without my approval as to section 1, Senate Bill No. 6399 entitled:

"AN ACT Relating to employer cooperation with the office of support enforcement."

Section 1 dramatically reduces the sanctions against employers who unlawfully penalize a person who pays child support through wage assignment.

Employers have cooperated well with wage assignment statutes, and there has been no indication that the existing sanctions have been abused to the detriment of employers.

Employee protections were established in furtherance of public policy that encourages and protects persons who pay their child support. Children also benefit when persons supporting them are protected from arbitrary actions by employers.

With the exception of section 1, Senate Bill No. 6399 is approved."

CHAPTER 166

[Substitute Senate Bill No. 6776]

CONDOMINIUM ACT AMENDMENTS

AN ACT Relating to condominiums; amending RCW 64.34.020, 64.34.200, 64.34.304, 64.34.352, 64.34.360, 64.34.364, 64.34.372, 64.34.400, 64.34.415, 64.34.425, and 64.34.440; adding new sections to chapter 64.34 RCW; and providing an effective date.

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

Sec. 1. Section 1-103, chapter 43, Laws of 1989 and RCW 64.34.020 are each amended to read as follows:

In the declaration and bylaws, unless specifically provided otherwise or the context requires otherwise, and in this chapter:

(1) "Affiliate of a declarant" means any person who controls, is controlled by, or is under common control with a declarant. A person "controls" a declarant if the person: (a) Is a general partner, officer, director, or employer of the declarant; (b) directly or indirectly or acting in concert with one or more other persons, or through one or more subsidiaries, owns, controls, holds with power to vote, or holds proxies representing, more than twenty percent of the voting interest in the declarant; (c) controls in any manner the election of a majority of the directors of the declarant; or (d) has contributed more than twenty percent of the capital of the declarant. A person "is controlled by" a declarant if the declarant: (i) Is a general partner, officer, director, or employer of the person; (ii) directly or indirectly or acting in concert with one or more other persons, or through one or more subsidiaries, owns, controls, holds with power to vote, or holds proxies representing, more than twenty percent of the voting interest in the person; (iii) controls in any manner the election of a majority of the directors of the person; or (iv) has contributed more than twenty percent of the capital of the person. Control does not exist if the powers described in this subsection are held solely as security for an obligation and are not exercised.

(2) "Allocated interests" means the undivided interest in the common elements, the common expense liability, and votes in the association allocated to each unit.

(3) "Assessment" means all sums chargeable by the association against a unit including, without limitation: (a) Regular and special assessments for common expenses, charges, and fines imposed by the association; (b) interest and late charges on any delinquent account; and (c) costs of collection, including reasonable attorneys' fees, incurred by the association in connection with the collection of a delinquent owner's account.

(4) "Association" or "unit owners' association" means the unit owners' association organized under RCW 64.34.300.

(5) "Board of directors" means the body, regardless of name, with primary authority to manage the affairs of the association.

(6) "Common elements" means all portions of a condominium other than the units.

(7) "Common expenses" means expenditures made by or financial liabilities of the association, together with any allocations to reserves.

(8) "Common expense liability" means the liability for common expenses allocated to each unit pursuant to RCW 64.34.224.

(9) "Condominium" means real property, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions. Real property is not a condominium unless the undivided interests in the common elements are vested in the unit owners, and unless a declaration and a survey map and plans have been recorded pursuant to this chapter.

(10) "Conversion ((building)) condominium" means a ~~((building that))~~ condominium (a) that at any time before creation of the condominium was lawfully occupied wholly or partially by ((persons other than purchasers and persons who occupy with the consent of purchasers)) a tenant or subtenant for residential purposes pursuant to a rental agreement, oral or written, express or implied, or (b) that, at any time before the conveyance of, or acceptance of an agreement to convey, any unit therein other than to a declarant or any affiliate of a declarant, was lawfully occupied by a residential tenant of a declarant or an affiliate of a declarant and such tenant was not notified in writing, prior to lawfully occupying a unit or executing a rental agreement, whichever event first occurs, that the unit was part of a condominium and subject to sale. "Conversion condominium" shall not include a condominium in which, before the effective date of this act, any unit therein had been conveyed or been made subject to an agreement to convey to any transferee other than a declarant or an affiliate of a declarant.

(11) "Conveyance" means any transfer of the ownership of a unit, including a transfer by deed or by real estate contract and, with respect to a unit in a leasehold condominium, a transfer by lease or assignment thereof, but shall not include a transfer solely for security.

(12) "Dealer" means a person who owns either six or more units in a condominium or fifty percent or more of the units in a condominium which have not previously been disposed of to any person other than a declarant or a dealer.

(13) "Declarant" means any person or group of persons acting in concert who (a) executes as declarant a declaration as defined in subsection (15) of this section, or (b) reserves or succeeds to any special declarant right under the declaration.

(14) "Declarant control" means the right of the declarant or persons designated by the declarant to appoint and remove officers and members of the board of directors pursuant to RCW 64.34.308 (4) or (5).

(15) "Declaration" means the document, however denominated, that creates a condominium by setting forth the information required by RCW 64.34.216 and any amendments to that document.

(16) "Development rights" means any right or combination of rights reserved by a declarant in the declaration to: (a) Add real property or improvements to a condominium; (b) create units, common elements, or limited common elements within real property included or added to a condominium; (c) subdivide units or convert units into common elements; or (d) withdraw real property from a condominium.

(17) "Dispose" or "disposition" means a voluntary transfer or conveyance to a purchaser or lessee of any legal or equitable interest in a unit, but does not include the transfer or release of a security interest.

(18) "Eligible mortgagee" means the holder of a mortgage on a unit that has filed with the secretary of the association a written request that it be given copies of notices of any action by the association that requires the consent of mortgagees.

(19) "Foreclosure" means a forfeiture or judicial or nonjudicial foreclosure of a mortgage or a deed in lieu thereof.

(20) "Identifying number" means a symbol or address that identifies only one unit in a condominium.

(21) "Leasehold condominium" means a condominium in which all or a portion of the real property is subject to a lease, the expiration or termination of which will terminate the condominium or reduce its size.

(22) "Limited common element" means a portion of the common elements allocated by the declaration or by operation of RCW 64.34.204 (2) or (4) for the exclusive use of one or more but fewer than all of the units.

(23) "Master association" means an organization described in RCW 64.34.276, whether or not it is also an association described in RCW 64.34.300.

(24) "Mortgage" means a mortgage, deed of trust or real estate contract.

(25) "Person" means a natural person, corporation, partnership, limited partnership, trust, governmental subdivision or agency, or other legal entity.

(26) "Purchaser" means any person, other than a declarant or a dealer, who by means of a disposition acquires a legal or equitable interest in a unit other than (a) a leasehold interest, including renewal options, of less than twenty years at the time of creation of the unit, or (b) as security for an obligation.

(27) "Real property" means any fee, leasehold or other estate or interest in, over, or under land, including structures, fixtures, and other improvements thereon and easements, rights and interests appurtenant thereto which by custom, usage, or law pass with a conveyance of land although not

described in the contract of sale or instrument of conveyance. "Real property" includes parcels, with or without upper or lower boundaries, and spaces that may be filled with air or water.

(28) "Residential purposes" means use for dwelling or recreational purposes, or both.

(29) "Special declarant rights" means rights reserved for the benefit of a declarant to: (a) Complete improvements indicated on survey maps and plans filed with the declaration under RCW 64.34.232; (b) exercise any development right under RCW 64.34.236; (c) maintain sales offices, management offices, signs advertising the condominium, and models under RCW 64.34.256; (d) use easements through the common elements for the purpose of making improvements within the condominium or within real property which may be added to the condominium under RCW 64.34.260; (e) make the condominium part of a larger condominium or a development under RCW 64.34.276; (f) make the condominium subject to a master association under RCW 64.34.276; or (g) appoint or remove any officer of the association or any master association or any member of the board of directors during any period of declarant control under RCW 64.34.308(3).

(30) "Timeshare" shall have the meaning specified in the timeshare act, RCW 64.36.010(11).

(31) "Unit" means a physical portion of the condominium designated for separate ownership, the boundaries of which are described pursuant to RCW 64.34.216(1)(d). "Separate ownership" includes leasing a unit in a leasehold condominium under a lease that expires contemporaneously with any lease, the expiration or termination of which will remove the unit from the condominium.

(32) "Unit owner" means a declarant or other person who owns a unit or leases a unit in a leasehold condominium under a lease that expires simultaneously with any lease, the expiration or termination of which will remove the unit from the condominium, but does not include a person who has an interest in a unit solely as security for an obligation. "Unit owner" means the vendee, not the vendor, of a unit under a real estate contract.

Sec. 2. Section 2-101, chapter 43, Laws of 1989 and RCW 64.34.200 are each amended to read as follows:

(1) A condominium may be created pursuant to this chapter only by recording a declaration executed by the owner of the interest subject to this chapter in the same manner as a deed and by simultaneously recording a survey map and plans pursuant to RCW 64.34.232. The declaration and survey map and plans must be recorded in every county in which any portion of the condominium is located, and the condominium shall not have the same name as any other existing condominium, whether created under this chapter or under chapter 64.32 RCW, in any county in which the condominium is located.

(2) A declaration or an amendment to a declaration adding units to a condominium may not be recorded unless (a) all structural components and mechanical systems of all buildings containing or comprising any units thereby created are substantially completed as evidenced by a recorded certificate of completion executed by the declarant, and (b) all horizontal and vertical boundaries of such units ((thereby created)) are substantially completed in accordance with the plans required to be recorded by RCW 64.34.232, as evidenced by a recorded certificate of completion executed by a licensed surveyor.

Sec. 3. Section 3-102, chapter 43, Laws of 1989 and RCW 64.34.304 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, and subject to the provisions of the declaration, the association may:

- (a) Adopt and amend bylaws, rules, and regulations;
- (b) Adopt and amend budgets for revenues, expenditures, and reserves, and impose and collect assessments for common expenses from unit owners;
- (c) Hire and discharge or contract with managing agents and other employees, agents, and independent contractors;
- (d) Institute, defend, or intervene in litigation or administrative proceedings in its own name on behalf of itself or two or more unit owners on matters affecting the condominium;
- (e) Make contracts and incur liabilities;
- (f) Regulate the use, maintenance, repair, replacement, and modification of common elements;
- (g) Cause additional improvements to be made as a part of the common elements;
- (h) Acquire, hold, encumber, and convey in its own name any right, title, or interest to real or personal property, but common elements may be conveyed or subjected to a security interest only pursuant to RCW 64.34.348;
- (i) Grant easements, leases, licenses, and concessions through or over the common elements and petition for or consent to the vacation of streets and alleys;
- (j) Impose and collect any payments, fees, or charges for the use, rental, or operation of the common elements, other than limited common elements described in RCW 64.34.204 (2) and (4), and for services provided to unit owners;
- (k) Impose and collect charges for late payment of assessments pursuant to RCW 64.34.364(10) and, after notice and an opportunity to be heard by the board of directors or by such representative designated by the board of directors and in accordance with such procedures as provided in the declaration or bylaws or rules and regulations adopted by the board of directors, levy reasonable fines in accordance with a previously established schedule thereof adopted by the board of directors and furnished to the

owners for violations of the declaration, bylaws, and rules and regulations of the association;

(l) Impose and collect reasonable charges for the preparation and recording of amendments to the declaration, resale certificates required by RCW ((64.34.435)) 64.34.425, and statements of unpaid assessments;

(m) Provide for the indemnification of its officers and board of directors and maintain directors' and officers' liability insurance;

(n) Assign its right to future income, including the right to receive common expense assessments, but only to the extent the declaration provides;

(o) Exercise any other powers conferred by the declaration or bylaws;

(p) Exercise all other powers that may be exercised in this state by the same type of corporation as the association; and

(q) Exercise any other powers necessary and proper for the governance and operation of the association.

(2) The declaration may not impose limitations on the power of the association to deal with the declarant which are more restrictive than the limitations imposed on the power of the association to deal with other persons.

Sec. 4. Section 3-114, chapter 43, Laws of 1989 and RCW 64.34.352 are each amended to read as follows:

(1) Commencing not later than the time of the first conveyance of a unit to a person other than a declarant, the association shall maintain, to the extent reasonably available:

(a) Property insurance on the condominium, which may, but need not, include equipment, improvements, and betterments in a unit installed by the declarant or the unit owners, insuring against all risks of direct physical loss commonly insured against or, in the case of a conversion building, against fire and extended coverage perils. The total amount of insurance after application of any deductibles shall be not less than eighty percent, or such greater amount specified in the declaration, of the actual cash value of the insured property at the time the insurance is purchased and at each renewal date, exclusive of land, excavations, foundations, and other items normally excluded from property policies; and

(b) Liability insurance, including medical payments insurance, in an amount determined by the board of directors but not less than the amount specified in the declaration, covering all occurrences commonly insured against for death, bodily injury, and property damage arising out of or in connection with the use, ownership, or maintenance of the common elements.

(2) If the insurance described in subsection (1) of this section is not reasonably available, or is modified, canceled, or not renewed, the association promptly shall cause notice of that fact to be hand-delivered or sent prepaid by first class United States mail to all unit owners, to each eligible

mortgagee, and to each mortgagee to whom a certificate or memorandum of insurance has been issued at their respective last known addresses. The declaration may require the association to carry any other insurance, and the association in any event may carry any other insurance it deems appropriate to protect the association or the unit owners.

(3) Insurance policies carried pursuant to subsection (1) of this section shall provide that:

(a) Each unit owner is an insured person under the policy with respect to liability arising out of the owner's interest in the common elements or membership in the association;

(b) The insurer waives its right to subrogation under the policy against any unit owner, member of the owner's household, and lessee of the owner;

(c) No act or omission by any unit owner, unless acting within the scope of the owner's authority on behalf of the association, will void the policy or be a condition to recovery under the policy; and

(d) If, at the time of a loss under the policy, there is other insurance in the name of a unit owner covering the same risk covered by the policy, the association's policy provides primary insurance.

(4) Any loss covered by the property insurance under subsection (1)(a) of this section must be adjusted with the association, but the insurance proceeds for that loss are payable to any insurance trustee designated for that purpose, or otherwise to the association, and not to any holder of a mortgage. The insurance trustee or the association shall hold any insurance proceeds in trust for unit owners and lienholders as their interests may appear. Subject to the provisions of subsection (7) of this section, the proceeds must be disbursed first for the repair or restoration of the damaged property, and unit owners and lienholders are not entitled to receive payment of any portion of the proceeds unless there is a surplus of proceeds after the property has been completely repaired or restored or the condominium is terminated.

(5) An insurance policy issued to the association does not prevent a unit owner from obtaining insurance for the owner's own benefit.

(6) An insurer that has issued an insurance policy under this section shall issue certificates or memoranda of insurance to the association and, upon written request, to any unit owner or holder of a mortgage. The insurer issuing the policy may not ~~modify(;) the amount or the extent of the coverage of the policy or cancel(;) or refuse to renew ((it until thirty days after notice of the proposed modification, cancellation, or nonrenewal has been mailed to the association, each unit owner, and each holder of a mortgage to whom a certificate or memorandum of insurance has been issued at their respective last known addresses))~~ the policy unless the insurer has complied with all applicable provisions of chapter 48.18 RCW pertaining to the cancellation or nonrenewal of contracts of insurance. The insurer shall not modify the amount or the extent of the coverage ~~((by))~~ of the policy, or

cancel or refuse to renew the policy(;) without complying with this section.

(7) Any portion of the condominium for which insurance is required under this section which is damaged or destroyed shall be repaired or replaced promptly by the association unless: (a) The condominium is terminated; (b) repair or replacement would be illegal under any state or local health or safety statute or ordinance; or (c) eighty percent of the unit owners, including every owner of a unit or assigned limited common element which will not be rebuilt, vote not to rebuild. The cost of repair or replacement in excess of insurance proceeds and reserves is a common expense. If all of the damaged or destroyed portions of the condominium are not repaired or replaced: (i) The insurance proceeds attributable to the damaged common elements shall be used to restore the damaged area to a condition compatible with the remainder of the condominium; (ii) the insurance proceeds attributable to units and limited common elements which are not rebuilt shall be distributed to the owners of those units and the owners of the units to which those limited common elements were allocated, or to lienholders, as their interests may appear; and (iii) the remainder of the proceeds shall be distributed to all the unit owners or lienholders, as their interests may appear, in proportion to the common element interests of all the units. If the unit owners vote not to rebuild any unit, that unit's allocated interests are automatically reallocated upon the vote as if the unit had been condemned under RCW 64.34.060(1), and the association promptly shall prepare, execute, and record an amendment to the declaration reflecting the reallocations. Notwithstanding the provisions of this subsection, RCW 64.34.268 governs the distribution of insurance proceeds if the condominium is terminated.

(8) The provisions of this section may be varied or waived as provided in the declaration if all units of a condominium are restricted to nonresidential use.

Sec. 5. Section 3-116, chapter 43, Laws of 1989 and RCW 64.34.360 are each amended to read as follows:

(1) Until the association makes a common expense assessment, the declarant shall pay all common expenses. After any assessment has been made by the association, assessments must be made (~~(at least annually)~~) against all units, based on a budget adopted (~~(at least annually)~~) by the association.

(2) Except for assessments under subsections (3), (4), and (5) of this section, all common expenses must be assessed against all the units in accordance with the allocations set forth in the declaration pursuant to RCW 64.34.224(1). Any past due common expense assessment or installment thereof bears interest at the rate established by the association pursuant to RCW 64.34.364.

(3) To the extent required by the declaration:

(a) Any common expense associated with the operation, maintenance, repair, or replacement of a limited common element shall be paid by the owner of or assessed against the units to which that limited common element is assigned, equally, or in any other proportion that the declaration provides;

(b) Any common expense or portion thereof benefiting fewer than all of the units must be assessed exclusively against the units benefited;

(c) The costs of insurance must be assessed in proportion to risk; and

(d) The costs of utilities must be assessed in proportion to usage.

(4) Assessments to pay a judgment against the association pursuant to RCW 64.34.368(1) may be made only against the units in the condominium at the time the judgment was entered in proportion to their allocated common expense liabilities at the time the judgment was entered.

(5) To the extent that any common expense is caused by the misconduct of any unit owner, the association may assess that expense against the owner's unit.

(6) If common expense liabilities are reallocated, common expense assessments and any installment thereof not yet due shall be recalculated in accordance with the reallocated common expense liabilities.

Sec. 6. Section 3-117, chapter 43, Laws of 1989 and RCW 64.34.364 are each amended to read as follows:

(1) The association has a lien on a unit for any unpaid assessments levied against a unit from the time the assessment is due. ~~((Unless the declaration provides otherwise, fees, late charges, fines, and interest charged pursuant to RCW 64.34.304(1) (j), (k), and (l) are enforceable as assessments under this section. If an assessment is payable in installments, the association has a lien for the full amount of the assessment from the time the first installment thereof is due.))~~

(2) A lien under this section shall be prior to all other liens and encumbrances on a unit except: (a) Liens and encumbrances recorded before the recording of the declaration; (b) a mortgage on the unit recorded before the date on which the assessment sought to be enforced became delinquent; and (c) liens for real property taxes and other governmental assessments or charges against the unit. ~~((If the association elects to foreclose its))~~ A lien under this section ((judicially pursuant to chapter 61.12 RCW rather than nonjudicially pursuant to chapter 61.24 RCW, as provided by subsection (6) of this section;)) is not subject to the provisions of chapter 6.13 RCW.

(3) Except as provided in subsections (4) and (5) of this section, the lien shall also be prior to the mortgages described in subsection (2)(b) of this ((subsection)) section to the extent of assessments for common expenses, excluding any amounts for capital improvements, based on the periodic budget adopted by the association pursuant to RCW 64.34.360(1) which would have become due(, in the absence of acceleration;) during the six months immediately preceding ((institution of an action to enforce

the lien. PROVIDED, That the)) the date of a sheriff's sale in an action for judicial foreclosure by either the association or a mortgagee, the date of a trustee's sale in a nonjudicial foreclosure by a mortgagee, or the date of recording of the declaration of forfeiture in a proceeding by the vendor under a real estate contract.

(4) The priority of the association's lien against units encumbered by a mortgage held by an eligible mortgagee or by a ((first)) mortgagee which has given the association a written request for a notice of delinquent assessments shall be reduced by up to three months if and to the extent ((its foreclosure)) that the lien priority under subsection (3) of this section includes delinquencies which relate to a period after such holder becomes an eligible mortgagee or has given such notice and before the association gives the holder a written notice of the delinquency. This subsection does not affect the priority of mechanics' or materialmen's liens, or the priority of liens for other assessments made by the association. ((★))

(5) If the association forecloses its lien under this section ((is not subject to the provisions of chapter 6.13 RCW)) nonjudicially pursuant to chapter 61.24 RCW, as provided by subsection (9) of this section, the association shall not be entitled to the lien priority provided for under subsection (3) of this section.

((3)) (6) Unless the declaration otherwise provides, if two or more associations have liens for assessments created at any time on the same real estate, those liens have equal priority.

((4)) (7) Recording of the declaration constitutes record notice and perfection of the lien for assessments. While no further recording of any claim of lien for assessment under this section shall be required to perfect the association's lien, the association may record a notice of claim of lien for assessments under this section in the real property records of any county in which the condominium is located. Such recording shall not constitute the written notice of delinquency to a mortgagee referred to in subsection (2) of this section.

((5)) (8) A lien for unpaid assessments and the personal liability for payment of assessments is extinguished unless proceedings to enforce the lien or collect the debt are instituted within three years after the amount of the assessments sought to be recovered becomes due.

((6)) (9) The lien arising under this section may be enforced judicially by the association or its authorized representative in the manner set forth in chapter 61.12 RCW ((or)). The lien arising under this section may be enforced nonjudicially in the manner set forth in chapter 61.24 RCW for nonjudicial foreclosure of deeds of trust if the declaration ((so provides and contains the prerequisites therefor set forth in such chapter)) (a) contains a grant of the condominium in trust to a trustee qualified under RCW 61.24-.010 to secure the obligations of the unit owners to the association for the payment of assessments, (b) contains a power of sale, (c) provides in its

terms that the units are not used principally for agricultural or farming purposes, and (d) provides that the power of sale is operative in the case of a default in the obligation to pay assessments. The association or its authorized representative shall have the power, unless prohibited by the declaration, to purchase the unit at the foreclosure sale and to acquire, hold, lease, mortgage, or convey the same. Upon an express waiver in the complaint of any right to a deficiency judgment in a judicial foreclosure action, the period of redemption shall be eight months. Nothing in this section shall prohibit an association from taking a deed in lieu of foreclosure.

~~((7))~~ (10) From the time of commencement of an action by the association to foreclose a lien for nonpayment of delinquent assessments against a unit that is not occupied by the owner thereof, the association shall be entitled to the appointment of a receiver to collect from the lessee thereof the rent for the unit as and when due. If the rental is not paid, the receiver may obtain possession of the unit, refurbish it for rental up to a reasonable standard for rental units in this type of condominium, rent the unit or permit its rental to others, and apply the rents first to the cost of the receivership and attorneys' fees thereof, then to the cost of refurbishing the unit, then to applicable charges, then to costs, fees, and charges of the foreclosure action, and then to the payment of the delinquent assessments. Only a receiver may take possession and collect rents under this subsection, and a receiver shall not be appointed less than ninety days after the delinquency. The exercise by the association of the foregoing rights shall not affect the priority of preexisting liens on the unit.

~~((8))~~ (11) Except as provided in subsection ~~((2))~~ (3) of this section, the holder of a mortgage or other purchaser of a unit who obtains the right of possession of the unit through foreclosure shall not be liable for assessments or installments thereof that became due prior to such right of possession. Such unpaid assessments shall be deemed to be common expenses collectible from all the unit owners, including such mortgagee or other purchaser of the unit. Foreclosure of a mortgage does not relieve the prior owner of personal liability for assessments accruing against the unit prior to the date of such sale as provided in this subsection.

~~((9))~~ (12) In addition to constituting a lien on the unit, each assessment shall be the joint and several obligation of the owner or owners of the unit to which the same are assessed as of the time the assessment is due. In a voluntary conveyance, the grantee of a unit shall be jointly and severally liable with the grantor for all unpaid assessments against the grantor up to the time of the grantor's conveyance, without prejudice to the grantee's right to recover from the grantor the amounts paid by the grantee therefor. Suit to recover a personal judgment for any delinquent assessment shall be maintainable in any court of competent jurisdiction without foreclosing or waiving the lien securing such sums.

~~((+0))~~ (13) The association may from time to time establish reasonable late charges and a rate of interest to be charged on all subsequent delinquent assessments or installments thereof. In the absence of another established nonusurious rate, delinquent assessments shall bear interest from the date of delinquency at the maximum rate permitted under RCW 19.52-.020 on the date on which the assessments became delinquent.

~~((+1))~~ (14) The association shall be entitled to recover any costs and reasonable attorneys' fees incurred in connection with the collection of delinquent assessments, whether or not such collection activities result in suit being commenced or prosecuted to judgment. In addition, the association shall be entitled to recover costs and reasonable attorneys' fees if it prevails on appeal and in the enforcement of a judgment.

~~((+2))~~ (15) The association upon written request shall furnish to a unit owner or a mortgagee a statement signed by an officer or authorized agent of the association setting forth the amount of unpaid assessments against that unit. The statement shall be furnished within fifteen days after receipt of the request and is binding on the association, the board of directors, and every unit owner, unless and to the extent known by the recipient to be false.

~~((+3))~~ (16) To the extent not inconsistent with this section, the declaration may provide for such additional remedies for collection of assessments as may be permitted by law.

Sec. 7. Section 3-119, chapter 43, Laws of 1989 and RCW 64.34.372 are each amended to read as follows:

(1) The association shall keep financial records sufficiently detailed to enable the association to comply with RCW 64.34.425. All financial and other records shall be made reasonably available for examination by any unit owner and the owner's authorized agents. At least annually, the association shall prepare, or cause to be prepared, a financial statement of the association in accordance with generally accepted accounting principles. The financial ~~((records))~~ statements of condominiums consisting of fifty or more units shall be audited at least annually by a certified public accountant. In the case of a condominium consisting of fewer than fifty units, an annual audit is also required but may be waived annually by unit owners other than the declarant of units to which sixty percent of the votes are allocated, excluding the votes allocated to units owned by the declarant.

(2) The funds of an association shall not be commingled with the funds of any other association, nor with the funds of any manager of the association or any other person responsible for the custody of such funds. Any reserve funds of an association shall be kept in a segregated account and any transaction affecting such funds, including the issuance of checks, shall require the signature of at least two persons who are officers or directors of the association.

NEW SECTION. Sec. 8. A new section is added to chapter 64.34 RCW to read as follows:

Promptly upon the conveyance of a unit, the new unit owner shall notify the association of the date of the conveyance and the unit owner's name and address. The association shall notify each insurance company that has issued an insurance policy to the association for the benefit of the owners under RCW 64.34.352 of the name and address of the new owner and request that the new owner be made a named insured under such policy.

Sec. 9. Section 4-101, chapter 43, Laws of 1989 and RCW 64.34.400 are each amended to read as follows:

(1) This article applies to all units subject to this chapter, except as provided in subsection (2) of this section and unless and to the extent otherwise agreed to in writing by the seller and purchasers of those units ~~((which))~~ that are ~~((not))~~ restricted to nonresidential use in the declaration.

(2) Neither a public offering statement nor a resale certificate need be prepared or delivered in the case of:

- (a) A conveyance by gift, devise, or descent;
- (b) A conveyance pursuant to court order;
- (c) A disposition by a government or governmental agency;
- (d) A conveyance by foreclosure;
- (e) A disposition to a dealer who intends to offer those units to purchasers; or

(f) A disposition that may be canceled at any time and for any reason by the purchaser without penalty.

Sec. 10. Section 4-104, chapter 43, Laws of 1989 and RCW 64.34.415 are each amended to read as follows:

(1) The public offering statement of a conversion condominium ~~((containing any conversion building))~~ shall contain, in addition to the information required by RCW 64.34.410:

(a) A statement by the declarant, based on a report prepared by an independent, licensed architect or engineer, describing, to the extent reasonably ascertainable, the present condition of all structural components and mechanical and electrical installations material to the use and enjoyment of the ~~((building))~~ condominium;

(b) A statement by the declarant of the expected useful life of each item reported on in (a) of this subsection or a statement that no representations are made in that regard; and

(c) A list of any outstanding notices of uncured violations of building code or other municipal regulations, together with the estimated cost of curing those violations. Unless the purchaser waives in writing the curing of specific violations, the extent to which the declarant will cure such violations prior to the closing of the sale of a unit in the condominium shall be included.

(2) This section applies only to ~~((buildings))~~ condominiums containing units that may be occupied for residential use.

NEW SECTION. Sec. 11. A new section is added to chapter 64.34 RCW to read as follows:

If a unit is offered for sale for which the delivery of a public offering statement or other disclosure document is required under the laws of any state or the United States, a single disclosure document conforming to the requirements of RCW 64.34.410 and 64.34.415 and conforming to any other requirement imposed under such laws, may be prepared and delivered in lieu of providing two or more disclosure documents.

Sec. 12. Section 4-107, chapter 43, Laws of 1989 and RCW 64.34.425 are each amended to read as follows:

(1) Except in the case of a sale where delivery of a public offering statement is required, or unless exempt under RCW 64.34.400(2), a unit owner shall furnish to a purchaser before execution of any contract for sale of a unit, or otherwise before conveyance, a copy of the declaration, the by-laws, the rules or regulations of the association, and a certificate, based on the books and records of the association and the actual knowledge of the person signing the certificate, containing:

(a) A statement disclosing the effect on the proposed conveyance of any right of first refusal or other restraint on the free alienability of the unit;

(b) A statement setting forth the amount of the monthly common expense assessment and any unpaid common expense or special assessment currently due and payable from the selling unit owner and a statement of any special assessments that have been levied against the unit which have not been paid even though not yet due;

(c) A statement, which shall be current to within forty-five days, of any common expenses ~~((and))~~ or special assessments against any unit in the condominium that are past due over thirty days;

~~((c))~~ (d) A statement, which shall be current to within forty-five days, of any obligation of the association which is past due over thirty days;

(e) A statement of any other fees payable by unit owners;

~~((d))~~ (f) A statement of any anticipated ~~((capital expenditures))~~ repair or replacement cost in excess of five percent of the annual budget of the association that ~~((have))~~ has been approved by the board of directors;

~~((e))~~ (g) A statement of the amount of any reserves for ~~((capital expenditures))~~ repair or replacement and of any portions of those reserves currently designated by the association for any specified projects;

~~((f))~~ (h) The annual financial statement of the association, including the audit report if it has been prepared, for the year immediately preceding the current year.

(i) A balance sheet and a revenue and expense statement of the association prepared on an accrual basis, which shall be current to within one

hundred twenty days ~~((, and an income and expense statement of the association, if an income and expense statement has been prepared));~~

~~((g))~~ (j) The current operating budget of the association;

~~((h))~~ (k) A statement of any unsatisfied judgments against the association and the status of any pending suits in which the association is a defendant;

~~((i))~~ (l) A statement describing any insurance coverage provided for the benefit of unit owners;

~~((j))~~ (m) A statement as to whether there are any alterations or improvements to the unit or to the limited common elements assigned thereto that violate any provision of the declaration;

~~((k))~~ (n) A statement of the number of units, if any, still owned by the declarant, whether the declarant has transferred control of the association to the unit owners, and the date of such transfer;

~~((l))~~ (o) A statement as to whether there are any violations of the health or building codes with respect to the unit, the limited common elements assigned thereto, or any other portion of the condominium; ~~(and~~

~~(m))~~ (p) A statement of the remaining term of any leasehold estate affecting the condominium and the provisions governing any extension or renewal thereof; and

(q) Any other information reasonably requested by mortgagees of prospective purchasers of units. Information requested generally by federal national mortgage association, federal home loan bank board, government national mortgage association, the veterans administration and the department of housing and urban development shall be deemed reasonable, provided such information is reasonably available to the association.

(2) The association, within ten days after a request by a unit owner, shall furnish a certificate containing the information necessary to enable the unit owner to comply with this section. ~~((A))~~ The unit owner ~~((providing a))~~ shall also sign the certificate ~~((pursuant to subsection (1) of this section))~~ but the unit owner is not liable to the purchaser for any erroneous information provided by the association and included in the certificate unless and to the extent the unit owner had actual knowledge thereof.

(3) A purchaser is not liable for any unpaid assessment or fee against the unit as of the date of the certificate greater than the amount set forth in the certificate prepared by the association unless and to the extent such purchaser had actual knowledge thereof. A unit owner is not liable to a purchaser for the failure or delay of the association to provide the certificate in a timely manner, but the purchaser's contract is voidable by the purchaser until the certificate has been provided and for five days thereafter or until conveyance, whichever occurs first.

Sec. 13. Section 4-110, chapter 43, Laws of 1989 and RCW 64.34.440 are each amended to read as follows:

(1) A declarant of a conversion condominium (~~((containing conversion buildings))~~), and any dealer who intends to offer units in such a condominium, shall give each of the residential tenants and any residential subtenant in possession of a portion of a conversion (~~((building))~~) condominium notice of the conversion and provide those persons with the public offering statement no later than ninety days before the tenants and any subtenant in possession are required to vacate. The notice must set forth generally the rights of tenants and subtenants under this section and shall be delivered pursuant to notice requirements set forth in RCW 59.12.040. No tenant or subtenant may be required to vacate upon less than ninety days' notice, except by reason of nonpayment of rent, waste, conduct that disturbs other tenants' peaceful enjoyment of the premises, or act of unlawful detainer as defined in RCW 59.12.030, and the terms of the tenancy may not be altered during that period. Nothing in this subsection shall be deemed to waive or repeal RCW 59.18.200(2). Failure to give notice as required by this section is a defense to an action for possession.

(2) For sixty days after delivery or mailing of the notice described in subsection (1) of this section, the person required to give the notice shall offer to convey each unit or proposed unit occupied for residential use to the tenant who leases that unit. If a tenant fails to purchase the unit during that sixty-day period, the offeror may not offer to dispose of an interest in that unit during the following one hundred eighty days at a price or on terms more favorable to the offeree than the price or terms offered to the tenant. This subsection does not apply to any unit in a conversion (~~((building))~~) condominium if that unit will be restricted exclusively to nonresidential use or the boundaries of the converted unit do not substantially conform to the dimensions of the residential unit before conversion.

(3) If a seller, in violation of subsection (2) of this section, conveys a unit to a purchaser for value who has no knowledge of the violation, recording of the deed conveying the unit extinguishes any right a tenant may have to purchase that unit but does not affect the right of a tenant to recover damages from the seller for a violation of subsection (2) of this section.

(4) If a notice of conversion specifies a date by which a unit or proposed unit must be vacated and otherwise complies with the provisions of this chapter and chapter 59.18 RCW, the notice also constitutes a notice to vacate specified by that statute.

(5) Nothing in this section permits termination of a lease by a declarant in violation of its terms.

(6) Notwithstanding RCW 64.34.050(1), a city or county may by appropriate ordinance require with respect to any conversion condominium within the jurisdiction of such city or county that:

(a) In addition to the statement required by RCW 64.34.415 (1)(a), the public offering statement shall contain a copy of the written inspection

report prepared by the appropriate department of such city or county, which report shall list any violations of the housing code or other governmental regulation, which code or regulation is applicable regardless of whether the real property is owned as a condominium or in some other form of ownership; said inspection shall be made within forty-five days of the declarant's written request therefor and said report shall be issued within fourteen days of said inspection being made;

(b) Prior to the conveyance of any residential unit within a conversion condominium, other than a conveyance to a declarant or affiliate of a declarant: (i) All violations disclosed in the inspection report provided for in (a) of this subsection, and not otherwise waived by such city or county, shall be repaired, and (ii) a certification shall be obtained from such city or county that such repairs have been made, which certification shall be based on a reinspection to be made within seven days of the declarant's written request therefor and which certification shall be issued within seven days of said reinspection being made;

(c) The repairs required to be made under (b) of this subsection shall be warranted by the declarant against defects due to workmanship or materials for a period of one year following the completion of such repairs;

(d) Prior to the conveyance of any residential unit within a conversion condominium, other than a conveyance to a declarant or affiliate of a declarant: (i) The declarant shall establish and maintain, during the one-year warranty period provided under (c) of this subsection, an account containing a sum equal to ten percent of the actual cost of making the repairs required under (b) of this subsection; (ii) during the one-year warranty period, the funds in such account shall be used exclusively for paying the actual cost of making repairs required, or for otherwise satisfying claims made, under such warranty; (iii) following the expiration of the one-year warranty period, any funds remaining in such account shall be immediately disbursed to the declarant; and (iv) the declarant shall notify in writing the association and such city or county as to the location of such account and any disbursements therefrom; and

(e) Relocation assistance not to exceed five hundred dollars per unit shall be paid to tenants and subtenants who elect not to purchase a unit and who are in lawful occupancy for residential purposes of a unit and whose monthly household income from all sources, on the date of the notice described in subsection (1) of this section, was less than an amount equal to eighty percent of (i) the monthly median income for comparably sized households in the standard metropolitan statistical area, as defined and established by the United States department of housing and urban development, in which the condominium is located, or (ii) if the condominium is not within a standard metropolitan statistical area, the monthly median income for comparably sized households in the state of Washington, as defined and determined by said department. The household size of a unit shall

be based on the number of persons actually in lawful occupancy of the unit. The tenant or subtenant actually in lawful occupancy of the unit shall be entitled to the relocation assistance. Relocation assistance shall be paid on or before the date the tenant or subtenant vacates and shall be in addition to any damage deposit or other compensation or refund to which the tenant is otherwise entitled. Unpaid rent or other amounts owed by the tenant or subtenant to the landlord may be offset against the relocation assistance.

(7) Violations of any city or county ordinance adopted as authorized by subsection (6) of this section shall give rise to such remedies, penalties, and causes of action which may be lawfully imposed by such city or county. Such violations shall not invalidate the creation of the condominium or the conveyance of any interest therein.

NEW SECTION. Sec. 14. A new section is added to chapter 64.34 RCW to read as follows:

(1) A judicial proceeding for breach of any obligations arising under RCW 64.34.443 and 64.34.445 must be commenced within four years after the cause of action accrues: PROVIDED, That the period for commencing an action for a breach accruing pursuant to subsection (2)(b) of this section shall not expire prior to one year after termination of the period of declarant control, if any, under RCW 64.34.308(4). Such period may not be reduced by either oral or written agreement.

(2) Subject to subsection (3) of this section, a cause of action or breach of warranty of quality, regardless of the purchaser's lack of knowledge of the breach, accrues:

(a) As to a unit, the date the purchaser to whom the warranty is first made enters into possession if a possessory interest was conveyed or the date of acceptance of the instrument of conveyance if a nonpossessory interest was conveyed; and

(b) As to each common element, at the latest of (i) the date the first unit in the condominium was conveyed to a bona fide purchaser, (ii) the date the common element was completed, or (iii) the date the common element was added to the condominium.

(3) If a warranty of quality explicitly extends to future performance or duration of any improvement or component of the condominium, the cause of action accrues at the time the breach is discovered or at the end of the period for which the warranty explicitly extends, whichever is earlier.

NEW SECTION. Sec. 15. A new section is added to chapter 64.34 RCW to read as follows:

In the case of a sale of a unit where delivery of a public offering statement is required, a contract of sale may be executed, but no interest in that unit may be conveyed until (1) the declaration and survey map and plans which create the condominium in which that unit is located are recorded pursuant to RCW 64.34.200 and 64.34.232 and (2) the unit is substantially completed and available for occupancy, unless the declarant and purchaser

have otherwise specifically agreed in writing as to the extent to which the unit will not be substantially completed and available for occupancy at the time of conveyance.

NEW SECTION. Sec. 16. This act shall take effect July 1, 1990.

Passed the Senate February 8, 1990.

Passed the House March 1, 1990.

Approved by the governor March 26, 1990.

Filed in Office of Secretary of State March 26, 1990.

CHAPTER 167

[Senate Bill No. 6574]

HOUSING FINANCE COMMISSION

AN ACT Relating to the Washington state housing finance commission; amending RCW 43.180.020; and adding new sections to chapter 43.180 RCW.

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

Sec. 1. Section 2, chapter 161, Laws of 1983 and RCW 43.180.020 are each amended to read as follows:

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

(1) "Bonds" means the bonds, notes, or other evidences of indebtedness of the commission, the interest paid on which may or may not qualify for tax exemption.

(2) "Code" means the federal internal revenue code of 1954, as now or hereafter amended, and the regulations and rulings promulgated thereunder.

(3) "Commission" means the Washington state housing finance commission or any board, body, commission, department, or officer succeeding to the principal functions thereof or to whom the powers conferred upon the commission shall be given by law.

(4) "Costs of housing" means all costs related to the development, design, acquisition, construction, reconstruction, leasing, rehabilitation, and other improvements of housing, as determined by the commission.

(5) "Eligible person" means a person or family eligible in accordance with standards promulgated by the commission. Such persons shall include those persons whose income is insufficient to obtain at a reasonable cost, without financial assistance, decent, safe, and sanitary housing in the area in which the person or family resides, and may include such other persons whom the commission determines to be eligible.

(6) "Housing" means specific new, existing, or improved residential dwellings within this state or dwellings to be constructed within this state.

The term includes land, buildings, and manufactured dwellings, and improvements, furnishings, and equipment, and such other nonhousing facilities, furnishings, equipment, and costs as may be incidental or appurtenant thereto if in the judgment of the commission the facilities, furnishings, equipment and costs are an integral part of the project. Housing may consist of single-family or multifamily dwellings in one or more structures located on contiguous or noncontiguous parcels or any combination thereof. Improvements may include such equipment and materials as are appropriate to accomplish energy efficiency within a dwelling. The term also includes a dwelling constructed by a person who occupies and owns the dwelling, and nursing homes licensed under chapter 18.51 RCW.

(7) "Mortgage" means a mortgage, mortgage deed, deed of trust, security agreement, or other instrument securing a mortgage loan and constituting a lien on or security interest in housing. The property may be held in fee simple or on a leasehold under a lease having a remaining term, at the time the mortgage is acquired, of not less than the term of repayment of the mortgage loan secured by the mortgage. The property may also be housing which is evidenced by an interest in a cooperative association or corporation if ownership of the interest entitles the owner of the interest to occupancy of a dwelling owned by the association or corporation.

(8) "Mortgage lender" means any of the following entities which customarily provide service or otherwise aid in the financing of housing and which are approved as a mortgage lender by the commission: A bank, trust company, savings bank, national banking association, savings and loan association, building and loan association, mortgage banker, mortgage company, credit union, life insurance company, or any other financial institution, governmental agency, municipal corporation, or any holding company for any of the entities specified in this subsection.

(9) "Mortgage loan" means an interest-bearing loan or a participation therein, made to a borrower, for the purpose of financing the costs of housing, evidenced by a promissory note, and which may or may not be secured (a) under a mortgage agreement, (b) under any other security agreement, regardless of whether the collateral is personal or real property, or (c) by insurance or a loan guarantee of a third party. However, an unsecured loan shall not be considered a mortgage loan under this definition unless the amount of the loan is under two thousand five hundred dollars.

NEW SECTION. Sec. 2. As used in sections 3 through 9 of this act, the following terms have the meanings indicated unless the context clearly requires otherwise.

(1) "Construction" or "construct" means construction and acquisition, whether by device, purchase, gift, lease, or otherwise.

(2) "Facilities" means land, rights in land, buildings, structures, equipment, landscaping, utilities, approaches, roadways and parking, handling and storage areas, and similar ancillary facilities.

(3) "Financing document" means a lease, sublease, installment sale agreement, conditional sale agreement, loan agreement, mortgage, deed of trust guaranty agreement, or other agreement for the purpose of providing funds to pay or secure debt service on revenue bonds.

(4) "Improvement" means reconstruction, remodeling, rehabilitation, extension, and enlargement. "To improve" means to reconstruct, to remodel, to rehabilitate, to extend, and to enlarge.

(5) "Nonprofit corporation" means a nonprofit corporation described under section 501(c)(3) of the Internal Revenue Code, or similar successor provisions.

(6) "Nonprofit facilities" means facilities owned or used by a nonprofit corporation for any nonprofit activity described under section 501(c)(3) of the Internal Revenue Code that qualifies such a corporation for an exemption from federal income taxes under section 501(a) of the Internal Revenue Code, or similar successor provisions provided that facilities which may be funded pursuant to chapter 28B.07, 35.82, 43.180, or 70.37 RCW shall not be included in this definition.

(7) "Project costs" means costs of (a) acquisition, construction, and improvement of any facilities included in a nonprofit facility; (b) architectural, engineering, consulting, accounting, and legal costs related directly to the development, financing, and construction of a nonprofit facility, including costs of studies assessing the feasibility of a nonprofit facility; (c) finance costs, including discounts, if any, the costs of issuing revenue bonds, and costs incurred in carrying out any trust agreement; (d) interest during construction and during the six months after estimated completion of construction, and capitalized debt service or repair and replacement or other appropriate reserves; (e) the refunding of any outstanding obligations incurred for any of the costs outlined in this subsection; and (f) other costs incidental to any of the costs listed in this section.

(8) "Revenue bond" means a taxable or tax-exempt nonrecourse revenue bond, nonrecourse revenue note, or other nonrecourse revenue obligation issued for the purpose of providing financing to a nonprofit corporation on an interim or permanent basis.

(9) "User" means one or more persons acting as lessee, purchaser, mortgagor, or borrower under a financing document and may include a party who transfers the right of use and occupancy to another party by lease, sublease, or otherwise.

NEW SECTION. Sec. 3. The commission has the following powers with respect to nonprofit facilities together with all powers incidental thereto or necessary for the performance thereof:

(1) To make secured loans to nonprofit corporations for the purpose of providing temporary or permanent financing or refinancing of all or part of the project cost of any nonprofit facility, including the refunding of any outstanding obligations, mortgages, or advances issued, made, or given by

any person for the project costs of a nonprofit corporation; and to charge and collect interest on the loans for the loan payments upon such terms and conditions as its commissioners consider advisable which are not in conflict with this subchapter;

(2) To issue revenue bonds for the purpose of financing all or part of the project cost of any nonprofit facility and to secure the payment of the revenue bonds as provided in this subchapter;

(3) To collect fees or charges from users or prospective users of nonprofit facilities to recover actual or anticipated administrative costs;

(4) To execute financing documents incidental to the powers enumerated in this section;

(5) To accept grants and gifts;

(6) To establish such special funds with any financial institution providing fiduciary services within or without the state as it deems necessary and appropriate and invest money therein.

NEW SECTION. Sec. 4. (1) The proceeds of the revenue bonds of each issue shall be used solely for the purposes set forth in this subchapter and shall be disbursed in such manner and under such restrictions, if any, provided in the resolution authorizing the issuance of the revenue bonds or in the trust agreement securing the bonds. If the proceeds of the revenue bonds of any series issued with respect to the cost of any nonprofit facility exceeds the cost of the nonprofit facility for which issued, the surplus shall be deposited to the credit of the debt service fund for the revenue bonds or used to purchase the revenue bonds in the open market.

(2) The commission may issue interim notes in the manner provided for the issuance of revenue bonds to fund nonprofit facilities prior to issuing other revenue bonds to fund such facilities. The commission may issue revenue bonds to fund nonprofit facilities that are exchangeable for other revenue bonds, when these other revenue bonds are executed and available for delivery.

(3) The principal of and interest on any revenue bonds issued by the commission shall be secured by a pledge of unexpended bond proceeds and the revenues and receipts derived from the nonprofit facilities funded by the revenue bonds pursuant to financing documents. The resolution under which the revenue bonds are authorized to be issued and any financing document may contain agreements and provisions respecting the maintenance or use of the nonprofit facility covered thereby, the fixing and collection of rents, purchase price payments or loan payments, the creation and maintenance of special funds from such revenues or from revenue bond proceeds, the rights and remedies available in the event of default, and other provisions relating to the security for the bonds, all as the commission considers advisable which are not in conflict with this subchapter.

(4) All revenue bonds issued under this subchapter and any interest coupons applicable thereto are negotiable instruments within the meaning of

Article 8 of the uniform commercial code, Title 62A RCW, regardless of form or character.

(5) Notwithstanding subsection (1) of this section, such bonds and interim notes may be issued and sold in accordance with chapter 39.46 RCW.

NEW SECTION. Sec. 5. The commission may provide by resolution for the issuance of revenue refunding bonds for the purpose of refunding any obligations issued for a nonprofit facility, including the payment of any redemption premium thereon and any interest accrued or to accrue to the date of redemption or maturity of the revenue bonds and, if considered advisable by the commission, for the additional purpose of financing improvements, extensions, or enlargements to the nonprofit facility for another nonprofit facility. The issuance of the revenue refunding bonds, the maturities and other details thereof, the rights of the owners thereof, and the rights, duties, and obligations of the commission in respect to the same shall be governed by this chapter insofar as applicable.

NEW SECTION. Sec. 6. Any bonds issued under this subchapter may be secured by a trust agreement between the commission and a corporate trustee, which may be any trust company or bank having the powers of a trust company within or without the state. The trust agreement may evidence a pledge or assignment of the financing documents and lease, sale, or loan revenues to be received from a lessee or purchaser of or borrower with respect to a nonprofit facility for the payment of principal of and interest and any premium on the bonds as the same shall become due and payable and may provide for creation and maintenance of reserves for these purposes. A trust agreement or resolution providing for the issuance of the revenue bonds may contain such provisions for protecting and enforcing the rights and remedies of the bondowners as may be reasonable and proper and not in violation of law, including covenants setting forth the duties in relation to the acquisition of property and the construction, improvement, maintenance, use, repair, operation, and insurance of the nonprofit facility for which the bonds are authorized, and the custody, safeguarding, and application of all money. Any bank or trust company incorporated under the laws of the state which may act as depository of the proceeds of revenue bonds or of revenues may furnish such indemnifying bonds or pledge such securities as may be required by the commission. A trust agreement may set forth the rights and remedies of the bondowners and of the trustee and may restrict the individual right of action by bondowners as is customary in trust agreements or trust indentures securing bonds and debentures of private corporations. In addition, a trust agreement may contain such provisions as the commission considers reasonable and proper for the security of the bondowners which are not in conflict with this subchapter.

NEW SECTION. Sec. 7. A lessee or contracting party under a sale contract or loan agreement shall not be required to be the eventual user of a

nonprofit facility if any sublessee or assignee assumes all of the obligations of the lessee or contracting party under the lease, sale contract, or loan agreement, but the lessee or contracting party or their successors shall remain primarily liable for all of its obligations under the lease, sale contract, or loan agreement and the use of the nonprofit facility shall be consistent with the purposes of this subchapter.

NEW SECTION. Sec. 8. The proceedings authorizing any revenue bonds under this subchapter or any financing document securing the revenue bonds may provide that if there is a default in the payment of the principal of or the interest on the bonds or in the performance of any agreement contained in the proceedings or financing document, the payment and performance may be enforced by mandamus or by the appointment of a receiver in equity with power to charge and collect rents, purchase price payments, and loan repayments, and to apply the revenues from the nonprofit facility in accordance with the proceedings or provisions of the financing document. Any financing document entered into under this subchapter may also provide that if there is a default in the payment thereof or a violation of any agreement contained in the financing document, the nonprofit facility may be foreclosed and sold under proceedings in equity or in any other manner now or hereafter permitted by law. Any financing document may also provide that any trustee under the financing document or the holder of any revenue bonds secured thereby may become the purchaser at any foreclosure sale if it is the highest bidder.

***NEW SECTION.** Sec. 9. *The Washington state housing finance commission shall be the sole issuer of revenue bonds for facilities owned and operated by nonprofit corporations in the state except for revenue bonds to finance such facilities issued by the Washington health care facilities authority established by chapter 70.37 RCW, or the Washington higher education facilities authority established by chapter 28B.07 RCW.*

*Sec. 9 was vetoed, see message at end of chapter.

NEW SECTION. Sec. 10. Sections 2 through 9 of this act shall be added to chapter 43.180 RCW and codified with the subchapter heading of "Nonprofit corporation facilities."

Passed the Senate March 5, 1990.

Passed the House March 1, 1990.

Approved by the Governor March 26, 1990, with the exception of certain items which were vetoed.

Filed in Office of Secretary of State March 26, 1990.

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

"I am returning herewith, without my approval as to section 9, Senate Bill No. 6574 entitled:

"AN ACT Relating to the Washington state housing finance commission."

The bill allows the Housing Finance Commission to issue bonds to finance nursing home construction and renovation. The bill expands the purposes of bonding authority to include financing of capital facilities owned and operated by non-profit corporations. The bill also is intended to give, with limited exceptions, the Housing Finance Commission exclusive authority to issue bonds for these purposes.

Section 2(6) of the bill recognizes and preserves existing statutory authority for local housing authorities to establish non-profit corporations for the purpose of issuing bonds for the construction of low-income housing. While the remainder of the bill expands the purposes of bonding authority, section 9, unlike section 2(6), fails to preserve existing local housing finance programs by failing to except them from the purposes for which the Housing Finance Commission is established as the "sole issuer of revenue bonds."

Neither the bill nor its legislative history provides information to reconcile the apparent conflict between section 2(6) and section 9.

In order to preserve the financing programs of local housing programs and to correct any inconsistency between section 2(6) and section 9, I have vetoed section 9 of this bill.

With the exception of section 9, Senate Bill No. 6574 is approved.*

CHAPTER 168

{Third Substitute Senate Bill No. 5550}

LOW-INCOME HOUSING—CURRENT USE VALUATION

AN ACT Relating to the classification and valuation of multiple-unit buildings devoted primarily to low-income housing and of mobile home parks at current use value; reenacting and amending RCW 42.17.310; adding a new chapter to Title 84 RCW; and providing a contingent effective date.

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

NEW SECTION. Sec. 1. The legislature hereby declares that:

(1) There is a shortage in the supply of decent, safe, and sanitary housing for persons of low income in this state. Far too many people live in overcrowded dwellings, in buildings that are not safe, sanitary, and protected from the elements, in temporary shelters, or even without any form of decent shelter.

(2) The shortage of safe, sanitary, decent housing for persons of low income harms the general health and safety. It deprives many persons of low income of proper shelter and protections from unreasonable risks of fire, crime, personal injury, and from overcrowded and deteriorated living conditions. It harms the general public by contributing to the use of storefronts, public parks, and sidewalks as shelter by the homeless and by contributing to slums and blight in urban areas.

(3) Public agencies acting alone do not have sufficient resources to supply housing for persons of low income. Federal cutbacks have made it even more difficult for public agencies to respond to the dwindling supply of low-income housing. The assistance of private capital and free enterprise is essential to reduce the shortage of housing for persons of low income, and

organizations and individuals should be encouraged to preserve and develop low-income housing.

(4) Mobile home parks are an important source of affordable housing, especially for low-income and elderly persons. Mobile home parks also provide a unique form of community living that allows elderly persons to live independently for as long as possible.

(5) Economic pressures have resulted in a dramatic increase in the number of mobile home parks being closed due to changes in land use by the landowner. Not only does this result in lost affordable housing, but mobile homes are difficult and expensive to move. Mobile homeowners find it difficult to locate spaces for mobile homes that must be relocated, especially for older mobile homes.

(6) Valuing and taxing property primarily devoted to mobile home parks or low-income housing at its current use will provide an economic incentive for preservation and development of mobile home parks and low-income housing and a disincentive to elimination of such housing for purely economic reasons. Such an incentive may delay the deterioration and demolition of existing low-income housing, or in the closure of mobile home parks, in higher density areas where competition from higher uses threatens this less competitive use, and it may encourage the development of additional low-income housing and mobile home parks.

(7) This chapter will implement an amendment to Article VII, section 11, of the Washington state Constitution submitted to the electorate of the state of Washington at the November 1990 general election.

NEW SECTION. Sec. 2. The definitions set forth in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Assessor" means the county assessor or such agency or person who is authorized to act on behalf of the assessor.

(2) "County financial authority" and "financial authority" means the county treasurer or any other agency or person charged with the responsibility for billing and collecting property taxes.

(3) "County recording authority" means the county auditor or any agency or person charged with the recording of documents.

(4) " Dwelling unit" means a structure other than a single-family home, or that part of a structure that is used as a home, residence, or sleeping place by one person or by two or more persons maintaining a common household, including but not limited to multiplexes and apartment buildings.

(5) "Devoted to low-income housing" means that the property is dedicated to housing for persons of low income at rents set below market rates.

(6) "Mobile home" means a mobile or manufactured home as defined in RCW 46.04.302.

(7) "Mobile home park" means any real property which 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 such real property is rented or held out for rent for seasonal recreational purpose only and is not intended for year-round occupancy.

(8) "Owner" means the party or parties with the fee ownership in the land, and the contract vendee where land is subject to a real estate contract.

(9) "Persons of low income" means one person, or two or more persons maintaining a common household, whose current income does not exceed fifty percent of the median income, adjusted by family size, for the area in which the building is located. Median income is measured by the most recent statistics published by the United States department of housing and urban development for counties within a standard metropolitan statistical area, and for other areas, by estimates prepared and filed by the state department of community development with the code reviser's office for publication in the Washington state register.

(10) "Rents set below market rates" means rents that are equal to or less than the greater of either:

(a) Set in accordance with an agreement with the United States department of housing and urban development or other federal agency, or a local housing authority, to carry out a government program to provide housing for persons of low income, and that do not exceed the fair rental rate promulgated for such low-income housing by the United States or the housing authority; or

(b) Do not exceed fifteen percent of the median income, scaled by using the occupancy for the unit authorized by the local building code for family size, for the area in which the building is located.

(11) "Reviewing official" means the chief executive officer of a county, city, or town or a subordinate municipal officer designated by the chief executive officer for review of applications for classification pursuant to this chapter.

NEW SECTION. Sec. 3. Current use valuation as authorized by this chapter shall be available within each county only if the county legislative authority adopts an implementing ordinance or resolution.

NEW SECTION. Sec. 4. (1) Any property occupied by a building that meets the following criteria may be classified in whole or in part as "devoted to low-income housing," and valued and taxed at its current use value unless disqualified under subsection (7) of this section:

(a) At least fifty percent of the rentable floor area of the building shall be dedicated to housing for persons of low income. The remainder of the building may be: (i) Committed to other uses, or (ii) vacant for up to six months, as long as the remainder does not impair the habitability of the units rented for housing to persons of low income;

(b) At least five dwelling units in the building must be dedicated to housing for persons of low income;

(c) The rents charged to persons of low income shall be set below market rates; and

(d) The building and the dwelling units dedicated to housing for persons of low income must comply with local health and safety standards.

(2) A classification of the real property occupied by a building devoted to low-income housing applies to the portion of the parcel dedicated to housing for persons of low income, including ancillary areas used for parking, lawn, garden, or landscaping, as required by local zoning and building ordinances.

(3) Any property used for a mobile home park that meets the following criteria may be classified in whole or in part as "devoted to low-income housing" and valued and taxed at its current use value unless disqualified under subsection (7) of this section:

(a) At least fifty percent of the mobile home park spaces shall be dedicated to persons of low income at all times for residential purposes by persons of low income. The remainder of the mobile home park may be: (i) Committed to other uses, or (ii) vacant for up to six months, as long as the remainder does not impair the habitability of the mobile home park spaces rented to persons of low income;

(b) At least five mobile home spaces in the mobile home park must be dedicated to housing for persons of low income;

(c) The rents charged to persons of low income shall be set below market rates for mobile home park spaces; and

(d) The mobile home park must comply with local health and safety standards.

(4) A classification of real property used for a mobile home park applies to the portion of the property dedicated to housing for persons of low income, including ancillary areas used for parking, lawn, garden, or landscaping, as required by local zoning and building ordinances.

(5) In the event that the property for which a classification under this section is applied for is used in part as other than either residential rental property or a mobile home park, only the portion of the property dedicated to housing for persons of low income or a mobile home park shall be eligible for classification under this chapter.

(6) An assessor may, for property tax purposes, segregate those portions of a property dedicated to housing for persons of low income.

(7) The following properties are not eligible for classification as property "devoted to low-income housing":

(a) Slums: (i) Property under a municipal or judicial order for abatement; (ii) property with a building that the local jurisdiction has found to violate applicable building, health, and safety standards and on which compliance has not been completed or satisfactory progress shown within sixty days after notice; or (iii) property that is repeatedly cited for a substantial violation of such local standards.

(b) Institutional housing: (i) Residential units that serve an institution, when payments for health care, education, or other institutional services are made by or for the occupants to the owner in addition to rent for the dwelling; (ii) privately-owned student housing, including fraternities and sororities; or (iii) resorts for recreational purposes. This subsection (b) does not exclude from eligibility housing that is under contract to a governmental organization or private nonprofit health care organization and is devoted to persons of low income.

(c) Employee housing: Property used primarily for industrial, commercial, institutional, farm or agricultural purposes or as timber land in which the dwelling units identified as devoted to use by persons of low income are occupied by employees of the owner, contract workers for the owner, or relatives of the owner.

(d) Any portion of the property that exceeds five acres; except that this requirement does not apply to mobile home parks.

NEW SECTION. Sec. 5. (1) Applications made on or before the last day of December shall be processed for classification in the year following application.

(2) When practical, applications shall be made upon forms prepared by the state department of revenue and supplied by the assessor. A document that contains the essential information requested by the state form shall be processed as an application whenever the approved forms are not available. The application shall contain a verification or statement under penalty of perjury that the information supplied is true and correct. The application shall require the applicant to inform the assessor if there is any change in circumstances that would affect the continuing eligibility of the property for classification pursuant to this chapter. The assessor shall provide reasonable assistance to applicants in completing the form.

(3) When the property lies in an incorporated area, the assessor shall send a copy of the application to the chief executive officer of the city or town or to a subordinate municipal officer designated by the chief executive officer for review. When the property lies in an unincorporated area, the assessor shall transmit a copy of the application for review to the official who administers the county building codes unless the county legislative authority designates another official. When a municipal boundary bisects property which is the subject of an application, officials of each affected municipality shall receive a copy of the application. Before a reviewing official recommends denial of an application, the reviewer shall inform the owner of the proposed denial and allow the owner an opportunity to submit additional information.

(4) The classification established under this chapter shall be in effect for taxes payable for the year following the year in which a classification is made by and for each subsequent year until (a) withdrawn by the owner or (b) found ineligible by the assessor.

(5) The city, town, or county may require a reasonable application fee, including the costs necessary to record the document. Except for recording costs, the application fee shall be nonrefundable. The fee shall accompany the application.

(6) An assessor may delegate the performance of any or all of the activities specified by this chapter to a reviewing official of the jurisdiction in which the property is located.

NEW SECTION. Sec. 6. (1) Upon receipt of an application from the assessor, a reviewing official may contact the applicant, examine documents and records, interview occupants, and enter and inspect the real property during reasonable business hours to determine compliance with the requirements of this chapter. However, nothing in this section shall be construed to authorize an entry by a reviewing official into a mobile home sited in a mobile home park classified pursuant to this chapter unless the owner of such home grants permission. The reviewing official shall, within forty-five days of receipt of the application from the assessor, file with the assessor a report which states whether the property qualifies for classification pursuant to this chapter: **PROVIDED**, That upon notice to the assessor, the reviewing official may take such additional time as may be needed on account of delays in securing information from an applicant. Any application which is returned to the assessor by the reviewing official later than December 31 of the year in which it is submitted, and which is subsequently approved, shall be treated as approved in the calendar year in which it is returned: **PROVIDED**, That an application submitted to the assessor fewer than forty-five days prior to December 31, and which is subsequently approved within the forty-five day period, shall be treated as approved in the calendar year in which it is submitted for classification the year following approval.

(2) The assessor shall grant the classification if the report of the reviewing official recommends approval of the application and shall deny the application if the report recommends denial.

(3) If no timely report is submitted by a reviewing official, the reviewing official shall inform the applicant. An applicant may then apply to the county board of equalization for relief. The board may order: The classification granted; the classification granted unless the reviewing official shows cause for a denial by a date contained in the order; or denial of the application on the record already made.

(4) Property classified as a mobile home park or classified as "devoted to low-income housing" shall be so designated on the assessment roll and notice of that classification shall be given on the notice of assessed value change sent to the taxpayer. The assessor shall also maintain on the assessment rolls the true and fair value of the property.

NEW SECTION. Sec. 7. For the purposes of property tax the value of the real property classified as a mobile home park or classified as "devoted to low-income housing" shall be the lesser of its value based on its current

use and its true and fair value. In computing its value based on its current use, the assessor shall disregard potential uses that might return a higher income, rents that might be charged were the owner to maximize returns, and values of the property that suppose either the land or the improvements were unencumbered by classification pursuant to this chapter.

NEW SECTION. Sec. 8. To be sure the property continues to be eligible for classification, an assessor may require the owner to certify information about the building's occupancy by persons of low income, and the rents paid, the continued use of a mobile home park as a mobile home park, or other information pertinent to the continuation of this classification.

NEW SECTION. Sec. 9. Once real property has been classified under this chapter, it shall remain under such classification and shall not be applied to other use for at least ten years from the date of classification and shall continue under such classification until and unless withdrawn from classification after notice of request for withdrawal shall be made by the owner. During any year after eight years of the initial ten-year classification period have elapsed, notice of request for withdrawal of all or a portion of the land, which request shall be irrevocable, may be given by the owner to the assessor. If a portion of a parcel is removed from classification, the remaining portion must meet the same requirements as did the entire parcel when the real property was originally granted classification pursuant to this chapter. Within seven days the assessor shall transmit one copy of such notice to the reviewing official who originally approved the application. The assessor or assessors, as the case may be, shall, when two assessment years have elapsed following the date of receipt of the notice, withdraw the real property from such classification and the real property shall be subject to the additional tax due under section 13 of this act: **PROVIDED**, That classification according to this chapter shall not be considered to be a contract and can be abrogated at any time by the legislature, in which event no additional tax or penalty may be imposed.

NEW SECTION. Sec. 10. When real property has been classified under this chapter, except through compliance with section 9 of this act, or except as a result solely from any one of the conditions listed in section 13(5) of this act, the owner shall within sixty days notify the assessor of any change in use, and additional property tax shall be imposed upon the property in an amount equal to the sum of the following:

- (1) The total amount of the additional tax due under section 13 of this act; plus
- (2) A penalty amounting to twenty percent of the amount determined under subsection (1) of this section.

Any person who has information that the property no longer qualifies for the classification may supply the information to the assessor. Upon receipt of the information, the assessor shall promptly refer the matter to the

reviewing official for a report and recommendation on whether the property should be removed from classification.

NEW SECTION. Sec. 11. The additional tax and penalties, if any, provided by section 10 of this act shall be extended on the tax roll and shall be, together with the interest thereon, a lien on the property to which the tax applies as of January 1st of the year for which the additional tax is imposed. The lien has priority as provided in chapter 84.60 RCW. For purposes of all periods of limitation of actions specified in this title, the year in which the tax became payable shall be as specified in section 12 of this act.

NEW SECTION. Sec. 12. The additional tax, penalties, and interest provided by section 10 of this act shall be paid in full thirty days after the date that the county financial authority's statement therefor is rendered. The county financial authority shall distribute the additional taxes, interest, and penalties in the same manner in which current taxes applicable to the subject land are distributed.

NEW SECTION. Sec. 13. (1) When real property has once been classified under this chapter, a notation of the classification shall be made each year upon the assessment and tax rolls, and the real property shall be valued pursuant to this chapter until removal of all or a portion of the classification by the assessor upon occurrence of any of the following:

(a) Receipt of notice from the owner to remove all or a portion of the designation;

(b) Sale or transfer to an ownership making all or a portion of the real property exempt from ad valorem taxation;

(c) Sale or transfer of all or a portion of the real property to a new owner, unless the new owner has signed a notice of classification continuance. If the notice of continuance is not signed by the new owner, all additional taxes calculated pursuant to subsection (3) of this section shall become due and payable by the seller or transferor at time of sale. The county recording authority shall not accept an instrument of conveyance of classified real property for filing or recording unless the new owner has signed the notice of continuance or the additional tax has been paid;

(d) Determination by the reviewing official, after giving the owner written notice and an opportunity to be heard, that all or a portion of the real property is no longer primarily devoted to and used for the purposes under which it was granted classification.

(2) Within thirty days after the removal of all or a portion of the real property from classification, the assessor shall notify the owner in writing, setting forth the reasons for the removal. Within thirty days of mailing the notice of removal, the seller, transferor, or owner may appeal the removal to the county board of equalization.

(3) Both the assessed valuation before and after the removal of classification shall be listed and taxes shall be allocated according to that part of

the year to which each assessed valuation applies. Except as provided in subsection (5) of this section, an additional tax shall be imposed that is due and payable to the county financial authority thirty days after the owner is notified of the amount of the additional tax. As soon as possible, the assessor shall compute the amount of such an additional tax and the county financial authority shall mail notice to the owner of the amount thereof and the date on which payment is due. The amount of the additional tax shall be equal to:

(a) The difference between the property tax paid as property classified pursuant to this chapter and the amount of property tax otherwise due and payable for the seven years last past had the real property not been so classified; plus

(b) Interest upon the amounts of the additional tax paid at the same statutory rate charged on delinquent property taxes from the dates on which the additional tax could have been paid without penalty if the real property had been assessed at a value without regard to this chapter.

(4) Additional tax, together with applicable interest thereon, becomes a lien on the real property, which lien attaches at the time the real property is removed from current use classification under this chapter. The lien has priority to and shall be fully paid and satisfied before any recognizance, mortgage, judgment, debt, obligation, or responsibility to or with which the land may become charged or liable. The lien may be foreclosed upon expiration of the same period after delinquency and in the same manner provided by law for foreclosure of liens for delinquent real property taxes as provided in RCW 84.64.050. Any additional tax unpaid on its due date is delinquent. From the date of delinquency until paid, interest shall be charged at the same rate applied by law to delinquent ad valorem property taxes.

(5) The additional tax specified in subsection (3) of this section shall not be imposed if the removal of designation pursuant to subsection (1) of this section resulted solely from:

(a) A taking under exercise of the power of eminent domain or a transfer to a condemning authority under threat of an exercise of the power of eminent domain;

(b) A transfer to a use that is exempt from property taxes;

(c) A change in the law or land use regulations that precludes use of the property for low-income housing or as a mobile home park;

(d) Destruction of the property, or such severe damage as to render the premises untenable, through a natural disaster, such as flood, landslide, or earthquake, or a calamity beyond the owner's control, such as fire.

NEW SECTION. Sec. 14. An aggrieved owner, the local government agency approving the application, the assessor, and the department of revenue may appeal an action granting or denying a classification pursuant to this chapter to the county board of equalization. The appeal shall be filed

within thirty days of the granting or denial of the classification by serving a copy upon the reviewing officer and the county board of equalization. The appeal shall be processed in the same manner as appeals from property valuations.

NEW SECTION. Sec. 15. The department of revenue shall adopt rules to implement this chapter.

NEW SECTION. Sec. 16. The department of community development shall prepare and publish, within sixty days of the date the department of housing and urban development publishes or no later than December 31st of each year, the data on median incomes necessary to implement this chapter. The department may make its estimates for areas outside federal standard metropolitan statistical areas on the basis of the nearest area with such data.

NEW SECTION. Sec. 17. This chapter shall be liberally construed to accomplish its purposes. This chapter shall also be interpreted as granting reviewing officials designated by a city or county the authority to carry out the functions contemplated by this act.

NEW SECTION. Sec. 18. If any provision of this chapter or its application to any person or circumstance is held invalid, the remainder of the chapter or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 19. Sections 1 through 18 of this act shall constitute a new chapter in Title 84 RCW.

Sec. 20. Section 12, chapter 11, Laws of 1989, section 3, chapter 189, Laws of 1989, section 20, chapter 205, Laws of 1989, section 1, chapter 238, Laws of 1989, section 23, chapter 279, Laws of 1989, section 7, chapter 352, Laws of 1989, and section 407, chapter 9, Laws of 1989 1st ex. sess. and RCW 42.17.310 are each reenacted and amended to read as follows:

(1) The following are exempt from public inspection and copying:

(a) Personal information in any files maintained for students in public schools, patients or clients of public institutions or public health agencies, or welfare recipients.

(b) Personal information in files maintained for employees, appointees, or elected officials of any public agency to the extent that disclosure would violate their right to privacy.

(c) Information required of any taxpayer in connection with the assessment or collection of any tax if the disclosure of the information to other persons would (i) be prohibited to such persons by RCW 82.32.330 or (ii) violate the taxpayer's right to privacy or result in unfair competitive disadvantage to the taxpayer.

(d) Specific intelligence information and specific investigative records compiled by investigative, law enforcement, and penology agencies, and

state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy.

(e) Information revealing the identity of persons who file complaints with investigative, law enforcement, or penology agencies, other than the public disclosure commission, if disclosure would endanger any person's life, physical safety, or property. If at the time the complaint is filed the complainant indicates a desire for disclosure or nondisclosure, such desire shall govern. However, all complaints filed with the public disclosure commission about any elected official or candidate for public office must be made in writing and signed by the complainant under oath.

(f) Test questions, scoring keys, and other examination data used to administer a license, employment, or academic examination.

(g) Except as provided by chapter 8.26 RCW, the contents of real estate appraisals, made for or by any agency relative to the acquisition or sale of property, until the project or prospective sale is abandoned or until such time as all of the property has been acquired or the property to which the sale appraisal relates is sold, but in no event shall disclosure be denied for more than three years after the appraisal.

(h) Valuable formulae, designs, drawings, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss.

(i) Preliminary drafts, notes, recommendations, and intra-agency memorandums in which opinions are expressed or policies formulated or recommended except that a specific record shall not be exempt when publicly cited by an agency in connection with any agency action.

(j) Records which are relevant to a controversy to which an agency is a party but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts.

(k) Records, maps, or other information identifying the location of archaeological sites in order to avoid the looting or depredation of such sites.

(l) Any library record, the primary purpose of which is to maintain control of library materials, or to gain access to information, which discloses or could be used to disclose the identity of a library user.

(m) Financial information supplied by or on behalf of a person, firm, or corporation for the purpose of qualifying to submit a bid or proposal for (a) a ferry system construction or repair contract as required by RCW 47.60.680 through 47.60.750 or (b) highway construction or improvement as required by RCW 47.28.070.

(n) Railroad company contracts filed with the utilities and transportation commission under RCW 81.34.070, except that the summaries of the contracts are open to public inspection and copying as otherwise provided by this chapter.

(o) Financial and commercial information and records supplied by private persons pertaining to export services provided pursuant to chapter 43.163 RCW and chapter 53.31 RCW.

(p) Financial disclosures filed by private vocational schools under chapter 28C.10 RCW.

(q) Records filed with the utilities and transportation commission or attorney general under RCW 80.04.095 that a court has determined are confidential under RCW 80.04.095.

(r) Financial and commercial information and records supplied by businesses during application for loans or program services provided by chapter 43.163 RCW and chapters 43.31, 43.63A, and 43.168 RCW.

(s) Membership lists or lists of members or owners of interests of units in timeshare projects, subdivisions, camping resorts, condominiums, land developments, or common-interest communities affiliated with such projects, regulated by the department of licensing, in the files or possession of the department.

(t) All applications for public employment, including the names of applicants, resumes, and other related materials submitted with respect to an applicant.

(u) The residential addresses and residential telephone numbers of employees or volunteers of a public agency which are held by the agency in personnel records, employment or volunteer rosters, or mailing lists of employees or volunteers.

(v) The residential addresses and residential telephone numbers of the customers of a public utility contained in the records or lists held by the public utility of which they are customers.

(w) Information obtained by the board of pharmacy as provided in RCW 69.45.090.

(x) Information obtained by the board of pharmacy and its representatives as provided in RCW 69.41.044 and 69.41.280.

(y) Financial information, business plans, examination reports, and any information produced or obtained in evaluating or examining a business and industrial development corporation organized or seeking certification under chapter 31.24 RCW.

(z) Financial and commercial information supplied to the state investment board by any person when the information relates to the investment of public trust or retirement funds and when disclosure would result in loss to such funds or in private loss to the providers of this information.

(aa) Financial and valuable trade information under RCW 51.36.120.

(bb) Financial information contained in applications and tenant information for the current use valuation granted by chapter 84.— RCW (sections 1 through 18 of this act).

(2) Except for information described in subsection (1)(c)(i) of this section and confidential income data exempted from public inspection pursuant to RCW 84.40.020, the exemptions of this section are inapplicable to the extent that information, the disclosure of which would violate personal privacy or vital governmental interests, can be deleted from the specific records sought. No exemption may be construed to permit the nondisclosure of statistical information not descriptive of any readily identifiable person or persons.

(3) Inspection or copying of any specific records exempt under the provisions of this section may be permitted if the superior court in the county in which the record is maintained finds, after a hearing with notice thereof to every person in interest and the agency, that the exemption of such records is clearly unnecessary to protect any individual's right of privacy or any vital governmental function.

(4) Agency responses refusing, in whole or in part, inspection of any public record shall include a statement of the specific exemption authorizing the withholding of the record (or part) and a brief explanation of how the exemption applies to the record withheld.

NEW SECTION. Sec. 21. This act shall take effect upon the effective date of an amendment to Article VII, section 11 of the Washington state Constitution to authorize current use valuation of property used as a mobile home park or property with buildings that meet applicable building, health, and safety codes and comply with provisions of sections 1 through 18 of this act. If such amendment is not validly submitted to and approved by the voters at the November 1990 general election, this act shall be null and void in its entirety.

Passed the Senate March 3, 1990.

Passed the House February 27, 1990.

Approved by the Governor March 26, 1990.

Filed in Office of Secretary of State March 26, 1990.

CHAPTER 169

[House Bill No. 2272]

MOBILE HOME LANDLORDS

AN ACT Relating to mobile home landlords; and amending RCW 59.20.060, 59.20.074, and 60.72.010.

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

Sec. 1. Section 6, chapter 279, Laws of 1977 ex. sess. as last amended by section 9, chapter 201, Laws of 1989 and RCW 59.20.060 are each amended to read as follows:

(1) Any mobile home space tenancy regardless of the term, shall be based upon a written rental agreement, signed by the parties, which shall contain:

(a) The terms for the payment of rent, including time and place, and any additional charges to be paid by the tenant. Additional charges that occur less frequently than monthly shall be itemized in a billing to the tenant;

(b) Reasonable rules for guest parking which shall be clearly stated;

(c) The rules and regulations of the park;

(d) The name and address of the person who is the landlord, and if such person does not reside in the state there shall also be designated by name and address a person who resides in the county where the mobile home park is located who is authorized to act as agent for the purposes of service of notices and process. If no designation is made of a person to act as agent, then the person to whom rental payments are to be made shall be considered the agent;

(e) The name and address of any party who has a secured interest in the mobile home;

(f) A forwarding address of the tenant or the name and address of a person who would likely know the whereabouts of the tenant in the event of an emergency or an abandonment of the mobile home;

(g) (i) A covenant by the landlord that, except for acts or events beyond the control of the landlord, the mobile home park will not be converted to a land use that will prevent the space that is the subject of the lease from continuing to be used for its intended use for a period of three years after the beginning of the term of the rental agreement;

(ii) A rental agreement may, in the alternative, contain a statement that the park may be sold or otherwise transferred at any time with the result that subsequent owners may close the mobile home park, or that the landlord may close the park at any time after the required notice. The covenant or statement required by this subsection must appear in print that is larger than the other text of the lease and must be set off by means of a box, blank space, or comparable visual device;

The requirements of this subsection shall apply to tenancies initiated after April 28, 1989.

~~((f))~~ (h) The terms and conditions under which any deposit or portion thereof may be withheld by the landlord upon termination of the rental agreement if any moneys are paid to the landlord by the tenant as a deposit or as security for performance of the tenant's obligations in a rental agreement;

~~((g))~~ (i) A listing of the utilities, services, and facilities which will be available to the tenant during the tenancy and the nature of the fees, if any, to be charged;

~~((h))~~ (j) A description of the boundaries of a mobile home space sufficient to inform the tenant of the exact location of ~~((his))~~ the tenant's space in relation to other tenants' spaces; and

~~((i))~~ (k) A statement of the current zoning of the land on which the mobile home park is located.

(2) Any rental agreement executed between the landlord and tenant shall not contain any provision:

(a) Which allows the landlord to charge a fee for guest parking unless a violation of the rules for guest parking occurs: PROVIDED, That a fee may be charged for guest parking which covers an extended period of time as defined in the rental agreement;

(b) Which authorizes the towing or impounding of a vehicle except upon notice to the owner thereof or the tenant whose guest is the owner of ~~((said))~~ the vehicle;

(c) Which allows the landlord to alter the due date for rent payment or increase the rent: (i) During the term of the rental agreement if the term is less than one year, or (ii) more frequently than annually if the term is for one year or more: PROVIDED, That a rental agreement may include an escalation clause for a pro rata share of any increase in the mobile home park's real property taxes or utility assessments or charges, over the base taxes or utility assessments or charges of the year in which the rental agreement took effect, if the clause also provides for a pro rata reduction in rent or other charges in the event of a reduction in real property taxes or utility assessments or charges, below the base year: PROVIDED FURTHER, That a rental agreement for a term exceeding one year may provide for annual increases in rent in specified amounts or by a formula specified in such agreement;

(d) By which the tenant agrees to waive or forego rights or remedies under this chapter;

(e) Allowing the landlord to charge an "entrance fee" or an "exit fee";

(f) Which allows the landlord to charge a fee for guests: PROVIDED, That a landlord may establish rules charging for guests who remain on the premises for more than fifteen days in any sixty-day period;

(g) By which the tenant agrees to waive or forego homestead rights provided by chapter 6.13 RCW. This subsection shall not prohibit such waiver after a default in rent so long as such waiver is in writing signed by the husband and wife or by an unmarried claimant and in consideration of the landlord's agreement not to terminate the tenancy for a period of time specified in the waiver if the landlord would be otherwise entitled to terminate the tenancy under this chapter; or

(h) By which, at the time the rental agreement is entered into, the landlord and tenant agree to the selection of a particular arbitrator.

Sec. 2. Section 1, chapter 78, Laws of 1985 and RCW 59.20.074 are each amended to read as follows:

(1) A secured party who has a security interest in a mobile home that is located within a mobile home park and ((takes)) who has a right to possession of the mobile home under RCW 62A.9-503, shall be liable to the landlord from the date the secured party receives written notice by certified mail, return receipt requested, for rent for occupancy of the mobile home space under the same terms the tenant was paying prior to repossession, and any other reasonable expenses incurred after the receipt of the notice, until disposition of the mobile home under RCW 62A.9-504. The notice of default by a tenant must state the amount of rent and the amount and nature of any reasonable expenses that the secured party is liable for payment to the landlord. The notice must also state that the secured party will be provided a copy of the rental agreement previously signed by the tenant and the landlord upon request.

(2) This section shall not affect the availability of a landlord's lien as provided in chapter 60.72 RCW.

(3) As used in this section, "security interest" shall have the same meaning as this term is defined in RCW 62A.1-201, and "secured party" shall have the same meaning as this term is defined in RCW 62A.9-105.

(4) For purposes of this section, "reasonable expenses" means any routine maintenance and utility charges for which the tenant is liable under the rental agreement.

(5) Any rent or other reasonable expenses owed by the secured party to the landlord pursuant to this section shall be paid to the landlord prior to the removal of the mobile home from the mobile home park.

(6) If a secured party who has a secured interest in a mobile home that is located in a mobile home park becomes liable to the landlord pursuant to this section, then the relationship between the secured party and the landlord shall be governed by the rental agreement previously signed by the tenant and the landlord unless otherwise agreed, except that the term of the rental agreement shall convert to a month-to-month tenancy. No waiver is required to convert the rental agreement to a month-to-month tenancy. Either the landlord or the secured party may terminate the month-to-month tenancy upon giving written notice of thirty days or more. The secured party and the landlord are not required to execute a new rental agreement. Nothing in this section shall be construed to be a waiver of any rights by the tenant.

Sec. 3. Section 1, chapter 165, Laws of 1917 as amended by section 1, chapter 108, Laws of 1927 and RCW 60.72.010 are each amended to read as follows:

Any person to whom rent may be due, his or her executors, administrators, or assigns, shall have a lien for such rent upon personal property which has been used or kept on the rented premises by the tenant, except property of third persons delivered to or left with the tenant for storage, repair, manufacture, or sale, or under conditional bills of sale duly filed, and

such property as is exempt from execution by law. Such liens for rent shall be paramount to, and have preference over, all other liens except liens for taxes, general and special liens of labor, and liens of mortgages duly recorded prior to the tenancy. Such liens shall not be for more than two months' rent due (~~(or to become due)~~), (~~(nor)~~) except that a lien for up to four months' rent due may be established when the tenant is renting a mobile home lot in a mobile home park as defined in RCW 59.20.030. No lien may be enforced for any rent or any installment thereof which has been due for more than two months at the time of the commencement of an action to foreclose such liens(;), except that a lien may be enforced for rent due for up to four months at the time of the commencement of an action to foreclose the lien when the tenant is renting a mobile home lot in a mobile home park as defined in RCW 59.20.030. No writing or recording shall be necessary to create such lien; and if such property be removed from the rented premises and not returned to the owner, agent, executor, administrator, or assign, ((said)) the lien shall continue and be a superior lien on the property so removed for ten days from the date of its removal, and ((said)) the lien may be enforced against the property wherever found. In the event the property contained in the rented premises be destroyed by fire or other elements, the lien shall extend to any money that may be received by the tenant as indemnity for the destruction of ((said)) the property, nor shall the lien be lost by the sale of the ((said)) property, except merchandise sold in the usual course of trade or to purchasers without notice of the tenancy. The provisions of this chapter shall not apply to, nor shall it be enforced against, the property of tenants in dwelling houses or apartments or any other place that is used exclusively as a home or residence of the tenant and his or her family.

Passed the House March 3, 1990.

Passed the Senate March 1, 1990.

Approved by the Governor March 26, 1990.

Filed in Office of Secretary of State March 26, 1990.

CHAPTER 170

[House Bill No. 2546]

TELEPHONE ASSISTANCE PROGRAM

AN ACT Relating to continuation of the Washington telephone assistance program; amending RCW 80.04.130, 80.36.420, 80.36.430, 80.36.440, 80.36.460, and 80.36.470; amending section 12, chapter 229, Laws of 1987 (uncodified); adding a new section to chapter 80.36 RCW; repealing RCW 80.36.480; and providing an expiration date.

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

Sec. 1. Section 13, chapter 101, Laws of 1989 and RCW 80.04.130 are each amended to read as follows:

(1) Whenever any public service company shall file with the commission any schedule, classification, rule or regulation, the effect of which is to change any rate, charge, rental or toll theretofore charged, the commission shall have power, either upon its own motion or upon complaint, upon notice, to enter upon a hearing concerning such proposed change and the reasonableness and justness thereof, and pending such hearing and the decision thereon the commission may suspend the operation of such rate, charge, rental or toll for a period not exceeding ten months from the time the same would otherwise go into effect, and after a full hearing the commission may make such order in reference thereto as would be provided in a hearing initiated after the same had become effective. The commission shall not suspend a tariff that makes a decrease in a rate, charge, rental, or toll filed by a telecommunications company pending investigation of the fairness, justness, and reasonableness of the decrease when the filing does not contain any offsetting increase to another rate, charge, rental, or toll and the filing company agrees to not file for an increase to any rate, charge, rental, or toll to recover the revenue deficit that results from the decrease for a period of one year. The filing company shall file with any decrease sufficient information as the commission by rule may require to demonstrate the decreased rate, charge, rental, or toll is above the long run incremental cost of the service. A tariff decrease that results in a rate that is below long run incremental cost, or is contrary to commission rule or order, or the requirements of this chapter, shall be rejected for filing and returned to the company. The commission may prescribe a different rate to be effective on the prospective date stated in its final order after its investigation, if it concludes based on the record that the originally filed and effective rate is unjust, unfair, or unreasonable.

The commission may suspend the initial tariff filing of any water company removed from and later subject to commission jurisdiction because of the number of customers or the average annual gross revenue per customer provisions of RCW 80.04.010. The commission may allow temporary rates during the suspension period. These rates shall not exceed the rates charged when the company was last regulated. Upon a showing of good cause by the company, the commission may establish a different level of temporary rates.

(2) At any hearing involving any change in any schedule, classification, rule or regulation the effect of which is to increase any rate, charge, rental or toll theretofore charged, the burden of proof to show that such increase is just and reasonable shall be upon the public service company.

(3) The implementation of mandatory local measured telecommunications service is a major policy change in available telecommunications service. The commission shall not accept for filing or approve, prior to June 1, 1993, a tariff filed by a telecommunications company which imposes mandatory local measured service on any customer or class of customers, except

that, upon finding that it is in the public interest, the commission may accept for filing and approve a tariff that imposes mandatory measured service for a telecommunications company's extended area service or foreign exchange service. This subsection does not apply to land, air, or marine mobile service, or to pay telephone service, or to any service which has been traditionally offered on a measured service basis.

(4) The implementation of ~~((lifeline))~~ Washington telephone assistance program service is a major policy change in available telecommunications service. The implementation of ~~((lifeline))~~ Washington telephone assistance program service will aid in achieving the stated goal of universal telephone service.

Sec. 2. Section 4, chapter 229, Laws of 1987 and RCW 80.36.420 are each amended to read as follows:

~~((Lifeline assistance))~~ The Washington telephone assistance program shall be available to participants of department programs set forth in RCW 80.36.470. ~~((Lifeline))~~ Assistance shall consist of the following components:

(1) A discount on service connection fees of fifty percent or more as set forth in RCW 80.36.460.

(2) A waiver of deposit requirements on local exchange service, as set forth in RCW 80.36.460.

(3) A discounted flat rate ~~((lifeline))~~ service ~~((rate))~~ for local exchange service, which shall be subject to the following conditions:

(a) The commission shall establish a single ~~((lifeline service))~~ telephone assistance rate for all local exchange companies operating in the state of Washington. The ~~((lifeline service))~~ telephone assistance rate shall include any federal end user access charges and any other charges necessary to obtain local exchange service.

(b) The commission shall, in establishing the ~~((lifeline service))~~ telephone assistance rate, consider all charges for local exchange service, including federal end user access charges, mileage charges, extended area service, and any other charges necessary to obtain local exchange service.

(c) The ~~((lifeline service))~~ telephone assistance rate shall only be available to eligible customers subscribing to the lowest available local exchange flat rate service, where the lowest local exchange flat rate, including any federal end user access charges and any other charges necessary to obtain local exchange service, is greater than the ~~((lifeline service))~~ telephone assistance rate. Low-income senior citizens sixty years of age and older and other low-income persons identified by the department as medically needy shall, where single-party service is available, be provided with single-party service as the lowest available local exchange flat rate service.

(d) The cost of providing the ~~((lifeline))~~ service shall be paid, to the maximum extent possible, by a waiver of all or part of the federal end user access charge and, to the extent necessary, from the ~~((lifeline))~~ telephone assistance fund created by RCW 80.36.430.

Sec. 3. Section 5, chapter 229, Laws of 1987 and RCW 80.36.430 are each amended to read as follows:

~~((Costs associated with lifeline telephone service))~~ The Washington telephone assistance program shall be ((recovered through)) funded by a ((lifeline surcharge)) telephone assistance excise tax on all ((other)) switched access lines and by funds from any federal government or other programs for this purpose. Switched access lines are defined in RCW 82-.14B.020. The ((lifeline surcharge)) telephone assistance excise tax shall be applied equally to all residential and business access lines not to exceed ((sixteen)) fourteen cents per month. ((The surcharge collected by the telecommunications companies shall not be construed as gross income or gross receipts for purposes of state, county or municipal public utility taxes.)) The telephone assistance excise tax shall be separately identified on each ratepayer's bill as the "Washington telephone assistance program." All money collected from the ((lifeline surcharge)) telephone assistance excise tax shall be transferred to a ((lifeline)) telephone assistance fund administered by the department. Local exchange companies shall bill the fund for their expenses incurred in offering ((lifeline telecommunications services)) the telephone assistance program, including administrative and program expenses. The department shall disburse the money to the local exchange companies. The department is exempted from having to conclude a contract with local exchange companies in order to effect this reimbursement. The department shall recover its administrative costs from the fund. The department may specify by rule the range and extent of administrative and program expenses that will be reimbursed to local exchange companies.

Sec. 4. Section 6, chapter 229, Laws of 1987 and RCW 80.36.440 are each amended to read as follows:

The commission and the department may adopt any rules necessary to implement RCW 80.36.410 through ~~((80.36.480))~~ 80.36.470.

Sec. 5. Section 8, chapter 229, Laws of 1987 and RCW 80.36.460 are each amended to read as follows:

Local exchange companies shall file tariffs with the commission which waive deposits on local exchange service for eligible subscribers and which establish a fifty percent discount on service connection fees for eligible subscribers. Part or all of the remaining fifty percent of service connection fees may be paid by funds from federal government or other programs for this purpose. The commission or other appropriate agency shall make timely application for any available federal funds. The remaining portion of the connection fee to be paid by the subscriber shall be expressly payable by installment fees spread over a period of months. A subscriber may, however, choose to pay the connection fee in a lump sum. Costs associated with the waiver and discount shall be accounted for separately and recovered from

the ~~((lifeline))~~ telephone assistance fund. Eligible subscribers shall be allowed one waiver of a deposit and one discount on service connection fees per year.

Sec. 6. Section 9, chapter 229, Laws of 1987 and RCW 80.36.470 are each amended to read as follows:

~~((Participants in the following department programs are eligible for lifeline assistance: Aid to families with dependent children, chore services, food stamps, supplemental security income, refugee assistance, and community options program entry system (COPEs).))~~ Adult recipients of department-administered programs for the financially needy which provide continuing financial or medical assistance, food stamps, or supportive services to persons in their own homes are eligible for participation in the telephone assistance program. The department shall notify the participants of their eligibility.

NEW SECTION. Sec. 7. A new section is added to chapter 80.36 RCW to read as follows:

The department shall report to the energy and utilities committees of the house of representatives and the senate by December 1 of each year on the status of the Washington telephone assistance program. The report shall include the number of participants by qualifying social service programs receiving benefits from the telephone assistance program and the type of benefits participants receive. The report shall also include a description of the geographical distribution of participants, the program's annual revenue and expenditures, and any recommendations for legislative action.

Sec. 8. Section 12, chapter 229, Laws of 1987 (uncodified) is amended to read as follows:

RCW 80.36.410 through ~~((80.36.480))~~ 80.36.470 shall expire June 30, ~~((+1990))~~ 1993, unless extended by the legislature.

NEW SECTION. Sec. 9. Section 10, chapter 229, Laws of 1987 and RCW 80.36.480 are each repealed.

Passed the House March 3, 1990.

Passed the Senate March 1, 1990.

Approved by the Governor March 26, 1990.

Filed in Office of Secretary of State March 26, 1990.

CHAPTER 171

[Substitute House Bill No. 2907]

MOBILE HOME RELOCATION ASSISTANCE

AN ACT Relating to mobile home relocation; amending RCW 59.21.010, 59.21.020, 59.21.030, 59.21.050, 59.21.060, 82.45.090, 82.08.065, 59.21.080, and 59.22.060; adding a new section to chapter 59.21 RCW; repealing RCW 59.21.090; and providing an effective date.

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

Sec. 1. Section 1, chapter 201, Laws of 1989 and RCW 59.21.010 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.

(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. 2. Section 2, chapter 201, Laws of 1989 and RCW 59.21.020 are each amended to read as follows:

(1) If a mobile home park is closed or converted to another use, all affected 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 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) 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.

~~((6))~~ (9) The director or his or her designee shall approve all expenditures from the fund.

~~((7))~~ (10) 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.

(11) 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.

(12) 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. 3. Section 3, chapter 201, Laws of 1989 and RCW 59.21.030 are each amended to read as follows:

Notice required by RCW 59.20.080 before park closure or conversion of the park, whether twelve months or longer, shall be given to the director and all tenants in writing, and posted at all park entrances. Notice must also include the tenant's right to relocation assistance, if applicable. Notice must also be recorded in the office of the county auditor for the county where the mobile home park is located. This section shall apply to all park closures even though notice may have been given prior to April 28, 1989.

NEW SECTION. Sec. 4. A new section is added to chapter 59.21 RCW to read as follows:

The obligation of a park-owner to pay relocation assistance under this chapter runs with the land and is binding upon purchasers, successors and assigns of any park-owner obligated to provide relocation assistance under this chapter.

Sec. 5. Section 5, chapter 201, Laws of 1989 and RCW 59.21.050 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 ~~((assessments))~~ fees collected under ~~((RCW 59-21.060))~~ this chapter, and amounts required to be paid by park-owners to low-income park tenants shall be deposited into the fund. Expenditures from the fund may be used only for ~~((administration of the fund;))~~ 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.

~~((5) The department may use money from the fund to offset the necessary costs of administering the fund. Administrative cost reimbursement shall not exceed fifty thousand dollars or five percent of the revenue to the fund for any given fiscal year, whichever is greater, to offset expenses incurred during that year.))~~

Sec. 6. Section 6, chapter 201, Laws of 1989 and RCW 59.21.060 are each amended to read as follows:

(1) There is hereby ~~((placed))~~ imposed a fee of sixty-five dollars on ~~((all))~~ every transfer of title on new or used mobile homes ~~((located in mobile home parks an annual assessment of eleven dollars per mobile home beginning on January 1, 1990. The assessment shall be collected by the county treasurer or treasurers within the county or counties where the mobile home or the mobile home park is located. Notice of the assessment created under this section may be included on the notice of property taxes due, or may be sent separately from the notice of property taxes due. The assessment created under this section shall be due at the same time property taxes are due and shall constitute a lien on the mobile home upon which the assessment is imposed. Delinquent assessments created under this section shall be foreclosed in the same manner, and subject to the same time schedules, interest, and penalties as delinquent property taxes. County treasurers may impose a fee for collecting the assessment created in this section not to exceed five percent of the dollar value of the collection of assessments created under this section. The county treasurer may collect the assessment for 1990 at the same time the county treasurer collects the assessment for 1991 if the county treasurer would experience undue hardship in collecting the 1990 assessment in that year.~~

~~(2) Upon the request of the treasurer of the county or counties where the mobile home park is located, each park owner shall provide the county treasurer with a list of all tenants residing in the park on January 1, 1989. This list shall be mailed by August 1, 1989, to the treasurer or treasurers of the county or counties where the mobile home park is located. The list shall include the name and address of each tenant, and the mobile home tax number of each tenant if available. Upon the request of the treasurer of the county or counties where the mobile home park is located, the park owners shall update the list of tenants residing in the park.~~

~~(3) The assessments collected under subsection (1) of this section shall be forwarded to the state treasurer, less any administration fee collected by the county treasurer under this section. The state treasurer shall deposit one dollar of the assessment collected per mobile home in the mobile home affairs account created by RCW 59.22.070; the remainder of the assessment forwarded to the state treasurer under this subsection shall be deposited in the mobile home park relocation fund created under RCW 59.21.050.~~

~~(4)) 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 elimination of title under chapter 65.20. The county auditor or county treasurer shall collect the fee as provided in chapter 82.08 or 82.45 RCW. 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~~(, and the county treasurers))~~ may enact any rules necessary to carry out this section.

Sec. 7. Section 28A.45.090, chapter 223, Laws of 1969 ex. sess. as last amended by section 2, chapter 192, Laws of 1984 and RCW 82.45.090 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.

Sec. 8. Section 1, chapter 89, Laws of 1987 and RCW 82.08.065 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. 9. Section 11, chapter 201, Laws of 1989 and RCW 59.21.080 are each amended to read as follows:

Before a mobile home park-owner may close a mobile home park or convert it to another use, the owner shall pay amounts owed for relocation assistance under RCW 59.21.020 to the ~~((state treasurer))~~ department for deposit into the fund. A park-owner may give notice as required by RCW 59.20.080 and this chapter before payment of these amounts.

Sec. 10. Section 4, chapter 280, Laws of 1988 as amended by section 7, chapter 201, Laws of 1989 and RCW 59.22.060 are each amended to read as follows:

(1) Every landlord shall register by October 1, 1988, with the department of revenue under such rules as that department shall prescribe.

(2) Every landlord shall pay a fee of one dollar per lot per year, except for unoccupied lots, until December 31, 1990. This fee shall be remitted by the landlord to the department of revenue under such rules as the department shall prescribe. The department of revenue shall forward the one-dollar fee per lot paid by the landlord to the mobile home affairs account created by RCW 59.22.070.

~~((3) This section shall take effect on January 1, 1990.))~~

NEW SECTION. Sec. 11. Sections 6, 7, and 8 of this act shall take effect July 1, 1990.

NEW SECTION. Sec. 12. Section 13, chapter 201, Laws of 1989 and RCW 59.21.090 are each repealed.

Passed the House March 6, 1990.

Passed the Senate March 2, 1990.

Approved by the Governor March 26, 1990.

Filed in Office of Secretary of State March 26, 1990.

CHAPTER 172

[Substitute Senate Bill No. 6499]

DISPUTE RESOLUTION CENTERS FUNDING

AN ACT Relating to funding of dispute resolution centers; amending RCW 3.62.060 and 12.40.020; adding a new section to chapter 7.75 RCW; and providing an effective date.

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

NEW SECTION. Sec. 1. A new section is added to chapter 7.75 RCW to read as follows:

(1) A county legislative authority may impose a surcharge of up to ten dollars on each civil filing fee in district court and a surcharge of up to fifteen dollars on each filing fee for small claims actions for the purpose of funding dispute resolution centers established under this chapter.

(2) Any surcharge imposed shall be collected by the clerk of the court and remitted to the county treasurer for deposit in a separate account to be

used solely for dispute resolution centers established under this chapter. Money received under this section is not subject to RCW 3.62.020(2) or 3.62.090. The accounts created pursuant to this subsection shall be audited by the state auditor in accordance with RCW 43.09.260.

Sec. 2. Section 110, chapter 299, Laws of 1961 as last amended by section 2, chapter 382, Laws of 1987 and RCW 3.62.060 are each amended to read as follows:

In any civil action commenced before or transferred to a district court, the plaintiff shall, at the time of such commencement or transfer, pay to such court a filing fee of twenty-five dollars plus any surcharge authorized by section 1 of this 1990 act. No party shall be compelled to pay to the court any other fees or charges up to and including the rendition of judgment in the action.

Sec. 3. Section 2, chapter 187, Laws of 1919 as amended by section 58, chapter 258, Laws of 1984 and RCW 12.40.020 are each amended to read as follows:

A small claims action shall be commenced by the plaintiff filing a claim, in the form prescribed by RCW 12.40.050, in the small claims department. A filing fee of ten dollars plus any surcharge authorized by section 1 of this 1990 act shall be paid when the claim is filed.

NEW SECTION. Sec. 4. This act shall take effect July 1, 1990.

Passed the Senate March 7, 1990.

Passed the House March 6, 1990.

Approved by the Governor March 26, 1990.

Filed in Office of Secretary of State March 26, 1990.

CHAPTER 173

[Senate Bill No. 6520]

NONIONIZING RADIATION

AN ACT Relating to nonionizing radiation; amending RCW 70.98.050; and creating a new section.

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

NEW SECTION. Sec. 1. The legislature finds that concern has been raised over possible health effects resulting from exposure to nonionizing radiation, and specifically exposure to electric and magnetic fields. The legislature further finds that there is no clear responsibility in state government for following this issue and that this responsibility is best suited for the department of health.

Sec. 2. Section 5, chapter 207, Laws of 1961 as last amended by section 132, chapter 175, Laws of 1989 and RCW 70.98.050 are each amended to read as follows:

(1) The department of ~~((social and))~~ health ~~((services))~~ is designated as the state radiation control agency, hereinafter referred to as the agency, and shall be the state agency having sole responsibility for administration of the regulatory, licensing, and radiation control provisions of this chapter.

(2) The secretary of ~~((social and))~~ health ~~((services))~~ shall be director of the agency, hereinafter referred to as the secretary, who shall perform the functions vested in the agency pursuant to the provisions of this chapter.

(3) The agency shall appoint a state radiological control officer, and in accordance with the laws of the state, fix his compensation and prescribe his powers and duties.

(4) The agency shall for the protection of the occupational and public health and safety:

(a) Develop programs for evaluation of hazards associated with use of ionizing radiation;

(b) Develop a state-wide radiological baseline beginning with the establishment of a baseline for the Hanford reservation;

(c) Implement an independent state-wide program to monitor ionizing radiation emissions from radiation sources within the state;

(d) Develop programs with due regard for compatibility with federal programs for regulation of byproduct, source, and special nuclear materials;

(e) Conduct environmental radiation monitoring programs which will determine the presence and significance of radiation in the environment and which will verify the adequacy and accuracy of environmental radiation monitoring programs conducted by the federal government at its installations in Washington and by radioactive materials licensees at their installations;

(f) Formulate, adopt, promulgate, and repeal codes, rules and regulations relating to control of sources of ionizing radiation;

(g) Advise, consult, and cooperate with other agencies of the state, the federal government, other states and interstate agencies, political subdivisions, and with groups concerned with control of sources of ionizing radiation;

(h) Have the authority to accept and administer loans, grants, or other funds or gifts, conditional or otherwise, in furtherance of its functions, from the federal government and from other sources, public or private;

(i) Encourage, participate in, or conduct studies, investigations, training, research, and demonstrations relating to control of sources of ionizing radiation, including the collection of statistical data and epidemiological research, where available, on diseases that result from exposure to sources of ionizing radiation;

(j) Collect and disseminate information relating to control of sources of ionizing radiation; including:

(i) Maintenance of a file of all license applications, issuances, denials, amendments, transfers, renewals, modifications, suspensions, and revocations;

(ii) Maintenance of a file of registrants possessing sources of ionizing radiation requiring registration under the provisions of this chapter and any administrative or judicial action pertaining thereto; and

(iii) Maintenance of a file of all rules and regulations relating to regulation of sources of ionizing radiation, pending or promulgated, and proceedings thereon;

(k) Collect and disseminate information relating to nonionizing radiation, including:

(i) Maintaining a state clearinghouse of information pertaining to sources and effects of nonionizing radiation with an emphasis on electric and magnetic fields;

(ii) Maintaining current information on the status and results of studies pertaining to health effects resulting from exposure to nonionizing radiation with an emphasis on studies pertaining to electric and magnetic fields;

(iii) Serving as the lead state agency on matters pertaining to electric and magnetic fields and periodically informing state agencies of relevant information pertaining to nonionizing radiation;

(l) In connection with any adjudicative proceeding as defined by RCW 34.05.010 or any other administrative proceedings as provided for in this chapter, have the power to issue subpoenas in order to compel the attendance of necessary witnesses and/or the production of records or documents.

(5) In order to avoid duplication of efforts, the agency may acquire the data requested under this section from public and private entities that possess this information.

Passed the Senate February 9, 1990.

Passed the House March 2, 1990.

Approved by the Governor March 26, 1990.

Filed in Office of Secretary of State March 26, 1990.

CHAPTER 174

[House Bill No. 2445]

MOBILE HOME PARK RENTAL AGREEMENTS

AN ACT Relating to mobile home park rental agreements; and amending RCW 59.20.060.

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

Sec. 1. Section 6, chapter 279, Laws of 1977 ex. sess. as last amended by section 9, chapter 201, Laws of 1989 and RCW 59.20.060 are each amended to read as follows:

(1) Any mobile home space tenancy regardless of the term, shall be based upon a written rental agreement, signed by the parties, which shall contain:

(a) The terms for the payment of rent, including time and place, and any additional charges to be paid by the tenant. Additional charges that occur less frequently than monthly shall be itemized in a billing to the tenant;

(b) Reasonable rules for guest parking which shall be clearly stated;

(c) The rules and regulations of the park;

(d) The name and address of the person who is the landlord, and if such person does not reside in the state there shall also be designated by name and address a person who resides in the county where the mobile home park is located who is authorized to act as agent for the purposes of service of notices and process. If no designation is made of a person to act as agent, then the person to whom rental payments are to be made shall be considered the agent;

(e) (i) A covenant by the landlord that, except for acts or events beyond the control of the landlord, the mobile home park will not be converted to a land use that will prevent the space that is the subject of the lease from continuing to be used for its intended use for a period of three years after the beginning of the term of the rental agreement;

(ii) A rental agreement may, in the alternative, contain a statement that the park may be sold or otherwise transferred at any time with the result that subsequent owners may close the mobile home park, or that the landlord may close the park at any time after the required notice. The covenant or statement required by this subsection must appear in print that is larger than the other text of the lease and must be set off by means of a box, blank space, or comparable visual device;

The requirements of this subsection shall apply to tenancies initiated after April 28, 1989.

(f) The terms and conditions under which any deposit or portion thereof may be withheld by the landlord upon termination of the rental agreement if any moneys are paid to the landlord by the tenant as a deposit or as security for performance of the tenant's obligations in a rental agreement;

(g) A listing of the utilities, services, and facilities which will be available to the tenant during the tenancy and the nature of the fees, if any, to be charged;

(h) A description of the boundaries of a mobile home space sufficient to inform the tenant of the exact location of his space in relation to other tenants' spaces; ~~((and))~~

(i) A statement of the current zoning of the land on which the mobile home park is located; and

(j) A statement of the expiration date of any conditional use, temporary use, or other land use permit subject to a fixed expiration date that is necessary for the continued use of the land as a mobile home park.

(2) Any rental agreement executed between the landlord and tenant shall not contain any provision:

(a) Which allows the landlord to charge a fee for guest parking unless a violation of the rules for guest parking occurs: PROVIDED, That a fee may be charged for guest parking which covers an extended period of time as defined in the rental agreement;

(b) Which authorizes the towing or impounding of a vehicle except upon notice to the owner thereof or the tenant whose guest is the owner of said vehicle;

(c) Which allows the landlord to alter the due date for rent payment or increase the rent: (i) During the term of the rental agreement if the term is less than one year, or (ii) more frequently than annually if the term is for one year or more: PROVIDED, That a rental agreement may include an escalation clause for a pro rata share of any increase in the mobile home park's real property taxes or utility assessments or charges, over the base taxes or utility assessments or charges of the year in which the rental agreement took effect, if the clause also provides for a pro rata reduction in rent or other charges in the event of a reduction in real property taxes or utility assessments or charges, below the base year: PROVIDED FURTHER, That a rental agreement for a term exceeding one year may provide for annual increases in rent in specified amounts or by a formula specified in such agreement;

(d) By which the tenant agrees to waive or forego rights or remedies under this chapter;

(e) Allowing the landlord to charge an "entrance fee" or an "exit fee";

(f) Which allows the landlord to charge a fee for guests: PROVIDED, That a landlord may establish rules charging for guests who remain on the premises for more than fifteen days in any sixty-day period;

(g) By which the tenant agrees to waive or forego homestead rights provided by chapter 6.13 RCW. This subsection shall not prohibit such waiver after a default in rent so long as such waiver is in writing signed by the husband and wife or by an unmarried claimant and in consideration of the landlord's agreement not to terminate the tenancy for a period of time specified in the waiver if the landlord would be otherwise entitled to terminate the tenancy under this chapter; or

(h) By which, at the time the rental agreement is entered into, the landlord and tenant agree to the selection of a particular arbitrator.

Passed the House January 29, 1990.

Passed the Senate March 2, 1990.

Approved by the Governor March 26, 1990.

Filed in Office of Secretary of State March 26, 1990.

CHAPTER 175

[Substitute House Bill No. 1565]

FAMILY RELATIONSHIPS OF IMMIGRANTS—DETERMINATION

AN ACT Relating to family relations among persons immigrating to this state from foreign nations; amending RCW 26.26.040; and adding a new section to chapter 5.44 RCW.

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

NEW SECTION. Sec. 1. A new section is added to chapter 5.44 RCW to read as follows:

In any proceeding regarding the determination of a family relationship, including but not limited to the parent and child relationship and the marriage relationship, a determination of family relationships regarding any person or persons who immigrated to the United States from a foreign county which was made or accepted by the United States immigration and naturalization service at the time of that person or persons entry into the United States creates a rebuttable presumption that the determination is valid and that the family relationship under foreign law is as made or accepted at the time of entry. Except as provided in RCW 26.26.040 (1)(f) and (2), the presumption may be overcome by a preponderance of evidence showing that a living person other than the person named by the United States immigration and naturalization service is in the relationship in question.

Sec. 2. Section 5, chapter 42, Laws of 1975-'76 2nd ex. sess. as amended by section 4, chapter 55, Laws of 1989 and RCW 26.26.040 are each amended to read as follows:

(1) A man is presumed to be the natural father of a child for all intents and purposes if:

(a) He and the child's natural mother are or have been married to each other and the child is born during the marriage, or within three hundred days after the marriage is terminated by death, annulment, declaration of invalidity, divorce, or dissolution, or after a decree of separation is entered by a court; or

(b) Before the child's birth, he and the child's natural mother have attempted to marry each other by a marriage solemnized in apparent compliance with law, although the attempted marriage is or could be declared invalid, and the child is born within three hundred days after the termination of cohabitation;

(c) After the child's birth, he and the child's natural mother have married, or attempted to marry, each other by a marriage solemnized in apparent compliance with law, although the attempted marriage is or could be declared invalid, and

(i) He has acknowledged his paternity of the child in writing filed with the registrar of vital statistics,

(ii) With his consent, he is named as the child's father on the child's birth certificate, or

(iii) He is obligated to support the child under a written voluntary promise or by court order;

(d) While the child is under the age of majority, he receives the child into his home and openly holds out the child as his child; ((or))

(e) He acknowledges his paternity of the child pursuant to RCW 70-.58.080 or in a writing filed with the state office of vital statistics, which shall promptly inform the mother of the filing of the acknowledgment, if she does not dispute the acknowledgment within a reasonable time after being informed thereof, in a writing filed with the registrar of vital statistics. In order to enforce rights of residential time, custody, and visitation, a man presumed to be the father as a result of filing a written acknowledgement must seek appropriate judicial orders under this title; or

(f) The United States immigration and naturalization service made or accepted a determination that he was the father of the child at the time of the child's entry into the United States and he had the opportunity at the time of the child's entry into the United States to admit or deny the paternal relationship.

(2) A presumption under this section may be rebutted in an appropriate action only by clear, cogent, and convincing evidence. If two or more presumptions arise which conflict with each other, the presumption which on the facts is founded on the weightier considerations of policy and logic controls. The presumption is rebutted by a court decree establishing paternity of the child by another man.

Passed the House January 22, 1990.

Passed the Senate March 2, 1990.

Approved by the Governor March 26, 1990.

Filed in Office of Secretary of State March 26, 1990.

CHAPTER 176

[Substitute House Bill No. 2861]

MANUFACTURED HOUSING REGULATION

AN ACT Relating to state agency responsibilities for the regulation of manufactured housing; adding a new section to chapter 43.22 RCW; adding a new section to chapter 43.63A RCW; adding a new section to chapter 46.12 RCW; and creating a new section.

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

NEW SECTION. Sec. 1. A new section is added to chapter 43.22 RCW to read as follows:

Beginning on July 1, 1991, the department of community development shall be responsible for performing 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.

The department of community development may enter into state or local interagency agreements to coordinate site inspection activities with record monitoring and complaint handling. The interagency agreement may also provide for the reimbursement for cost of work that an agency performs. The department may include other related areas in any interagency agreements which are necessary for the efficient provision of services.

The department of labor and industries shall transfer all records, files, books, and documents necessary for the department of community development to assume these new functions.

The directors of the department of community development and the department of labor and industries shall immediately take such steps as are necessary to ensure that this act is implemented on its effective date.

NEW SECTION. Sec. 2. A new section is added to chapter 43.63A RCW to read as follows:

Beginning on July 1, 1991, the department of community development shall be responsible for performing 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.

The department of community development may enter into state or local interagency agreements to coordinate site inspection activities with record monitoring and complaint handling. The interagency agreement may also provide for the reimbursement for cost of work that an agency performs. The department may include other related areas in any interagency agreements which are necessary for the efficient provision of services.

The department of labor and industries shall transfer all records, files, books, and documents necessary for the department of community development to assume these new functions.

The directors of the department of community development and the department of labor and industries shall immediately take such steps as are necessary to ensure that this act is implemented on its effective date.

NEW SECTION. Sec. 3. A new section is added to chapter 46.12 RCW to read as follows:

The department of licensing shall transfer all titling functions pertaining to mobile homes to the housing division of the department of community development by July 1, 1991. The department of licensing shall transfer all books, records, files, and documents pertaining to mobile home titling to the department of community development. The directors of the departments may immediately take such steps as are necessary to ensure that this act is implemented on its effective date.

****NEW SECTION. Sec. 4. The department of licensing, the department of labor and industries, and the department of community development shall report to the house of representatives housing committee and the senate economic development and labor committee by July 1, 1990, on the progress being made to transfer functions to the department of community development as required by this act. The report shall be prepared in consultation with local governments. The report shall include a review of the advantages and disadvantages of transferring other mobile home-related functions to the department of community development and make recommendations based on this review regarding such transfer. The report's review shall include the inspection functions performed by the department of labor and industries, inspections pertaining to woodstove and fireplace installation and alterations, and training of local inspectors.***

***Sec. 4 was vetoed, see message at end of chapter.**

Passed the House March 3, 1990.

Passed the Senate March 1, 1990.

Approved by the Governor March 26, 1990, with the exception of certain items which were vetoed.

Filed in Office of Secretary of State March 26, 1990.

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

"I am returning herewith, without my approval as to section 4, Substitute House Bill No. 2861 entitled:

"AN ACT Relating to state agency responsibilities for the regulation of manufactured housing."

The bill consolidates certain administrative responsibilities related to manufactured housing from other state agencies into the Department of Community Development. Section 4 of the bill requires a related report to the Legislature by July 1, 1990.

Although I fully support the merits of the report required by section 4, the July 1, 1990, reporting date provides insufficient opportunity to develop the necessary and relevant information.

For this reason, I have vetoed section 4 of this bill.

I will direct the Department of Licensing, the Department of Labor and Industries and the Department of Community Development to provide a report to the Legislature as envisioned in section 4 of this bill by October 15, 1990.

With the exception of section 4, Substitute House Bill No. 2861 is approved."

CHAPTER 177

[Substitute House Bill No. 2342]

FIRE SPRINKLER SYSTEM CONTRACTORS

AN ACT Relating to fire protection sprinkler systems; amending RCW 9.40.100; adding a new chapter to Title 18 RCW; creating a new section; providing an effective date; and prescribing penalties.

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

Sec. 1. Section 1, chapter 204, Laws of 1967 as amended by section 80, chapter 266, Laws of 1986 and RCW 9.40.100 are each amended to read as follows:

(1) Any person who willfully and without cause tampers with, molests, injures or breaks any public or private fire alarm apparatus, emergency phone, radio, or other wire or signal, or any fire fighting equipment, or who willfully and without having reasonable grounds for believing a fire exists, sends, gives, transmits, or sounds any false alarm of fire, by shouting in a public place or by means of any public or private fire alarm system or signal, or by telephone, is guilty of a misdemeanor. This provision shall not prohibit the testing of fire alarm systems by persons authorized to do so, by a fire department or the director of community development, through the director of fire protection.

(2) Any person who willfully and without cause tampers with, molests, injures, or breaks any public or private fire alarm apparatus, emergency phone, radio, or other wire or signal, or any fire fighting equipment with the intent to commit arson, is guilty of a felony.

NEW SECTION. Sec. 2. The following words or terms shall have the meanings indicated unless the context clearly indicates otherwise.

(1) "Certificate of competency holder" means an individual who has satisfactorily met the qualifications and has received a certificate of competency from the state director of fire protection under the provisions of this chapter.

(2) "Fire protection sprinkler system contractor" means a person or organization that offers to undertake the execution of contracts for the installation, inspection, maintenance, or servicing of a fire protection sprinkler system or any part of such a system.

(3) "Fire protection sprinkler system" means an assembly of underground and/or overhead piping or conduit beginning at the connection to the primary water supply, whether public or private, that conveys water with or without other agents to dispersal openings or devices to extinguish, control, or contain fire and to provide protection from exposure to fire or other products of combustion.

(4) "Fire protection sprinkler system contractor's license" means the license issued by the state director of fire protection to a fire protection sprinkler system contractor upon an application being approved, the fee being paid, and the satisfactory completion of the requirements of this chapter. The license shall be issued in the name of the fire protection sprinkler system contractor with the name or names of the certificate of competency holder noted thereon.

(5) "NFPA 13-D" means whatever standard that is used by the national fire protection association for the installation of fire protection sprinkler systems in one or two-family residential dwellings or mobile homes.

(6) "NFPA 13-R" means whatever standard that is used by the national fire protection association for the installation of fire protection sprinkler systems in residential dwellings up to four stories in height.

(7) "Inspection" means a visual examination of a fire protection sprinkler system or portion of the system to verify that the system appears to be in operating condition and is free from physical damage and complies with the applicable statutes and regulations adopted by the state director of fire protection.

(8) "Installation" means the initial placement of fire protection sprinkler system equipment or the extension, modification, or alteration of equipment after the initial placement. Installation shall include the work from a street or main water access throughout the entire building.

(9) "Maintenance" means to maintain in the condition of repair that provides performance as originally planned.

(10) "Organization" means a corporation, partnership, firm, or other business association, governmental entity, or any other legal or commercial entity.

(11) "Person" means a natural person, including an owner, manager, partner, officer, employee, or occupant.

(12) "Service" means to repair or test.

NEW SECTION, Sec. 3. (1) A municipality or county may not enact an order, ordinance, rule, or regulation requiring a fire protection sprinkler system contractor to obtain a fire sprinkler contractor license from the municipality or county. However, a municipality or county may require a fire protection sprinkler system contractor to obtain a permit and pay a fee for the installation of a fire protection sprinkler system and require the installation of such systems to conform with the building code or other construction requirements of the municipality or county, but may not impose financial responsibility requirements other than proof of a valid license.

(2) This chapter does not apply to:

(a) United States, state, and local government employees, building officials, fire marshals, fire inspectors, or insurance inspectors when acting in their official capacities;

(b) A person or organization acting under court order;

(c) A person or organization that sells or supplies products or materials to a licensed fire protection sprinkler system contractor;

(d) A registered professional engineer acting solely in a professional capacity;

(e) An employee of a licensed fire protection sprinkler system contractor performing duties for the registered fire protection sprinkler system contractor; and

(f) An owner/occupier of a single-family residence performing his or her own installation in that residence.

NEW SECTION. Sec. 4. (1) This chapter shall be administered by the state director of fire protection.

(2) The state director of fire protection shall have the authority, and it shall be his or her duty to:

(a) Issue such administrative regulations as necessary for the administration of this chapter;

(b) Set reasonable fees for licenses, certificates, testing, and other aspects of the administration of this chapter. However, the license fee for fire protection sprinkler system contractors engaged solely in the installation, inspection, maintenance, or servicing of NFPA 13-D fire protection sprinkler systems shall not exceed one hundred dollars, and the license fee for fire protection sprinkler system contractors engaged solely in the installation, inspection, maintenance, or servicing of NFPA 13-R fire protection sprinkler systems shall not exceed three hundred dollars;

(c) Enforce the provisions of this chapter;

(d) Conduct investigations of complaints to determine if any infractions of this chapter or the regulations developed under this chapter have occurred;

(e) Work with the fire sprinkler advisory committee consisting of fire protection sprinkler system contractors and other related officials;

(f) Assign a certificate number to each certificate of competency holder; and

(g) Adopt rules necessary to implement and administer a program which requires the affixation of a seal any time a fire protection sprinkler system is installed, which seal shall include the certificate number of any certificate of competency holder who installs, in whole or in part, the fire protection sprinkler system.

NEW SECTION. Sec. 5. (1) To become a certificate of competency holder under this chapter, an applicant must have satisfactorily passed an examination administered by the state director of fire protection. A certificate of competency holder can satisfy this examination requirement by presenting a copy of a current certificate of competency from the national institute for certification in engineering technologies showing that the applicant has achieved the classification of engineering technician level 3 or senior engineering technician level 4 in the field of fire protection, automatic sprinkler system layout. The state director of fire protection may accept equivalent proof of qualification in lieu of examination, as recommended by the fire sprinkler advisory committee. This examination requirement is mandatory except as otherwise provided in this chapter.

(2) Every applicant for a certificate of competency shall fulfill the requirements established by the state director of fire protection and the fire protection sprinkler system technical advisory committee under chapter 34-.05 RCW.

(3) Every applicant for a certificate of competency shall make application to the state director of fire protection and pay the fees required.

(4) Provided the application for the certificate of competency is made prior to ninety days after the effective date of this section, the state director of fire protection, in lieu of the examination requirements of the applicant for a certificate of competency, may accept as satisfactory evidence of competency and qualification, affidavits attesting that the applicant has had a minimum of three years' experience.

(5) The state director of fire protection may, after consultation with the fire sprinkler advisory committee, issue a temporary certificate of competency to an applicant who, in his or her judgment, will satisfactorily perform as a certificate of competency holder under the provisions of this chapter. The temporary certificate of competency shall remain in effect for a period of up to three years. The temporary certificate of competency holder shall, within the three-year period, complete the examination requirements specified in subsection (1) of this section. There shall be no examination exemption for an individual issued a temporary certificate of competency. Prior to the expiration of the three-year period, the temporary certificate of competency holder shall make application for a regular certificate of competency. The procedures and qualifications for issuance of a regular certificate of competency shall be applicable to the temporary certificate of competency holder. When a temporary certificate of competency expires, the holder shall cease all activities associated with the holding of a temporary certificate of competency, subject to the penalties contained in this chapter.

(6) To become a licensed fire protection sprinkler system contractor under this chapter, a person or firm must comply with the following:

(a) Must be or have in his or her full-time employ a holder of a valid certificate of competency;

(b) Comply with the minimum insurance requirements of this chapter; and

(c) Make application to the state director of fire protection for a license and pay the fees required.

(7) Each license and certificate of competency issued under this chapter must be posted in a conspicuous place in the fire protection sprinkler system contractor's place of business.

(8) All bids, advertisements, proposals, offers, and installation drawings for fire protection sprinkler systems must prominently display the fire protection sprinkler system contractor's license number.

(9) A certificate of competency or license issued under this chapter is not transferable.

(10) In no case shall a certificate of competency holder be employed full time by more than one fire protection sprinkler system contractor at the

same time. If the certificate of competency holder should leave the employment of the fire protection sprinkler system contractor, he or she must notify the state director of fire protection within thirty days. If the certificate of competency holder should leave the employment of the fire protection sprinkler system contractor, the contractor shall have six months or until the expiration of the current license, whichever occurs last, to submit a new application identifying another certificate of competency holder who is at the time of application an owner of the fire protection sprinkler system business or a full-time employee of the fire protection sprinkler system contractor, in order to be issued a new license. If such application is not received and a new license issued within the allotted time, the state director of fire protection shall revoke the license of the fire protection sprinkler system contractor.

NEW SECTION. Sec. 6. (1) (a) All certificate of competency holders that desire to continue in the fire protection sprinkler business shall annually, prior to January 1, secure from the state director of fire protection a renewal certificate of competency upon payment of the fee as prescribed by the state director of fire protection. Application for renewal shall be upon a form prescribed by the state director of fire protection and the certificate holder shall furnish the information required by the director.

(b) Failure of any certificate of competency holder to secure his or her renewal certificate of competency within sixty days after the due date shall constitute sufficient cause for the state director of fire protection to suspend the certificate of competency.

(c) The state director of fire protection may, upon the receipt of payment of all delinquent fees including a late charge, restore a certificate of competency that has been suspended for failure to pay the renewal fee.

(d) A certificate of competency holder may voluntarily surrender his or her certificate of competency to the state director of fire protection and be relieved of the annual renewal fee. After surrendering the certificate of competency, he or she shall not be known as a certificate of competency holder and shall desist from the practice thereof. Within two years from the time of surrender of the certificate of competency, he or she may again qualify for a certificate of competency, without examination, by the payment of the required fee. If two or more years have elapsed, he or she shall return to the status of a new applicant.

(2) (a) All licensed fire protection sprinkler system contractors desiring to continue to be licensed shall annually, prior to January 1, secure from the state director of fire protection a renewal license upon payment of the fee as prescribed by the state director of fire protection. Application for renewal shall be upon a form prescribed by the state director of fire protection and the license holder shall furnish the information required by the director.

(b) Failure of any license holder to secure his or her renewal license within sixty days after the due date shall constitute sufficient cause for the state director of fire protection to suspend the license.

(c) The state director of fire protection may, upon the receipt of payment of all delinquent fees including a late charge, restore a license that has been suspended for failure to pay the renewal fee.

(3) The initial certificate of competency or license fee shall be prorated based upon the portion of the year such certificate of competency or license is in effect, prior to renewal on January 1.

(4) The fire protection contractor license fund is created in the custody of the state treasurer. All receipts from license and certificate fees and charges or from the money generated by the rules and regulations promulgated under this chapter shall be deposited into the fund. Expenditures from the fund may be used only for purposes authorized under this chapter. Only the state director of fire protection or the director's 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. 7. The state director of fire protection shall not issue a license under this chapter unless the fire protection sprinkler system contractor files with the state 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 compensate third-party losses caused by the acts of the principal or the principal's servant, officer, agent, or employee in conducting the business registered or licensed under this chapter. 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 six thousand dollars. Upon approval by the state director of fire protection, property or cash may substitute for a surety bond provided the value is at least ten thousand dollars and the property or cash is not otherwise encumbered.

NEW SECTION. Sec. 8. (1) Nothing in this chapter limits the power of a municipality, county, or the state to regulate the quality and character of work performed by contractors, through a system of permits, fees, and inspections which are designed to assure compliance with and aid in the implementation of state and local building laws or to enforce other local laws for the protection of the public health and safety. Nothing in this chapter limits the power of the municipality, county, or the state to adopt any system of permits requiring submission to and approval by the municipality, county, or the state, of technical drawings and specifications for work to be performed by contractors before commencement of the work. The official authorized to issue building or other related permits shall ascertain

that the fire protection sprinkler system contractor is duly licensed by requiring evidence of a valid fire protection sprinkler system contractor's license.

(2) This chapter applies to any fire protection sprinkler system contractor performing work for any municipality, county, or the state. Officials of any municipality, county, or the state are required to determine compliance with this chapter before awarding any contracts for the installation, repair, service, alteration, fabrication, addition, or inspection of a fire protection sprinkler system.

***NEW SECTION. Sec. 9. (1) There is established the fire protection sprinkler system technical advisory committee to be made up of nine residents of the state of Washington, appointed by the director of the department of community development. The fire protection system technical advisory committee shall include three members, nominated by the Washington fire sprinkler association, who have been actively engaged in the management of a fire protection sprinkler system business for not less than five years preceding their appointment, one registered fire protection engineer, one member of the Washington surveying and rating bureau, one member representing a city fire department, one member representing a county fire marshal or his or her representative, one member representing a residential fire protection sprinkler company, and one member nominated by the Washington state association of fire chiefs.**

(2) The advisory committee, in addition to other duties delegated by the state director of fire protection shall:

(a) Advise and assist the state director of fire protection, after consultation with the fire protection board, in developing the rules necessary to implement and administer this chapter, and

(b) Make recommendations to the state director of fire protection, through the fire protection board, regarding forms and procedures for issuing certificates and licenses.

*Sec. 9 was vetoed, see message at end of chapter.

NEW SECTION. Sec. 10. (1) The state director of fire protection may refuse to issue or renew or may suspend or revoke the privilege of a licensed fire protection sprinkler system contractor or the certificate of a certificate of competency holder to engage in the fire protection sprinkler system business or in lieu thereof, establish penalties as prescribed by Washington state law, for any of the following reasons:

(a) Gross incompetency or gross negligence in the preparation of technical drawings, installation, repair, alteration, maintenance, inspection, service, or addition to fire protection sprinkler systems;

(b) Conviction of a felony;

(c) Fraudulent or dishonest practices while engaging in the fire protection sprinkler systems business;

(d) Use of false evidence or misrepresentation in an application for a license or certificate of competency;

(e) Permitting his or her license to be used in connection with the preparation of any technical drawings which have not been prepared by him or her personally or under his or her immediate supervision, or in violation of this chapter; or

(f) Knowingly violating any provisions of this chapter or the regulations issued thereunder.

(2) The state director of fire protection shall revoke the license of a licensed fire protection sprinkler system contractor or the certificate of a certificate of competency holder who engages in the fire protection sprinkler system business while the license or certificate of competency is suspended.

(3) Any licensee or certificate of competency holder who is aggrieved by an order of the state director of fire protection suspending or revoking a license may, within thirty days after notice of such suspension or revocation, appeal under chapter 34.05 RCW.

NEW SECTION. Sec. 11. Sections 2 through 10 of this act shall constitute a new chapter in Title 18 RCW.

NEW SECTION. Sec. 12. Sections 2 through 10 of this act apply prospectively only and not retroactively. A municipal or county order, ordinance, rule, or regulation that is in effect as of May 1, 1991, is not invalid because of the provisions of this chapter. This act does not prohibit municipalities or counties from adopting stricter guidelines that will assure the proper installation of fire sprinkler systems within their jurisdictions.

NEW SECTION. Sec. 13. Sections 2 through 10 of this act shall take effect May 1, 1991.

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.

Passed the House March 3, 1990.

Passed the Senate March 1, 1990.

Approved by the Governor March 26, 1990, with the exception of certain items which were vetoed.

Filed in Office of Secretary of State March 26, 1990.

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

"I am returning herewith, without my approval as to section 9, Substitute House Bill No. 2342 entitled:

"AN ACT Relating to fire sprinkler system contractors."

Section 9 requires the director of the Department of Community Development to create a statutory advisory committee for fire protection sprinkler systems. The committee is to be composed of local representatives, county representatives, and individuals involved with the industry. Although I concur with the need to involve affected parties and will direct the department to pursue this goal, the director of the

Department of Community Development has existing authority to create advisory committees, as required, and there is no need to mandate this committee in statute.

For this reason, I have vetoed section 9 of Substitute House Bill No. 2342.

With the exception of section 9, Substitute House Bill No. 2342 is approved."

CHAPTER 178

[Substitute Senate Bill No. 6389]

BUSINESS CORPORATION ACT AMENDMENTS

AN ACT Relating to revising the Washington business corporations act; amending RCW 23B.01.220, 23B.01.410, 23B.01.510, 23B.01.580, 23B.14.200, 23B.14.340, 23B.15.010, 23B.15.020, 23B.15.300, 23B.06.400, 23B.07.270 and 23B.12.010; and providing an effective date.

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

Sec. 1. Section 5, chapter 165, Laws of 1989 and RCW 23B.01.220 are each amended to read as follows:

(1) The secretary of state shall collect in accordance with the provisions of this title:

- (a) Fees for filing documents and issuing certificates;
- (b) Miscellaneous charges;
- (c) License fees as provided in RCW 23B.01.500 through 23B.01.550;
- (d) Penalty fees; and
- (e) Other fees as the secretary of state may establish by rule adopted under chapter 34.05 RCW.

(2) The secretary of state shall collect the following fees when the documents described in this subsection are delivered for filing:

(a) One hundred seventy-five dollars, pursuant to RCW 23B.01.520 and 23B.01.540, for:

- (i) Articles of incorporation; and
- (ii) Application for certificate of authority;
- (b) Fifty dollars for an application for reinstatement;
- (c) Twenty-five dollars for:

- (i) Articles of correction;
- (ii) Amendment of articles of incorporation;
- (iii) Restatement of articles of incorporation, with or without amendment;

(iv) Articles of merger or share exchange;

(v) Articles of revocation of dissolution; and

(vi) Application for amended certificate of authority; (~~and~~

~~(vii) Application for reinstatement;~~

~~(c) Ten~~) (d) Twenty dollars for((:

~~(i))~~) an application for reservation, registration, or assignment of reserved name;

~~((i))~~) (e) Ten dollars for:

(i) Corporation's statement of change of registered agent or registered office, or both, except where this information is provided in conjunction with and on an annual report form filed under RCW 23B.01.530, 23B.01.550, 23B.02.050, or 23B.16.220;

~~((iii))~~ (ii) Agent's resignation, or statement of change of registered office, or both, for each affected corporation;

~~((iv))~~ (iii) Annual report; and

~~((v))~~ (iv) Any document not listed in this subsection that is required or permitted to be filed under this title;

~~((f))~~ (f) No fee for:

(i) Agent's consent to act as agent;

(ii) Agent's resignation, if appointed without consent;

(iii) Articles of dissolution;

(iv) ~~(Certificate of reinstatement;~~

~~(v))~~ Certificate of judicial dissolution; and

~~((vi))~~ (v) Application for certificate of withdrawal ~~(and~~

~~(vii) Certificate of revocation of authority to transact business))~~.

(3) The secretary of state shall collect a fee of twenty-five dollars per defendant served, upon being served process under this title. The party to a proceeding causing service of process is entitled to recover this fee as costs if such party prevails in the proceeding.

(4) The secretary of state shall collect from every person ~~(except corporations organized under the laws of this state for which existing law provides a different fee schedule))~~ or organization:

(a) For furnishing a certified copy of any document, instrument, or paper relating to a corporation, ten dollars for the certificate, plus twenty cents for each page copied;

(b) For furnishing a certificate, under seal, attesting to the existence of a corporation, or any other certificate, ten dollars; and

(c) For furnishing copies of any document, instrument, or paper relating to a corporation, one dollar for the first page and twenty cents for each page copied thereafter.

(5) For annual license fees for domestic and foreign corporations, see RCW 23B.01.500, 23B.01.510, 23B.01.530, and 23B.01.550. For penalties for nonpayment of annual license fees and failure to complete annual report, see RCW 23B.01.570.

Sec. 2. Section 15, chapter 165, Laws of 1989 and RCW 23B.01.410 are each amended to read as follows:

(1) Notice under this title must be in writing except that oral notice of any meeting of the board of directors may be given if expressly authorized by the articles of incorporation or bylaws.

(2) Written notice may be transmitted by: Mail, private carrier or personal delivery; telegraph or teletype; or telephone, wire or wireless

equipment which transmits a facsimile of the notice. If these forms of written notice are impracticable, written notice may be transmitted by an advertisement in a newspaper of general circulation in the area where published. Oral notice may be communicated in person or by telephone, wire or wireless equipment which does not transmit a facsimile of the notice. If these forms of oral notice are impracticable, oral notice may be communicated by radio, television, or other form of public broadcast communication.

(3) Written notice by a domestic or foreign corporation to its shareholder, if in a comprehensible form, is effective when mailed, if mailed with first-class postage prepaid and correctly addressed to the shareholder's address shown in the corporation's current record of shareholders.

(4) Written notice to a domestic or foreign corporation, authorized to transact business in this state, may be addressed to its registered agent at its registered office or to the corporation or its secretary at its principal office shown in its most recent annual report or, in the case of a foreign corporation that has not yet delivered an annual report, in its application for a certificate of authority.

(5) Except as provided in subsection (3) of this section, written notice, if in a comprehensible form, is effective at the earliest of the following:

(a) If expressly authorized by the articles of incorporation or bylaws, and if notice is sent to the person's address, telephone number, or other number appearing on the records of the corporation, when dispatched;

(b) When received;

~~((f))~~ (c) Five days after its deposit in the United States mail, as evidenced by the postmark, if mailed with first-class postage, prepaid and correctly addressed; or

~~((ff))~~ (d) On the date shown on the return receipt, if sent by registered or certified mail, return receipt requested, and the receipt is signed by or on behalf of the addressee.

~~((fb))~~ (6) Oral notice is effective when communicated if communicated in a comprehensible manner.

~~((fe))~~ (7) If this title prescribes notice requirements for particular circumstances, those requirements govern. If articles of incorporation or bylaws prescribe notice requirements, not inconsistent with this section or other provisions of this title, those requirements govern.

Sec. 3. Section 17, chapter 165, Laws of 1989 and RCW 23B.01.510 are each amended to read as follows:

Not less than thirty nor more than ninety days prior to July 1st of each year or to the expiration date of any staggered yearly license, the secretary of state shall mail to each foreign corporation qualified to do business in this state, by first-class mail addressed to its registered office within this state, a notice that its annual license fee must be paid and its annual report must be filed as required by this title, and stating that if it shall fail to pay its annual

license fee or to file its annual report its certificate of authority to transact business within this state may be revoked. Failure of the secretary of state to mail any such notice shall not relieve a corporation from its obligations to pay the annual license fees and to obtain or file the annual reports required by this title.

Sec. 4. Section 24, chapter 165, Laws of 1989 and RCW 23B.01.580 are each amended to read as follows:

The secretary of state may, where exigent or mitigating circumstances are presented, waive penalty fees ~~((and reinstate to full active status))~~ due from any licensed corporation previously in good standing which would otherwise be penalized or lose its active status. Any corporation desiring to seek relief under this section shall, within fifteen days of discovery by corporate officials of the missed filing or lapse, notify the secretary of state in writing. The notification shall include the name and mailing address of the corporation, the corporate officer to whom correspondence should be sent, and a statement under oath by a responsible corporate officer, setting forth the nature of the missed filing or lapse, the circumstances giving rise to the missed filing or lapse, and the relief sought. Upon receipt of the notice, the secretary of state shall investigate the circumstances of the missed filing or lapse. If the secretary of state is satisfied that sufficient exigent or mitigating circumstances exist, that the corporation has demonstrated good faith and a reasonable attempt to comply with the applicable corporate license statutes of this state, ~~((that disproportionate harm would occur to the corporation if relief were not granted, and that relief would not be contrary to the public interest expressed in this title,))~~ the secretary of state may issue an order allowing relief from the penalty ~~((stating the basis for the relief and specifying any terms and conditions of the relief))~~. If the secretary of state determines the request does not comply with the requirements for relief, the secretary of state shall ~~((issue an order denying the requested))~~ deny the relief and ~~((stating))~~ state the reasons for the denial. Any denial of relief by the secretary of state is not reviewable notwithstanding the provisions of chapter 34.05 RCW. ~~((The secretary of state shall keep records of all requests for relief and the disposition of the requests. The secretary of state shall annually report to the legislature the number of relief requests received in the preceding year and a summary of the secretary's disposition of the requests.))~~

Sec. 5. Section 160, chapter 165, Laws of 1989 and RCW 23B.14.200 are each amended to read as follows:

The secretary of state may ~~((commence a proceeding under RCW 23B.14.210 to))~~ administratively dissolve a corporation under RCW 23B.14.210 if:

(1) The corporation does not pay ~~((within sixty days after they are due))~~ any license fees or penalties, imposed by this title, when they become due;

(2) The corporation does not deliver its completed annual report to the secretary of state (~~((within sixty days after))~~) when it is due;

(3) The corporation is without a registered agent or registered office in this state (~~((for sixty days or more))~~);

(4) The corporation does not notify the secretary of state (~~((within sixty days))~~) that its registered agent or registered office has been changed, that its registered agent has resigned, or that its registered office has been discontinued;

(5) The corporation's period of duration stated in its articles of incorporation expired after July 1, 1990; or

(6) The corporation's period of duration stated in its articles of incorporation expired prior to July 1, 1990, but the corporation has timely paid all license fees imposed by this title, has timely filed annual reports with the secretary of state, has never been without a registered agent or registered office in this state for sixty days or more, and has never failed to notify the secretary of state of changes in a registered agent or registered office within sixty days of such change.

Sec. 6. Section 167, chapter 165, Laws of 1989 and RCW 23B.14.340 are each amended to read as follows:

The dissolution of a corporation either: (1) By the issuance of a certificate of dissolution by the secretary of state, (2) by a decree of court, or (3) by expiration of its period of duration shall not take away or impair any remedy available (~~((to or))~~) against such corporation, its directors, officers, or shareholders, for any right or claim existing, or any liability incurred, prior to such dissolution if action or other proceeding thereon is commenced within two years after the date of such dissolution. (~~((The directors of any such corporation shall hold title to the property of the corporation as trustees for the benefit of its creditors and shareholders.))~~) Any such action or proceeding (~~((by or))~~) against the corporation may be (~~((prosecuted or))~~) defended by the corporation in its corporate name. (~~((The shareholders, directors, and officers shall have power to take such corporate or other action as shall be appropriate to protect such remedy, right, or claim.))~~)

Sec. 7. Section 169, chapter 165, Laws of 1989 and RCW 23B.15.010 are each amended to read as follows:

(1) Unless it is otherwise authorized to transact business pursuant to a state or federal statute, a foreign corporation may not transact business in this state until it obtains a certificate of authority from the secretary of state.

(2) The following activities, among others, do not constitute transacting business within the meaning of subsection (1) of this section:

(a) Maintaining or defending any action or suit or any administrative or arbitration proceeding, or effecting the settlement thereof or the settlement of claims or disputes;

(b) Holding meetings of the board of directors or shareholders or carrying on other activities concerning internal corporate affairs;

(c) Maintaining bank accounts, share accounts in savings and loan associations, custodian or agency arrangements with a bank or trust company, or stock or bond brokerage accounts;

(d) Maintaining offices or agencies for the transfer, exchange, and registration of the corporation's own securities or maintaining trustees or depositories with respect to those securities;

(e) Selling through independent contractors;

(f) Soliciting or procuring orders, whether by mail or through employees or agents or otherwise, where the orders require acceptance outside this state before becoming binding contracts and where the contracts do not involve any local performance other than delivery and installation;

(g) Making loans or creating or acquiring evidences of debt, mortgages, or liens on real or personal property, or recording same;

(h) Securing or collecting debts or enforcing mortgages and security interests in property securing the debts;

(i) Owning, without more, real or personal property;

(j) Conducting an isolated transaction that is completed within thirty days and that is not one in the course of repeated transactions of a like nature;

(k) Transacting business in interstate commerce; or

(l) Owning and controlling a subsidiary corporation incorporated in or transacting business within this state.

(3) The list of activities in subsection (2) of this ((act-[section])) section is not exhaustive.

Sec. 8. Section 170, chapter 165, Laws of 1989 and RCW 23B.15.020 are each amended to read as follows:

(1) Unless it is otherwise authorized to transact business pursuant to a state or federal statute, a foreign corporation transacting business in this state without a certificate of authority may not maintain a proceeding in any court in this state until it obtains a certificate of authority.

(2) The successor to a foreign corporation that transacted business in this state without a certificate of authority and the assignee of a cause of action arising out of that business may not maintain a proceeding based on that cause of action in any court in this state until the foreign corporation or its successor obtains a certificate of authority.

(3) A court may stay a proceeding commenced by a foreign corporation, its successor, or assignee until it determines whether the foreign corporation or its successor requires a certificate of authority. If it so determines, the court may further stay the proceeding until the foreign corporation or its successor obtains the certificate.

(4) A foreign corporation which transacts business in this state without a certificate of authority is liable to this state, for the years or parts thereof

during which it transacted business in this state without a certificate of authority, in an amount equal to all fees which would have been imposed by this title upon such corporation had it applied for and received a certificate of authority to transact business in this state as required by this title and thereafter filed all reports required by this title, plus all penalties imposed by this title for failure to pay such fees.

(5) Notwithstanding subsections (1) and (2) of this section, the failure of a foreign corporation to obtain a certificate of authority does not impair the validity of its corporate acts or prevent it from defending any proceeding in this state.

Sec. 9. Section 180, chapter 165, Laws of 1989 and RCW 23B.15.300 are each amended to read as follows:

The secretary of state may (~~commence a proceeding under RCW 23B.15.310 to~~) revoke the certificate of authority of a foreign corporation authorized to transact business in this state if:

(1) The foreign corporation does not deliver its completed annual report to the secretary of state (~~within sixty days after~~) when it is due;

(2) The foreign corporation does not pay (~~within sixty days after they are due~~) any license fees or penalties, imposed by this title, when they become due;

(3) The foreign corporation is without a registered agent or registered office in this state (~~for sixty days or more~~);

(4) The foreign corporation does not inform the secretary of state under RCW 23B.15.080 or 23B.15.090 that its registered agent or registered office has changed, that its registered agent has resigned, or that its registered office has been discontinued (~~within sixty days of the change, resignation, or discontinuance~~);

(5) An incorporator, director, officer, or agent of the foreign corporation signed a document knowing it was false in any material respect with intent that the document be delivered to the secretary of state for filing; or

(6) The secretary of state receives a duly authenticated certificate from the secretary of state or other official having custody of corporate records in the state or country under whose law the foreign corporation is incorporated stating that it has been dissolved or disappeared as the result of a merger.

Sec. 10. Section 59, chapter 165, Laws of 1989 and RCW 23B.06.400 are each amended to read as follows:

(1) A board of directors may authorize and the corporation may make distributions to its shareholders subject to restriction by the articles of incorporation and the limitation in subsection (2) of this section.

(2) No distribution may be made if, after giving it effect:

(a) The corporation would not be able to pay its debts as they become due in the usual course of business; or

(b) The corporation's total assets would be less than the sum of its total liabilities plus, unless the articles of incorporation permit otherwise, the

amount that would be needed, if the corporation were to be dissolved at the time of the distribution, to satisfy the preferential rights upon dissolution of shareholders whose preferential rights are superior to those receiving the distribution.

(3) For purposes of determinations under subsection (2) of this section:

(a) The board of directors may base a determination that a distribution is not prohibited under subsection (2) of this section either on financial statements prepared on the basis of accounting practices and principles that are reasonable in the circumstances or on a fair valuation or other method that is reasonable in the circumstances; and

(b) Indebtedness of a corporation, including indebtedness issued as a distribution, is not considered a liability if its terms provide that payment of principal and interest are made only if and to the extent that payment of a distribution to shareholders could then be made under this section.

(4) The effect of a distribution under subsection ~~((3)(b))~~ (2) of this section is measured:

(a) In the case of a distribution of indebtedness, the terms of which provide that payment of principal and interest are made only if and to the extent that payment of a distribution to shareholders could then be made under this section, each payment of principal or interest is treated as a distribution, the effect of which is measured on the date the payment is actually made; or

(b) In the case of any other distribution:

(i) If the distribution is by purchase, redemption, or other acquisition of the corporation's shares, the effect of the distribution is measured as of the earlier of the date any money or other property is transferred or debt incurred by the corporation, or the date the shareholder ceases to be a shareholder with respect to the acquired shares;

(ii) If the distribution is of indebtedness other than that described in subsection (4) (a) and (b)(i) of this section, the effect of the distribution is measured as of the date the indebtedness is distributed; and

(iii) In all other cases, the effect of the distribution is measured as of the date the distribution is authorized if payment occurs within one hundred twenty days after the date of authorization, or the date the payment is made if it occurs more than one hundred twenty days after the date of authorization.

(5) A corporation's indebtedness to a shareholder incurred by reason of a distribution made in accordance with this section is at parity with the corporation's indebtedness to its general, unsecured creditors except to the extent provided otherwise by agreement.

(6) In circumstances to which this section and related sections of this title are applicable, such provisions supersede the applicability of any other statutes of this state with respect to the legality of distributions.

Sec. 11. Section 75, chapter 165, Laws of 1989 and RCW 23B.07.270 are each amended to read as follows:

(1) The articles of incorporation may provide for a greater or lesser quorum, but not less than one-third of the votes entitled to be cast, for shareholders, or voting groups of shareholders, than is provided for by this title.

(2) The articles of incorporation may provide for a greater voting requirement for shareholders, or voting groups of shareholders, than is provided for by this title.

(3) Under RCW 23B.10.030, 23B.11.030, 23B.12.020, and 23B.14.020, the articles of incorporation may provide for a lesser vote than is otherwise prescribed in those sections or for a lesser vote by separate voting groups, so long as the vote provided for each voting group entitled to vote separately on the plan or transaction is not less than a majority of all the votes entitled to be cast on the plan or transaction by that voting group.

(4) Except as provided in subsection (5) of this section, an amendment to the articles of incorporation that adds, changes, or deletes a greater or lesser quorum or voting requirement for a particular corporate action must meet the same quorum requirement and be adopted by the same vote and voting groups required to take action under the quorum and voting requirements then in effect for the corporate action.

(5) An amendment to the articles of incorporation that adds, changes, or deletes a greater or lesser quorum or voting requirement for a merger, share exchange, sale of substantially all assets, or dissolution must be adopted by the same vote and voting groups required to take action under the quorum and voting requirements then in effect for the particular corporate action, or the quorum and voting requirements then in effect for amendments to articles of incorporation, whichever is greater.

Sec. 12. Section 138, chapter 165, Laws of 1989 and RCW 23B.12.010 are each amended to read as follows:

(1) A corporation may on the terms and conditions and for the consideration determined by the board of directors:

(a) Sell, lease, exchange, or otherwise dispose of all, or substantially all, of its property in the usual and regular course of business; or

(b) Mortgage, pledge, dedicate to the repayment of indebtedness, whether with or without recourse, or otherwise encumber any or all of its property whether or not in the usual and regular course of business.

(2) Unless the articles of incorporation require it, approval by the shareholders of a transaction described in subsection (1) of this section is not required.

NEW SECTION. Sec. 13. This act shall take effect July 1, 1990.

Passed the Senate February 7, 1990.

Passed the House March 2, 1990.

Approved by the Governor March 26, 1990.

Filed in Office of Secretary of State March 26, 1990.

CHAPTER 179

[Substitute Senate Bill No. 6390]

MARITAL DEDUCTION GIFTS—NONCITIZEN SURVIVING SPOUSE

AN ACT Relating to qualified domestic trusts regarding estate tax marital deductions for gifts to surviving spouses; amending RCW 11.96.070, 11.108.025, and 11.108.050; and declaring an emergency.

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

Sec. 1. Section 8, chapter 31, Laws of 1985 as amended by section 6, chapter 29, Laws of 1988 and RCW 11.96.070 are each amended to read as follows:

A trustor, grantor, personal representative, trustee, or other fiduciary, creditor, devisee, legatee, heir, or trust beneficiary interested in the administration of a trust, or the attorney general in the case of a charitable trust under RCW 11.110.120, or of the estate of a decedent, incompetent, or disabled person, may have a judicial proceeding for the declaration of rights or legal relations in respect to the trust or estate:

(1) To ascertain any class of creditors, devisees, legatees, heirs, next of kin, or others;

(2) To direct the personal representatives or trustees to do or abstain from doing any particular act in their fiduciary capacity;

(3) To determine any question arising in the administration of the estate or trust, including questions of construction of wills and other writings;

(4) To confer upon the personal representatives or trustees any necessary or desirable powers not otherwise granted in the instrument or given by law that the court determines are not inconsistent with the provisions or purposes of the will or trust;

(5) To amend or conform the will or the trust instrument in the manner required to qualify the gift thereunder for the charitable estate tax deduction permitted by federal law, including the addition of mandatory governing instrument requirements for a charitable remainder trust as required by final regulations and rulings of the United States internal revenue service, in any case in which all parties interested in the trust have submitted written agreements to the proposed changes or written disclaimer of interest; or

(6) To amend or conform the will or the trust instrument in the manner required to qualify any gift thereunder for the benefit of a surviving spouse who is not a citizen of the United States for the estate tax marital

deduction permitted by federal law, including the addition of mandatory governing instrument requirements for a qualified domestic trust under section 2056A of the internal revenue code as required by final regulations and rulings of the United States treasury department or internal revenue service, in any case in which all parties interested in the trust have submitted written agreements to the proposed changes or written disclaimer of interest; or

(7) To resolve any other matter in this title referencing this judicial proceedings section.

The provisions of this chapter apply to disputes arising in connection with estates of incompetents or disabled persons unless otherwise covered by chapters 11.88 and 11.92 RCW. The provisions of this chapter shall not supersede the otherwise applicable provisions and procedures of chapter 11.24, 11.28, 11.40, 11.52, 11.56, or 11.60 RCW with respect to any rights or legal obligations that are subject to those chapters.

Sec. 2. Section 29, chapter 64, Laws of 1988 and RCW 11.108.025 are each amended to read as follows:

Unless a governing instrument directs to the contrary:

(1) The fiduciary shall have the power to make elections, in whole or in part, to qualify property for the marital deduction as qualified terminable interest property under section 2056(b)(7) of the internal revenue code or, if the surviving spouse is not a citizen of the United States, under section 2056A of the internal revenue code.

(2) The fiduciary making an election under section 2056(b)(7) or 2056A of the internal revenue code may benefit personally from the election, with no duty to reimburse any other person interested in the election. The fiduciary shall have no duty to make any equitable adjustment and shall have no duty to treat interested persons impartially in respect of the election.

(3) The fiduciary making an election under section 2056(b)(7) or 2056A of the internal revenue code shall have the power to divide the trust into two or more separate trusts, of equal or unequal value, provided that the division shall not prevent a separate trust for which the election is made from qualifying for the marital deduction under the internal revenue code and its regulations.

Sec. 3. Section 110, chapter 30, Laws of 1985 and RCW 11.108.050 are each amended to read as follows:

(1) If a governing instrument indicates the testator's intention to make a marital deduction gift in trust, in addition to the other provisions of this section, each of the following also applies to the trust; provided, however, that such provisions shall not apply to any trust which provides for the entire then remaining trust estate to be paid on the termination of the income interest to the estate of the spouse of the trust's creator, or to a charitable beneficiary, contributions to which are tax deductible for federal income tax purposes:

~~((1))~~ (a) The only income beneficiary of a marital deduction trust is the testator's surviving spouse;

~~((2))~~ (b) The income beneficiary is entitled to all of the trust income until the trust terminates;

~~((3))~~ (c) The trust income is payable to the income beneficiary not less frequently than annually; and

~~((4))~~ (d) Except in the case of a marital deduction gift in trust, described in subsection (2) of this section, or property that has or would otherwise have qualified for the marital deduction only as the result of an election under section 2056(b)(7) of the internal revenue code, upon termination of the trust, all of the remaining trust assets, including accrued or undistributed income, pass either to the income beneficiary or under the exercise of a general power of appointment granted to the income beneficiary in favor of the income beneficiary's estate or to any other person or entity in trust or outright. The general power of appointment is exercisable by the income beneficiary alone and in all events.

(2) If a governing instrument indicates the testator's intention to make a marital deduction gift in trust and the surviving spouse is not a citizen of the United States, subsection (1)(a), (b), and (c) of this section and each of the following shall apply to the trust:

(a) At least one trustee of the trust shall be an individual citizen of the United States or of a domestic corporation. However, any distribution from the trust must be approved by this trustee;

(b) The trust shall meet such requirements as the secretary of the treasury of the United States may by regulations prescribe to ensure collection of estate tax, under section 2056A(b) of the internal revenue code; and

(c) (a) and (b) of this subsection shall no longer apply to the trust if the surviving spouse becomes a citizen of the United States and (i) the surviving spouse is a resident of the United States at all times after the testator's death and before becoming a citizen, or (ii) no tax has been imposed on the trust under section 2056A(b)(1)(A) of the internal revenue code before the surviving spouse becomes a citizen, or (iii) the surviving spouse makes an election under section 2056A(b)(12)(C) of the internal revenue code regarding tax imposed on distributions from the trust before becoming a citizen.

(3) The exercise of the general power of appointment provided in this section shall be done only by the income beneficiary in the manner provided by RCW 11.95.060 by specifically referring to this section.

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 February 13, 1990.

Passed the House March 2, 1990.

Approved by the Governor March 26, 1990.

Filed in Office of Secretary of State March 26, 1990.

CHAPTER 180

[Substitute Senate Bill No. 6395]

INHERITANCE TAX—DELETION OF OBSOLETE REFERENCES

AN ACT Relating to the deletion of obsolete inheritance tax references; amending RCW 11.44.066, 11.56.030, 11.56.280, 11.62.020, 11.68.110, and 83.110.030; adding new sections to chapter 11.02 RCW; and repealing RCW 11.86.075 and 11.44.061.

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

Sec. 1. Section 49, chapter 117, Laws of 1974 ex. sess. and RCW 11.44.066 are each amended to read as follows:

Within the time required to file an inventory as provided in RCW 11.44.015, the personal representative shall determine the fair net value, as of the date of the decedent's death, of each item contained in the inventory after deducting the encumbrances, liens, and other secured charges thereon. The personal representative may employ a qualified and disinterested person to assist him in ascertaining the fair market value as of the date of the decedent's death of any asset the value of which may be subject to reasonable doubt. Different persons may be employed to appraise different kinds of assets included in the estate. The appraisal may, but need not be, filed in the probate cause: PROVIDED HOWEVER, That upon receipt of a written request for a copy of said inventory and appraisal from any heir, legatee, devisee or unpaid creditor who has filed a claim, or from the (~~inheritance tax division of the~~) department of revenue, the personal representative shall furnish to said person, a true and correct copy thereof.

Sec. 2. Section 11.56.030, chapter 145, Laws of 1965 and RCW 11.56.030 are each amended to read as follows:

Whenever it shall appear to the satisfaction of the court that any portion or all of the real property should be sold, mortgaged or leased for the purpose of raising money to pay the debts and obligations of the estate, and the expenses of administration, (~~inheritance and federal death tax~~) estate taxes, or for the support of the family, to make distribution, or for such other purposes as the court may deem right and proper, the court may order the sale, lease or mortgage of such portion of the property as appears to the court necessary for the purpose aforesaid. It shall be the duty of the personal representative to present a petition to the court giving a description of

all the property of the estate and its character, the amount of the debts, expenses and obligations of the estate and such other things as will tend to assist the court in determining the necessity for the sale, lease or mortgage and the amount thereof. Unless the court shall by order expressly so provide, no notice of the hearing of such petition for sale, lease or mortgage need be given, except as provided in RCW 11.28.240 hereof; if, however, the court should order notice of such hearing, it shall determine upon the kind, character and time thereof. At the hearing of such petition the court may have brought before it such testimony or information as it may see fit to receive, for the purpose of determining whether it should order any of the property of the estate sold, leased or mortgaged. The absence of any allegation in the petition shall not deprive the court of jurisdiction to order said sale, lease or mortgage, and the court may, if it see fit, order such sale, lease or mortgage without any petition having been previously presented.

Sec. 3. Section 11.56.280, chapter 145, Laws of 1965 and RCW 11.56.280 are each amended to read as follows:

Whenever it shall appear to the satisfaction of the court that money is needed to pay debts of the estate, expenses of administration, (~~inheritance tax~~) or estate (~~(tax)~~) taxes, the court may by order authorize the personal representative to borrow such money, on the general credit of the estate, as appears to the court necessary for the purposes aforesaid. The time for repayment, rate of interest and form of note authorized shall be as specified by the court in its order. The money borrowed pursuant thereto shall be an obligation of the estate repayable with the same priority as unsecured claims filed against the estate. It shall be the duty of the personal representative to present a petition to the court giving a description of all the property of the estate and its character, the amount of the debts, expenses and tax obligations and such other things as will tend to assist the court in determining the necessity for the borrowing and the amount thereof. Unless the court shall by order expressly so provide, no notice of the hearing of such petition need be given, except to persons who have requested notice under the provisions of RCW 11.28.240; if, however, the court should order notice of such hearing, it shall determine upon the kind, character and time thereof. At the hearing of such petition the court may have brought before it such testimony or information as it may see fit to receive, for the foregoing purpose. The absence of any allegation in the petition shall not deprive the court of jurisdiction to authorize such borrowing.

Sec. 4. Section 5, chapter 117, Laws of 1974 ex. sess. as amended by section 12, chapter 234, Laws of 1977 ex. sess. and RCW 11.62.020 are each amended to read as follows:

The person paying, delivering, transferring, or issuing personal property pursuant to RCW 11.62.010 is discharged and released to the same extent as if such person has dealt with a personal representative of the decedent, unless at the time of such payment, delivery, transfer, or issuance,

such person had actual knowledge of the falsity of any statement which is required by RCW 11.62.010(2) as now or hereafter amended to be contained in the successor's affidavit. Such person is not required to see to the application of the personal property, or to inquire into the truth of any matter specified in RCW 11.62.010 (1) or (2) (~~as now or hereafter amended~~), or into the payment of any (~~inheritance~~) estate tax liability.

An organization shall not be deemed to have actual knowledge of the falsity of any statement contained in an affidavit made pursuant to RCW 11.62.010(2) as now or hereafter amended until such time as said knowledge shall have been brought to the personal attention of the individual making the transfer, delivery, payment, or issuance of the personal property claimed under RCW 11.62.010 as now or hereafter amended.

If any person to whom an affidavit and proof of death is delivered refuses to pay, deliver, or transfer any personal property, it may be recovered or its payment, delivery, transfer, or issuance compelled upon proof of their right in a proceeding brought for the purpose by or on behalf of the persons entitled thereto. If more than one affidavit is delivered with reference to the same personal property, the person to whom an affidavit is delivered may pay, deliver, transfer, or issue any personal property in response to the first affidavit received, provided that proof of death has also been received, or alternately implead such property into court for payment over to the person entitled thereto. Any person to whom payment, delivery, transfer, or issuance of personal property is made pursuant to RCW 11.62.010 as now or hereafter amended is answerable and accountable therefor to any personal representative of the estate of the decedent or to any other person having a superior right thereto.

Sec. 5. Section 8, chapter 30, Laws of 1985 and RCW 11.68.110 are each amended to read as follows:

If a personal representative who has acquired nonintervention powers does not apply to the court for either of the final decrees provided for in RCW 11.68.100 as now or hereafter amended, the personal representative shall, when the administration of the estate has been completed, file a declaration to that effect, which declaration shall state as follows:

(1) The date of the decedent's death, and the decedent's residence at the time of death, whether or not the decedent died testate or intestate, and if testate, the date of the decedent's last will and testament and the date of the order admitting the will to probate;

(2) That each creditor's claim which was justly due and properly presented as required by law has been paid or otherwise disposed of by agreement with the creditor, and that the amount of (~~state inheritance and federal~~) estate (~~tax~~) taxes due as the result of the decedent's death has been determined, settled, and paid;

(3) The personal representative has completed the administration of the decedent's estate without court intervention, and the estate is ready to be closed;

(4) If the decedent died intestate, the names, addresses (if known), and relationship of each heir of the decedent, together with the distributive share of each heir; and

(5) The amount of fees paid or to be paid to each of the following: (a) Personal representative or representatives, (b) lawyer or lawyers, (c) appraiser or appraisers, and (d) accountant or accountants; and that the personal representative believes the fees to be reasonable and does not intend to obtain court approval of the amount of the fees or to submit an estate accounting to the court for approval.

Subject to the requirement of notice as provided in this section, unless an heir, devisee, or legatee of a decedent petitions the court either for an order requiring the personal representative to obtain court approval of the amount of fees paid or to be paid to the personal representative, lawyers, appraisers, or accountants, or for an order requiring an accounting, or both, within thirty days from the date of filing a declaration of completion of probate, the personal representative will be automatically discharged without further order of the court and the representative's powers will cease thirty days after the filing of the declaration of completion of probate, and the declaration of completion of probate shall, at that time, be the equivalent of the entry of a decree of distribution in accordance with chapter 11-76 RCW for all legal intents and purposes.

Within five days of the date of the filing of the declaration of completion, the personal representative or the representative's lawyer shall mail a copy of the declaration of completion to each heir, legatee, or devisee of the decedent (who has not waived notice of said filing, in writing, filed in the cause) together with a notice which shall be substantially as follows:

CAPTION
OF
CASE

NOTICE OF FILING OF
DECLARATION OF COMPLETION
OF PROBATE

NOTICE IS GIVEN that the attached Declaration of Completion of Probate was filed by the undersigned in the above-entitled court on the day of, 19..; unless you shall file a petition in the above-entitled court requesting the court to approve the reasonableness of the fees, or for an accounting, or both, and serve a copy thereof upon the personal representative or the personal representative's lawyer, within thirty days after the date of the filing, the amount of fees paid or to be paid will be deemed reasonable, the acts of the personal representative will be

deemed approved, the personal representative will be automatically discharged without further order of the court, and the Declaration of Completion of Probate will be final and deemed the equivalent of a Decree of Distribution entered under chapter 11.76 RCW.

If you file and serve a petition within the period specified, the undersigned will request the court to fix a time and place for the hearing of your petition, and you will be notified of the time and place thereof, by mail, or personal service, not less than ten days before the hearing on the petition.

Dated this day of, 19. . .

.....

Personal Representative

If all heirs, devisees, and legatees of the decedent waive, in writing, the notice required by this section, the personal representative will be automatically discharged without further order of the court and the declaration of completion of probate will become effective as a decree of distribution upon the date of filing thereof. In those instances where the personal representative has been required to furnish bond, and a declaration of completion is filed pursuant to this section, any bond furnished by the personal representative shall be automatically discharged upon the discharge of the personal representative.

Sec. 6. Section 3, chapter 63, Laws of 1986 as amended by section 3, chapter 40, Laws of 1989 and RCW 83.110.030 are each amended to read as follows:

(1) The court having jurisdiction over the administration of the estate of a decedent shall determine the apportionment of the tax. If there are no probate proceedings, the court of the county wherein the decedent was domiciled at death shall determine the apportionment of the tax upon the application of the person required to pay the tax.

(2) If the court finds that it is inequitable to apportion interest and penalties in the manner provided in this chapter because of special circumstances, it may direct apportionment thereon in the manner it finds equitable.

(3) The expenses reasonably incurred by any fiduciary and by other persons interested in the estate in connection with the determination of the amount and apportionment of the tax shall be apportioned as provided in RCW 83.110.020 and charged and collected as a part of the tax apportioned. If the court finds it is inequitable to apportion the expenses as provided in RCW 83.110.020, it may direct apportionment thereof equitably.

(4) If the court finds that the assessment of penalties and interest is due to delay caused by the negligence of the fiduciary, the court may charge the fiduciary with the amount of the assessed penalties and interest.

(5) In any suit or judicial proceeding to recover from any person interested in the estate the amount of the tax apportioned to the person in accordance with this chapter, the determination of the court in respect thereto is prima facie correct.

(6) In the case where there are successive interests with respect to retirement distributions, the excise tax shall be equitably apportioned by the court having jurisdiction over the administration of the estate among the persons interested in the retirement distributions as defined in RCW ((11.110.010(6))) 83.110.010(6).

NEW SECTION. Sec. 7. A new section is added to chapter 11.02 RCW to read as follows:

Shares of record in the name of a married person may be transferred by such person, such person's agent or attorney, without the signature of such person's spouse. All dividends payable upon any shares of a corporation standing in the name of a married person, shall be paid to such married person, such person's agent or attorney, in the same manner as if such person were unmarried, and it shall not be necessary for the other spouse to join in a receipt therefor; and any proxy or power given by a married person, touching any shares of any corporation standing in such person's name, shall be valid and binding without the signature of the other spouse.

NEW SECTION. Sec. 8. A new section is added to chapter 11.02 RCW to read as follows:

Whenever shares or other securities issued by domestic or foreign corporations are or have been issued or transferred to two or more persons in joint tenancy form on the books or records of the corporation, it is presumed in favor of the corporation, its registrar and its transfer agent that the shares or other securities are owned by such persons in joint tenancy and not otherwise. A domestic or foreign corporation or its registrar or transfer agent is not liable for transferring or causing to be transferred on the books of the corporation to or pursuant to the direction of the surviving joint tenant or tenants any share or shares or other securities theretofore issued by the corporation to two or more persons in joint tenancy form on the books or records of the corporation, unless the transfer was made with actual knowledge by the corporation or by its registrar or transfer agent of the existence of any understanding, agreement, condition, or evidence that the shares or securities were held other than in joint tenancy, or of the invalidity of the joint tenancy or a breach of trust by the joint tenants.

NEW SECTION. Sec. 9. A new section is added to chapter 11.02 RCW to read as follows:

Neither a domestic or foreign corporation or its registrar or transfer agent shall be liable for transferring or causing to be transferred on the books of the corporation to or pursuant to the direction of the surviving spouse of a deceased husband or wife any share or shares or other securities

theretofore issued by the corporation to the deceased or surviving spouse or both of them if the corporation or its registrar or transfer agent shall be provided with the following:

(1) A copy of an agreement which shall have been entered into between the spouses pursuant to RCW 26.16.120 and certified by the auditor of the county in this state in whose office the same shall have been recorded;

(2) A certified copy of the death certificate of the deceased spouse;

(3) An affidavit of the surviving spouse that:

(a) The shares or other securities constituted community property of the spouses at date of death of the deceased spouse and their disposition is controlled by the community property agreement;

(b) No proceedings have been instituted to contest or set aside or cancel the agreement; and that

(c) The claims of creditors have been paid or provided for.

NEW SECTION. Sec. 10. The following acts or parts of acts are each repealed:

(1) Section 49, chapter 209, Laws of 1979 ex. sess. and RCW 11.86-.075; and

(2) Section 11.44.060, chapter 145, Laws of 1965 and RCW 11.44-.061.

Passed the Senate February 7, 1990.

Passed the House March 2, 1990.

Approved by the Governor March 26, 1990.

Filed in Office of Secretary of State March 26, 1990.

CHAPTER 181

[House Bill No. 2988]

CONVENTION AND TRADE CENTER—DEVELOPMENT OF LOW-INCOME HOUSING

AN ACT Relating to development of low-income housing near the state convention and trade center; amending RCW 67.40.030 and 67.40.040; amending section 1, chapter 8, Laws of 1987 1st ex. sess. as amended by section 9, chapter 1, Laws of 1988 1st ex. sess. (uncodified); amending section 9, chapter 8, Laws of 1987 1st ex. sess. as amended by section 10, chapter 1, Laws of 1988 1st ex. sess. (uncodified); and adding a new section to chapter 67.40 RCW.

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

Sec. 1. Section 3, chapter 34, Laws of 1982 as last amended by section 3, chapter 1, Laws of 1988 ex. sess. and RCW 67.40.030 are each amended to read as follows:

For the purpose of providing funds for the state convention and trade center, the state finance committee is authorized to issue, upon request of the corporation formed under RCW 67.40.020 and in one or more offerings, general obligation bonds of the state of Washington in the sum of one hundred sixty million, seven hundred sixty-five thousand dollars, or so much

thereof as may be required, to finance this project and all costs incidental thereto, to capitalize all or a portion of interest during construction, to provide for expansion, renovation, exterior cleanup and repair of the Eagles building, conversion of various retail and other space to meeting rooms, and contingency costs of the center, purchase of the McKay Parcel as defined in the property and purchase agreement entered into by the corporation on June 12, 1986, development of low-income housing and to reimburse the general fund for expenditures in support of the project. The state finance committee may make such bond covenants as it deems necessary to carry out the purposes of this section and this chapter. No bonds authorized in this section may be offered for sale without prior legislative appropriation.

Sec. 2. Section 4, chapter 34, Laws of 1982 as last amended by section 4, chapter 1, Laws of 1988 ex. sess. and RCW 67.40.040 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) 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. 3. Section 1, chapter 8, Laws of 1987 1st ex. sess. as amended by section 9, chapter 1, Laws of 1988 1st ex. sess. (uncodified) is amended to read as follows:

(1) The director of financial management, in consultation with the chairpersons of the ways and means committees of the senate and house of representatives, may authorize temporary borrowing from the state treasury for the purpose of covering cash deficiencies in the state convention and trade center account resulting from project completion costs. Subject to the conditions and limitations provided in this section, lines of credit may be authorized at times and in amounts as the director of financial management determines are advisable to meet current and/or anticipated cash deficiencies. Each authorization shall distinctly specify the maximum amount of cash deficiency which may be incurred and the maximum time period during which the cash deficiency may continue. The total amount of borrowing outstanding at any time shall never exceed the lesser of:

(a) \$58,275,000; or

(b) An amount, as determined by the director of financial management from time to time, which is necessary to provide for payment of project completion costs.

(2) Unless the due date under this subsection is extended by statute, all amounts borrowed under the authority of this section shall be repaid to the state treasury by June 30, 1991, 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. Borrowing may be authorized from any excess balances in the state treasury, except the agricultural permanent fund, the Millersylvania park permanent fund, the state university permanent fund, the normal school permanent fund, the permanent common school fund, and the scientific permanent fund.

(3) As used in this section, "project completion" means:

(a) All remaining development, construction, and administrative costs related to completion of the convention center; and

(b) Costs of the McKay building demolition, Eagles building rehabilitation, development of low-income housing, and construction of rentable retail space and an operable parking garage.

(4) It is the intent of the legislature that project completion costs be paid ultimately from the following sources:

(a) \$29,250,000 to be received by the corporation under an agreement and settlement with Industrial Indemnity Co.;

(b) \$1,070,000 to be received by the corporation as a contribution from the city of Seattle;

(c) \$20,000,000 from additional general obligation bonds to be repaid from the special excise tax under RCW 67.40.090;

(d) \$4,765,000 for contingencies and project reserves from additional general obligation bonds to be repaid from the special excise tax under RCW 67.40.090;

(e) \$13,000,000 for conversion of various retail and other space to meeting rooms, from additional general obligation bonds to be repaid from the special excise tax under RCW 67.40.090;

(f) \$13,300,000 for expansion at the 900 level of the facility, from additional general obligation bonds to be repaid from the special excise tax under RCW 67.40.090;

(g) \$10,400,000 for purchase of the land and building known as the McKay Parcel and for development of low-income housing, from additional general obligation bonds to be repaid from the special excise tax under RCW 67.40.090; and

(h) \$300,000 for Eagles building exterior cleanup and repair, from additional general obligation bonds to be repaid from the special excise tax under RCW 67.40.090.

(5) The borrowing authority provided in this section is in addition to the authority to borrow from the general fund to meet the bond retirement and interest requirements set forth in RCW 67.40.060. To the extent the specific conditions and limitations provided in this section conflict with the general conditions and limitations provided for temporary cash deficiencies in RCW 43.88.260 (section 7, chapter 502, Laws of 1987), the specific conditions and limitations in this section shall govern.

Sec. 4. Section 9, chapter 8, Laws of 1987 1st ex. sess. as amended by section 10, chapter 1, Laws of 1988 1st ex. sess. (uncodified) is amended to read as follows:

There is appropriated to the state convention and trade center corporation from the state convention and trade center account, for the fiscal period beginning on the effective date of this section and ending June 30, (~~(+1989)~~) 1991, the following amounts:

(1) \$51,618,000 for development, construction, and administrative costs of completion;

(2) \$4,765,000 for project reserves and contingency funds;

(3) \$13,000,000 for conversion of various retail and other space to meeting rooms;

(4) \$13,300,000 for expansion at the 900 level of the facility;

(5) ~~\$(10,400,000)~~ 8,950,000 for purchase of the land and building known as the McKay Parcel; ~~(and)~~

(6) \$3,000,000 for development of low-income housing. Low-income housing as used in this section shall mean all of the rentable housing units heretofore or hereafter developed by or on behalf of the state convention and trade center located in the city of Seattle which (i) do not exceed an aggregate expenditure by the convention center of three million dollars; (ii) have been defined by the United States department of housing and urban development as affordable to tenants of low income; and (iii) have been found by the state convention and trade center corporation board of directors to be (A) owned and operated by a public or a nonprofit private organization dedicated to low-income housing and (B) reasonably related to effects, of the construction and operation of the convention center upon the availability of low-income housing in the city of Seattle; and

(7) \$300,000 for Eagles building exterior cleanup and repair.

NEW SECTION. Sec. 5. Section 3 of this act is added to chapter 67-.40 RCW.

Passed the House February 13, 1990.

Passed the Senate March 1, 1990.

Approved by the Governor March 26, 1990.

Filed in Office of Secretary of State March 26, 1990.

CHAPTER 182

[House Bill No. 2492]

PRO TEMPORE JUDGES

AN ACT Relating to pro tempore judges; and amending RCW 35.20.200.

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

Sec. 1. Section 35.20.200, chapter 7, Laws of 1965 as amended by section 2, chapter 32, Laws of 1972 ex. sess. and RCW 35.20.200 are each amended to read as follows:

The mayor shall, from attorneys residing in the city and qualified to hold the position of judge of the municipal court as provided in RCW 35-.20.170, appoint judges pro tempore who shall act in the absence of the regular judges of the court or in addition to the regular judges when the administration of justice and the accomplishment of the work of the court make it necessary. The mayor may appoint, as judges pro tempore, any full-time district court judges serving in the county in which the city is situated. The judges of the municipal court shall promulgate rules establishing general standards for the use of judges pro tempore. A copy of said rules shall be filed with the legislative authority of the city at the time of budget consideration. Such appointments of attorneys shall be made from a list of attorneys in accordance herewith furnished by the judges of the municipal

court, which list shall contain not less than five names in addition to the number of judges pro tempore requested. Appointment of judges pro tempore shall be for the term of office of the regular judges unless sooner removed in the same manner as they were appointed. While acting as judge of the court judges pro tempore shall have all of the powers of the regular judges. Before entering upon his or her duties, each judge pro tempore shall take, subscribe and file an oath as is taken by a municipal judge. Judges pro tempore shall not practice before the municipal court during their term of office as judge pro tempore. Such municipal judges pro tempore shall receive such compensation as shall be fixed by ordinance by the legislative body of the city and such compensation shall be paid by the city except that district court judges shall not be compensated by the city other than pursuant to an interlocal agreement.

Passed the House February 6, 1990.

Passed the Senate March 1, 1990.

Approved by the Governor March 26, 1990.

Filed in Office of Secretary of State March 26, 1990.

CHAPTER 183

[Senate Bill No. 6571]

INTERPRETERS IN LEGAL PROCEEDINGS

AN ACT Relating to interpreters in legal proceedings; amending RCW 2.42.220; and recodifying RCW 2.42.200, 2.42.210, 2.42.220, 2.42.230, 2.42.240, 2.42.250, 2.42.260, and 2.42.270.

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

Sec. 1. Section 3, chapter 358, Laws of 1989 and RCW 2.42.220 are each amended to read as follows:

(1) Whenever an interpreter is appointed to assist a non-English-speaking person in a legal proceeding, the appointing authority shall, in the absence of a written waiver by the person, appoint a certified or a qualified interpreter to assist the person throughout the proceedings.

(a) Except as otherwise provided for in (b) of this subsection, the interpreter appointed shall be a qualified interpreter.

(b) Beginning on July 1, 1990, when a non-English-speaking person is a party to a legal proceeding, or is subpoenaed or summoned by an appointing authority or is otherwise compelled by an appointing authority to appear at a legal proceeding, the appointing authority shall use the services of only those language interpreters who have been certified by the office of the administrator for the courts, unless good cause is found and noted on the record by the appointing authority. For purposes of this act, "good cause" includes but is not limited to a determination that:

(i) Given the totality of the circumstances, including the nature of the proceeding and the potential penalty or consequences involved, the services

of a certified interpreter are not reasonably available to the appointing authority; or

(ii) The current list of certified interpreters maintained by the office of the administrator for the courts does not include an interpreter certified in the language spoken by the non-English-speaking person.

(c) Except as otherwise provided in this section, when a non-English-speaking person is involved in a legal proceeding, the appointing authority shall appoint a qualified interpreter.

(2) If good cause is found for using an interpreter who is not certified or if a qualified interpreter is appointed, the appointing authority shall make a preliminary determination, on the basis of testimony or stated needs of the non-English-speaking person, that the proposed interpreter is able to interpret accurately all communications to and from such person in that particular proceeding. The appointing authority shall satisfy itself on the record that the proposed interpreter:

(a) Is capable of communicating effectively with the court or agency and the person for whom the interpreter would interpret; and

(b) Has read, understands, and will abide by the code of ethics for language interpreters established by court rules.

NEW SECTION. Sec. 2. RCW 2.42.200, 2.42.210, 2.42.220, 2.42-.230, 2.42.240, 2.42.250, 2.42.260, and 2.42.270 shall be recodified as a new chapter in Title 2 RCW.

Passed the Senate March 5, 1990.

Passed the House March 2, 1990.

Approved by the Governor March 26, 1990.

Filed in Office of Secretary of State March 26, 1990.

CHAPTER 184

[House Bill No. 2775]

VOTING MACHINES—REQUIREMENTS

AN ACT Relating to voting equipment; amending RCW 43.135.060; and adding a new section to chapter 29.04 RCW.

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

NEW SECTION. Sec. 1. A new section is added to chapter 29.04 RCW 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 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 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. 2. Section 6, chapter 1, Laws of 1980 and RCW 43.135.060 are each amended to read as follows:

(1) The legislature shall not impose responsibility for new programs or increased levels of service under existing programs on any taxing district unless the districts are reimbursed for the costs thereof by the state.

(2) That proportion of state tax revenue which consists of direct state appropriations to taxing districts taken as a group shall not be decreased below that proportion appropriated in the biennium immediately preceding January 1, 1980: PROVIDED, This proportion shall be decreased in any fiscal year only if: (a) The legislature decreases the state tax revenue limit for that fiscal year by an amount equal to the dollar amount of any decrease in direct state appropriations to taxing districts taken as a whole; or (b) the state tax revenue limit has been increased under RCW 43.135.050(3) or 43.135.060(3) and the decrease of the proportion is commensurate with the increase in the state tax revenue limit.

(3) If by order of any court, or legislative enactment, the costs of a federal or taxing district program are transferred to or from the state, the

otherwise applicable state tax revenue limit shall be increased or decreased, as the case may be, by the dollar amount of the costs of the program.

(4) The legislature, in consultation with the office of financial management or its successor agency, shall determine the costs of any new programs or increased levels of service under existing programs imposed on any taxing district or transferred to or from the state.

(5) Subsection (1) of this section does not apply to the costs incurred for voting devices or machines under section 1 of this act.

Passed the House March 6, 1990.

Passed the Senate March 2, 1990.

Approved by the Governor March 26, 1990.

Filed in Office of Secretary of State March 26, 1990.

CHAPTER 185

[Senate Bill No. 6816]

SPECIAL FUEL TAX—MILK PUMPING EXEMPTION

AN ACT Relating to a special fuel tax exemption for milk pumping; and amending RCW 82.38.080.

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

Sec. 1. Section 1, chapter 42, Laws of 1973 as last amended by section 4, chapter 108, Laws of 1983 and RCW 82.38.080 are each amended to read as follows:

There is exempted from the tax imposed by this chapter, the use of fuel for: (1) street and highway construction and maintenance purposes in motor vehicles owned and operated by the state of Washington, or any county or municipality; (2) publicly owned fire fighting equipment; (3) special mobile equipment as defined in RCW 46.04.552; (4) power pumping units or other power take-off equipment of any motor vehicle which is accurately measured by metering devices that have been specifically approved by the department or which is established by either of the following formulae: (a) pumping propane, or fuel or heating oils or milk picked up from a farm or dairy farm storage tank by a power take-off unit on a delivery truck, at the rate of three-fourths of one gallon for each one thousand gallons of fuel delivered or milk picked up; PROVIDED, That claimant when presenting his claim to the department in accordance with the provisions of this chapter, shall provide to said claim, invoices of propane, or fuel or heating oil delivered, or such other appropriate information as may be required by the department to substantiate his claim; or (b) operating a power take-off unit on a cement mixer truck or a load compactor on a garbage truck at the rate of twenty-five percent of the total gallons of fuel used in such a truck; (5) motor vehicles owned and operated by the United States government; (6) heating purposes; (7) moving a motor vehicle on a public highway between

two pieces of private property when said moving is incidental to the primary use of the motor vehicle; (8) transit services for only elderly or handicapped persons, or both, by a private, nonprofit transportation provider certified under chapter 81.66 RCW; and (9) notwithstanding any provision of law to the contrary, every urban passenger transportation system and carriers as defined by chapters 81.68 and 81.70 RCW shall be exempt from the provisions of this chapter requiring the payment of special fuel taxes. For the purposes of this section "urban passenger transportation system" means every transportation system, publicly or privately owned, having as its principal source of revenue the income from transporting persons for compensation by means of motor vehicles and/or trackless trolleys, each having a seating capacity for over fifteen persons over prescribed routes in such a manner that the routes of such motor vehicles and/or trackless trolleys, either alone or in conjunction with routes of other such motor vehicles and/or trackless trolleys subject to routing by the same transportation system, shall not extend for a distance exceeding twenty-five road miles beyond the corporate limits of the county in which the original starting points of such motor vehicles are located: PROVIDED, That no refunds or credits shall be granted on fuel used by any urban transportation vehicle or vehicle operated pursuant to chapters 81.68 and 81.70 RCW on any trip where any portion of said trip is more than twenty-five road miles beyond the corporate limits of the county in which said trip originated.

Passed the Senate February 9, 1990.

Passed the House March 1, 1990.

Approved by the Governor March 26, 1990.

Filed in Office of Secretary of State March 26, 1990.

CHAPTER 186

[Senate Bill No. 6562]

SUPERIOR COURT—ADDITIONAL JUDGES

AN ACT Relating to superior courts; amending RCW 2.08.062, 2.08.065, and 2.32.180; and creating a new section.

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

Sec. 1. Section 4, chapter 125, Laws of 1951 as last amended by section 2, chapter 323, Laws of 1987 and RCW 2.08.062 are each amended to read as follows:

There shall be in the counties of Chelan and Douglas jointly, three judges of the superior court; in the county of Clark six judges of the superior court; in the county of Grays Harbor two judges of the superior court; in the county of Kitsap (~~five~~) seven judges of the superior court; in the county of Kittitas one judge of the superior court; in the county of Lewis two judges of the superior court.

Sec. 2. Section 7, chapter 125, Laws of 1951 as last amended by section 1, chapter 76, Laws of 1986 and RCW 2.08.065 are each amended to read as follows:

There shall be in the county of Grant, two judges of the superior court; in the county of Okanogan, one judge of the superior court; in the county of Mason, one judge of the superior court; in the county of Thurston, (~~five~~) six judges of the superior court; in the counties of Pacific and Wahkiakum jointly, one judge of the superior court; in the counties of Ferry, Pend Oreille, and Stevens jointly, two judges of the superior court; and in the counties of San Juan and Island jointly, two judges of the superior court.

Sec. 3. Section 1, chapter 126, Laws of 1913 as last amended by section 4, chapter 328, Laws of 1989 and RCW 2.32.180 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 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, (~~or~~) 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 of this 1990 act. 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 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 AA county 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 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, but may be removed for incompetency, misconduct or neglect of duty, and before entering upon the discharge of his duties shall take an oath to perform faithfully the duties of his office, and file a bond in the sum of two thousand dollars for the faithful discharge of his duties. Such reporter in each court is hereby declared to be a necessary part of the judicial system of the state of Washington.

NEW SECTION. Sec. 4. (1)(a) One additional judicial position created by section 1 of this act and the additional judicial position created by section 2 of this act shall be effective July 1, 1990.

(b) The second additional judicial position created by section 1 of this act shall be effective not later than, and at the discretion of the legislative authority may be phased in at any time before, January 1, 1994.

(2) The additional judicial positions created by sections 1 and 2 of this act in Kitsap and Thurston counties shall be effective only if the county through its duly constituted legislative authority 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.

Passed the Senate March 2, 1990.

Passed the House February 28, 1990.

Approved by the Governor March 26, 1990.

Filed in Office of Secretary of State March 26, 1990.

CHAPTER 187

[Senate Bill No. 6834]

BASIC HEALTH BENEFITS FOR SMALL BUSINESSES

AN ACT Relating to basic health benefits for small businesses; adding a new section to chapter 48.21 RCW; adding a new section to chapter 48.44 RCW; adding a new section to chapter 48.46 RCW; and creating new sections.

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

NEW SECTION. Sec. 1. The legislature finds that the rising cost of comprehensive group health coverage is exceeding the affordability of many small businesses and their employees. The legislature further finds that certain public policies have an adverse impact on the cost of such coverage. It is therefore the intent of the legislature to reduce costs by authorizing the development of basic hospital and medical coverage for small groups.

NEW SECTION. Sec. 2. A new section is added to chapter 48.21 RCW to read as follows:

A basic group disability insurance policy may be offered to employers of fewer than twenty-five employees. Such a basic group disability insurance policy shall provide coverage for hospital expenses and services rendered by a physician licensed under chapter 18.57 or 18.71 RCW but is not subject to the requirements of RCW 48.21.130, 48.21.140, 48.21.141, 48.21.142, 48.21.144, 48.21.146, 48.21.160 through 48.21.197, 48.21.200, 48.21.220, 48.21.225, 48.21.230, 48.21.235, 48.21.240, 48.21.244, 48.21.250, 48.21.300, 48.21.310, or 48.21.320.

Nothing in this section shall prohibit an insurer from offering, or a purchaser from seeking, benefits in excess of the basic coverage authorized herein. All forms, policies, and contracts shall be submitted for approval to the commissioner, and the rates of any plan offered under this section shall be reasonable in relation to the benefits thereto.

The policy authorized by this section shall not supplant or supersede any existing policy for the benefit of employees in this state. Nothing in this section shall restrict the right of employees to collectively bargain for insurance providing benefits in excess of those provided herein.

NEW SECTION. Sec. 3. A new section is added to chapter 48.44 RCW to read as follows:

A basic health care service contract may be offered to employers of fewer than twenty-five employees. Such a basic health care service contract shall provide coverage for hospital expenses and services rendered by a physician licensed under chapter 18.57 or 18.71 RCW but is not subject to the requirements of RCW 48.44.225, 48.44.240, 48.44.245, 48.44.290, 48.44.300, 48.44.310, 48.44.320, 48.44.325, 48.44.330, 48.44.335, 48.44.340, 48.44.344, 48.44.360, 48.44.400, 48.44.440, 48.44.450, and 48.44.460.

Nothing in this section shall prohibit an insurer from offering, or a purchaser from seeking, benefits in excess of the basic coverage authorized herein. All forms, policies, and contracts shall be submitted for approval to the commissioner, and the rates of any plan offered under this section shall be reasonable in relation to the benefits thereto.

The policy authorized by this section shall not supplant or supersede any existing policy for the benefit of employees in this state. Nothing in this

section shall restrict the right of employees to collectively bargain for insurance providing benefits in excess of those provided herein.

NEW SECTION. Sec. 4. A new section is added to chapter 48.46 RCW to read as follows:

A basic health maintenance agreement may be offered to employers of fewer than twenty-five employees. Such a basic health maintenance agreement shall provide coverage for hospital expenses and services rendered by a physician licensed under chapter 18.57 or 18.71 RCW but is not subject to the requirements of RCW 48.46.275, 48.46.280, 48.46.285, 48.46.290, 48.46.350, 48.46.355, 48.46.375, 48.46.440, 48.46.480, 48.46.510, 48.46.520, and 48.46.530.

Nothing in this section shall prohibit an insurer from offering, or a purchaser from seeking, benefits in excess of the basic coverage authorized herein. All forms, policies, and contracts shall be submitted for approval to the commissioner, and the rates of any plan offered under this section shall be reasonable in relation to the benefits thereto.

The policy authorized by this section shall not supplant or supersede any existing policy for the benefit of employees in this state. Nothing in this section shall restrict the right of employees to collectively bargain for insurance providing benefits in excess of those provided herein.

NEW SECTION. Sec. 5. The commissioner shall collect data from disability insurers, health care service contractors, and health maintenance organizations relating to the coverage sold pursuant to this act. The data shall include the number of groups purchasing coverage, the number of insureds, subscribers, members and their dependents under coverage, and the rates and rate increases or decreases of the coverage. Not later than November 1, 1992, the commissioner shall assemble a written summary of this data, which shall be made available to the governor, appropriate legislative committees, and other interested individuals.

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 Senate February 13, 1990.

Passed the House March 1, 1990.

Approved by the Governor March 26, 1990.

Filed in Office of Secretary of State March 26, 1990.

CHAPTER 188

[Substitute Senate Bill No. 5545]
VOCATIONAL EDUCATION

AN ACT Relating to vocational education; amending RCW 28C.10.020, 28C.10.030, 28C.10.050, 28C.10.084, 28C.10.110, and 28C.10.120; creating new sections; providing an expiration date; and declaring an emergency.

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

NEW SECTION. Sec. 1. As used in this chapter the following definitions shall apply:

(1) "Board" means the state board for vocational education.

(2) "Vocational education" means a planned series of learning experiences, the specific objective of which is to prepare persons to enter, continue in, or upgrade themselves in gainful employment in recognized occupations, and home and family life programs, which are not designated as professional or requiring a baccalaureate or higher degree.

NEW SECTION. Sec. 2. (1) The state board for vocational education is hereby created as a state agency and as the successor agency to the commission for vocational education. The board shall have authority to carry out any existing statutory duties formerly administered by the commission and other duties assigned by the governor. The board shall be composed of five members consisting of the governor, the superintendent of public instruction, the director of the state board for community college education, one representative of organized labor appointed by the governor, and one representative of business appointed by the governor. Each board member may appoint a designee to function in his or her place with the right to vote. The governor shall appoint an executive director of the board. The board may delegate, by resolution, to the executive director any of its duties or responsibilities. The board may also delegate by interagency agreement its responsibilities under the Washington award for vocational excellence program to any existing state agency, board, or council. The board may employ such other personnel as may be necessary to carry out the purposes of this chapter.

(2) All references to the commission for vocational education in the Revised Code of Washington shall be construed to mean the state board for vocational education.

NEW SECTION. Sec. 3. The board may adopt such rules as are necessary to comply with the intent of this chapter in accordance with chapter 34.05 RCW, the administrative procedure act, and adopt such bylaws as deemed necessary to the business of the board. Rules of the commission for vocational education shall remain in effect until the board acts to adopt or revoke those rules.

NEW SECTION. Sec. 4. Members of the board shall be compensated in accordance with RCW 43.03.240 and will receive travel expenses in accordance with RCW 43.03.050 and 43.03.060.

Sec. 5. Section 2, chapter 299, Laws of 1986 and RCW 28C.10.020 are each amended to read as follows:

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

(1) "Agency" means the ((commission)) state board for vocational education or its successor.

(2) "Agent" means a person owning an interest in, employed by, or representing for remuneration a private vocational school within or without this state, who enrolls or personally attempts to secure the enrollment in a private vocational school of a resident of this state, offers to award educational credentials for remuneration on behalf of a private vocational school, or holds himself or herself out to residents of this state as representing a private vocational school for any of these purposes.

(3) "Degree" means any designation, appellation, letters, or words including but not limited to "associate," "bachelor," "master," "doctor," or "fellow" which signify or purport to signify satisfactory completion of an academic program of study beyond the secondary school level.

(4) "Education" includes but is not limited to, any class, course, or program of training, instruction, or study.

(5) "Educational credentials" means degrees, diplomas, certificates, transcripts, reports, documents, or letters of designation, marks, appellations, series of letters, numbers, or words which signify or appear to signify enrollment, attendance, progress, or satisfactory completion of the requirements or prerequisites for any educational program.

(6) "Entity" includes, but is not limited to, a person, company, firm, society, association, partnership, corporation, or trust.

(7) "Private vocational school" means any location where an entity offering postsecondary education in any form or manner for the purpose of instructing, training, or preparing persons for any vocation or profession.

(8) "To grant" includes to award, issue, sell, confer, bestow, or give.

(9) "To offer" includes, in addition to its usual meanings, to advertise or publicize. "To offer" also means to solicit or encourage any person, directly or indirectly, to perform the act described.

(10) "To operate" means to establish, keep, or maintain any facility or location where, from, or through which education is offered or educational credentials are offered or granted to residents of this state, and includes contracting for the performance of any such act.

Sec. 6. Section 3, chapter 299, Laws of 1986 and RCW 28C.10.030 are each amended to read as follows:

This chapter does not apply to:

(1) Bona fide trade, business, professional, or fraternal organizations sponsoring educational programs primarily for that organization's membership or offered by that organization on a no-fee basis;

(2) Entities offering education that is exclusively avocational or recreational;

(3) Education not requiring payment of money or other consideration if this education is not advertised or promoted as leading toward educational credentials;

(4) Entities that are established, operated, and governed by this state or its political subdivisions under Title 28A, 28B, or 28C RCW;

(5) Degree-granting programs in compliance with the rules of the higher education coordinating board;

(6) Any other entity to the extent that it has been exempted from some or all of the provisions of this chapter under RCW 28C.10.100;

(7) Entities not otherwise exempt that are of a religious character, but only as to those educational programs exclusively devoted to religious or theological objectives and represented accurately in institutional catalogs or other official publications;

(8) Entities offering only courses certified by the federal aviation administration;

(9) Barber and cosmetology schools licensed under chapter 18.16 RCW;

(10) Entities which only offer courses approved to meet the continuing education requirements for licensure under chapters 18.04, 18.78, 18.88, or 48.17 RCW; and

(11) Entities not otherwise exempt offering only workshops or seminars lasting no longer than three calendar days.

Sec. 7. Section 5, chapter 29C, Laws of 1986 as amended by section 3, chapter 459, Laws of 1987 and RCW 28C.10.050 are each amended to read as follows:

(1) The agency shall adopt by rule minimum standards for private vocational schools. The minimum standards shall include, but not be limited to, requirements for each school to:

(a) Disclose to the agency information about its ownership and financial position and to demonstrate that it has sufficient financial resources to fulfill its commitments to students. Financial disclosures provided to the agency shall not be subject to public disclosure under chapter 42.17 RCW((-));

(b) Follow a uniform state-wide cancellation and refund policy as specified by the agency((-));

(c) Disclose through use of a school catalog, brochure, or other written material, necessary information to students so that students may make informed enrollment decisions. The agency shall specify what information is required((-));

(d) Use an enrollment contract or agreement that includes: (i) The cancellation and refund policy, (ii) a brief statement that the school is licensed under this chapter and that inquiries may be made to the agency, and (iii) other necessary information as determined by the agency((-);

(e) Describe accurately and completely in writing to students before their enrollment prerequisites and requirements for (i) completing successfully the programs of study in which they are interested and (ii) qualifying for the fields of employment for which their education is designed((-);

(f) Comply with the requirements of RCW 28C.10.084((-);

((2)) (g) Assess the basic skills and relevant aptitudes of each potential student to determine that a potential student has the basic skills and relevant aptitudes necessary to complete and benefit from the program in which the student plans to enroll. Guidelines for such assessments shall be developed by the agency, in consultation with the schools. The method of assessment shall be reported to the agency. Assessment records shall be maintained in the student's file;

(h) Discuss with each potential student the potential student's obligations in signing any enrollment contract and/or incurring any debt for educational purposes. The discussion shall include the inadvisability of acquiring an excessive educational debt burden that will be difficult to repay given employment opportunities and average starting salaries in the potential student's chosen occupation.

(2) Any enrollment contract shall have an attachment in a format provided by the agency. The attachment shall be signed by both the school and the student. The attachment shall stipulate that the school has complied with subsection (1)(h) of this section and that the student understands and accepts his or her responsibilities in signing any enrollment contract or debt application. The attachment shall also stipulate that the enrollment contract shall not be binding for at least five days, excluding Sundays and holidays, following signature of the enrollment contract by both parties.

(3) The agency shall deny, revoke, or suspend the license of any school that does not meet or maintain the minimum standards.

Sec. 8. Section 1, chapter 459, Laws of 1987 and RCW 28C.10.084 are each amended to read as follows:

(1) The agency shall establish, maintain, and administer a tuition recovery fund. All funds collected for the tuition recovery fund are payable to the state for the benefit and protection of any student or enrollee of a private vocational school licensed under this chapter, or, in the case of a minor, his or her parents or guardian, for purposes including but not limited to the settlement of claims procedures under subsection (9) of this section and RCW 28C.10.120. The fund shall be liable for settlement of claims and costs of administration but shall not be liable to pay out or recover penalties assessed under RCW 28C.10.130 or 28C.10.140. No liability accrues to the state of Washington from claims made against the fund.

(2) To be and remain licensed under this chapter each entity shall, in addition to other requirements under this chapter, make cash deposits into a tuition recovery fund as a means to assure payment of claims brought under this chapter. The fund shall be initially capitalized at two hundred thousand dollars and shall achieve an operating balance of at least one million dollars within five years after May 18, 1987, as required under subsection (5) of this section.

(3) The amount of liability that can be satisfied by this fund on behalf of each individual entity licensed under this chapter shall be established by the agency, based on an incremental scale that recognizes the average amount of unearned prepaid tuition in possession of the entity. However, the minimum amount of liability for any entity shall not be less than five thousand dollars and the maximum amount shall not exceed two hundred thousand dollars. Such limitation on each entity's liability remains uncharged by single or cumulative disbursements made on behalf of the entity. The upper limit of liability is reestablished following the settlement of any claim.

(4) Within sixty days after any entity deposits its initial contribution into the fund, the agency shall release whatever surety such entity had previously filed. Thereupon, the tuition recovery fund shall be liable for a period of one year following the date such surety is released with respect to prior claims against the surety. However, the liability of the fund is limited to the amount of and subject to the defenses of that released surety as though it had remained on file with the agency. The fund's liability with respect to each entity that makes an initial deposit into the fund commences on that date and ceases one year from the date it is no longer licensed under this chapter.

(5) The agency shall adopt by rule a matrix for calculating the deposits into the fund required of each entity. Proration shall be determined by factoring the entity's share of liability in proportion to the aggregated liability of all participants under the fund by grouping such prorations under the incremental scale created in subsection (3) of this section. Expressed as a percentage of the total liability, that figure determines the amount to be contributed when factored into a fund containing one million dollars. The total amount of its prorated share, minus the amount paid for initial capitalization, shall be payable in ten equal increments over a five-year period, commencing with the sixth month after May 18, 1987. Additionally, the agency shall require deposits for initial capitalization, under which the amount each entity deposits is proportionate to its share of two hundred thousand dollars, employing the matrix developed under this subsection. The amount thus established shall be deposited by each licensee of record, within thirty days after May 18, 1987, and a like amount shall be deposited by each subsequent applicant for licensing before the issuance of such license.

(6) No vested right or interests in deposited funds is created or implied for the depositor, either at any time during the operation of the fund or at any such future time that the fund may be dissolved. All funds deposited are payable to the state for the purposes described under this section. The agency shall maintain the fund, collect deposits when due by serving appropriate notices to affected entities, and make disbursements to settle claims. When the deposits total five million dollars and the history of disbursements so warrants, the agency may at its own option reduce the schedule of deposits whether as to time, amount, or both. When such level is achieved, the agency may also entertain proposals from among the licensees with regard to disbursing surplus funds for such purposes as vocational scholarships.

(7) The agency shall make determinations based on annual financial data supplied by the entity whether the increment assigned to that entity on the incremental scale established under subsection (5) of this section has changed. If an increase or decrease has occurred, a corresponding change in its incremental position and contribution schedule shall be made before the date of its next scheduled deposit into the fund.

(8) If fifty-one percent or more of the ownership interest in an entity is conveyed through sale or other means into different ownership, the contribution schedule of the prior owner is canceled. All contributions made to the date of transfer accrue to the fund. The new owner commences contributions under provisions applying to a new applicant.

(9) To settle complaints adjudicated under RCW 28C.10.120 and claims resulting ~~((from closure of an entity))~~ when a private vocational school ceases to provide educational services, the agency may make disbursements from the fund. In addition to the processes described under RCW 28C.10.120 for handling complaints, the following additional procedures are established to deal with school closures:

(a) The agency shall attempt to notify all potential claimants. The absence of records and other circumstances may make it impossible or unreasonable for the agency to ascertain the names and whereabouts of each potential claimant but the agency shall make reasonable inquiries to secure that information from all likely sources. The agency shall then proceed to settle the claims on the basis of information in its possession. The agency is not responsible or liable for claims or for handling claims that may subsequently appear or be discovered.

(b) Thirty days after identified potential claimants have been notified, if a claimant refuses or neglects to file a claim verification as requested in such notice, the agency shall be relieved of further duty or action on behalf of the claimant under this chapter.

(c) After verification and review, the agency may disburse funds from the tuition recovery fund to settle or compromise the claims. However, the liability of the fund for claims against the closed entity shall not exceed that

total amount of the contribution schedule assigned to that entity under subsection (5) of this section.

(d) The agency shall seek to recover such disbursed funds from the assets of the defaulted entity, including but not limited to asserting claims as a creditor in bankruptcy proceedings.

(10) When funds are disbursed to settle claims against a current licensee, the agency shall make demand upon the licensee for recovery. The agency shall adopt schedules of times and amounts acceptable for effecting recoveries. An entity's failure to perform subjects its license to suspension or revocation under RCW 28C.10.050 in addition to any other available remedies.

(11) A minimum operating balance of two hundred thousand dollars shall be maintained in the fund. If disbursements reduce the balance below two hundred thousand dollars, each participating entity shall be assessed a prorata share of the deficiency created, based upon the incremental scale created under subsection (5) of this section. The agency shall promptly adopt schedules of times and amounts acceptable for affecting payments of assessments.

Sec. 9. Section 11, chapter 299, Laws of 1986 and RCW 28C.10.110 are each amended to read as follows:

It is an unfair business practice for a private vocational school or agent to:

(1) Fail to comply with the terms of a student enrollment contract or agreement;

(2) Use an enrollment contract form, catalog, brochure, or similar written material affecting the terms and conditions of student enrollment other than that previously submitted to the agency and authorized for use;

(3) Advertise in the help wanted section of a newspaper or otherwise represent falsely, directly or by implication, that the school is an employment agency, is making an offer of employment or otherwise is attempting to conceal the fact that what is being represented are course offerings of a school;

(4) Represent falsely, directly or by implication, that an educational program is approved by a particular industry or that successful completion of the program qualifies a student for admission to a labor union or similar organization or for the receipt of a state license in any business, occupation, or profession;

(5) Represent falsely, directly or by implication, that a student who successfully completes a course or program of instruction may transfer credit for the course or program to any institution of higher education;

(6) Represent falsely, directly or by implication, in advertising or in any other manner, the school's size, location, facilities, equipment, faculty qualifications, or the extent or nature of any approval received from an accrediting association;

(7) Represent that the school is approved, recommended, or endorsed by the state of Washington or by the agency, except the fact that the school is authorized to operate under this chapter may be stated;

(8) Provide prospective students with any testimonial, endorsement, or other information which has the tendency to mislead or deceive prospective students or the public regarding current practices of the school, current conditions for employment opportunities, or probable earnings in the occupation for which the education was designed;

(9) Designate or refer to sales representatives as "counselors," "advisors," or similar terms which have the tendency to mislead or deceive prospective students or the public regarding the authority or qualifications of the sales representatives;

(10) Make or cause to be made any statement or representation in connection with the offering of education if the school or agent knows or reasonably should have known the statement or representation to be false, substantially inaccurate, or misleading; ((or))

(11) Engage in methods of advertising, sales, collection, credit, or other business practices which are false, deceptive, misleading, or unfair, as determined by the agency by rule; or

(12) Attempt to recruit students in or within forty feet of a building that contains a welfare or unemployment office. Recruiting includes, but is not limited to canvassing and surveying. Recruiting does not include leaving materials at or near an office for a person to pick up of his or her own accord, or handing a brochure or leaflet to a person provided that no attempt is made to obtain a name, address, telephone number, or other data, or to otherwise actively pursue the enrollment of the individual.

It is a violation of this chapter for a private vocational school to engage in an unfair business practice.

Sec. 10. Section 12, chapter 299, Laws of 1986 as amended by section 83, chapter 175, Laws of 1989 and RCW 28C.10.120 are each amended to read as follows:

(1) A person claiming loss of tuition or fees as a result of an unfair business practice may file a complaint with the agency. The complaint shall set forth the alleged violation and shall contain information required by the agency. A complaint may also be filed with the agency by an authorized staff member of the agency or by the attorney general.

(2) The agency shall investigate any complaint under this section and may attempt to bring about a settlement. The agency may hold a hearing pursuant to the Administrative Procedure Act, chapter 34.05 RCW, in order to determine whether a violation has occurred. ~~((If the agency prevails, the private vocational school shall pay the costs of the administrative hearing.))~~

(3) If, after the hearing, the agency finds that the private vocational school or its agent engaged in or is engaging in any unfair business practice,

the agency shall issue and cause to be served upon the violator an order requiring the violator to cease and desist from the act or practice and may impose the penalties under RCW 28C.10.130. If the agency finds that the complainant has suffered loss as a result of the act or practice, the agency may order full or partial restitution for the loss. The complainant is not bound by the agency's determination of restitution and may pursue any other legal remedy.

(4) If the agency prevails in any administrative hearing, the private vocational school shall pay the costs of the administrative hearing.

NEW SECTION. Sec. 11. Until December 31, 1990, the agency shall distribute copies of sections 5 through 10 of this act to each private vocational school licensed by the agency.

NEW SECTION. Sec. 12. Sections 1 through 4 of this act shall expire July 1, 1992.

NEW SECTION. Sec. 13. Sections 1 through 4 and 11 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. 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.

Passed the Senate March 8, 1990.

Passed the House March 8, 1990.

Approved by the Governor March 26, 1990.

Filed in Office of Secretary of State March 26, 1990.

CHAPTER 189

[Substitute Senate Bill No. 6474]

PUBLIC CORPORATIONS—REAL PROPERTY TRANSFERS

AN ACT Relating to public corporations; amending RCW 8.12.020, 35.22.280, and 35.92.040; and adding a new section to chapter 35.21 RCW.

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

NEW SECTION. Sec. 1. A new section is added to chapter 35.21 RCW to read as follows:

(1) In transferring real property to a public corporation, commission, or authority under RCW 35.21.730, the city, town, or county creating such public corporation, commission, or authority shall impose appropriate deed restrictions necessary to ensure the continued use of such property for the public purpose or purposes for which such property is transferred.

(2) The city, town, or county that creates a public corporation, commission, or authority under RCW 35.21.730 shall require of such public corporation, commission, or authority thirty days' advance written notice of any proposed sale or encumbrance of any real property transferred by such city, town, or county to such public corporation, commission, or authority pursuant to RCW 35.21.730(1). At a minimum, such notice shall be provided by such public corporation, commission, or authority to the chief executive or administrative officer of such city, town, or county, and to all members of its legislative body, and to each local newspaper of general circulation, and to each local radio or television station or other news medium which has on file with such corporation, commission, or authority a written request to be notified.

(3) Any property transferred by the city, town, or county that created such public corporation, commission, or authority may be sold or encumbered by such public corporation, commission, or authority only after approval of such sale or encumbrance by the governing body of the public corporation, commission, or authority at a public meeting of which notice was provided pursuant to RCW 42.30.080. Nothing in this section shall be construed to prevent the governing body of the public corporation, commission, or authority from holding an executive session during a regular or special meeting in accordance with RCW 42.30.110(1)(c). In addition, the public corporation, commission, or authority shall advertise notice of the meeting in a local newspaper of general circulation at least twice no less than seven days and no more than two weeks before the public meeting.

Sec. 2. Section 52, chapter 153, Laws of 1907 as amended by section 4, chapter 115, Laws of 1925 ex. sess. and RCW 8.12.020 are each amended to read as follows:

Whenever the word "person" is used in this chapter, the same shall be construed to include any company, corporation or association, the state or any county therein, and the words "city" or "town" wherever used, shall be construed to be either. Whenever the words "installment" or "installments" are used in this chapter, they shall be construed to include installment or installments of interest, as provided in RCW 8.12.420. Whenever the words "public markets" are used in this chapter and the public market is managed in whole or in part by a public corporation created by a city, the words shall be construed to include all real or personal property located in a district or area designated by a city as a public market and traditionally devoted to providing farmers, crafts vendors and other merchants with retail space to market their wares to the public. Property located in such a district or area need not be exclusively or primarily used for such traditional public market retail activities and may include property used for other public purposes including, but not limited to, the provision of human services and low-income or moderate-income housing.

Sec. 3. Section 35.22.280, chapter 7, Laws of 1965 as last amended by section 3, chapter 278, Laws of 1986 and RCW 35.22.280 are each amended to read as follows:

Any city of the first class shall have power:

(1) To provide for general and special elections, for questions to be voted upon, and for the election of officers;

(2) To provide for levying and collecting taxes on real and personal property for its corporate uses and purposes, and to provide for the payment of the debts and expenses of the corporation;

(3) To control the finances and property of the corporation, and to acquire, by purchase or otherwise, such lands and other property as may be necessary for any part of the corporate uses provided for by its charter, and to dispose of any such property as the interests of the corporation may, from time to time, require;

(4) To borrow money for corporate purposes on the credit of the corporation, and to issue negotiable bonds therefor, on such conditions and in such manner as shall be prescribed in its charter; but no city shall, in any manner or for any purpose, become indebted to an amount in the aggregate to exceed the limitation of indebtedness prescribed by chapter 39.36 RCW as now or hereafter amended;

(5) To issue bonds in place of or to supply means to meet maturing bonds or other indebtedness, or for the consolidation or funding of the same;

(6) To purchase or appropriate private property within or without its corporate limits, for its corporate uses, upon making just compensation to the owners thereof, and to institute and maintain such proceedings as may be authorized by the general laws of the state for the appropriation of private property for public use;

(7) To lay out, establish, open, alter, widen, extend, grade, pave, plank, establish grades, or otherwise improve streets, alleys, avenues, sidewalks, wharves, parks, and other public grounds, and to regulate and control the use thereof, and to vacate the same, and to authorize or prohibit the use of electricity at, in, or upon any of said streets, or for other purposes, and to prescribe the terms and conditions upon which the same may be so used, and to regulate the use thereof;

(8) To change the grade of any street, highway, or alley within its corporate limits, and to provide for the payment of damages to any abutting owner or owners who shall have built or made other improvements upon such street, highway, or alley at any point opposite to the point where such change shall be made with reference to the grade of such street, highway, or alley as the same existed prior to such change;

(9) To authorize or prohibit the locating and constructing of any railroad or street railroad in any street, alley, or public place in such city, and to prescribe the terms and conditions upon which any such railroad or street railroad shall be located or constructed; to provide for the alteration, change

of grade, or removal thereof; to regulate the moving and operation of railroad and street railroad trains, cars, and locomotives within the corporate limits of said city; and to provide by ordinance for the protection of all persons and property against injury in the use of such railroads or street railroads;

(10) To provide for making local improvements, and to levy and collect special assessments on property benefited thereby, and for paying for the same or any portion thereof;

(11) To acquire, by purchase or otherwise, lands for public parks within or without the limits of such city, and to improve the same. When the language of any instrument by which any property is so acquired limits the use of said property to park purposes and contains a reservation of interest in favor of the grantor or any other person, and where it is found that the property so acquired is not needed for park purposes and that an exchange thereof for other property to be dedicated for park purposes is in the public interest, the city may, with the consent of the grantor or such other person, his heirs, successors, or assigns, exchange such property for other property to be dedicated for park purposes, and may make, execute, and deliver proper conveyances to effect the exchange. In any case where, owing to death or lapse of time, there is neither donor, heir, successor, or assignee to give consent, this consent may be executed by the city and filed for record with an affidavit setting forth all efforts made to locate people entitled to give such consent together with the facts which establish that no consent by such persons is attainable. Title to property so conveyed by the city shall vest in the grantee free and clear of any trust in favor of the public arising out of any prior dedication for park purposes, but the right of the public shall be transferred and preserved with like force and effect to the property received by the city in such exchange;

(12) To construct and keep in repair bridges, viaducts, and tunnels, and to regulate the use thereof;

(13) To determine what work shall be done or improvements made at the expense, in whole or in part, of the owners of the adjoining contiguous, or proximate property, or others specially benefited thereby; and to provide for the manner of making and collecting assessments therefor;

(14) To provide for erecting, purchasing, or otherwise acquiring waterworks, within or without the corporate limits of said city, to supply said city and its inhabitants with water, or authorize the construction of same by others when deemed for the best interests of such city and its inhabitants, and to regulate and control the use and price of the water so supplied;

(15) To provide for lighting the streets and all public places, and for furnishing the inhabitants thereof with gas or other lights, and to erect, or otherwise acquire, and to maintain the same, or to authorize the erection and maintenance of such works as may be necessary and convenient therefor, and to regulate and control the use thereof;

(16) To establish and regulate markets, and to provide for the weighing, measuring, and inspection of all articles of food and drink offered for sale thereat, or at any other place within its limits, by proper penalties, and to enforce the keeping of proper legal weights and measures by all vendors in such city, and to provide for the inspection thereof. Whenever the words "public markets" are used in this chapter, and the public market is managed in whole or in part by a public corporation created by a city, the words shall be construed to include all real or personal property located in a district or area designated by a city as a public market and traditionally devoted to providing farmers, crafts vendors and other merchants with retail space to market their wares to the public. Property located in such a district or area need not be exclusively or primarily used for such traditional public market retail activities and may include property used for other public purposes including, but not limited to, the provision of human services and low-income or moderate-income housing;

(17) To erect and establish hospitals and pesthouses, and to control and regulate the same;

(18) To provide for establishing and maintaining reform schools for juvenile offenders;

(19) To provide for the establishment and maintenance of public libraries, and to appropriate, annually, such percent of all moneys collected for fines, penalties, and licenses as shall be prescribed by its charter, for the support of a city library, which shall, under such regulations as shall be prescribed by ordinance, be open for use by the public;

(20) To regulate the burial of the dead, and to establish and regulate cemeteries within or without the corporate limits, and to acquire land therefor by purchase or otherwise; to cause cemeteries to be removed beyond the limits of the corporation, and to prohibit their establishment within two miles of the boundaries thereof;

(21) To direct the location and construction of all buildings in which any trade or occupation offensive to the senses or deleterious to public health or safety shall be carried on, and to regulate the management thereof; and to prohibit the erection or maintenance of such buildings or structures, or the carrying on of such trade or occupation within the limits of such corporation, or within the distance of two miles beyond the boundaries thereof;

(22) To provide for the prevention and extinguishment of fires and to regulate or prohibit the transportation, keeping, or storage of all combustible or explosive materials within its corporate limits, and to regulate and restrain the use of fireworks;

(23) To establish fire limits and to make all such regulations for the erection and maintenance of buildings or other structures within its corporate limits as the safety of persons or property may require, and to cause all

such buildings and places as may from any cause be in a dangerous state to be put in safe condition;

(24) To regulate the manner in which stone, brick, and other buildings, party walls, and partition fences shall be constructed and maintained;

(25) To deepen, widen, dock, cover, wall, alter, or change the channels of waterways and courses, and to provide for the construction and maintenance of all such works as may be required for the accommodation of commerce, including canals, slips, public landing places, wharves, docks, and levees, and to control and regulate the use thereof;

(26) To control, regulate, or prohibit the anchorage, moorage, and landing of all watercrafts and their cargoes within the jurisdiction of the corporation;

(27) To fix the rates of wharfage and dockage, and to provide for the collection thereof, and to provide for the imposition and collection of such harbor fees as may be consistent with the laws of the United States;

(28) To license, regulate, control, or restrain wharf boats, tugs, and other boats used about the harbor or within such jurisdiction;

(29) To require the owners of public halls or other buildings to provide suitable means of exit; to provide for the prevention and abatement of nuisances, for the cleaning and purification of watercourses and canals, for the drainage and filling up of ponds on private property within its limits, when the same shall be offensive to the senses or dangerous to health; to regulate and control, and to prevent and punish, the defilement or pollution of all streams running through or into its corporate limits, and for the distance of five miles beyond its corporate limits, and on any stream or lake from which the water supply of said city is taken, for a distance of five miles beyond its source of supply; to provide for the cleaning of areas, vaults, and other places within its corporate limits which may be so kept as to become offensive to the senses or dangerous to health, and to make all such quarantine or other regulations as may be necessary for the preservation of the public health, and to remove all persons afflicted with any infectious or contagious disease to some suitable place to be provided for that purpose;

(30) To declare what shall be a nuisance, and to abate the same, and to impose fines upon parties who may create, continue, or suffer nuisances to exist;

(31) To regulate the selling or giving away of intoxicating, malt, vinous, mixed, or fermented liquors as authorized by the general laws of the state: PROVIDED, That no license shall be granted to any person or persons who shall not first comply with the general laws of the state in force at the time the same is granted;

(32) To grant licenses for any lawful purpose, and to fix by ordinance the amount to be paid therefor, and to provide for revoking the same: PROVIDED, That no license shall be granted to continue for longer than one year from the date thereof;

(33) To regulate the carrying on within its corporate limits of all occupations which are of such a nature as to affect the public health or the good order of said city, or to disturb the public peace, and which are not prohibited by law, and to provide for the punishment of all persons violating such regulations, and of all persons who knowingly permit the same to be violated in any building or upon any premises owned or controlled by them;

(34) To restrain and provide for the punishment of vagrants, mendicants, prostitutes, and other disorderly persons;

(35) To provide for the punishment of all disorderly conduct, and of all practices dangerous to public health or safety, and to make all regulations necessary for the preservation of public morality, health, peace, and good order within its limits, and to provide for the arrest, trial, and punishment of all persons charged with violating any of the ordinances of said city. The punishment shall not exceed a fine of five thousand dollars or imprisonment in the city jail for one year, or both such fine and imprisonment. Such cities alternatively may provide that violations of ordinances constitute a civil violation subject to monetary penalties;

(36) To project or extend its streets over and across any tidelands within its corporate limits, and along or across the harbor areas of such city, in such manner as will best promote the interests of commerce;

(37) To provide in their respective charters for a method to propose and adopt amendments thereto.

Sec. 4. Section 35.92.040, chapter 7, Laws of 1965 and RCW 35.92-.040 are each amended to read as follows:

A city or town may also construct, acquire, and operate public markets and cold storage plants for the sale and preservation of butter, eggs, meats, fish, fruits, vegetables, and other perishable provisions. Whenever the words "public markets" are used in this chapter and the public market is managed in whole or in part by a public corporation created by a city, the words shall be construed to include all real or personal property located in a district or area designated by a city as a public market and traditionally devoted to providing farmers, crafts vendors and other merchants with retail space to market their wares to the public. Property located in such a district or area need not be exclusively or primarily used for such traditional public market retail activities and may include property used for other public purposes including, but not limited to, the provision of human services and low-income or moderate-income housing.

Passed the Senate March 5, 1990.

Passed the House March 1, 1990.

Approved by the Governor March 26, 1990.

Filed in Office of Secretary of State March 26, 1990.

CHAPTER 190

[Substitute House Bill No. 2801]
COLLECTION AGENCIES—DEFINITION

AN ACT Relating to collection agencies; and amending RCW 19.16.100.

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

Sec. 1. Section 1, chapter 253, Laws of 1971 ex. sess. as amended by section 81, chapter 158, Laws of 1979 and RCW 19.16.100 are each amended to read as follows:

Unless a different meaning is plainly required by the context, the following words and phrases as hereinafter used in this chapter shall have the following meanings:

(1) "Person" includes individual, firm, partnership, trust, joint venture, association, or corporation.

(2) "Collection agency" means and includes:

(a) Any person directly or indirectly engaged in soliciting claims for collection, or collecting or attempting to collect claims owed or due or asserted to be owed or due another person;

(b) Any person who directly or indirectly furnishes or attempts to furnish, sells, or offers to sell forms represented to be a collection system or scheme intended or calculated to be used to collect claims even though the forms direct the debtor to make payment to the creditor and even though the forms may be or are actually used by the creditor himself in his own name;

(c) Any person who in attempting to collect or in collecting his own claim uses a fictitious name or any name other than his own which would indicate to the debtor that a third person is collecting or attempting to collect such claim.

(3) "Collection agency" does not mean and does not include:

(a) Any individual engaged in soliciting claims for collection, or collecting or attempting to collect claims on behalf of a licensee under this chapter, if said individual is an employee of the licensee;

(b) Any individual collecting or attempting to collect claims for not more than one employer, if all the collection efforts are carried on in the name of the employer and if the individual is an employee of the employer;
(~~(c)~~)

(c) Any person whose collection activities are carried on in his or its true name and are confined and are directly related to the operation of a business other than that of a collection agency, such as but not limited to trust companies, savings and loan associations, building and loan associations, abstract companies doing an escrow business, real estate brokers, public officers acting in their official capacities, persons acting under court

order, lawyers, insurance companies, credit unions, loan or finance companies, mortgage banks, and banks; or

(d) Any person who on behalf of another person prepares or mails monthly or periodic statements of accounts due if all payments are made to that other person and no other collection efforts are made by the person preparing the statements of account.

(4) "Claim" means any obligation for the payment of money or thing of value arising out of any agreement or contract, express or implied.

(5) "Statement of account" means a report setting forth only amounts billed, invoices, credits allowed, or aged balance due.

(6) "Director" means the director of licensing.

~~((6))~~ (7) "Client" or "customer" means any person authorizing or employing a collection agency to collect a claim.

~~((7))~~ (8) "Licensee" means any person licensed under this chapter.

~~((8))~~ (9) "Board" means the Washington state collection agency board.

~~((9))~~ (10) "Debtor" means any person owing or alleged to owe a claim.

Passed the House March 6, 1990.

Passed the Senate March 1, 1990.

Approved by the Governor March 26, 1990.

Filed in Office of Secretary of State March 26, 1990.

CHAPTER 191

[House Bill No. 2808]

COURT COMMISSIONERS—QUALIFICATIONS

AN ACT Relating to the eligibility requirements of court commissioners; and amending RCW 2.24.010.

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

Sec. 1. Section 1, chapter 124, Laws of 1909 as last amended by section 1, chapter 54, Laws of 1979 ex. sess. and RCW 2.24.010 are each amended to read as follows:

There may be appointed in each county or judicial district, by the judges of the superior court having jurisdiction therein, one or more court commissioners for said county or judicial district. Each such commissioner shall be a citizen of the United States ~~((and an elector of the county or judicial district in which he may be appointed;))~~ and shall hold ~~((his))~~ the

office during the pleasure of the judges (~~(appointing him)~~) making the appointment.

Passed the House February 12, 1990.

Passed the Senate March 6, 1990.

Approved by the Governor March 26, 1990.

Filed in Office of Secretary of State March 26, 1990.

CHAPTER 192

[House Bill No. 1323]

PORTABILITY OF PUBLIC EMPLOYMENT RETIREMENT BENEFITS

AN ACT Relating to the portability of public employment retirement benefits; amending RCW 41.54.010, 41.54.030, 41.40.120, and 41.54.040; adding a new section to chapter 41.54 RCW; repealing RCW 41.54.060; providing an effective date; and declaring an emergency.

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

Sec. 1. Section 1, chapter 192, Laws of 1987 as amended by section 1, chapter 195, Laws of 1988 and RCW 41.54.010 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Base salary" means salaries or wages earned by a member of a system during a payroll period for personal services and includes wages and salaries deferred under provisions of the United States internal revenue code, but shall exclude overtime payments, nonmoney maintenance compensation, and lump sum payments for deferred annual sick leave, unused accumulated vacation, unused accumulated annual leave, any form of severance pay, any bonus for voluntary retirement, any other form of leave, or any similar lump sum payment.

(2) "Department" means the department of retirement systems.

(3) "Director" means the director of the department of retirement systems.

(4) "Dual member" means a person who (a) is or becomes a member of a system on or after July 1, 1988, (b) has been a member of one or more other systems, and (c) has never been retired for service from a retirement system and is not receiving a disability retirement or disability leave benefit from any retirement system listed in RCW 41.50.030 or subsection (6) of this section.

(5) "Service" means the same as it may be defined in each respective system. For the purposes of RCW 41.54.030, military service granted under RCW 41.40.170(3) or 43.43.260 may only be based on service accrued under chapter 41.40 or 43.43 RCW, respectively.

(6) "System" means the retirement systems established under chapters 41.32, 41.40, 41.44, and 43.43 RCW and the city employee retirement systems for Seattle, Tacoma, and Spokane. The inclusion of an individual first

class city system is subject to the procedure set forth in (~~RCW 41.54.060~~) section 3 of this act.

Sec. 2. Section 3, chapter 192, Laws of 1987 as amended by section 2, chapter 195, Laws of 1988 and RCW 41.54.030 are each amended to read as follows:

(1) A dual member's service in all systems may be combined for the sole purpose of determining the member's eligibility to receive a service retirement allowance. (~~This subsection does not, however, permit a member to combine service for the purpose of determining the percentage factor to be used in calculating a service retirement allowance in the city employee retirement systems for Seattle and Tacoma.~~)

(2) A dual member who is eligible to retire under any system may elect to retire from all the member's systems and to receive service retirement allowances calculated as provided in this section. Each system shall calculate the allowance using its own criteria except that the member shall be allowed to substitute the member's base salary from any system as the compensation used in calculating the allowance.

(3) The service retirement allowances from a system which, but for this section, would not be allowed to be paid at this date based on the dual member's age shall be either actuarially adjusted from the earliest age upon which the combined service would have made such dual member eligible in that system, or the dual member may choose to defer the benefit until fully eligible.

NEW SECTION. Sec. 3. A new section is added to chapter 41.54 RCW to read as follows:

(1) The cities of Seattle, Spokane, and Tacoma shall each have the option of making an irrevocable election to have its employee retirement system included in the coverage of this chapter by adopting a resolution transmitting it to the director and the joint committee on pension policy prior to December 1, 1990.

The resolution shall indicate the city's desire to be covered by this chapter and its willingness to pay for the cost of the benefits provided by this chapter.

(2) This chapter shall become effective on January 1, 1991, for each city which adopts a resolution pursuant to subsection (1) of this section. However, if all three cities adopt such resolutions prior to June 1, 1990, the provisions of this chapter shall become effective for those systems on July 1, 1990.

Sec. 4. Section 13, chapter 274, Laws of 1947 as last amended by section 25, chapter 109, Laws of 1988 and RCW 41.40.120 are each amended to read as follows:

Membership in the retirement system shall consist of all regularly compensated employees and appointive and elective officials of employers, as defined in this chapter, with the following exceptions:

(1) Persons in ineligible positions;

(2) Employees of the legislature except the officers thereof elected by the members of the senate and the house and legislative committees, unless membership of such employees be authorized by the said committee;

(3) (a) Persons holding elective offices or persons appointed directly by the governor: PROVIDED, That such persons shall have the option of applying for membership during such periods of employment: AND PROVIDED FURTHER, That any persons holding or who have held elective offices or persons appointed by the governor who are members in the retirement system and who have, prior to becoming such members, previously held an elective office, and did not at the start of such initial or successive terms of office exercise their option to become members, may apply for membership to be effective during such term or terms of office, and shall be allowed to establish the service credit applicable to such term or terms of office upon payment of the employee contributions therefor by the employee with interest as determined by the director and employer contributions therefor by the employer or employee with interest as determined by the director: AND PROVIDED FURTHER, That all contributions with interest submitted by the employee under this subsection shall be placed in the employee's individual account in the employee's savings fund and be treated as any other contribution made by the employee, with the exception that any 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 not be considered part of the member's annuity for any purpose except withdrawal of contributions;

(b) A member holding elective office in a town or city who has elected to apply for membership pursuant to (a) of this subsection and who later wishes to be eligible for a retirement allowance shall have the option of ending his or her membership in the retirement system. A member wishing to end his or her membership under this subsection must file, on a form supplied by the department, a statement indicating that the member agrees to irrevocably abandon any claim for service for future periods served as an elected official of a town or city. A member who receives more than ten thousand dollars per year in compensation for his or her elective service is not eligible for the option provided by this subsection (3)(b);

(4) Employees holding membership in, or receiving pension benefits under, any retirement plan operated wholly or in part by an agency of the state or political subdivision thereof, or who are by reason of their current employment contributing to or otherwise establishing the right to receive benefits from any such retirement plan: PROVIDED, HOWEVER, In any

case where the retirement system has in existence an agreement with another retirement system in connection with exchange of service credit or an agreement whereby members can retain service credit in more than one system, such an employee shall be allowed membership rights should the agreement so provide: AND PROVIDED FURTHER, That an employee shall be allowed membership if otherwise eligible while receiving survivor's benefits: AND PROVIDED FURTHER, That an employee shall not either before or after June 7, 1984, be excluded from membership or denied service credit pursuant to this subsection solely on account of: (a) Membership in the plan created under chapter 2.14 RCW; or (b) enrollment under the relief and compensation provisions or the pension provisions of the volunteer firemen's relief and pension fund under chapter 41.24 RCW;

(5) Patient and inmate help in state charitable, penal, and correctional institutions;

(6) "Members" of a state veterans' home or state soldiers' home;

(7) Persons employed by an institution of higher learning or community college, primarily as an incident to and in furtherance of their education or training, or the education or training of a spouse;

(8) Employees of an institution of higher learning or community college during the period of service necessary to establish eligibility for membership in the retirement plans operated by such institutions;

(9) Persons rendering professional services to an employer on a fee, retainer, or contract basis or when the income from these services is less than fifty percent of the gross income received from the person's practice of a profession;

(10) Persons appointed after April 1, 1963, by the liquor control board as agency vendors;

(11) Employees of a labor guild, association, or organization: PROVIDED, That elective officials and employees of a labor guild, association, or organization which qualifies as an employer within this chapter shall have the option of applying for membership;

(12) Persons hired in eligible positions on a temporary basis for a period not to exceed six months: PROVIDED, That if such employees are employed for more than six months in an eligible position they shall become members of the system;

(13) Persons employed by or appointed or elected as an official of a first class city that has its own retirement system: PROVIDED, That any member elected or appointed to an elective office on or after April 1, 1971, shall have the option of continuing as a member of this system in lieu of becoming a member of the city system. A member who elects to continue as a member of this system shall pay the appropriate member contributions and the city shall pay the employer contributions at the rates prescribed by this chapter. The city shall also transfer to this system all of such member's accumulated contributions together with such further amounts as necessary

to equal all employee and employer contributions which would have been paid into this system on account of such service with the city and thereupon the member shall be granted credit for all such service. Any city that becomes an employer as defined in RCW 41.40.010(4) as the result of an individual's election under ~~((the first proviso of))~~ this subsection shall not be required to have all employees covered for retirement under the provisions of this chapter. Nothing in this subsection shall prohibit a city of the first class with its own retirement system from: (a) Transferring all of its current employees to the retirement system established under this chapter, or (b) allowing newly hired employees the option of continuing coverage under the retirement system established by this chapter.

Notwithstanding any other provision of this chapter, persons transferring from employment with a first class city of over four hundred thousand population that has its own retirement system to employment with the state department of agriculture may elect to remain within the retirement system of such city and the state shall pay the employer contributions for such persons at like rates as prescribed for employers of other members of such system;

(14) Employees who (a) are not citizens of the United States, (b) do not reside in the United States, and (c) perform duties outside of the United States;

(15) Employees who (a) are not citizens of the United States, (b) are not covered by chapter 41.48 RCW, (c) are not excluded from membership under this chapter or chapter 41.04 RCW, (d) are residents of this state, and (e) make an irrevocable election to be excluded from membership, in writing, which is submitted to the director within thirty days after employment in an eligible position;

(16) Employees who are citizens of the United States and who reside and perform duties for an employer outside of the United States: PROVIDED, That unless otherwise excluded under this chapter or chapter 41.04 RCW, the employee may apply for membership (a) within thirty days after employment in an eligible position and membership service credit shall be granted from the first day of membership service, and (b) after this thirty-day period, but membership service credit shall be granted only from the date of application;

(17) The city manager or chief administrative officer of a city or town who serves at the pleasure of an appointing authority: PROVIDED, That such persons shall have the option of applying for membership within thirty days from date of their appointment to such positions. Persons serving in such positions as of April 4, 1986, shall continue to be members in the retirement system unless they notify the director in writing prior to December 31, 1986, of their desire to withdraw from membership in the retirement system. A member who withdraws from membership in the system under

this section shall receive a refund of the member's accumulated contributions.

Sec. 5. Section 4, chapter 192, Laws of 1987 as amended by section 3, chapter 195, Laws of 1988 and RCW 41.54.040 are each amended to read as follows:

(1) ~~(The)~~ Except where subsection (4) of this section applies, retirement allowances calculated under RCW 41.54.030 shall be paid separately by each respective current and prior system. Any deductions from such separate payments shall be according to the provisions of the respective systems.

(2) Postretirement adjustments, if any, shall be applied by the respective systems based on the payments made under subsection (1) of this section.

(3) If a dual member dies in service in any system, the surviving spouse shall receive the same benefit from each system that would have been received if the member were active in the system at the time of death based on service actually established in that system. However, this subsection does not make a surviving spouse eligible for the survivor benefits provided in RCW 43.43.270.

(4) The department shall adopt rules under chapter 34.05 RCW to ensure that where a dual member has service in a system established under chapter 41.32, 41.40, 41.44, or 43.43 RCW and service under the city employee retirement system for Seattle, Tacoma, or Spokane, the entire additional cost incurred as a result of the dual member receiving a benefit under this chapter shall be borne by the city retirement system that the person is a member of.

NEW SECTION. Sec. 6. Section 6, chapter 192, Laws of 1987 and RCW 41.54.060 are each repealed.

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 House March 3, 1990.

Passed the Senate February 27, 1990.

Approved by the Governor March 26, 1990.

Filed in Office of Secretary of State March 26, 1990.

CHAPTER 193

[Senate Bill No. 6370]

CITIES AND TOWNS—NAME CHANGES

AN ACT Relating to city or town name changes; adding new sections to chapter 35.62 RCW; and repealing RCW 35.62.020, 35.62.030, 35.62.040, and 35.62.050.

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

NEW SECTION. Sec. 1. A new section is added to chapter 35.62 RCW to read as follows:

The question of whether the name of a city or town shall be changed shall be presented to the voters of the city or town upon either: (1) The adoption of a resolution by the city or town council proposing a specific name change; or (2) the submission of a petition proposing a specific name change that has been signed by voters of the city or town equal in number to at least ten percent of the total number of voters of the city or town who voted at the last municipal general election. However, for any newly incorporated city or town that has not had city officials elected at a normal general municipal election, the election that is used as the base for determining the number of required signatures shall be the election at which the initial elected officials were elected.

The election on changing the name of the city or town shall be held at the next general election occurring sixty or more days after the resolution was adopted, or the resolution was submitted that has been certified by the county auditor as having sufficient valid signatures.

NEW SECTION. Sec. 2. A new section is added to chapter 35.62 RCW to read as follows:

Where only one new name has been proposed by petition or resolution such question shall be in substantially the following form:

"Shall the name of the city (or town) of (insert name) be changed to the city (or town) of (insert the proposed new name) ?"

Yes

No "

If a majority of the votes cast favor the name change, the city or town shall have its name changed effective thirty days after the certification of the election results.

NEW SECTION. Sec. 3. A new section is added to chapter 35.62 RCW to read as follows:

Where more than one name is proposed by either petition or resolution, the question shall be separated into two separate parts and shall be in substantially the following form:

"Shall the name of the city (or town) of (insert name) be changed?"

Yes

No "

"If a name change is approved, which of the following should be the new name?"

 (insert name)

(insert name)
Vote for one."

Voters may select a name change whether or not they vote in favor of changing the name of the city or town. If a majority of the votes cast on the first proposition favor changing the name, the name that receives at least a majority of the total number of votes cast for an alternative name shall become the new name of the city or town effective thirty days after the certification of the election results.

If no alternative name receives a simple majority vote, then an election shall be held at the next November special election date, at which voters shall be given the option of choosing which of the two alternative names that received the most votes shall become the new name of the city or town. This ballot proposition shall be worded substantially as follows:

"Which of the following names shall become the new name of the city (or town) of (insert name) ?

(insert name)
(insert name)
Vote for one."

The name that receives the majority vote shall become the new name of the city or town effective thirty days after the certification of the election results.

NEW SECTION. Sec. 4. The following acts or parts of acts are each repealed:

- (1) Section 35.62.020, chapter 7, Laws of 1965 and RCW 35.62.020;
 - (2) Section 35.62.030, chapter 7, Laws of 1965 and RCW 35.62.030;
 - (3) Section 35.62.040, chapter 7, Laws of 1965 and RCW 35.62.040;
- and
- (4) Section 35.62.050, chapter 7, Laws of 1965 and RCW 35.62.050.

Passed the Senate March 5, 1990.
Passed the House February 28, 1990.
Approved by the Governor March 26, 1990.
Filed in Office of Secretary of State March 26, 1990.

CHAPTER 194
[House Bill No. 2473]
SUBDIVISION OF LAND WITHIN AN IRRIGATION DISTRICT

AN ACT Relating to the subdividing of land that is in whole or in part within an irrigation district; and amending RCW 58.17.310.

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

Sec. 1. Section 2, chapter 150, Laws of 1973 as last amended by section 1, chapter 39, Laws of 1986 and RCW 58.17.310 are each amended to read as follows:

In addition to any other requirements imposed by the provisions of this chapter, the legislative authority of any city, town, or county shall not approve a short plat or final plat, as defined in RCW 58.17.020, for any subdivision, short subdivision, lot, tract, parcel, or site which lies in whole or in part in an irrigation district organized pursuant to chapter 87.03 RCW unless there has been provided an irrigation water right of way for each parcel of land in such district. In addition, if the subdivision, short subdivision, lot, tract, parcel, or site lies within land within the district classified as irrigable, completed irrigation water distribution facilities for such land may be required by the irrigation district by resolution, bylaw, or rule of general applicability as a condition for approval of the short plat or final plat by the legislative authority of the city, town, or county. Rights of way shall be evidenced by the respective plats submitted for final approval to the appropriate legislative authority. In addition, if the subdivision, short subdivision, lot, tract, parcel, or site to be platted is wholly or partially within an irrigation district of two hundred thousand acres or more and has been previously platted by the United States bureau of reclamation as a farm unit in the district, the legislative authority shall not approve for such land a short plat or final plat as defined in RCW 58.17.020 without the approval of the irrigation district and the administrator or manager of the project of the bureau of reclamation, or its successor agency, within which that district lies. Compliance with the requirements of this section together with all other applicable provisions of this chapter shall be a prerequisite, within the expressed purpose of this chapter, to any sale, lease, or development of land in this state.

Passed the House February 12, 1990.

Passed the Senate February 28, 1990.

Approved by the Governor March 26, 1990.

Filed in Office of Secretary of State March 26, 1990.

CHAPTER 195

[Substitute Senate Bill No. 6726]

FIREARM RANGE FACILITIES FUNDING

AN ACT Relating to funding of firearm range facilities; reenacting and amending RCW 9.41.070; adding new sections to chapter 77.12 RCW; creating new sections; repealing RCW 77.12.195; and making an appropriation.

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

NEW SECTION. Sec. 1. Firearms are collected, used for hunting, recreational shooting, and self-defense, and firearm owners as well as bow

users need safe, accessible areas in which to shoot their equipment. Approved shooting ranges provide that opportunity, while at the same time, promote public safety. Interest in all shooting sports has increased while safe locations to shoot have been lost to the pressures of urban growth.

NEW SECTION. Sec. 2. The firearms range account is hereby created in the state general fund. Any funds remaining in the firearm range account established by RCW 77.12.195, at the time of its repeal by section 6 of this act, shall be transferred to the firearms range account established in this section. Moneys in the account shall be subject to legislative appropriation and shall be used for purchase and development of land, construction or improvement of range facilities, including fixed structure construction or remodeling, equipment purchase, safety or environmental improvements, noise abatement, and liability protection for public and nonprofit firearm range training and practice facilities.

Grant funds shall not be used for expendable shooting supplies, or normal operating expenses. Grant funds shall not supplant funds for other organization programs.

The funds will be available to nonprofit shooting organizations, school districts, and state, county, or local governments on a match basis. All ranges receiving matching funds must be open on a regular basis and usable by law enforcement personnel or the general public who possess Washington concealed carry permits or Washington hunting licenses.

Applicants for a grant from the firearms range account shall provide matching funds in either cash or in-kind contributions. The match must represent one dollar in value for each one dollar of the grant. In-kind contributions include but are not limited to labor, materials, and new property. Existing assets and existing development may not apply to the match.

Applicants other than school districts or local or state government must be registered as a nonprofit or not-for-profit organization with the Washington secretary of state and the United States internal revenue service. The organization's articles of incorporation must contain provisions for the organization's structure, officers, legal address, and registered agent.

Organizations requesting grants must provide the hours of range availability for public and law enforcement use. The fee structure will be submitted with the grant application.

Any nonprofit organization or agency accepting a grant under this program will be required to pay back the entire grant amount to the firearms range account if the use of the range facility is discontinued less than ten years after the grant is accepted.

Facilities receiving grants must be open for hunter safety education classes on a regular basis for no fee.

Government units or school districts applying for grants must open their range facility on a regular basis for hunter safety education training.

The interagency committee for outdoor recreation shall adopt rules to implement this act pursuant to chapter 34.05 RCW.

NEW SECTION. Sec. 3. A new section is added to chapter 77.12 RCW to read as follows:

(1) A ten-member firearms range advisory committee is hereby created to provide advice and counsel to the interagency committee for outdoor recreation. The members shall be appointed by the director of the interagency committee for outdoor recreation from the following groups:

- (a) Law enforcement;
- (b) Washington military department;
- (c) Black powder shooting sports;
- (d) Rifle shooting sports;
- (e) Pistol shooting sports;
- (f) Shotgun shooting sports;
- (g) Archery shooting sports;
- (h) Hunter education;
- (i) Hunters; and
- (j) General public.

(2) The firearms range advisory committee members shall serve two-year terms with five new members being selected each year beginning with the third year of the committee's existence. The firearms range advisory committee members shall not receive compensation from the firearms range account. However, travel and per diem costs shall be paid consistent with regulations for state employees.

(3) The interagency committee for outdoor recreation shall provide administrative, operational, and logistical support for the firearms range advisory committee. Expenses directly incurred for supporting this program may be charged by the interagency committee for outdoor recreation against the firearms range account. Expenses shall not exceed ten percent of the yearly income for the range account.

(4) The interagency committee for outdoor recreation shall in cooperation with the firearms range advisory committee:

- (a) Develop an application process;
- (b) Develop an audit and accountability program;
- (c) Screen, prioritize, and approve grant applications; and
- (d) Monitor compliance by grant recipients.

(5) The department of natural resources, the department of wildlife, and the Washington military department are encouraged to provide land, facilitate land exchanges, and support the development of shooting range facilities.

NEW SECTION. Sec. 4. A new section is added to chapter 77.12 RCW to read as follows:

The interagency committee for outdoor recreation may accept gifts and grants upon such terms as the committee shall deem proper. All monetary

gifts and grants shall be deposited in the firearms range account of the general fund.

NEW SECTION. Sec. 5. The interagency committee for outdoor recreation, with advice and counsel from the firearms range advisory committee shall prepare an evaluation of the program and make recommendations to the governor and legislature by December 1, 1991.

Sec. 6. Section 7, chapter 172, Laws of 1935 as last amended by section 1, chapter 36, Laws of 1988, section 1, chapter 219, Laws of 1988, section 1, chapter 223, Laws of 1988, and by section 10, chapter 263, Laws of 1988 and RCW 9.41.070 are each reenacted and amended to read as follows:

(1) The judge of a court of record, the chief of police of a municipality, or the sheriff of a county, shall within thirty days after the filing of an application of any person issue a license to such person to carry a pistol concealed on his or her person within this state for four years from date of issue, for the purposes of protection or while engaged in business, sport, or while traveling. However, if the applicant does not have a valid permanent Washington driver's license or Washington state identification card or has not been a resident of the state for the previous consecutive ninety days, the issuing authority shall have up to sixty days after the filing of the application to issue a license. Such applicant's constitutional right to bear arms shall not be denied to him, unless he or she:

(a) Is ineligible to own a pistol under the provisions of RCW 9.41.040; or

(b) Is under twenty-one years of age; or

(c) Is subject to a court order or injunction regarding firearms pursuant to RCW 10.99.040, 10.99.045, or 26.09.060; or

(d) Is free on bond or personal recognizance pending trial, appeal, or sentencing for a crime of violence; or

(e) Has an outstanding warrant for his or her arrest from any court of competent jurisdiction for a felony or misdemeanor; or

(f) Has been ordered to forfeit a firearm under RCW 9.41.098(1)(d) within one year before filing an application to carry a pistol concealed on his person.

The license shall be revoked immediately upon conviction of a crime which makes such a person ineligible to own a pistol or upon the third conviction for a violation of this chapter within five calendar years.

(2) Upon an order to forfeit a firearm under RCW 9.41.098(1)(d) the license shall:

(a) On the first forfeiture, be revoked by the department of licensing for one year;

(b) On the second forfeiture, be revoked by the department of licensing for two years;

(c) On the third or subsequent forfeiture, be revoked by the department of licensing for five years.

Any person whose license is revoked as a result of a forfeiture of a firearm under RCW 9.41.098(1)(d) may not reapply for a new license until the end of the revocation period.

The license shall be in triplicate, in form to be prescribed by the department of licensing, and shall bear the name, address, and description, fingerprints, and signature of the licensee, and the licensee's driver's license number or state identification card number if used for identification in applying for the license. The license application shall contain a warning substantially as follows:

CAUTION: Although state and local laws do not differ, federal law and state law on the possession of firearms differ. If you are prohibited by federal law from possessing a firearm, you may be prosecuted in federal court. A state license is not a defense to a federal prosecution.

The license application shall contain a description of the major differences between state and federal law and an explanation of the fact that local laws and ordinances on firearms are preempted by state law and must be consistent with state law. The application shall contain questions about the applicant's place of birth, whether the applicant is a United States citizen, and if not a citizen whether the applicant has declared the intent to become a citizen and whether he or she has been required to register with the state or federal government and any identification or registration number, if applicable. The applicant shall not be required to produce a birth certificate or other evidence of citizenship. An applicant who is not a citizen shall provide documentation showing resident alien status and the applicant's intent to become a citizen. A person who makes a false statement regarding citizenship on the application is guilty of a misdemeanor. A person who is not a citizen of the United States, or has not declared his or her intention to become a citizen shall meet the additional requirements of RCW 9.41.170.

The original thereof shall be delivered to the licensee, the duplicate shall within seven days be sent by registered mail to the director of licensing and the triplicate shall be preserved for six years, by the authority issuing said license.

(3) The fee for the original issuance of a four-year license shall be twenty-three dollars: **PROVIDED**, That no other additional charges by any branch or unit of government shall be borne by the applicant for the issuance of the license: **PROVIDED FURTHER**, That the fee shall be distributed as follows:

(a) Four dollars shall be paid to the state general fund;

(b) Four dollars shall be paid to the agency taking the fingerprints of the person licensed;

(c) Twelve dollars shall be paid to the issuing authority for the purpose of enforcing this chapter; and

(d) Three dollars to the firearms range account in the ((wildlife)) general fund.

(4) The fee for the renewal of such license shall be fifteen dollars: PROVIDED, That no other additional charges by any branch or unit of government shall be borne by the applicant for the renewal of the license: PROVIDED FURTHER, That the fee shall be distributed as follows:

(a) Four dollars shall be paid to the state general fund;

(b) Eight dollars shall be paid to the issuing authority for the purpose of enforcing this chapter; and

(c) Three dollars to the firearms range account in the ((wildlife)) general fund.

(5) Payment shall be by cash, check, or money order at the option of the applicant. Additional methods of payment may be allowed at the option of the issuing authority.

(6) A licensee may renew a license if the licensee applies for renewal within ninety days before or after the expiration date of the license. A license so renewed shall take effect on the expiration date of the prior license. A licensee renewing after the expiration date of the license must pay a late renewal penalty of ten dollars in addition to the renewal fee specified in subsection (4) of this section. The fee shall be distributed as follows:

(a) Three dollars shall be deposited in the state wildlife fund and used exclusively for the printing and distribution of a pamphlet on the legal limits of the use of firearms, firearms safety, and the preemptive nature of state law. The pamphlet shall be given to each applicant for a license; and

(b) Seven dollars shall be paid to the issuing authority for the purpose of enforcing this chapter.

(7) Notwithstanding the requirements of subsections (1) through (6) of this section, the chief of police of the municipality or the sheriff of the county of the applicant's residence may issue a temporary emergency license for good cause pending review under subsection (1) of this section.

(8) A political subdivision of the state shall not modify the requirements of this section or chapter, nor may a political subdivision ask the applicant to voluntarily submit any information not required by this section. A civil suit may be brought to enjoin a wrongful refusal to issue a license or a wrongful modification of the requirements of this section or chapter. The civil suit may be brought in the county in which the application was made or in Thurston county at the discretion of the petitioner. Any person who prevails against a public agency in any action in the courts for a violation of this chapter shall be awarded costs, including reasonable attorneys' fees, incurred in connection with such legal action.

NEW SECTION. Sec. 7. Section 9, chapter 263, Laws of 1988 and RCW 77.12.195 are each repealed.

NEW SECTION, Sec. 8. The sum of four hundred fifty thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the firearms range account of the general fund to the interagency committee for outdoor recreation for the purposes of providing grants for firearms range facilities.

Passed the Senate March 5, 1990.

Passed the House March 1, 1990.

Approved by the Governor March 26, 1990.

Filed in Office of Secretary of State March 26, 1990.

CHAPTER 196

[Substitute House Bill No. 2917]

PHYSICIAN ASSISTANTS

AN ACT Relating to physician assistants; amending RCW 18.71A.010, 18.71A.020, 18.71A.030, 18.71A.050, 18.71A.060, 18.71A.070, 69.50.101, 18.71.015, and 18.71.030; reenacting and amending RCW 18.71A.040; adding a new section to chapter 18.71A RCW; and repealing RCW 18.71A.080.

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

Sec. 1. Section 1, chapter 30, Laws of 1971 ex. sess. as last amended by section 1, chapter 113, Laws of 1988 and RCW 18.71A.010 are each amended to read as follows:

(1) "~~((Physician's))~~ Physician assistant" means a person who is (~~((enrolled in, or who has satisfactorily completed, a board approved training program designed to prepare persons))~~ licensed by the board to practice medicine to a limited extent only under the supervision of a physician as defined in chapter 18.71 RCW and who is academically and clinically prepared to provide health care services and perform diagnostic, therapeutic, preventative, and health maintenance services.

(2) "Board" means the board of medical examiners.

(3) "Practice medicine" shall have the meaning defined in RCW 18.71.011.

(4) "Secretary" means the secretary of health or the secretary's designee.

(5) "Department" means the department of health.

Sec. 2. Section 2, chapter 30, Laws of 1971 ex. sess. and RCW 18.71A.020 are each amended to read as follows:

(1) The board shall adopt rules (~~((and regulations))~~ fixing the qualifications and the educational and training requirements for persons who may be employed as ((physician's)) physician assistants or who may be enrolled in any ((physician's)) physician assistant training program. The requirements shall include completion of an accredited physician assistant training program approved by the board and eligibility to take an examination approved by the board, provided such examination tests subjects substantially

equivalent to the curriculum of an accredited physician assistant training program. Physician assistants licensed by the board on the effective date of this 1990 act shall continue to be licensed.

(2)(a) The board shall(~~(, in addition,)~~) adopt rules (~~(and regulations)~~) governing the extent to which (~~(physician's)~~):

(i) Physician assistant(~~(s)~~) students may practice medicine during training; and

(ii) Physician assistants may practice after successful completion of a physician assistant training course.

(b) Such (~~(regulations)~~) rules shall provide:

((~~(1)~~)) (i) That the practice of a (~~(physician's)~~) physician assistant shall be limited to the performance of those services for which he or she is trained; and

((~~(2)~~)) (ii) That each (~~(physician's)~~) physician assistant shall practice medicine only under the supervision and control of a physician licensed in this state, but such supervision and control shall not be construed to necessarily require the personal presence of the supervising physician at the place where services are rendered.

Sec. 3. Section 3, chapter 30, Laws of 1971 ex. sess. and RCW 18.71A.030 are each amended to read as follows:

A (~~(physician's)~~) physician assistant as defined in this chapter may practice medicine in this state only after authorization by the board and only to the extent permitted by the board. A (~~(physician's)~~) physician assistant shall be subject to discipline under chapter (~~(18-72)~~) 18.130 RCW.

Sec. 4. Section 4, chapter 30, Laws of 1971 ex. sess. as last amended by section 61, chapter 7, Laws of 1985 and by section 113, chapter 259, Laws of 1986 and RCW 18.71A.040 are each reenacted and amended to read as follows:

No physician practicing in this state shall (~~(utilize the services of)~~) employ or supervise a (~~(physician's)~~) physician assistant without the approval of the board.

Any physician licensed in this state may apply to the board for permission to (~~(use the services of)~~) employ or supervise a (~~(physician's)~~) physician assistant. The application shall be jointly submitted by the physician and physician assistant and shall be accompanied by a fee determined by the (~~(director)~~) secretary as provided in RCW (~~(43-24-086)~~) 43.70.250. The joint application shall detail the manner and extent to which the (~~(physician's)~~) physician assistant would (~~(be used)~~) practice and be supervised, shall detail the education, training, and experience of the (~~(physician's)~~) physician assistant and shall provide such other information in such form as the board may require.

The board may approve or reject such applications. In addition, the board may modify the proposed (~~(utilization)~~) practice of the (~~(physician's)~~) physician assistant, and approve the application as modified. No

such approval shall extend for more than one year, but approval once granted may be renewed (~~(annually)~~) upon payment of a fee determined by the (~~(director)~~) secretary as provided in RCW (~~(43.24.086)~~) 43.70.250. Whenever it appears to the board that a (~~(physician's)~~) physician assistant is (~~(being-utilized)~~) practicing in a manner inconsistent with the approval granted, the board may withdraw such approval. In the event a hearing is requested upon the rejection of an application, or upon the withdrawal of an approval, a hearing shall be conducted in accordance with chapter 18.130 RCW.

Sec. 5. Section 5, chapter 30, Laws of 1971 ex. sess. as amended by section 114, chapter 259, Laws of 1986 and RCW 18.71A.050 are each amended to read as follows:

No physician who (~~(uses the services of)~~) supervises a (~~(physician's)~~) physician assistant in accordance with and within the terms of any permission granted by the medical examining board shall be considered as aiding and abetting an unlicensed person to practice medicine: PROVIDED, HOWEVER, That any physician shall retain professional and personal responsibility for any act which constitutes the practice of medicine as defined in RCW 18.71.010 when performed by a (~~(physician's)~~) physician assistant in (~~(his)~~) the physician's employ.

Sec. 6. Section 6, chapter 30, Laws of 1971 ex. sess. as amended by section 21, chapter 77, Laws of 1973 and RCW 18.71A.060 are each amended to read as follows:

No health care services may be performed under this chapter in any of the following areas:

(1) The measurement of the powers or range of human vision, or the determination of the accommodation and refractive state of the human eye or the scope of its functions in general, or the fitting or adaptation of lenses or frames for the aid thereof.

(2) The prescribing or directing the use of, or using, any optical device in connection with ocular exercises, visual training, vision training or orthoptics.

(3) The prescribing of contact lenses for, or the fitting or adaptation of contact lenses to, the human eye.

(4) Nothing in this section shall preclude the performance of routine visual screening.

(5) The practice of dentistry or dental hygiene as defined in chapters 18.32 and 18.29 RCW respectively. The exemptions set forth in RCW 18.32.030, paragraphs (1) and (8), shall not apply to a (~~(physician's)~~) physician assistant.

(6) The practice of chiropractic as defined in chapter 18.25 RCW including the adjustment or manipulation of the articulations of the spine.

(7) The practice of podiatry as defined in chapter 18.22 RCW.

Sec. 7. Section 3, chapter 190, Laws of 1975 1st ex. sess. as amended by section 58, chapter 158, Laws of 1979 and RCW 18.71A.070 are each amended to read as follows:

There shall be appointed by the (~~director of licensing~~) secretary an agent whose title shall be "medical practice investigator", who shall have the duty and shall be authorized to enter the clinic, office, or premises where a (~~physician's~~) physician assistant is employed for the purpose of inspecting the registration and utilization of any (~~physician's~~) physician assistant employed therein. Said investigator may serve and execute any notice or process issued under the authority of this chapter and shall perform any other duty prescribed by the (~~director~~) secretary or the board, including assisting other agencies in enforcing the provisions of the law regulating the practice of medicine(~~(: PROVIDED, That funds must be included in the department's 1975-77 operational budget for this program).~~).

Sec. 8. Section 69.50.101, chapter 308, Laws of 1971 ex. sess. as last amended by section 429, chapter 9, Laws of 1989 1st ex. sess. and RCW 69.50.101 are each amended to read as follows:

As used in this chapter:

(a) "Administer" means the direct application of a controlled substance, whether by injection, inhalation, ingestion, or any other means, to the body of a patient or research subject by:

(1) a practitioner, or

(2) the patient or research subject at the direction and in the presence of the practitioner.

(b) "Agent" means an authorized person who acts on behalf of or at the direction of a manufacturer, distributor, or dispenser. It does not include a common or contract carrier, public warehouseman, or employee of the carrier or warehouseman.

(c) "Drug enforcement administration" means the federal drug enforcement administration in the United States Department of Justice, or its successor agency.

(d) "Controlled substance" means a drug, substance, or immediate precursor in Schedules I through V of Article II.

(e) "Counterfeit substance" means a controlled substance which, or the container or labeling of which, without authorization, bears the trademark, trade name, or other identifying mark, imprint, number or device, or any likeness thereof, of a manufacturer, distributor, or dispenser other than the person who in fact manufactured, distributed, or dispensed the substance.

(f) "Deliver" or "delivery" means the actual, constructive, or attempted transfer from one person to another of a controlled substance, whether or not there is an agency relationship.

(g) "Department" means the department of health.

(h) "Dispense" means the interpretation of a prescription or order for a controlled substance and, pursuant to that prescription or order, the proper

selection, measuring, compounding, labeling, or packaging necessary to prepare that prescription or order for delivery.

(i) "Dispenser" means a practitioner who dispenses.

(j) "Distribute" means to deliver other than by administering or dispensing a controlled substance.

(k) "Distributor" means a person who distributes.

(l) "Drug" means (1) substances recognized as drugs in the official United States Pharmacopoeia, official Homeopathic Pharmacopoeia of the United States, or Official National Formulary, or any supplement to any of them; (2) substances intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or animals; (3) substances (other than food) intended to affect the structure or any function of the body of man or animals; and (4) substances intended for use as a component of any article specified in clause (1), (2), or (3) of this subsection. It does not include devices or their components, parts, or accessories.

(m) "Immediate precursor" means a substance which the state board of pharmacy has found to be and by rule designates as being the principal compound commonly used or produced primarily for use, and which is an immediate chemical intermediary used or likely to be used in the manufacture of a controlled substance, the control of which is necessary to prevent, curtail, or limit manufacture.

(n) "Manufacture" means the production, preparation, propagation, compounding, conversion or processing of a controlled substance, either directly or indirectly by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging or repackaging of the substance or labeling or relabeling of its container, except that this term does not include the preparation or compounding of a controlled substance by an individual for his or her own use or the preparation, compounding, packaging, or labeling of a controlled substance:

(1) by a practitioner as an incident to ~~((his))~~ administering or dispensing of a controlled substance in the course of his or her professional practice, or

(2) by a practitioner, or by ~~((his))~~ an authorized agent under ~~((his))~~ the practitioner's supervision, for the purpose of, or as an incident to, research, teaching, or chemical analysis and not for sale.

(o) "Marihuana" means all parts of the plant of the genus Cannabis L., whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted

therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination.

(p) "Narcotic drug" means any of the following, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis:

(1) Opium and opiate, and any salt, compound, derivative, or preparation of opium or opiate.

(2) Any salt, compound, isomer, derivative, or preparation thereof which is chemically equivalent or identical with any of the substances referred to in clause 1, but not including the isoquinoline alkaloids of opium.

(3) Opium poppy and poppy straw.

(4) Coca leaves and any salt, compound, derivative, or preparation of coca leaves, and any salt, compound, isomer, derivative, or preparation thereof which is chemically equivalent or identical with any of these substances, but not including decocainized coca leaves or extractions of coca leaves which do not contain cocaine or ecgonine.

(q) "Opiate" means any substance having an addiction-forming or addiction-sustaining liability similar to morphine or being capable of conversion into a drug having addiction-forming or addiction-sustaining liability. It does not include, unless specifically designated as controlled under RCW 69.50.201, the dextrorotatory isomer of 3-methoxy-n-methylmorphinan and its salts (dextromethorphan). It does include its racemic and levorotatory forms.

(r) "Opium poppy" means the plant of the genus *Papaver* L., except its seeds, capable of producing an opiate.

(s) "Person" means individual, corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership or association, or any other legal entity.

(t) "Poppy straw" means all parts, except the seeds, of the opium poppy, after mowing.

(u) "Practitioner" means:

(1) A physician under chapter 18.71 RCW, a physician assistant under chapter 18.71A RCW, an osteopathic physician or an osteopathic physician and surgeon under chapter 18.57 RCW, a dentist under chapter 18.32 RCW, a chiropodist under chapter 18.22 RCW, a veterinarian under chapter 18.92 RCW, a registered nurse under chapter 18.88 RCW, a licensed practical nurse under chapter 18.78 RCW, a pharmacist under chapter 18.64 RCW or a scientific investigator under this chapter, licensed, registered or otherwise permitted insofar as is consistent with those licensing laws to distribute, dispense, conduct research with respect to or administer a controlled substance in the course of their professional practice or research in this state.

(2) A pharmacy, hospital, or other institution licensed, registered, or otherwise permitted to distribute, dispense, conduct research with respect to, or to administer a controlled substance in the course of professional practice or research in this state.

(3) A physician licensed to practice medicine and surgery or a physician licensed to practice osteopathy and surgery in any state of the United States.

(v) "Production" includes the manufacture, planting, cultivation, growing, or harvesting of a controlled substance.

(w) "Secretary" means the secretary of health or the secretary's designee.

(x) "State", when applied to a part of the United States, includes any state, district, commonwealth, territory, insular possession thereof, and any area subject to the legal authority of the United States of America.

(y) "Ultimate user" means a person who lawfully possesses a controlled substance for his or her own use or for the use of a member of his or her household or for administering to an animal owned by him or her or by a member of his or her household.

(z) "Board" means the state board of pharmacy.

NEW SECTION. Sec. 9. Section 2, chapter 233, Laws of 1977 ex. sess., section 7, chapter 322, Laws of 1985 and RCW 18.71A.080 are each repealed.

NEW SECTION. Sec. 10. A new section is added to chapter 18.71A RCW to read as follows:

Any physician assistant acupuncturist currently licensed by the board may continue to perform acupuncture under the physician assistant license as long as he or she maintains licensure as a physician assistant.

Sec. 11. Section 2, chapter 284, Laws of 1961 as last amended by section 1, chapter 116, Laws of 1987 and RCW 18.71.015 are each amended to read as follows:

There is hereby created a board of medical examiners consisting of six individuals licensed to practice medicine in the state of Washington, one individual who is ~~((registered))~~ licensed as a ~~((physician's))~~ physician assistant under chapter 18.71A RCW ~~((who shall be entitled to vote only on matters directly related to physicians' assistants)), and ((one individual who is not a physician))~~ two individuals who are not physicians, to be known as the Washington state board of medical examiners.

The board shall be appointed by the governor. ~~((The members of the first board shall be appointed within thirty days after March 21, 1961, to serve the following terms: One member for one year, one member for two years, one member for three years, one member for four years, one member for five years, and the physician's assistant for a term of five years, from the date of their appointment, or until their successors are duly appointed and~~

~~qualified:))~~ On expiration of the term of any member, the governor shall appoint for a period of five years an individual of similar qualifications to take the place of such member. Each member shall hold office until the expiration of the term for which such member is appointed or until a successor shall have been appointed and shall have qualified.

Each member of the board shall be a citizen of the United States, must be an actual resident of this state, and, if a physician, must have been licensed to practice medicine in this state for at least five years.

The board shall meet as soon as practicable after appointment and elect a ~~((chairman))~~ chair and a ~~((secretary))~~ vice-chair from its members. Meetings shall be held at least four times a year and at such place as the board shall determine and at such other times and places as the board deems necessary. A majority of the board members serving shall constitute a quorum for the transaction of board business.

It shall require the affirmative vote of a majority of ~~((the members))~~ a quorum of the board to carry any motion or resolution, to adopt any rule, to pass any measure, or to authorize or deny the issuance of any certificate.

Each member of the board shall be compensated in accordance with RCW 43.03.240 and in addition thereto shall be reimbursed for travel expenses incurred in carrying out the duties of the board in accordance with RCW 43.03.050 and 43.03.060. Any such expenses shall be paid from funds appropriated to the department ~~((of licensing))~~.

Any member of the board may be removed by the governor for neglect of duty, misconduct, or malfeasance or misfeasance in office.

Vacancies in the membership of the board shall be filled for the unexpired term by appointment by the governor.

Sec. 12. Section 1, chapter 2, Laws of 1983 as last amended by section 4, chapter 48, Laws of 1988 and RCW 18.71.030 are each amended to read as follows:

Nothing in this chapter shall be construed to apply to or interfere in any way with the practice of religion or any kind of treatment by prayer; nor shall anything in this chapter be construed to prohibit:

(1) The furnishing of medical assistance in cases of emergency requiring immediate attention;

(2) The domestic administration of family remedies;

(3) The administration of oral medication of any nature to students by public school district employees or private elementary or secondary school employees as provided for in chapter 28A.31 RCW, as now or hereafter amended;

(4) The practice of dentistry, osteopathy, osteopathy and surgery, nursing, chiropractic, podiatry, optometry, naturopathy or any other healing art licensed under the methods or means permitted by such license;

(5) The practice of medicine in this state by any commissioned medical officer serving in the armed forces of the United States or public health

service or any medical officer on duty with the United States veterans administration while such medical officer is engaged in the performance of the duties prescribed for him or her by the laws and regulations of the United States;

(6) The practice of medicine by any practitioner licensed by another state or territory in which he or she resides, provided that such practitioner shall not open an office or appoint a place of meeting patients or receiving calls within this state;

(7) The practice of medicine by a person who is a regular student in a school of medicine approved and accredited by the board(~~(-PROVIDED; HOWEVER, That)~~), however, the performance of such services be only pursuant to a regular course of instruction or assignments from his or her instructor, or that such services are performed only under the supervision and control of a person licensed pursuant to this chapter;

(8) The practice of medicine by a person serving a period of postgraduate medical training in a program of clinical medical training sponsored by a college or university in this state or by a hospital accredited in this state(~~(-PROVIDED, That)~~), however, the performance of such services shall be only pursuant to his or her duties as a trainee;

(9) The practice of medicine by a person who is regularly enrolled in a ((physician's)) physician assistant program approved by the board(~~(-PROVIDED, HOWEVER, That)~~), however, the performance of such services be only pursuant to a regular course of instruction in said program(~~(-AND PROVIDED FURTHER, That)~~) and such services are performed only under the supervision and control of a person licensed pursuant to this chapter;

(10) The practice of medicine by a ((registered physician's)) licensed physician assistant which practice is performed under the supervision and control of a physician licensed pursuant to this chapter;

(11) The practice of medicine, in any part of this state which shares a common border with Canada and which is surrounded on three sides by water, by a physician licensed to practice medicine and surgery in Canada or any province or territory thereof;

(12) The administration of nondental anesthesia by a dentist who has completed a residency in anesthesiology at a school of medicine approved by the board of medical examiners(~~(-PROVIDED, That)~~), however, a dentist allowed to administer nondental anesthesia shall do so only under authorization of the patient's attending surgeon, obstetrician, or psychiatrist(~~(-AND PROVIDED FURTHER, That)~~) and the medical disciplinary board shall have jurisdiction to discipline a dentist practicing under this exemption and enjoin or suspend such dentist from the practice of nondental anesthesia according to the provisions of chapter 18.72 RCW and chapter 18.130 RCW;

(13) Emergency lifesaving service rendered by a physician's trained mobile intravenous therapy technician, by a physician's trained mobile airway management technician, or by a physician's trained mobile intensive care paramedic, as defined in RCW 18.71.200, if the emergency lifesaving service is rendered under the responsible supervision and control of a licensed physician;

(14) The provision of clean, intermittent bladder catheterization for students by public school district employees or private school employees as provided for in RCW 18.88.295 and 28A.31.160.

Passed the House March 5, 1990.

Passed the Senate March 2, 1990.

Approved by the Governor March 26, 1990.

Filed in Office of Secretary of State March 26, 1990.

CHAPTER 197

[House Bill No. 2555]

ANIMAL REMEDY ACT REPEAL

AN ACT Relating to the Washington animal remedy act; and repealing RCW 15.52.010, 15.52.050, 15.52.060, 15.52.070, 15.52.080, 15.52.090, 15.52.100, 15.52.110, 15.52.120, 15.52.130, 15.52.140, 15.52.150, 15.52.160, 15.52.170, 15.52.180, 15.52.320, 15.52.330, 15.52.340, and 15.52.900.

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

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

- (1) Section 15.52.010, chapter 11, Laws of 1961 and RCW 15.52.010;
- (2) Section 15.52.050, chapter 11, Laws of 1961 and RCW 15.52.050;
- (3) Section 15.52.060, chapter 11, Laws of 1961 and RCW 15.52.060;
- (4) Section 15.52.070, chapter 11, Laws of 1961 and RCW 15.52.070;
- (5) Section 15.52.080, chapter 11, Laws of 1961 and RCW 15.52.080;
- (6) Section 15.52.090, chapter 11, Laws of 1961 and RCW 15.52.090;
- (7) Section 15.52.100, chapter 11, Laws of 1961 and RCW 15.52.100;
- (8) Section 15.52.110, chapter 11, Laws of 1961 and RCW 15.52.110;
- (9) Section 15.52.120, chapter 11, Laws of 1961 and RCW 15.52.120;
- (10) Section 15.52.130, chapter 11, Laws of 1961 and RCW 15.52.130;
- (11) Section 15.52.140, chapter 11, Laws of 1961 and RCW 15.52.140;
- (12) Section 15.52.150, chapter 11, Laws of 1961 and RCW 15.52.150;
- (13) Section 15.52.160, chapter 11, Laws of 1961 and RCW 15.52.160;
- (14) Section 15.52.170, chapter 11, Laws of 1961 and RCW 15.52.170;

(15) Section 15.52.180, chapter 11, Laws of 1961 and RCW 15.52-.180;

(16) Section 15.52.320, chapter 11, Laws of 1961, section 2, chapter 57, Laws of 1985, section 4, chapter 254, Laws of 1988 and RCW 15.52-.320;

(17) Section 15.52.330, chapter 11, Laws of 1961 and RCW 15.52-.330;

(18) Section 15.52.340, chapter 11, Laws of 1961 and RCW 15.52-.340; and

(19) Section 15.52.900, chapter 11, Laws of 1961 and RCW 15.52-.900.

Passed the House February 6, 1990.

Passed the Senate March 8, 1990.

Approved by the Governor March 26, 1990.

Filed in Office of Secretary of State March 26, 1990.

CHAPTER 198

[House Bill No. 2386]

REGISTRATION FEES—PAYMENT TO AUTHORIZED DEALER—EFFECT

AN ACT Relating to the payment of temporary permit fees to vehicle dealers; and amending RCW 46.16.045.

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

Sec. 1. Section 46.16.045, chapter 12, Laws of 1961 as amended by section 23, chapter 132, Laws of 1973 1st ex. sess. and RCW 46.16.045 are each amended to read as follows:

(1) The department in its discretion may grant a temporary permit to operate a vehicle for which application for registration has been made, where such application is accompanied by the proper fee pending action upon said application by the department.

(2) The department may authorize vehicle dealers properly licensed pursuant to chapter 46.70 RCW to issue temporary permits to operate vehicles under such rules and regulations as the department deems appropriate.

(3) The fee for each temporary permit application distributed to an authorized vehicle dealer shall be five dollars, which shall be credited to the payment of registration fees at the time application for registration is made.

(4) The payment of the registration fees to an authorized dealer is considered payment to the state of Washington.

Passed the House February 6, 1990.

Passed the Senate February 28, 1990.

Approved by the Governor March 26, 1990.

Filed in Office of Secretary of State March 26, 1990.

CHAPTER 199

[Substitute Senate Bill No. 6330]

CONSUMER PROTECTION CIVIL INVESTIGATIVE DEMANDS

AN ACT Relating to consumer protection; and amending RCW 19.86.110.

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

Sec. 1. Section 11, chapter 216, Laws of 1961 as last amended by section 1, chapter 152, Laws of 1987 and RCW 19.86.110 are each amended to read as follows:

(1) Whenever the attorney general believes that any person (a) may be in possession, custody, or control of any original or copy of any book, record, report, memorandum, paper, communication, tabulation, map, chart, photograph, mechanical transcription, or other tangible document or recording, wherever situate, which he believes to be relevant to the subject matter of an investigation of a possible violation of RCW 19.86.020, 19.86.030, 19.86.040, 19.86.050, or 19.86.060, or federal statutes dealing with the same or similar matters that the attorney general is authorized to enforce, or (b) may have knowledge of any information which the attorney general believes relevant to the subject matter of such an investigation, he may, prior to the institution of a civil proceeding thereon, execute in writing and cause to be served upon such a person, a civil investigative demand requiring such person to produce such documentary material and permit inspection and copying, to answer in writing written interrogatories, to give oral testimony, or any combination of such demands pertaining to such documentary material or information: PROVIDED, That this section shall not be applicable to criminal prosecutions.

(2) Each such demand shall:

(a) State the statute and section or sections thereof, the alleged violation of which is under investigation, and the general subject matter of the investigation;

(b) If the demand is for the production of documentary material, describe the class or classes of documentary material to be produced thereunder with reasonable specificity so as fairly to indicate the material demanded;

(c) Prescribe a return date within which the documentary material is to be produced, the answers to written interrogatories are to be made, or a date, time, and place at which oral testimony is to be taken; and

(d) Identify the members of the attorney general's staff to whom such documentary material is to be made available for inspection and copying, to whom answers to written interrogatories are to be made, or who are to conduct the examination for oral testimony.

(3) No such demand shall:

(a) Contain any requirement which would be unreasonable or improper if contained in a subpoena duces tecum, a request for answers to written interrogatories, or a request for deposition upon oral examination issued by a court of this state; or

(b) Require the disclosure of any documentary material which would be privileged, or which for any other reason would not be required by a subpoena duces tecum issued by a court of this state.

(4) Service of any such demand may be made by:

(a) Delivering a duly executed copy thereof to the person to be served, or, if such person is not a natural person, to any officer or managing agent of the person to be served; or

(b) Delivering a duly executed copy thereof to the principal place of business in this state of the person to be served; or

(c) Mailing by registered or certified mail a duly executed copy thereof addressed to the person to be served at the principal place of business in this state, or, if said person has no place of business in this state, to his principal office or place of business.

(5)(a) Documentary material demanded pursuant to the provisions of this section shall be produced for inspection and copying during normal business hours at the principal office or place of business of the person served, or at such other times and places as may be agreed upon by the person served and the attorney general;

(b) Written interrogatories in a demand served under this section shall be answered in the same manner as provided in the civil rules for superior court;

(c) The oral testimony of any person obtained pursuant to a demand served under this section shall be taken in the same manner as provided in the civil rules for superior court for the taking of depositions. In the course of the deposition, the assistant attorney general conducting the examination may exclude from the place where the examination is held all persons other than the person being examined, the person's counsel, and the officer before whom the testimony is to be taken;

(d) Any person compelled to appear pursuant to a demand for oral testimony under this section may be accompanied by counsel;

(e) The oral testimony of any person obtained pursuant to a demand served under this section shall be taken in the county within which the person resides, is found, or transacts business, or in such other place as may be agreed upon between the person served and the attorney general.

(6) If, after prior court approval, a civil investigative demand specifically prohibits disclosure of the existence or content of the demand, unless otherwise ordered by a superior court for good cause shown, it shall be a misdemeanor for any person if not a bank, trust company, mutual savings bank, credit union, or savings and loan association organized under the laws of the United States or of any one of the United States to disclose to any

other person the existence or content of the demand, except for disclosure to counsel for the recipient of the demand or unless otherwise required by law.

(7) No documentary material, answers to written interrogatories, or transcripts of oral testimony produced pursuant to a demand, or copies thereof, shall, unless otherwise ordered by a superior court for good cause shown, be produced for inspection or copying by, nor shall the contents thereof be disclosed to, other than an authorized employee of the attorney general, without the consent of the person who produced such material, answered written interrogatories, or gave oral testimony, except as otherwise provided in this section: PROVIDED, That, under such reasonable terms and conditions as the attorney general shall prescribe, the copies of such documentary material, answers to written interrogatories, or transcripts of oral testimony shall be available for inspection and copying by the person who produced such material, answered written interrogatories, or gave oral testimony, or any duly authorized representative of such person. The attorney general or any assistant attorney general may use such copies of documentary material, answers to written interrogatories, or transcripts of oral testimony as he determines necessary in the enforcement of this chapter, including presentation before any court: PROVIDED, That any such material, answers to written interrogatories, or transcripts of oral testimony which contain trade secrets shall not be presented except with the approval of the court in which action is pending after adequate notice to the person furnishing such material, answers to written interrogatories, or oral testimony.

~~((7))~~ (8) At any time before the return date specified in the demand, or within twenty days after the demand has been served, whichever period is shorter, a petition to extend the return date for, or to modify or set aside a demand issued pursuant to subsection (1), stating good cause, may be filed in the superior court for Thurston county, or in such other county where the parties reside. A petition, by the person on whom the demand is served, stating good cause, to require the attorney general or any person to perform any duty imposed by the provisions of this section, and all other petitions in connection with a demand, may be filed in the superior court for Thurston county, or in the county where the parties reside. The court shall have jurisdiction to impose such sanctions as are provided for in the civil rules for superior court with respect to discovery motions.

~~((8))~~ (9) Whenever any person fails to comply with any civil investigative demand for documentary material, answers to written interrogatories, or oral testimony duly served upon him under this section, or whenever satisfactory copying or reproduction of any such material cannot be done and such person refuses to surrender such material, the attorney general may file, in the trial court of general jurisdiction of the county in which such person resides, is found, or transacts business, and serve upon such person a

petition for an order of such court for the enforcement of this section, except that if such person transacts business in more than one county such petition shall be filed in the county in which such person maintains his principal place of business, or in such other county as may be agreed upon by the parties to such petition. Whenever any petition is filed in the trial court of general jurisdiction of any county under this section, such court shall have jurisdiction to hear and determine the matter so presented and to enter such order or orders as may be required to carry into effect the provisions of this section, and may impose such sanctions as are provided for in the civil rules for superior court with respect to discovery motions.

Passed the Senate March 5, 1990.

Passed the House March 2, 1990.

Approved by the Governor March 26, 1990.

Filed in Office of Secretary of State March 26, 1990.

CHAPTER 200

[Substitute Senate Bill No. 6467]

SECOND DEGREE ARSON AS MURDER

AN ACT Relating to second degree arson as murder; and amending RCW 9A.32.030.

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

Sec. 1. Section 9A.32.030, chapter 260, Laws of 1975 1st ex. sess. as amended by section 3, chapter 38, Laws of 1975-'76 2nd ex. sess. and RCW 9A.32.030 are each amended to read as follows:

(1) A person is guilty of murder in the first degree when:

(a) With a premeditated intent to cause the death of another person, he or she causes the death of such person or of a third person; or

(b) Under circumstances manifesting an extreme indifference to human life, he or she engages in conduct which creates a grave risk of death to any person, and thereby causes the death of a person; or

(c) He or she commits or attempts to commit the crime of either (1) robbery(;) in the first or second degree, (2) rape in the first or second degree, (3) burglary in the first degree, (4) arson in the first or second degree, or (5) kidnapping(;) in the first or second degree, and(;) in the course of (and) or in furtherance of such crime or in immediate flight therefrom, he or she, or another participant, causes the death of a person other than one of the participants(;): Except that in any prosecution under this subdivision (1)(c) in which the defendant was not the only participant in the underlying crime, if established by the defendant by a preponderance of the evidence, it is a defense that the defendant:

(i) Did not commit the homicidal act or in any way solicit, request, command, importune, cause, or aid the commission thereof; and

- (ii) Was not armed with a deadly weapon, or any instrument, article, or substance readily capable of causing death or serious physical injury; and
- (iii) Had no reasonable grounds to believe that any other participant was armed with such a weapon, instrument, article, or substance; and
- (iv) Had no reasonable grounds to believe that any other participant intended to engage in conduct likely to result in death or serious physical injury.

(2) Murder in the first degree is a class A felony.

Passed the Senate February 7, 1990.

Passed the House March 2, 1990.

Approved by the Governor March 26, 1990.

Filed in Office of Secretary of State March 26, 1990.

CHAPTER 201

[Senate Bill No. 6741]

SHORELINE UTILITY EXTENSION PERMIT PROCESS

AN ACT Relating to the permitting process for certain utility extensions; amending RCW 90.58.140; and creating a new section.

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

NEW SECTION. Sec. 1. The legislature finds that delays in substantial development permit review for the extension of vital utility services to existing and lawful uses within the shorelines of the state have caused hardship upon existing residents without serving any of the purposes and policies of the shoreline management act. It is the intent of this act to provide a more expeditious permit review process for that limited category of utility extension activities only, while fully preserving safeguards of public review and appeal rights regarding permit applications and decisions.

Sec. 2. Section 14, chapter 286, Laws of 1971 ex. sess. as last amended by section 1, chapter 22, Laws of 1988 and RCW 90.58.140 are each amended to read as follows:

(1) A development shall not be undertaken on the shorelines of the state unless it is consistent with the policy of this chapter and, after adoption or approval, as appropriate, the applicable guidelines, rules, or master program.

(2) A substantial development shall not be undertaken on shorelines of the state without first obtaining a permit from the government entity having administrative jurisdiction under this chapter.

A permit shall be granted:

(a) From June 1, 1971, until such time as an applicable master program has become effective, only when the development proposed is consistent with: (i) The policy of RCW 90.58.020; and (ii) after their adoption,

the guidelines and rules of the department; and (iii) so far as can be ascertained, the master program being developed for the area;

(b) After adoption or approval, as appropriate, by the department of an applicable master program, only when the development proposed is consistent with the applicable master program and the provisions of chapter 90.58 RCW.

(3) The local government shall establish a program, consistent with rules adopted by the department, for the administration and enforcement of the permit system provided in this section. The administration of the system so established shall be performed exclusively by the local government.

(4) Except as otherwise specifically provided in subsection (13) of this section, the local government shall require notification of the public of all applications for permits governed by any permit system established pursuant to subsection (3) of this section by ensuring that:

(a) A notice of such an application is published at least once a week on the same day of the week for two consecutive weeks in a legal newspaper of general circulation within the area in which the development is proposed; and

(b) Additional notice of such an application is given by at least one of the following methods:

(i) Mailing of the notice to the latest recorded real property owners as shown by the records of the county assessor within at least three hundred feet of the boundary of the property upon which the substantial development is proposed;

(ii) Posting of the notice in a conspicuous manner on the property upon which the project is to be constructed; or

(iii) Any other manner deemed appropriate by local authorities to accomplish the objectives of reasonable notice to adjacent landowners and the public.

The notices shall include a statement that any person desiring to submit written comments concerning an application, or desiring to receive a copy of the final order concerning an application as expeditiously as possible after the issuance of the order, may submit the comments or requests for orders to the local government within thirty days of the last date the notice is to be published pursuant to subsection (a) of this subsection. The local government shall forward, in a timely manner following the issuance of an order, a copy of the order to each person who submits a request for the order.

If a hearing is to be held on an application, notices of such a hearing shall include a statement that any person may submit oral or written comments on an application at the hearing.

(5) The system shall include provisions to assure that construction pursuant to a permit will not begin or be authorized until thirty days from

the date the final order was filed as provided in subsection (6) of this section; or until all review proceedings are terminated if the proceedings were initiated within thirty days from the date of filing as defined in subsection (6) of this section except as follows:

(a) In the case of any permit issued to the state of Washington, department of transportation, for the construction and modification of SR 90 (I-90) on or adjacent to Lake Washington, the construction may begin after thirty days from the date of filing, and the permits are valid until December 31, 1995;

(b) If a permit is granted by the local government and (i) the granting of the permit is appealed to the shorelines hearings board within thirty days of the date of filing, (ii) the hearings board approves the granting of the permit by the local government or approves a portion of the substantial development for which the local government issued the permit, and (iii) an appeal for judicial review of the hearings board decision is filed pursuant to chapter 34.05 RCW, the permittee may request, within ten days of the filing of the appeal with the court, a hearing before the court to determine whether construction may begin pursuant to the permit approved by the hearings board or to a revised permit issued pursuant to the order of the hearings board. If, at the conclusion of the hearing, the court finds that construction pursuant to such a permit would not involve a significant, irreversible damaging of the environment, the court may allow the permittee to begin the construction pursuant to the approved or revised permit as the court deems appropriate. The court may require the permittee to post bonds, in the name of the local government that issued the permit, sufficient to remove the substantial development or to restore the environment if the permit is ultimately disapproved by the courts, or to alter the substantial development if the alteration is ultimately ordered by the courts. Construction pursuant to a permit revised at the direction of the hearings board may begin only on that portion of the substantial development for which the local government had originally issued the permit, and construction pursuant to such a revised permit on other portions of the substantial development may not begin until after all review proceedings are terminated. In such a hearing before the court, the burden of proving whether the construction may involve significant irreversible damage to the environment and demonstrating whether such construction would or would not be appropriate is on the appellant;

(c) If a permit is granted by the local government and the granting of the permit is appealed directly to the superior court for judicial review pursuant to the proviso in RCW 90.58.180(1), the permittee may request the court to remand the appeal to the shorelines hearings board, in which case the appeal shall be so remanded and construction pursuant to such a permit shall be governed by the provisions of subsection (b) of this subsection or may otherwise begin after review proceedings before the hearings board are

terminated if judicial review is not thereafter requested pursuant to chapter 34.05 RCW;

(d) If the permit is for a substantial development meeting the requirements of subsection (13) of this section, construction pursuant to that permit may not begin or be authorized until thirty days from the date the final order was filed as provided in subsection (6) of this section.

If a permittee begins construction pursuant to subsections (a), (b), ~~((or))~~ (c), or (d) of this subsection, the construction is begun at the permittee's own risk. If, as a result of judicial review, the courts order the removal of any portion of the construction or the restoration of any portion of the environment involved or require the alteration of any portion of a substantial development constructed pursuant to a permit, the permittee is barred from recovering damages or costs involved in adhering to such requirements from the local government that granted the permit, the hearings board, or any appellant or intervener.

(6) Any ruling on an application for a permit under the authority of this section, whether it is an approval or a denial, shall, concurrently with the transmittal of the ruling to the applicant, be filed with the department and the attorney general. With regard to a permit other than a permit governed by subsection (12) of this section, "date of filing" as used herein means the date of actual receipt by the department. With regard to a permit for a variance or a conditional use, "date of filing" means the date a decision of the department rendered on the permit pursuant to subsection (12) of this section is transmitted by the department to the local government. The department shall notify in writing the local government and the applicant of the date of filing.

(7) Applicants for permits under this section have the burden of proving that a proposed substantial development is consistent with the criteria that must be met before a permit is granted. In any review of the granting or denial of an application for a permit as provided in RCW 90.58.180 (1) and (2), the person requesting the review has the burden of proof.

(8) Any permit may, after a hearing with adequate notice to the permittee and the public, be rescinded by the issuing authority upon the finding that a permittee has not complied with conditions of a permit. If the department is of the opinion that noncompliance exists, the department shall provide written notice to the local government and the permittee. If the department is of the opinion that the noncompliance continues to exist thirty days after the date of the notice, and the local government has taken no action to rescind the permit, the department may petition the hearings board for a rescission of the permit upon written notice of the petition to the local government and the permittee if the request by the department is made to the hearings board within fifteen days of the termination of the thirty-day notice to the local government.

(9) The holder of a certification from the governor pursuant to chapter 80.50 RCW shall not be required to obtain a permit under this section.

(10) A permit shall not be required for any development on shorelines of the state included within a preliminary or final plat approved by the applicable state agency or local government before April 1, 1971, if:

(a) The final plat was approved after April 13, 1961, or the preliminary plat was approved after April 30, 1969; and

(b) The development is completed within two years after June 1, 1971.

(11) The applicable state agency or local government is authorized to approve a final plat with respect to shorelines of the state included within a preliminary plat approved after April 30, 1969, and before April 1, 1971: PROVIDED, That any substantial development within the platted shorelines of the state is authorized by a permit granted pursuant to this section, or does not require a permit as provided in subsection (10) of this section, or does not require a permit because of substantial development occurred before June 1, 1971.

(12) Any permit for a variance or a conditional use by local government under approved master programs must be submitted to the department for its approval or disapproval.

(13)(a) An application for a substantial development permit for a limited utility extension shall be subject to the following procedures:

(i) The public comment period under subsection (4) of this section shall be twenty days. The notice provided under subsection (4) of this section shall state the manner in which the public may obtain a copy of the local government decision on the application no later than two days following its issuance;

(ii) The local government shall issue its decision to grant or deny the permit within twenty-one days of the last day of the comment period specified in (i) of this subsection; and

(iii) If there is an appeal of the decision to grant or deny the permit to the local government legislative authority, the appeal shall be finally determined by the legislative authority within thirty days.

(b) For purposes of this section, a limited utility extension means the extension of a utility service that:

(i) Is categorically exempt under chapter 43.21C RCW for one or more of the following: Natural gas, electricity, telephone, water, or sewer;

(b) [ii] Will serve an existing use in compliance with this chapter; and

(c) [iii] Will not extend more than twenty-five hundred linear feet within the shorelines of the state.

Passed the Senate March 6, 1990.

Passed the House March 1, 1990.

Approved by the Governor March 26, 1990.

Filed in Office of Secretary of State March 26, 1990.

CHAPTER 202

[Senate Bill No. 6164]

FOOD PRODUCTS TRANSPORTATION

AN ACT Relating to the transportation of food products; amending RCW 69.04.810; adding new sections to chapter 69.04 RCW; creating a new section; and prescribing penalties.

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

NEW SECTION. Sec. 1. The definitions in this section apply throughout sections 1 through 7 of this act:

(1) "Food" means: (a) Any article used for food or drink for humans or used as a component of such an article; or (b) a food grade substance.

(2) "Food grade substance" means a substance which satisfies the requirements of the federal food, drug, and cosmetic act, meat inspection act, and poultry products act and rules promulgated thereunder as materials approved by the federal food and drug administration, United States department of agriculture, or United States environmental protection agency for use: (a) As an additive in food or drink for human consumption, (b) in sanitizing food or drink for human consumption, (c) in processing food or drink for human consumption, or (d) in maintaining equipment with food contact surfaces during which maintenance the substance is expected to come in contact with food or drink for human consumption.

(3) "In bulk form" means a food or substance which is not packaged or contained by anything other than the cargo carrying portion of the vehicle or vessel.

(4) "Vehicle or vessel" means a commercial vehicle or commercial vessel which has a gross weight of more than ten thousand pounds, is used to transport property, and is a motor vehicle, motor truck, trailer, railroad car, or vessel.

NEW SECTION. Sec. 2. (1) Except as provided in sections 4 and 6 of this act, no person may transport in intrastate commerce food in bulk form in the cargo carrying portion of a vehicle or vessel that has been used for transporting in bulk form a cargo other than food.

(2) No person may transport in intrastate commerce food in bulk form in the cargo carrying portion of a vehicle or vessel unless the vehicle or vessel is marked "Food or Food Compatible Only" in conformance with rules adopted under section 3 of this act.

(3) No person may transport in intrastate commerce a substance in bulk form other than food or a substance on a list adopted under section 3 of this act in the cargo carrying portion of a vehicle or vessel marked "Food or Food Compatible Only."

(4) This section does not apply to the transportation of a raw agricultural commodity from the point of its production to the facility at which the commodity is first processed or packaged.

NEW SECTION. Sec. 3. (1) The director of agriculture and the secretary of health shall jointly adopt by rule:

(a) A list of food compatible substances other than food that may be transported in bulk form as cargo in a vehicle or vessel that is also used, on separate occasions, to transport food in bulk form as cargo. The list shall contain those substances that the director and the secretary determine will not pose a health hazard if food in bulk form were transported in the vehicle or vessel after it transported the substance. In making this determination, the director and the secretary shall assume that some residual portion of the substance will remain in the cargo carrying portion of the vehicle or vessel when the food is transported;

(b) The procedures to be used to clean the vehicle or vessel after transporting the substance and prior to transporting the food;

(c) The form of the certificates to be used under section 4 of this act; and

(d) Requirements for the "Food or Food Compatible Only" marking which must be borne by a vehicle or vessel under section 2 or 4 of this act.

(2) In developing and adopting rules under this section and section 5 of this act, the director and the secretary shall consult with the secretary of transportation, the chief of the state patrol, the chair of the utilities and transportation commission, and representatives of the vehicle and vessel transportation industries, food processors, and agricultural commodity organizations.

NEW SECTION. Sec. 4. Transporting food as cargo in bulk form in intrastate commerce in a vehicle or vessel that has previously been used to transport in bulk form a cargo other than food does not constitute a violation of section 2 of this act if:

(1) The cargo is a food compatible substance contained on the list adopted by the director and secretary under section 3 of this act;

(2) The vehicle or vessel has been cleaned as required by the rules adopted under section 3 of this act;

(3) The vehicle or vessel is marked "Food or Food Compatible" in conformance with rules adopted under section 3 of this act; and

(4) A certificate accompanies the vehicle or vessel when the food is transported by other than railroad car which attests, under penalty of perjury, to the fact that the vehicle or vessel has been cleaned as required by those rules and is dated and signed by the party responsible for that cleaning. Such certificates shall be maintained by the owner of the vehicle or vessel for not less than three years and shall be available for inspection concerning compliance with sections 1 through 7 of this act. The director of agriculture and the secretary of health shall jointly adopt rules requiring such certificates for the transportation of food under this section by railroad car and requiring such certificates to be available for inspection concerning

compliance with sections 1 through 7 of this act. Forms for the certificates shall be provided by the department of agriculture.

NEW SECTION. Sec. 5. The director of agriculture and the secretary of health shall jointly adopt by rule:

(1) A list of substances which, if transported in bulk form in the cargo carrying portion of a vehicle or vessel, render the vehicle or vessel permanently unsuitable for use in transporting food in bulk form because the prospect that any residue might be present in the vehicle or vessel when it transports food poses a hazard to the public health; and

(2) Procedures to be used to rehabilitate a vehicle or vessel that has been used to transport a substance other than a substance contained on a list adopted under section 3 of this act or under subsection (1) of this section. The procedures shall ensure that transporting food in the cargo carrying portion of the vehicle or vessel after its rehabilitation will not pose a health hazard.

NEW SECTION. Sec. 6. A vehicle or vessel that has been used to transport a substance other than food or a substance contained on the lists adopted by the director and secretary under sections 3 and 5 of this act, may be rehabilitated and used to transport food only if:

(1) The vehicle or vessel is rehabilitated in accordance with the procedures established by the director and secretary in section 5 of this act;

(2) The vehicle or vessel is inspected by the department of agriculture, and the department determines that transporting food in the cargo carrying portion of the vehicle or vessel will not pose a health hazard;

(3) A certificate accompanies the vehicle or vessel certifying that the vehicle or vessel has been rehabilitated and inspected and is authorized to transport food, and is dated and signed by the director of agriculture, or an authorized agent of the director. Such certificates shall be maintained for the life of the vehicle by the owner of the vehicle or vessel, and shall be available for inspection concerning compliance with sections 1 through 7 of this act. Forms for the certificates shall be provided by the department of agriculture; and

(4) The vehicle or vessel is marked as required by section 2 of this act or is marked and satisfies the requirements of section 4 of this act which are not inconsistent with the rehabilitation authorized by this section.

No vehicle or vessel that has transported in bulk form a substance contained on the list adopted under section 5 of this act qualifies for rehabilitation.

The cost of rehabilitation shall be borne by the vehicle or vessel owner. The director shall determine a reasonable fee to be imposed on the vehicle or vessel owner based on inspection, laboratory, and administrative costs incurred by the department in rehabilitating the vehicle or vessel.

NEW SECTION. Sec. 7. A person who knowingly transports a cargo in violation of section 2 of this act or who knowingly causes a cargo to be transported in violation of section 2 of this act is subject to a civil penalty, as determined by the director of agriculture, for each such violation as follows:

(1) For a person's first violation or first violation in a period of five years, not more than five thousand dollars;

(2) For a person's second or subsequent violation within five years of a previous violation, not more than ten thousand dollars.

The director shall impose the penalty by an order which is subject to the provisions of chapter 34.05 RCW.

The director shall, wherever practical, secure the assistance of other public agencies, including but not limited to the department of health, the utilities and transportation commission, and the state patrol, in identifying and investigating potential violations of section 2 of this act.

NEW SECTION. Sec. 8. The director of agriculture and the secretary of health shall examine, in consultation with an industry advisory committee, the potential hazards that may be posed to the public health by the transportation of food in other than bulk form in intrastate commerce. The director and secretary shall report the findings to the legislature by January 1, 1992, concerning the extent of the potential hazards, the frequency of mixed shipments of packaged food and nonfood items, the manner in which mixed shipments of packaged food and nonfood items are transported, and the incidents of food contamination in Washington state within the past five years. The findings shall include recommendations, if any, for regulating the transportation of food in other than bulk form.

The director and the secretary shall establish an industry advisory committee to provide advice regarding the examination required by this section. The director and the secretary shall jointly appoint not less than nine persons to the committee. These persons shall be representatives from the manufacturing, processing, wholesaling, distributing, and retailing sectors of the food industry.

Sec. 9. Section 99, chapter 257, Laws of 1945 and RCW 69.04.810 are each amended to read as follows:

For the purpose of enforcing the provisions of this chapter, carriers engaged in intrastate commerce, and persons receiving food, drugs, devices, or cosmetics in intrastate commerce or holding such articles so received, shall, upon the request of the director, permit the director at reasonable times, to have access to and to copy all records showing the movement in intrastate commerce of any food, drug, device, or cosmetic, or the holding thereof during or after such movement, and the quantity, shipper, and consignee thereof; and it shall be unlawful for any such carrier or person to fail to permit such access to and the copying of any such records so requested when such request is accompanied by a statement in writing specifying the

nature or kind of food, drug, device, or cosmetic to which such request relates: PROVIDED, That evidence obtained under this section shall not be used in a criminal prosecution of the person from whom obtained: PROVIDED FURTHER, That except for violations of section 2 of this act, penalties levied under section 7 of this act, the requirements of sections 1 through 7 of this act, and the requirements of this section, carriers shall not be subject to the other provisions of this chapter by reason of their receipt, carriage, holding, or delivery of food, drugs, devices, or cosmetics in the usual course of business as carriers.

NEW SECTION. Sec. 10. Sections 1 through 7 of this act are each added to chapter 69.04 RCW.

Passed the Senate March 6, 1990.

Passed the House February 28, 1990.

Approved by the Governor March 27, 1990.

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

CHAPTER 203

[Substitute Senate Bill No. 5340]

ESCROW AGENTS DISBURSEMENTS

AN ACT Relating to depository checks; amending RCW 18.44.070; and adding a new section to chapter 62A.3 RCW.

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

Sec. 1. Section 7, chapter 153, Laws of 1965 as last amended by section 1, chapter 178, Laws of 1988 and RCW 18.44.070 are each amended to read as follows:

Every certificated escrow agent shall keep adequate records of all transactions handled by or through the agent including itemization of all receipts and disbursements of each transaction, which records shall be open to inspection by the director or the director's authorized representatives.

Every certificated agent shall keep a separate escrow fund account in a recognized Washington state depository authorized to receive funds, in which shall be kept separate and apart and segregated from the agent's own funds, all funds or moneys of clients which are being held by the agent pending the closing of a transaction and such funds shall be deposited not later than the first banking day following receipt thereof.

An escrow agent, unless exempted by RCW 18.44.020(2), shall not make disbursements on any escrow account without first receiving deposits directly relating to the account in amounts at least equal to the disbursements. An escrow agent shall not make disbursements until the next business day after the business day on which the funds are deposited unless the deposit is made in cash, by interbank electronic transfer, or in a form that

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

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

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

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

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

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

Passed the Senate March 8, 1990.

Passed the House March 8, 1990.

Approved by the Governor March 27, 1990.

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

CHAPTER 204

[House Bill No. 2362]

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Passed the House February 13, 1990.

Passed the Senate March 1, 1990.

Approved by the Governor March 27, 1990.

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

CHAPTER 205

[Substitute House Bill No. 2476]

CITIES AND TOWNS—LEASING POWERS

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

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

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

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

their approval or rejection in the same manner that bond issues for capital purposes are submitted, and the voters approve the same.

Passed the House February 12, 1990.

Passed the Senate March 2, 1990.

Approved by the Governor March 27, 1990.

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

CHAPTER 206

[House Bill No. 2802]

STATE FACILITIES—PARKING AND TRANSPORTATION

AN ACT Relating to transportation to and from and parking at state facilities; adding new sections to chapter 43.19 RCW; creating a new section; and repealing RCW 46.08.172.

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

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

(1) Access to and from state-owned and leased facilities favors single-passenger automobiles;

(2) Current state facilities in some cases do not provide sufficient parking to meet the demands created by reliance on the single-occupant automobile;

(3) The costs in traffic congestion, pollution, and building roads and parking facilities to support continued access by single passenger automobiles are escalating;

(4) During construction of the natural resources agencies building the number of parking stalls on the capitol campus will be reduced by six hundred spaces;

(5) Cost-effective alternatives to the single-passenger automobile to provide access to state government are available; and

(6) There is broad consensus among state and local governments to pursue a coordinated approach to managing parking and transportation for state facilities to improve access to these facilities.

Therefore, it is the purpose of sections 1 through 5 of this act to provide the department of general administration with authority to develop parking and transportation management programs; ensure that access to state government for customers, employees, and visitors is improved; and promote alternatives to the single-occupant automobile.

NEW SECTION. Sec. 2. The definitions set forth in this section apply throughout this chapter.

(1) "State agency" means any state office, agency, commission, department, board, or institution financed in whole or part from funds appropriated by the legislature, except institutions of higher education.

(2) "State facilities" means all state-owned and leased facilities except state roads and highways, institutions of higher education, state parks, park and ride facilities, ferry terminals, and state military facilities.

(3) "Parking and transportation management" means policies and programs designed for the specific users of state facilities and how those users affect local transportation systems.

NEW SECTION. Sec. 3. To carry out the purposes of sections 1 through 4 of this act, the director of general administration shall:

(1) In consultation with state agencies, state employees, local and regional governments, the business community, and other interested groups, develop and implement a comprehensive state agency transportation and parking management program for state facilities;

(2) Implement alternatives to the single-occupant automobile, including but not limited to identifying alternative methods of travel, and programs and facilities and funding sources that support these alternatives;

(3) Provide transportation and parking criteria in the development of new or renovated state facilities, including but not limited to facility siting and design;

(4) Establish standards governing the management and allocation of parking spaces in state-owned and leased parking facilities, among visitors, clients, state employees, and service providers;

(5) Establish a fair and equitable system, considering market rates, of parking rates for users of state-owned and leased facilities;

(6) Establish an operational unit within the department and employ such personnel as are necessary to carry out the purposes of sections 1 through 4 of this act. The program manager is exempt from chapter 41.06 RCW;

(7) Establish necessary rules and procedures for carrying out the purposes of sections 1 through 4 of this act;

(8) Delegate the authority granted to the director under sections 3 and 4 of this act to any agency upon such terms as considered advisable.

NEW SECTION. Sec. 4. The director of general administration shall establish fees and charges for parking and transportation programs. Fees and charges shall be used as follows:

(1) Revenues collected from parking charges on the capitol campus shall be first applied to debt service as specified in the revenue bonds issued for the parking facilities constructed under RCW 79.24.300 through 79.24.340.

(2) The state agency transportation and parking management account is created in the state treasury. Any funds remaining after the debt specified by subsection (1) of this section is satisfied, as well as revenues collected as parking fees at locations other than the capitol campus, and charges from

other transportation programs that are part of the state agency transportation and parking management plan shall be paid to the account. The department of general administration shall administer the account, and moneys in the account may be spent only after appropriation.

(3) The account shall be used for the payment of costs, expenses, and charges incurred in the operation and administration of transportation or parking programs administered by the department of general administration, or other state agencies as part of the state agency transportation and parking management program. The programs of the various state agencies shall be treated as separate entities for financial and accounting control. Revenues collected as parking fees or as charges for other transportation programs that are part of the state agency transportation and parking management plan, but that are administered by agencies other than the department of general administration, shall be paid to the account of the agency within the account, and shall be applied to the program from which the revenues were collected.

NEW SECTION. Sec. 5. The director of general administration shall adopt and enforce such rules as may be deemed necessary to accomplish the purpose of sections 1 through 4 of this act.

NEW SECTION. Sec. 6. If specific funding for the purposes of this act, referencing this act by bill number, is not provided by June 30, 1990, in the supplemental omnibus appropriations act, this act shall be null and void.

NEW SECTION. Sec. 7. Sections 1 through 5 of this act are each added to chapter 43.19 RCW.

NEW SECTION. Sec. 8. Section 1, chapter 158, Laws of 1963, section 323, chapter 258, Laws of 1984, section 59, chapter 57, Laws of 1985, section 901, chapter 2, Laws of 1988 ex. sess. and RCW 46.08.172 are each repealed.

Passed the House March 5, 1990.

Passed the Senate March 2, 1990.

Approved by the Governor March 27, 1990.

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

CHAPTER 207

[House Bill No. 2395]

AIDS—NURSING HOMES REIMBURSEMENT

AN ACT Relating to the reimbursement of nursing homes specifically authorized to meet the needs of persons living with AIDS; amending RCW 74.46.481; and declaring an emergency.

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

Sec. 1. Section 24, chapter 67, Laws of 1983 1st ex. sess. as amended by section 5, chapter 476, Laws of 1987 and RCW 74.46.481 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.

(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 choose 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. 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) 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) 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) 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.

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 6, 1990.

Passed the Senate March 2, 1990.

Approved by the Governor March 27, 1990.

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

CHAPTER 208

[Substitute House Bill No. 2403]

STATE VIDEO TELECOMMUNICATIONS

AN ACT Relating to video telecommunications; amending RCW 43.105.005, 43.105.017, 43.105.020, 43.105.032, 43.105.041, and 43.105.052; adding a new section to chapter 28B.80 RCW; adding a new section to chapter 28B.50 RCW; adding new sections to chapter 43.105 RCW; adding a new section to Title 28A RCW; creating new sections; and declaring an emergency.

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

Sec. 1. Section 1, chapter 504, Laws of 1987 and RCW 43.105.005 are each amended to read as follows:

It is ((the)) a purpose of this chapter to provide for coordinated planning and management of state information services. The legislature recognizes that information systems, telecommunications, equipment, software, and services must satisfy the needs of end users and that many appropriate

and cost-effective alternatives exist for meeting these needs, such as shared mainframe computing, shared voice, data, and video telecommunications services, local area networks, departmental minicomputers, and microcomputers.

Sec. 2. Section 2, chapter 504, Laws of 1987 and RCW 43.105.017 are each amended to read as follows:

It is the intent of the legislature that:

(1) State government use voice, data, and video telecommunications technologies to:

(a) Transmit and increase access to live, interactive classroom instruction and training;

(b) Provide for interactive public affairs presentations, including a public forum for state and local issues;

(c) Facilitate communications and exchange of information among state and local elected officials and the general public;

(d) Enhance state-wide communications within state agencies; and

(e) Through the use of telecommunications, reduce time lost due to travel to in-state meetings;

(2) Information be shared and administered in a coordinated manner, except when prevented by agency responsibilities for security, privacy, or confidentiality;

~~((2))~~ (3) The primary responsibility for the management and use of information, information systems, telecommunications, equipment, software, and services rests with each agency;

~~((3))~~ (4) Resources be used in the most efficient manner and services be shared when cost-effective;

~~((4))~~ (5) A structure be created ~~((a))~~ to:

(a) Plan and manage telecommunications and computing networks~~((:))~~;

(b) ~~((to))~~ Increase agencies' awareness of information sharing opportunities~~((:))~~; and

(c) ~~((to))~~ Assist agencies in implementing such possibilities;

~~((5))~~ (6) An acquisition process for equipment, proprietary software, and related services be established that meets the needs of the users, considers the exchange of information, and promotes fair and open competition;

~~((6))~~ (7) The state improve recruitment, retention, and training of professional staff; ~~((and))~~

~~((7))~~ (8) Plans, proposals, and acquisitions for information services be reviewed from a financial and management perspective as part of the budget process; and

(9) State government adopt policies and procedures that maximize the use of existing video telecommunications resources, coordinate and develop video telecommunications in a manner that is cost-effective and encourages

shared use, and ensure the appropriate use of video telecommunications to fulfill identified needs.

Sec. 3. Section 2, chapter 115, Laws of 1967 ex. sess. as last amended by section 3, chapter 504, Laws of 1987 and RCW 43.105.020 are each amended to read as follows:

As used in this chapter, unless the context indicates otherwise, the following definitions shall apply:

- (1) "Department" means the department of information services;
- (2) "Board" means the information services board;
- (3) "Local governments" includes all municipal and quasi municipal corporations and political subdivisions, and all agencies of such corporations and subdivisions authorized to contract separately;
- (4) "Director" means the director of the department;
- (5) "Purchased services" means services provided by a vendor to accomplish routine, continuing, and necessary functions. This term includes, but is not limited to, services acquired for equipment maintenance and repair, operation of a physical plant, security, computer hardware and software installation and maintenance, data entry, keypunch services, programming services, and computer time-sharing;
- (6) "Backbone network" means the shared high-density portions of the state's telecommunications transmission facilities. It includes specially conditioned high-speed communications carrier lines, multiplexors, switches associated with such communications lines, and any equipment and software components necessary for management and control of the backbone network;
- (7) "Telecommunications" means the transmission of information by wire, radio, optical cable, electromagnetic, or other means;
- (8) "Information processing" means the electronic capture, collection, storage, manipulation, transmission, retrieval, and presentation of information in the form of data, text, voice, or image and includes telecommunications and office automation functions;
- (9) "Information services" means data processing, telecommunications, and office automation;
- (10) "Equipment" means the machines, devices, and transmission facilities used in information processing, such as computers, word processors, terminals, telephones, and cables;
- (11) "Proprietary software" means that software offered for sale or license;
- (12) "Video telecommunications" means the electronic interconnection of two or more sites for the purpose of transmitting and/or receiving visual and associated audio information. Video telecommunications shall not include existing public television broadcast stations as currently designated by the department of community development under chapter 43.63A RCW.

*Sec. 4. Section 5, chapter 219, Laws of 1973 1st ex. sess. as last amended by section 4, chapter 504, Laws of 1987 and RCW 43.105.032 are each amended to read as follows:

(1) There is hereby created the Washington state information services board. The board shall be ~~((composed))~~ comprised of ((nine)) the members~~((: Seven members shall be appointed by the governor, and serving at the governor's pleasure as follows: Three representatives from cabinet agencies, one representative from higher education, one representative from a noncabinet executive agency, and two representatives from the private sector. One member shall represent the judicial branch and be appointed by the chief justice of the supreme court. One member shall represent the legislative branch and shall be selected by the president of the senate and the speaker of the house of representatives))~~ identified under section 5 of this 1990 act.

~~((These))~~ (2) The members under section 5 of this 1990 act shall constitute the membership of the board with full voting rights. ~~((The director shall be an ex officio, nonvoting member of the board;))~~ The board shall select a chairperson from among its members. A majority of the members of the board shall constitute a quorum for the transaction of business.

(3) Vacancies shall be filled in the same manner ~~((that the original appointments were made))~~ as provided for under RCW 43.105.032.

~~((A majority of the members of the board shall constitute a quorum for the transaction of business;))~~

(4) Members of the board shall be compensated for service on the board in accordance with RCW 43.03.240 and shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

*Sec. 4 was vetoed, see message at end of chapter.

*NEW SECTION. Sec. 5. A new section is added to chapter 43.105 RCW to read as follows:

The members of the information services board established under RCW 43.105.032 shall include:

(1) The chief executive officer from four cabinet agencies, appointed by the governor, one of whom shall be the director of the department of information services;

(2) The superintendent of public instruction;

(3) The executive director of the higher education coordinating board;

(4) The executive director of the state board for community college education;

(5) Two members appointed by the governor to represent the private sector;

(6) One member appointed by the chief justice of the state supreme court to represent the judicial branch; and

(7) Two members representing the legislative branch. One legislator shall be appointed by the president of the senate. One legislator shall be appointed by the speaker of the house of representatives.

*Sec. 5 was vetoed, see message at end of chapter.

Sec. 6. Section 6, chapter 219, Laws of 1973 1st ex. sess. as last amended by section 5, chapter 504, Laws of 1987 and RCW 43.105.041 are each amended to read as follows:

The board shall have the following powers and duties related to information services:

(1) To develop standards governing the acquisition and disposition of equipment, proprietary software and purchased services, and confidentiality of computerized data;

(2) To purchase, lease, rent, or otherwise acquire, dispose of, and maintain equipment, proprietary software, and purchased services, or to delegate to other agencies and institutions of state government, under appropriate standards, the authority to purchase, lease, rent, or otherwise acquire, dispose of, and maintain equipment, proprietary software, and purchased services: PROVIDED, That, agencies and institutions of state government are expressly prohibited from acquiring or disposing of equipment, proprietary software, and purchased services without such delegation of authority. The acquisition and disposition of equipment, proprietary software, and purchased services is exempt from RCW 43.19.1919 and, as provided in RCW 43.19.1901, from the provisions of RCW 43.19.190 through 43.19.200. This subsection does not apply to the legislative branch;

(3) To develop state-wide or interagency technical policies, standards, and procedures;

(4) To assure the cost-effective development and incremental implementation of a state-wide video telecommunications system to serve: Public schools; educational service districts; vocational-technical institutes; community colleges; colleges and universities; state and local government; and the general public through public affairs programming;

(5) To provide direction concerning strategic planning goals and objectives for the state. The board shall seek input from the legislature and the judiciary((:));

((5)) (6) To develop and implement a process for the resolution of appeals by:

(a) ((By)) Vendors concerning the conduct of an acquisition process by an agency or the department; or

(b) ((By)) A customer agency concerning the provision of services by the department or by other state agency providers;

((6)) (7) To establish policies for the periodic review by the department of agency performance which may include but are not limited to analysis of:

(a) Planning, management, control, and use of information services;

(b) Training and education; and

(c) Project management;

~~((7))~~ (8) To set its meeting schedules and convene at scheduled times, or meet at the request of a majority of its members, the chair, or the director; and

~~((8))~~ (9) To review and approve that portion of the department's budget requests that provides for support to the board ~~(and~~

~~(9) To abolish the use of service center designations and establish necessary policies and standards to allow Washington State University and the department of transportation to continue the practice of providing information services to other agencies and local governments)).~~

Sec. 7. Section 8, chapter 504, Laws of 1987 and RCW 43.105.052 are each amended to read as follows:

The department shall:

(1) Perform all duties and responsibilities the board delegates to the department, including but not limited to:

(a) The review of agency acquisition plans and requests; and

(b) Implementation of state-wide and interagency policies, standards, and guidelines;

(2) Make available information services to state agencies and local governments on a full cost-recovery basis. These services may include, but are not limited to:

(a) Telecommunications services for voice, data, and video;

(b) Mainframe computing services;

(c) Support for departmental and microcomputer evaluation, installation, and use;

(d) Equipment acquisition assistance, including leasing, brokering, and establishing master contracts;

(e) Facilities management services for information technology equipment, equipment repair, and maintenance service;

(f) Negotiate with local cable companies and local governments to provide for connection to local cable services to allow for access to these public and educational channels in the state;

(g) Office automation services;

(h) System development services; and

(i) Training.

These services are for discretionary use by customers and customers may elect other alternatives for service if those alternatives are more cost-effective or provide better service. Agencies may be required to use the backbone network portions of the telecommunications services during an initial start-up period not to exceed three years;

(3) Establish rates and fees for services provided by the department to assure that the services component of the department is self-supporting. A billing rate plan shall be developed for a two-year period to coincide with

the budgeting process. The rate plan shall be subject to review at least annually by the customer oversight committees. The rate plan shall show the proposed rates by each cost center and will show the components of the rate structure as mutually determined by the department and the customer oversight committees. The same rate structure will apply to all user agencies of each cost center. The rate plan and any adjustments to rates shall be approved by the office of financial management. The services component shall not subsidize the operations of the planning component;

(4) With the advice of the information services board and agencies, develop and publish state-wide goals and objectives at least biennially;

(5) Develop plans for the department's achievement of state-wide goals and objectives. These plans shall address such services as telecommunications, central and distributed computing, local area networks, office automation, and end user computing. The department shall seek the advice of customer oversight committees and the board in the development of these plans;

(6) Under direction of the information services board and in collaboration with the department of personnel, the higher education personnel board, and other agencies as may be appropriate, develop training plans and coordinate training programs that are responsive to the needs of agencies(; ~~in collaboration with the department of personnel and the higher education personnel board~~);

(7) Identify opportunities for the effective use of information services and coordinate appropriate responses to those opportunities;

(8) Assess agencies' projects, acquisitions, plans, or overall information processing performance as requested by the board, agencies, the director of financial management, or the legislature. Agencies may be required to reimburse the department for agency-requested reviews;

(9) Develop planning, budgeting, and expenditure reporting requirements, in conjunction with the office of financial management, for agencies to follow;

(10) Assist the office of financial management with budgetary and policy review of agency plans for information services;

(11) Provide staff support from the planning component to the board for:

(a) Meeting preparation, notices, and minutes;

(b) Promulgation of policies, standards, and guidelines adopted by the board;

(c) Supervision of studies and reports requested by the board;

(d) Conducting reviews and assessments as directed by the board;

((and))

(12) Be the lead agency in coordinating video telecommunications services for all state agencies and develop, pursuant to board policies, standards and common specifications for leased and purchased

telecommunications equipment. The department shall not evaluate the merits of school curriculum, higher education course offerings, or other education and training programs proposed for transmission and/or reception using video telecommunications resources. Nothing in this section shall abrogate or abridge the legal responsibilities of licensees of telecommunications facilities as licensed by the federal communication commission on the effective date of this section; and

(13) Perform all other matters and things necessary to carry out the purposes and provisions of this chapter.

NEW SECTION. Sec. 8. A new section is added to Title 28A RCW to read as follows:

The office of the superintendent of public instruction shall provide state-wide coordination of video telecommunications programming for the common schools.

NEW SECTION. Sec. 9. A new section is added to chapter 28B.80 RCW to read as follows:

The higher education coordinating board shall provide state-wide coordination of video telecommunications programming for the public four-year higher education institutions.

NEW SECTION. Sec. 10. A new section is added to chapter 28B.50 RCW to read as follows:

The state board for community college education shall provide state-wide coordination of video telecommunications programming for the community college system.

***NEW SECTION.** Sec. 11. A new section is added to chapter 43.105 RCW to read as follows:

(1) A video telecommunications advisory committee is created to advise the board on video telecommunications issues. The committee shall:

(a) Develop recommendations for the creation and utilization of state-wide video telecommunications resources;

(b) Assist the board in its development of a strategic direction for future state use of video telecommunications and a coordinated program for the state-wide use of video telecommunications;

(c) Develop a plan to encourage collaborative efforts among state agencies, institutions, and schools to make the most cost-effective use of video telecommunications equipment and resources;

(d) Develop recommendations for the board regarding the use of video telecommunications to conduct state business and expand educational opportunities in ways that are consistent with the overall strategic direction for the state-wide use of video telecommunications resources;

(e) In the event funds are made available, develop criteria for selection of pilot projects using video telecommunications in education, training, and the conduct of state business.

(2) The advisory committee shall be composed of fifteen members, to be appointed as follows:

(a) The director of the higher education coordinating board shall appoint:

(i) A representative from the staff of the higher education coordinating board; and

(ii) A representative from an institution of higher education with experience in use of video telecommunications as an instructional medium;

(b) The director of the state board for community college education shall appoint:

(i) A representative from the staff of the state board for community college education; and

(ii) A representative from a community college with experience in use of video telecommunications as an instructional medium;

(c) The superintendent of public instruction shall appoint:

(i) A representative from the office of the superintendent of public instruction;

(ii) A representative from a school district with experience in use of video telecommunications as an instructional medium;

(iii) A representative from an educational service district with experience in coordination of video telecommunications services; and

(iv) A representative from a public vocational-technical institute with experience in use of video telecommunications as an instructional medium;

(d) The director of the office of financial management shall appoint a representative from the office of financial management;

(e) The director of the department of information services shall appoint:

(i) Two representatives of state agencies with experience or interest in the use of video telecommunications to facilitate state business; and

(ii) Two private sector representatives with expertise in video communications technology and the use of that technology to facilitate business and expand educational opportunities;

(f) The speaker of the house of representatives and the president of the senate shall each appoint a member of the legislature with interest in the coordinated and collaborative development of state-wide video telecommunications resources; and

(g) The director of the department of information services, or his or her designee.

(3) The committee shall select a chairperson from among its members.

*Sec. 11 was vetoed, see message at end of chapter.

NEW SECTION. Sec. 12. (1) The information services board shall develop and submit to the legislature and the governor by December 1, 1990, a plan for the cost-effective, incremental implementation of a coordinated state-wide video telecommunications system.

(2) The plan shall include:

(a) A review of the findings and recommendations of prior telecommunications studies conducted by the superintendent of public instruction, the higher education coordinating board, the state board for community college education, and the departments of information services and community development;

(b) A description of the strengths and weaknesses of the current system;

(c) Recommended system concepts and directions, including a strategic direction for state video telecommunications;

(d) Coordinated roles, responsibilities, and interrelationships among agencies;

(e) Policies and procedures for video telecommunications equipment and services; and

(f) Cost estimates by order of magnitude.

NEW SECTION. Sec. 13. A new section is added to chapter 43.105 RCW to read as follows:

The department of information services and the information services board, respectively, shall adopt rules as necessary under chapter 34.05 RCW to implement the provisions of RCW 43.105.005, 43.105.017, 43.105.032, 43.105.041, 43.105.052, and section 5 of this act.

***NEW SECTION. Sec. 14. Unless the context clearly requires otherwise, the definitions in this section apply to sections 15 and 16 of this act:**

(1) "Commercial promotional activity" means an activity designed to induce the purchase of a particular product or service by students, or to extol the benefits of a product or service to students to make its purchase more attractive, that is conveyed to students electronically through such media as television, videodiscs, computer programs, and video cassette recorders.

(2) "Commercial sponsorship" means the sponsorship or the underwriting of an activity on school premises that does not involve the commercial promotion of a particular product or service.

*Sec. 14 was vetoed, see message at end of chapter.

NEW SECTION. Sec. 15. A new section is added to Title 28A RCW to read as follows:

The superintendent of public instruction, in cooperation with the Washington state school directors' association, shall notify all school districts of the study under section 16 of this act. The superintendent of public instruction shall encourage districts not to make a decision on using televised educational programming that includes commercial advertising until the results of the study under section 16 of this act are available.

*Sec. 15 was vetoed, see message at end of chapter.

***NEW SECTION. Sec. 16. (1) The superintendent of public instruction shall conduct a study on the implications and impact of commercial promotional activities and commercial sponsorship activities on educational programming and upon the education system generally.**

(2) The study shall include:

(a) Districts in Washington that have entered into a contract or agreement that permits, in schools, televised educational programming that includes commercial advertising; and

(b) To the extent possible, districts in other states that pilot-tested or are using televised educational programming in schools that includes commercial advertising.

(3) The study shall include an examination of the impact of such televised educational programming on:

(a) Students', teachers', and administrators' feelings about the value of the programming as part of the social studies curriculum; and

(b) Students', parents', teachers', and administrators' feelings about the appropriateness of required viewing of commercial advertising as part of the televised educational programming.

(4) The superintendent of public instruction shall submit a report to the legislature and to all school districts not later than January 15, 1991. The report shall include findings and recommendations, including policy options relating to allowing, prohibiting, or limiting the use of commercial promotional activities or commercial sponsorship activities in the public school system.

*Sec. 16 was vetoed, see message at end of chapter.

NEW SECTION. Sec. 17. 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 8, 1990.

Passed the Senate March 8, 1990.

Approved by the Governor March 27, 1990, with the exception of certain items which were vetoed.

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

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

"I am returning herewith, without my approval as to sections 4, 5, 11, 14, 15 and 16, Substitute House Bill No. 2403 entitled:

"AN ACT Relating to video telecommunications."

This bill recognizes the need for a well planned, carefully coordinated, and incrementally implemented state-wide telecommunications system and clarifies the relationship and responsibilities of each of the independent state entities involved.

Section 4 and section 5 of the bill would dramatically alter the membership of the Information Services Board. The board gathers input from the broad scope of interests knowledgeable in information technology of all kinds. I am concerned that implementation of sections 4 and 5 would cause a significant loss of continuity in

board membership and diminish for some time the value of its advice on a wide variety of issues currently under its consideration, including telecommunications technology.

Section 11 of the bill would establish an advisory committee to the Information Services Board. As stated, the board already is authorized to receive input from all interested and knowledgeable sources. I encourage it to maximize that opportunity.

Sections 14, 15, and 16 attempt to address the issues surrounding educational programming which includes commercials and its use in public schools. Section 15 calls for the Office of the Superintendent of Public Instruction, in cooperation with the Washington State School Directors' Association, to encourage school districts not to make a decision on using this programming until the results of the study mandated in section 16 are known. This pre-empt's a school district's ability to make reasoned decisions on this subject and prejudices the outcome of the study. These are issues better addressed and resolved at the local level, where the school districts can better identify and weigh the particular advantages and disadvantages of using such programming.

For these reasons, I have vetoed sections 4, 5, 11, 14, 15 and 16 of the bill.

With the exception of sections 4, 5, 11, 14, 15 and 16, Substitute House Bill No. 2403 is approved."

CHAPTER 209

[House Bill No. 2485]

INDUSTRIAL INSURANCE PROGRAM REGULATION

AN ACT Relating to the regulation of industrial insurance; amending RCW 51.14.020 and 51.28.070; and providing an effective date.

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

Sec. 1. Section 27, chapter 289, Laws of 1971 ex. sess. as last amended by section 1, chapter 57, Laws of 1986 and RCW 51.14.020 are each amended to read as follows:

(1) An employer may qualify as a self-insurer by establishing to the director's satisfaction that he or she has sufficient financial ability to make certain the prompt payment of all compensation under this title and all assessments which may become due from such employer. Each application for certification as a self-insurer submitted by an employer shall be accompanied by payment of a fee of one hundred fifty dollars or such larger sum as the director shall find necessary for the administrative costs of evaluation of the applicant's qualifications. Any employer who has formerly been certified as a self-insurer and thereafter ceases to be so certified may not apply for certification within three years of ceasing to have been so certified.

(2) (a) A self-insurer may be required by the director to supplement existing financial ability by depositing in an escrow account in a depository designated by the director, money and/or corporate or governmental securities approved by the director, or a surety bond written by any company admitted to transact surety business in this state, or provide an irrevocable letter of credit issued by a federally or state chartered commercial banking institution authorized to conduct business in the state of Washington filed

with the department. The money, securities, ((or)) bond, or letter of credit shall be in an amount reasonably sufficient in the director's discretion to insure payment of reasonably foreseeable compensation and assessments but not less than the employer's normal expected annual claim liabilities and in no event less than one hundred thousand dollars. In arriving at the amount of money, securities, ((or)) bond, or letter of credit required under this subsection, the director shall take into consideration the financial ability of the employer to pay compensation and assessments and his or her probable continuity of operation. However, a letter of credit shall be acceptable only if the self-insurer has a net worth of not less than five hundred million dollars as evidenced in an annual financial statement prepared by a qualified, independent auditor using generally accepted accounting principles. The money, securities, ((or)) bond, or letter of credit so deposited shall be held by the director to secure the payment of compensation by the self-insurer and to secure payment of his or her assessments. The amount of security may be increased or decreased from time to time by the director. The income from any securities deposited may be distributed currently to the self-insurer.

(b) The letter of credit option authorized in (a) of this subsection shall not apply to self-insurers authorized under RCW 51.14.150 or to self-insurers who are counties, cities, or municipal corporations.

(3) Securities or money deposited by an employer pursuant to subsection (2) of this section shall be returned to him or her upon his or her written request provided the employer files the bond required by such subsection.

(4) If the employer seeking to qualify as a self-insurer has previously insured with the state fund, the director shall require the employer to make up his or her proper share of any deficit or insufficiency in the state fund as a condition to certification as a self-insurer.

(5) A self-insurer may reinsure a portion of his or her liability under this title with any reinsurer authorized to transact such reinsurance in this state: **PROVIDED**, That the reinsurer may not participate in the administration of the responsibilities of the self-insurer under this title. Such reinsurance may not exceed eighty percent of the liabilities under this title.

(6) For purposes of the application of this section, the department may adopt separate rules establishing the security requirements applicable to units of local government. In setting such requirements, the department shall take into consideration the ability of the governmental unit to meet its self-insured obligations, such as but not limited to source of funds, permanency, and right of default.

(7) The director shall adopt rules to carry out the purposes of this section including, but not limited to, rules respecting the terms and conditions of letters of credit and the establishment of the appropriate level of net

worth of the self-insurer to qualify for use of the letter of credit. Only letters of credit issued in strict compliance with the rules shall be deemed acceptable.

Sec. 2. Section 51.28.070, chapter 23, Laws of 1961 as last amended by section 36, chapter 350, Laws of 1977 ex. sess. and RCW 51.28.070 are each amended to read as follows:

Information contained in the claim files and records of injured workers, under the provisions of this title, shall be deemed confidential and shall not be open to public inspection (other than to public employees in the performance of their official duties), but representatives of a claimant, be it an individual or an organization, may review a claim file or receive specific information therefrom upon the presentation of the signed authorization of the claimant. A claimant may review his or her claim file if the director determines, pursuant to criteria adopted by rule, that the review is in the claimant's interest. Employers or their duly authorized representatives may review any files of their own injured workers in connection with any pending claims. Physicians treating or examining workers claiming benefits under this title, or physicians giving medical advice to the department regarding any claim may, at the discretion of the department, inspect the claim files and records of injured workers, and other persons may make such inspection, at the ((departments)) department's discretion, when such persons are rendering assistance to the department at any stage of the proceedings on any matter pertaining to the administration of this title.

NEW SECTION. Sec. 3. Section 1 of this act shall take effect January 1, 1991.

Passed the House February 12, 1990.

Passed the Senate March 1, 1990.

Approved by the Governor March 27, 1990.

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

CHAPTER 210

[Substitute Senate Bill No. 6608]

TRAFFIC VIOLATIONS ENFORCEMENT

AN ACT Relating to enforcement of traffic violations; amending RCW 46.64.020, 46.52-.020, 46.20.336, 46.20.342, 46.20.420, and 46.65.090; adding a new section to chapter 46.20 RCW; and prescribing penalties.

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

Sec. 1. Section 46.64.020, chapter 12, Laws of 1961 as last amended by section 1, chapter 38, Laws of 1988 and RCW 46.64.020 are each amended to read as follows:

(1) The legislature finds that:

(a) Traffic laws are necessary for the safe and expeditious flow of motor vehicle traffic.

(b) For traffic laws to be effective, they must be judiciously and fairly enforced. This enforcement includes the issuance of notices of infraction and citations and the assessment of fines and penalties.

(c) The adjudication of notices of infraction through a written and signed promise to respond, and of citations through a written and signed promise to appear, as provided in this title is an integral and important part of the traffic law system.

(d) Approximately twenty percent of all people issued notices of infraction and citations violate their written and signed promise to respond or appear and obtain notices of failure to respond or appear on their driving records. Through their actions, these people are destroying the effectiveness of the traffic law system and undermining the department of licensing regulatory control of drivers' licenses.

(e) Notices of failure to respond or appear accumulated on a person's driving record shall be considered if they were issued after July 25, 1987.

(2) Any person violating his or her written and signed promise to appear in court or his or her written and signed promise to respond to a notice of traffic infraction, as provided in this title, is guilty of a misdemeanor regardless of the disposition of the charge upon which he or she was originally arrested or the disposition of the notice of infraction: PROVIDED, That a written promise to appear in court or a written promise to respond to a notice of traffic infraction may be complied with by an appearance by counsel: PROVIDED FURTHER, That a person charged under RCW 46.20.021 with driving with an expired driver's license may respond by mailing to the court within fifteen days of the violation, a copy of the person's currently valid driver's license. Any person who has been issued a notice of infraction pursuant to RCW 46.63.030(3) and who fails to respond as provided in this title is guilty of a misdemeanor regardless of the disposition of the notice of infraction.

(3) Any person who drives a motor vehicle within the state and has accumulated two or more notices of failure to appear or respond on his or her driving record maintained by the department of licensing in any five-year period as a result of noncompliance with the traffic ((infraction)) laws in any jurisdiction or court within Washington, or in any jurisdiction or court within other states which are signatories with Washington in a non-resident violator compact or reciprocal agreement under chapter 46.23 RCW, shall be guilty of failure to comply, a gross misdemeanor. A person is not subject to this subsection for failure to pay a fine for any pedestrian, bicycling, or parking offense.

Probable cause for arrest under this subsection is established by the officer obtaining, orally or in writing, information from the department of licensing that two or more notices of failure to appear or respond are on the

person's driving record. For purposes of this chapter, failure to satisfy any penalties imposed under this title is considered equivalent to failure to appear or respond.

Venue for prosecution shall be in the court with jurisdiction in the area of apprehension.

Sec. 2. Section 1, chapter 18, Laws of 1975-'76 2nd ex. sess. as last amended by section 1, chapter 97, Laws of 1980 and RCW 46.52.020 are each amended to read as follows:

(1) A driver of any vehicle involved in an accident resulting in the injury to or death of any person shall immediately stop such vehicle at the scene of such accident or as close thereto as possible but shall then forthwith return to, and in every event remain at, the scene of such accident until he has fulfilled the requirements of subsection (3) of this section; every such stop shall be made without obstructing traffic more than is necessary.

(2) The driver of any vehicle involved in an accident resulting only in damage to a vehicle which is driven or attended by any person or damage to other property shall immediately stop such vehicle at the scene of such accident or as close thereto as possible and shall forthwith return to, and in any event shall remain at, the scene of such accident until he has fulfilled the requirements of subsection (3) of this section; every such stop shall be made without obstructing traffic more than is necessary.

(3) Unless otherwise provided in subsection (7) of this section the driver of any vehicle involved in an accident resulting in injury to or death of any person or damage to any vehicle which is driven or attended by any person or damage to other property shall give his name, address, insurance company, insurance policy number, and vehicle license number and shall exhibit his vehicle driver's license to any person struck or injured or the driver or any occupant of, or any person attending, any such vehicle collided with and shall render to any person injured in such accident reasonable assistance, including the carrying or the making of arrangements for the carrying of such person to a physician or hospital for medical treatment if it is apparent that such treatment is necessary or if such carrying is requested by the injured person or on his behalf. Under no circumstances shall the rendering of assistance or other compliance with the provisions of this subsection be evidence of the liability of any driver for such accident.

(4) Any driver covered by the provisions of subsection (1) of this section failing to stop or comply with any of the requirements of subsection (3) of this section under said circumstances shall be guilty of a class C felony and, upon conviction, be punished pursuant to RCW 9A.20.020: PROVIDED, That this provision shall not apply to any person injured or incapacitated by such accident to the extent of being physically incapable of complying herewith.

(5) Any driver covered by the provisions of subsection (2) of this section failing to stop or to comply with any of the requirements of subsection

(3) of this section under said circumstances shall be guilty of a gross misdemeanor (~~((and, upon conviction, be punished by imprisonment for not less than thirty days nor more than one year or by a fine of not less than one hundred dollars nor more than five hundred dollars, or by both such fine and imprisonment))~~): PROVIDED, That this provision shall not apply to any person injured or incapacitated by such accident to the extent of being physically incapable of complying herewith.

(6) The license or permit to drive or any nonresident privilege to drive of any person convicted under this section or any local ordinance consisting of substantially the same language as this section of failure to stop and give information or render aid following an accident with any vehicle driven or attended by any person shall be revoked by the department.

(7) If none of the persons specified are in condition to receive the information to which they otherwise would be entitled under subsection (3) of this section, and no police officer is present, the driver of any vehicle involved in such accident after fulfilling all other requirements of subsections (1) and (3) of this section insofar as possible on his part to be performed, shall forthwith report such accident to the nearest office of the duly authorized police authority and submit thereto the information specified in subsection (3) of this section.

Sec. 3. Section 41, chapter 121, Laws of 1965 ex. sess. as amended by section 1, chapter 92, Laws of 1981 and RCW 46.20.336 are each amended to read as follows:

It is a misdemeanor for any person:

(1) To display or cause or permit to be displayed or have in his or her possession any (~~((canceled, revoked, suspended;))~~) fictitious or fraudulently altered driver's license or identicard;

(2) To lend his or her driver's license or identicard to any other person or knowingly permit the use thereof by another;

(3) To display or represent as one's own any driver's license or identicard not issued to him or her;

(4) Willfully to fail or refuse to surrender to the department upon its lawful demand any driver's license or identicard which has been suspended, revoked or canceled;

(5) To use a false or fictitious name in any application for a driver's license or identicard or to knowingly make a false statement or to knowingly conceal a material fact or otherwise commit a fraud in any such application;

(6) To permit any unlawful use of a driver's license or identicard issued to him or her.

NEW SECTION. Sec. 4. A new section is added to chapter 46.20 RCW to read as follows:

It is a traffic infraction for any person to display or cause or permit to be displayed or have in his or her possession any canceled, revoked, or suspended driver's license or identicard.

Sec. 5. Section 3, chapter 148, Laws of 1980 as last amended by section 1, chapter 388, Laws of 1987 and RCW 46.20.342 are each amended to read as follows:

(1) Any person who drives a motor vehicle (~~(on any public highway of)~~ in this state while that person is in a suspended or revoked status or when his or her privilege so to do is suspended or revoked in this or any other state or when his or her policy of insurance or bond, when required under this title, has been canceled or terminated, is guilty of a gross misdemeanor. ~~((Upon the first conviction for a violation of this section, a person shall be punished by imprisonment for not less than ten days nor more than six months. Upon the second conviction, the person shall be punished by imprisonment for not less than ninety days nor more than one year. Upon the third or subsequent such conviction, the person shall be punished by imprisonment for not less than one year. There may also be imposed in connection with each such conviction a fine of not more than five hundred dollars.))~~)

(2) Except as otherwise provided in this subsection, upon receiving a record of conviction of any person or upon receiving an order by any juvenile court or any duly authorized court officer of the conviction of any juvenile under this section upon a charge of driving a vehicle while the license of the person is under suspension, the department shall extend the period of the suspension for an additional like period and if the conviction was upon a charge of driving while a license was revoked the department shall not issue a new license for an additional period of one year from and after the date the person would otherwise have been entitled to apply for a new license. The department shall not so extend the period of suspension or revocation if the court recommends against the extension and:

(a) The convicted person has obtained a valid driver's license; or

(b) The department determines that the convicted person has demonstrated proof of future financial responsibility as provided for in chapter 46.29 RCW, and, if the suspension or revocation was the result of a violation of RCW 46.61.502 or 46.61.504, that the person is making satisfactory progress in any required alcoholism treatment program.

Sec. 6. Section 2, chapter 134, Laws of 1961 as last amended by section 5, chapter 302, Laws of 1985 and RCW 46.20.420 are each amended to read as follows:

Any resident or nonresident whose driver's license or right or privilege to operate a motor vehicle in this state has been suspended or revoked as provided in this title shall not operate a motor vehicle in this state under a license, permit, or registration certificate issued by any other jurisdiction or otherwise during such suspension or after such revocation until a new license is obtained when and as permitted under this chapter. ~~((First, second, third, and subsequent violations of this section shall be punished in the same~~

~~way as violations of RCW 46.20.342(1):~~) A person who violates the provisions of this section is guilty of a gross misdemeanor.

Sec. 7. Section 11, chapter 284, Laws of 1971 ex. sess. as last amended by section 8, chapter 302, Laws of 1985 and RCW 46.65.090 are each amended to read as follows:

(1) It is unlawful for any person to operate a motor vehicle in this state while the order of revocation remains in effect. Any person found to be an habitual offender under the provisions of this chapter who is convicted of operating a motor vehicle in this state while the order of revocation prohibiting such operation is in effect is guilty of a gross misdemeanor. ~~((First, second, third, and subsequent violations of this subsection shall be punished in the same way as violations of RCW 46.20.342(1), except that)).~~ Upon the first conviction for a violation of this section, a person shall be punished by imprisonment for not less than ten days nor more than six months. Upon the second conviction, the person shall be punished by imprisonment for not less than ninety days nor more than one year. Upon the third or subsequent conviction, the person shall be punished by imprisonment for not less than one year. The minimum sentence of confinement required shall not be suspended or deferred.

(2) Any person convicted for a first violation of subsection (1) of this section who is also convicted of the offense defined in RCW 46.61.502 or 46.61.504, when both convictions arise from the same event, shall be punished in the same way as provided in ~~((RCW 46.20.342(1)))~~ subsection (1) of this section except that the minimum sentence of confinement shall be not less than ~~((thirty))~~ ninety days and shall not be suspended or deferred.

Passed the Senate February 13, 1990.

Passed the House March 2, 1990.

Approved by the Governor March 27, 1990.

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

CHAPTER 211

[Second Substitute House Bill No. 1653]
CREDIT AGREEMENTS

AN ACT Relating to credit agreements; adding new sections to chapter 19.36 RCW; and providing an effective date.

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

NEW SECTION. Sec. 1. "Credit agreement" means an agreement, promise, or commitment to lend money, to otherwise extend credit, to forbear with respect to the repayment of any debt or the exercise of any remedy, to modify or amend the terms under which the creditor has lent money or otherwise extended credit, to release any guarantor or consigner, or to

make any other financial accommodation pertaining to a debt or other extension of credit.

NEW SECTION. Sec. 2. Sections 1 through 6 of this act shall not apply to: (1) A promise, agreement, undertaking, document, or commitment relating to a credit card or charge card; or (2) a loan of money or extension of credit to a natural person that is primarily for personal, family, or household purposes and not primarily for investment, business, agricultural, or commercial purposes.

NEW SECTION. Sec. 3. A credit agreement is not enforceable against the creditor unless the agreement is in writing and signed by the creditor. The rights and obligations of the parties to a credit agreement shall be determined solely from the written agreement, and any prior or contemporaneous oral agreements between the parties are superseded by, merged into, and may not vary the credit agreement. Partial performance of a credit agreement does not remove the agreement from the operation of this section.

NEW SECTION. Sec. 4. If a notice complying with section 5 of this act, is not given simultaneously with or before a credit agreement is made, sections 1 through 6 of this act shall not apply to the credit agreement. Notice, once given to a debtor, shall be effective as to all subsequent credit agreements and effective against the debtor, and its guarantors, successors, and assigns.

NEW SECTION. Sec. 5. The creditor shall give notice to the other party on a separate document or incorporated into one or more of the documents relating to a credit agreement. The notice shall be in type that is bold face, capitalized, underlined, or otherwise set out from surrounding written materials so it is conspicuous. The notice shall state substantially the following:

Oral agreements or oral commitments to loan money, extend credit, or to forbear from enforcing repayment of a debt are not enforceable under Washington law.

NEW SECTION. Sec. 6. Sections 1 through 5 of this act shall take effect July 1, 1990, and shall apply only to credit agreements entered into on or after July 1, 1990.

NEW SECTION. Sec. 7. Sections 1 through 5 of this act are each added to chapter 19.36 RCW.

Passed the House February 9, 1990.

Passed the Senate March 2, 1990.

Approved by the Governor March 27, 1990.

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

CHAPTER 212

[Substitute House Bill No. 3007]

PENSION PLAN NOTICE BY CITIES AND TOWNS

AN ACT Relating to notice of employee pension plans provided by third class cities and fourth class municipalities; and amending RCW 35.24.090 and 35.27.130.

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

Sec. 1. Section 35.24.090, chapter 7, Laws of 1965 as last amended by section 1, chapter 87, Laws of 1973 1st ex. sess. and RCW 35.24.090 are each amended to read as follows:

The mayor and the members of the city council may be reimbursed for actual expenses incurred in the discharge of their official duties, upon presentation of a claim therefor, after allowance and approval thereof, by resolution of the city council; and each city (~~councilman~~) councilmember may be paid for attending council meetings an amount which shall be fixed by ordinance and may be revised from time to time by ordinance, but any increase or reduction in the compensation attaching to an office shall not be applicable to the term then being served by the incumbent.

The city attorney, clerk and treasurer, if elective, shall severally receive at stated times a compensation to be fixed by ordinance by the city council.

The mayor and other officers shall receive such compensation as may be fixed by the city council at the time the estimates are made as provided by law.

Any city that provides a pension for any of its employees under a plan not administered by the state must notify the state auditor of the existence of the plan at the time of an audit of the city by the auditor. No city may establish a pension plan for its employees that is not administered by the state, except that any defined contribution plan in existence as of January 1, 1990, is deemed to have been authorized. No city that provides a defined contribution plan for its employees as authorized by this section may make any material changes in the terms or conditions of the plan after the effective date of this 1990 act.

Sec. 2. Section 35.27.130, chapter 7, Laws of 1965 as last amended by section 2, chapter 87, Laws of 1973 1st ex. sess. and RCW 35.27.130 are each amended to read as follows:

The mayor and members of the town council may be reimbursed for actual expenses incurred in the discharge of their official duties upon presentation of a claim therefor and its allowance and approval by resolution of the town council. The mayor and members of the council may also receive such salary as the council may fix by ordinance.

The treasurer and treasurer-clerk shall severally receive at stated times a compensation to be fixed by ordinance.

The compensation of all other officers shall be fixed from time to time by the council.

Any town that provides a pension for any of its employees under a plan not administered by the state must notify the state auditor of the existence of the plan at the time of an audit of the town by the auditor. No town may establish a pension plan for its employees that is not administered by the state, except that any defined contribution plan in existence as of January 1, 1990, is deemed to have been authorized. No town that provides a defined contribution plan for its employees as authorized by this section may make any material changes in the terms or conditions of the plan after the effective date of this 1990 act.

Passed the House March 3, 1990.

Passed the Senate February 26, 1990.

Approved by the Governor March 27, 1990.

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

CHAPTER 213

[Substitute House Bill No. 2906] CONTAMINATED PROPERTIES

AN ACT Relating to contaminated properties; amending RCW 69.50.505 and 69.50.511; adding a new chapter to Title 64 RCW; creating new sections; prescribing penalties; providing a contingent 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 some properties are being contaminated by hazardous chemicals used in unsafe or illegal ways in the manufacture of illegal drugs. Innocent members of the public may be harmed by the residue left by these chemicals when the properties are subsequently rented or sold without having been decontaminated.

NEW SECTION. Sec. 2. The words and phrases defined in this section shall have the following meanings when used in this chapter unless the context clearly indicates otherwise.

(1) "Authorized contractor" means a person who decontaminates, demolishes, or disposes of contaminated property as required by this chapter who is: (a) Certified by the department as provided for in section 7 of this act, or (b) until January 1, 1991, listed with the department as provided for in section 8 of this act.

(2) "Contaminated" or "contamination" means polluted by hazardous chemicals so that the property is unfit for human habitation or use due to immediate or long-term hazards. Property that at one time was contaminated but has been satisfactorily decontaminated according to procedures established by the state board of health is not "contaminated."

(3) "Hazardous chemicals" means the following substances used in the manufacture of illegal drugs: (a) Hazardous substances as defined in RCW 70.105D.020, and (b) precursor substances as defined in RCW 69.43.010 which the state board of health, in consultation with the state board of pharmacy, has determined present an immediate or long-term health hazard to humans.

(4) "Officer" means a local health officer authorized under chapters 70.05, 70.08, and 70.46 RCW.

(5) "Property" means any property, site, structure, or part of a structure which is involved in the unauthorized manufacture or storage of hazardous chemicals. This includes but is not limited to single-family residences, units of multiplexes, condominiums, apartment buildings, boats, motor vehicles, trailers, manufactured housing, or any shop, booth, or garden.

NEW SECTION. Sec. 3. Whenever a law enforcement agency becomes aware that property has been contaminated by hazardous chemicals, that agency shall report the contamination to the local health officer. The local health officer shall cause a posting of a notice on the premises immediately upon being notified of the contamination and shall cause an inspection to be done on the property within fourteen days after receiving the notice of contamination. If a property owner believes that a tenant has contaminated property that was being leased or rented, and the property is vacated or abandoned, then the property owner shall contact the local health officer about the possible contamination. Local health officers or boards may charge reasonable fees for inspections of property requested by property owners.

If property is determined to be contaminated, then the local health officer shall cause a posting of a notice on the premises. A local health officer may enter, inspect, and survey at reasonable times any properties for which there are reasonable grounds to believe that the property has become contaminated.

Local health officers must report all cases of contaminated property to the state department of health. The department may make the list of contaminated properties available to health associations, landlord and realtor organizations, prosecutors, and other interested groups. The department shall promptly update the list of contaminated properties to remove those which have been decontaminated according to provisions of this chapter.

NEW SECTION. Sec. 4. If after the inspection of the property, the local health officer finds that it is contaminated, then the property shall be found unfit for use. The local health officer shall cause to be served either personally or by certified mail, with return receipt requested, upon all occupants and persons having any interest therein as shown upon the records of the auditor's office of the county in which such property is located, and shall post in a conspicuous place on the property, an order prohibiting use. If the

whereabouts of such persons is unknown and the same cannot be ascertained by the local health officer in the exercise of reasonable diligence, and the health officer makes an affidavit to that effect, then the serving of the order upon such persons may be made either by personal service or by mailing a copy of the order by certified mail, postage prepaid, return receipt requested, to each person at the address appearing on the last equalized tax assessment roll of the county where the property is located or at the address known to the county assessor, and the order shall be posted conspicuously at the residence. A copy of the order shall also be mailed, addressed to each person or party having a recorded right, title, estate, lien, or interest in the property. Such order shall contain a notice that a hearing before the local health board or officer shall be held upon the request of a person required to be notified of the order under this section. The request for a hearing must be made within ten days of serving the order. The hearing shall then be held within not less than twenty days nor more than thirty days after the serving of the order. The officer shall prohibit use as long as the property is found to be contaminated. A copy of the order shall also be filed with the auditor of the county in which the property is located, and such filing of the complaint or order shall have the same force and effect as other *lis pendens* notices provided by law. In any hearing concerning whether property is fit for use, the property owner has the burden of showing that the property is decontaminated or fit for use. The owner or any person having an interest in the property may file an appeal on any order issued by the local health board or officer within thirty days from the date of service of the order with the appeals commission established pursuant to RCW 35.80.030. All proceedings before the appeals commission, including any subsequent appeals to superior court, shall be governed by the procedures established in chapter 35.80 RCW.

NEW SECTION. Sec. 5. The city or county in which the contaminated property is located may take action to condemn or demolish property or to require the property be vacated or the contents removed from the property. The city or county must use an authorized contractor if property is demolished or removed under this section. No city or county may condemn or demolish property pursuant to this section until all procedures granting the right of notice and the opportunity to appeal in section 4 of this act have been exhausted.

NEW SECTION. Sec. 6. An owner of contaminated property who desires to have the property decontaminated must use the services of an authorized contractor to decontaminate the property. The contractor shall prepare and submit a written work plan for decontamination to the local health officer. The local health officer may charge a reasonable fee for review of the work plan. If the work plan is approved and the decontamination is completed and the property is retested according to the plan and

properly documented, then the health officer shall allow reuse of the property. A notice shall be recorded in the real property records if applicable, indicating the property has been decontaminated in accordance with rules of the state department of health.

NEW SECTION. Sec. 7. (1) After January 1, 1991, a contractor may not perform decontamination, demolition, or disposal work unless issued a certificate by the state department of health. The department shall establish performance standards for contractors by rule in accordance with chapter 34.05 RCW, the administrative procedure act. The department shall train and test, or may approve courses to train and test, contractors and their employees on the essential elements in assessing property used as an illegal drug manufacturing or storage site to determine hazard reduction measures needed, techniques for adequately reducing contaminants, use of personal protective equipment, methods for proper demolition, removal, and disposal of contaminated property, and relevant federal and state regulations. Upon successful completion of the training, the contractor or employee shall be certified.

(2) The department may require the successful completion of annual refresher courses provided or approved by the department for the continued certification of the contractor or employee.

(3) The department shall provide for reciprocal certification of any individual trained to engage in decontamination, demolition, or disposal work in another state when the prior training is shown to be substantially similar to the training required by the department. The department may require such individuals to take an examination or refresher course before certification.

(4) The department may deny, suspend, or revoke a certificate for failure to comply with the requirements of this chapter or any rule adopted pursuant to this chapter. A certificate may be denied, suspended, or revoked on any of the following grounds:

(a) Failing to perform decontamination, demolition, or disposal work under the supervision of trained personnel;

(b) Failing to file a work plan;

(c) Failing to perform work pursuant to the work plan;

(d) Failing to perform work that meets the requirements of the department; or

(e) The certificate was obtained by error, misrepresentation, or fraud.

(5) A contractor who violates any provision of this chapter may be assessed a fine not to exceed five hundred dollars for each violation.

(6) The department of health shall prescribe fees as provided for in RCW 43.70.250 for the issuance and renewal of certificates, the administration of examinations, and for the review of training courses.

(7) The decontamination account is hereby established in the state treasury. All fees collected under this chapter shall be deposited in this account. Moneys in the account may only be spent after appropriation for costs incurred by the department in the administration and enforcement of this chapter.

NEW SECTION. Sec. 8. Until January 1, 1991, a property owner who wishes to have property decontaminated in accordance with the provisions of this act, shall contact the state department of health to receive a list of environmental service contractors who perform decontamination work. The property owner may choose any contractor on the list to perform the necessary work.

NEW SECTION. Sec. 9. The state board of health shall promulgate rules and standards for carrying out the provisions in this chapter in accordance with chapter 34.05 RCW, the administrative procedure act. The local board of health and the local health officer are authorized to exercise such powers as may be necessary to carry out this chapter. The department shall provide technical assistance to local health boards and health officers to carry out their duties under sections 1 through 11 of this act. The department shall develop guidelines for decontamination of a property used as a drug laboratory and methods for the testing of ground water, surface water, soil, and septic tanks for contamination.

NEW SECTION. Sec. 10. Members of the state board of health and local boards of health, local health officers, and employees of the department of health and local health departments are immune from civil liability arising out of the performance of their duties under this chapter, unless such performance constitutes gross negligence or intentional misconduct.

NEW SECTION. Sec. 11. This chapter shall not limit state or local government authority to act under any other statute, including chapter 35-.80 or 7.48 RCW.

Sec. 12. Section 15, chapter 2, Laws of 1983 as last amended by section 212, chapter 271, Laws of 1989 and RCW 69.50.505 are each amended to read as follows:

(a) The following are subject to seizure and forfeiture and no property right exists in them:

(1) All controlled substances which have been manufactured, distributed, dispensed, acquired, or possessed in violation of this chapter or chapter 69.41 or 69.52 RCW, and all hazardous chemicals, as defined in section 2 of this act, used or intended to be used in the manufacture of controlled substances;

(2) All raw materials, products, and equipment of any kind which are used, or intended for use, in manufacturing, compounding, processing, delivering, importing, or exporting any controlled substance in violation of this chapter or chapter 69.41 or 69.52 RCW;

(3) All property which is used, or intended for use, as a container for property described in paragraphs (1) or (2);

(4) All conveyances, including aircraft, vehicles, or vessels, which are used, or intended for use, in any manner to facilitate the sale of property described in paragraphs (1) or (2), except that:

(i) No conveyance used by any person as a common carrier in the transaction of business as a common carrier is subject to forfeiture under this section unless it appears that the owner or other person in charge of the conveyance is a consenting party or privy to a violation of this chapter or chapter 69.41 or 69.52 RCW;

(ii) No conveyance is subject to forfeiture under this section by reason of any act or omission established by the owner thereof to have been committed or omitted without the owner's knowledge or consent;

(iii) A forfeiture of a conveyance encumbered by a bona fide security interest is subject to the interest of the secured party if the secured party neither had knowledge of nor consented to the act or omission; and

(iv) When the owner of a conveyance has been arrested under this chapter or chapter 69.41 or 69.52 RCW the conveyance in which the person is arrested may not be subject to forfeiture unless it is seized or process is issued for its seizure within ten days of the owner's arrest;

(5) All books, records, and research products and materials, including formulas, microfilm, tapes, and data which are used, or intended for use, in violation of this chapter or chapter 69.41 or 69.52 RCW;

(6) All drug paraphernalia;

(7) All moneys, negotiable instruments, securities, or other tangible or intangible property of value furnished or intended to be furnished by any person in exchange for a controlled substance in violation of this chapter or chapter 69.41 or 69.52 RCW, all tangible or intangible personal property, proceeds, or assets acquired in whole or in part with proceeds traceable to an exchange or series of exchanges in violation of this chapter or chapter 69.41 or 69.52 RCW, and all moneys, negotiable instruments, and securities used or intended to be used to facilitate any violation of this chapter or chapter 69.41 or 69.52 RCW: PROVIDED, That a forfeiture of money, negotiable instruments, securities, or other tangible or intangible property encumbered by a bona fide security interest is subject to the interest of the secured party if, at the time the security interest was created, the secured party neither had knowledge of nor consented to the act or omission: PROVIDED FURTHER, That no personal property may be forfeited under this paragraph, to the extent of the interest of an owner, by reason of any act or omission which that owner establishes was committed or omitted without the owner's knowledge or consent; and

(8) All real property, including any right, title, and interest in the whole of any lot or tract of land, and any appurtenances or improvements

which are being used with the knowledge of the owner for the manufacturing, compounding, processing, delivery, importing, or exporting of any controlled substance, or which have been acquired in whole or in part with proceeds traceable to an exchange or series of exchanges in violation of this chapter or chapter 69.41 or 69.52 RCW, if such activity is not less than a class C felony and a substantial nexus exists between the commercial production or sale of the controlled substance and the real property: PROVIDED, That:

(i) No property may be forfeited pursuant to this subsection, to the extent of the interest of an owner, by reason of any act or omission committed or omitted without the owner's knowledge or consent;

(ii) The bona fide gift of a controlled substance, legend drug, or imitation controlled substance shall not result in the forfeiture of real property;

(iii) The possession of marijuana shall not result in the forfeiture of real property unless the marijuana is possessed for commercial purposes, the amount possessed is five or more plants or one pound or more of marijuana, and a substantial nexus exists between the possession of marijuana and the real property. In such a case, the intent of the offender shall be determined by the preponderance of the evidence, including the offender's prior criminal history, the amount of marijuana possessed by the offender, the sophistication of the activity or equipment used by the offender, and other evidence which demonstrates the offender's intent to engage in commercial activity;

(iv) The unlawful sale of marijuana or a legend drug shall not result in the forfeiture of real property unless the sale was forty grams or more in the case of marijuana or one hundred dollars or more in the case of a legend drug, and a substantial nexus exists between the unlawful sale and the real property; and

(v) A forfeiture of real property encumbered by a bona fide security interest is subject to the interest of the secured party if the secured party, at the time the security interest was created, neither had knowledge of nor consented to the act or omission.

(b) Real or personal property subject to forfeiture under this chapter may be seized by any board inspector or law enforcement officer of this state upon process issued by any superior court having jurisdiction over the property. Seizure of real property shall include the filing of a *lis pendens* by the seizing agency. Real property seized under this section shall not be transferred or otherwise conveyed until ninety days after seizure or until a judgment of forfeiture is entered, whichever is later: PROVIDED, That real property seized under this section may be transferred or conveyed to any person or entity who acquires title by foreclosure or deed in lieu of foreclosure of a security interest. Seizure of personal property without process may be made if:

(1) The seizure is incident to an arrest or a search under a search warrant or an inspection under an administrative inspection warrant;

(2) The property subject to seizure has been the subject of a prior judgment in favor of the state in a criminal injunction or forfeiture proceeding based upon this chapter;

(3) A board inspector or law enforcement officer has probable cause to believe that the property is directly or indirectly dangerous to health or safety; or

(4) The board inspector or law enforcement officer has probable cause to believe that the property was used or is intended to be used in violation of this chapter.

(c) In the event of seizure pursuant to subsection (b), proceedings for forfeiture shall be deemed commenced by the seizure. The law enforcement agency under whose authority the seizure was made shall cause notice to be served within fifteen days following the seizure on the owner of the property seized and the person in charge thereof and any person having any known right or interest therein, including any community property interest, of the seizure and intended forfeiture of the seized property. Service of notice of seizure of real property shall be made according to the rules of civil procedure. However, the state may not obtain a default judgment with respect to real property against a party who is served by substituted service absent an affidavit stating that a good faith effort has been made to ascertain if the defaulted party is incarcerated within the state, and that there is no present basis to believe that the party is incarcerated within the state. The notice of seizure in other cases may be served by any method authorized by law or court rule including but not limited to service by certified mail with return receipt requested. Service by mail shall be deemed complete upon mailing within the fifteen day period following the seizure.

(d) If no person notifies the seizing law enforcement agency in writing of the person's claim of ownership or right to possession of items specified in subsection (a)(4), (a)(7), or (a)(8) of this section within forty-five days of the seizure in the case of personal property and ninety days in the case of real property, the item seized shall be deemed forfeited. The community property interest in real property of a person whose spouse committed a violation giving rise to seizure of the real property may not be forfeited if the person did not participate in the violation.

(e) If any person notifies the seizing law enforcement agency in writing of the person's claim of ownership or right to possession of items specified in subsection (a)(2), (a)(3), (a)(4), (a)(5), (a)(6), (a)(7), or (a)(8) of this section within forty-five days of the seizure in the case of personal property and ninety days in the case of real property, the person or persons shall be afforded a reasonable opportunity to be heard as to the claim or right. The hearing shall be before the chief law enforcement officer of the seizing agency or the chief law enforcement officer's designee, except where the seizing agency is a state agency as defined in RCW 34.12.020(4), the hearing shall be before the chief law enforcement officer of the seizing agency or

an administrative law judge appointed under chapter 34.12 RCW, except that any person asserting a claim or right may remove the matter to a court of competent jurisdiction if the aggregate value of the article or articles involved is more than five hundred dollars. The court to which the matter is to be removed shall be the district court when such aggregate value is ten thousand dollars or less of personal property. A hearing before the seizing agency and any appeal therefrom shall be under Title 34 RCW. In a court hearing between two or more claimants to the article or articles involved, the prevailing party shall be entitled to a judgment for costs and reasonable attorney's fees. In cases involving personal property, the burden of producing evidence shall be upon the person claiming to be the lawful owner or the person claiming to have the lawful right to possession of the property. In cases involving real property, the burden of producing evidence shall be upon the law enforcement agency. The burden of proof that the seized real property is subject to forfeiture shall be upon the law enforcement agency. The seizing law enforcement agency shall promptly return the article or articles to the claimant upon a determination by the administrative law judge or court that the claimant is the present lawful owner or is lawfully entitled to possession thereof of items specified in subsection (a)(2), (a)(3), (a)(4), (a)(5), (a)(6), (a)(7), or (a)(8) of this section.

(f) When property is forfeited under this chapter the board or seizing law enforcement agency may:

(1) Retain it for official use or upon application by any law enforcement agency of this state release such property to such agency for the exclusive use of enforcing the provisions of this chapter;

(2) (i) Sell that which is not required to be destroyed by law and which is not harmful to the public. The proceeds and all moneys forfeited under this title shall be used for payment of all proper expenses of the investigation leading to the seizure, including any money delivered to the subject of the investigation by the law enforcement agency, and of the proceedings for forfeiture and sale, including expenses of seizure, maintenance of custody, advertising, actual costs of the prosecuting or city attorney, and court costs. Money remaining after the payment of all expenses shall be distributed as follows:

(A) Twenty-five percent of the money derived from the forfeiture of real property and seventy-five percent of the money derived from the forfeiture of personal property shall be deposited in the general fund of the state, county, and/or city of the seizing law enforcement agency and shall be used exclusively for the expansion or improvement of law enforcement services. These services may include the creation of reward funds for the purpose of rewarding informants who supply information leading to the arrest, prosecution and conviction of persons who violate laws relating to controlled substances. Such moneys shall not supplant preexisting funding sources;

(B) Twenty-five percent of money derived from the forfeiture of real property and twenty-five percent of money derived from the forfeiture of personal property shall be remitted to the state treasurer for deposit in the public safety and education account established in RCW 43.08.250;

(C) Until July 1, 1995, fifty percent of money derived from the forfeiture of real property shall be remitted to the state treasurer for deposit in the drug enforcement and education account under RCW 69.50.520, on and after July 1, 1995, the fifty percent of the money shall be remitted in the same manner as the twenty-five percent of the money remitted under (2)(i)(A) of this subsection; and

(D) If an investigation involves a seizure of moneys and proceeds having an aggregate value of less than five thousand dollars, the moneys and proceeds may be deposited in total in the general fund of the governmental unit of the seizing law enforcement agency and shall be appropriated exclusively for the expansion of narcotics enforcement services. Such moneys shall not supplant preexisting funding sources.

(ii) Money deposited according to this section must be deposited within ninety days of the date of final disposition of either the administrative seizure or the judicial seizure;

(3) Request the appropriate sheriff or director of public safety to take custody of the property and remove it for disposition in accordance with law; or

(4) Forward it to the drug enforcement administration for disposition.

(g) Controlled substances listed in Schedule I, II, III, IV, and V that are possessed, transferred, sold, or offered for sale in violation of this chapter are contraband and shall be seized and summarily forfeited to the state. Controlled substances listed in Schedule I, II, III, IV, and V, which are seized or come into the possession of the board, the owners of which are unknown, are contraband and shall be summarily forfeited to the board.

(h) Species of plants from which controlled substances in Schedules I and II may be derived which have been planted or cultivated in violation of this chapter, or of which the owners or cultivators are unknown, or which are wild growths, may be seized and summarily forfeited to the board.

(i) The failure, upon demand by a board inspector or law enforcement officer, of the person in occupancy or in control of land or premises upon which the species of plants are growing or being stored to produce an appropriate registration or proof that he is the holder thereof constitutes authority for the seizure and forfeiture of the plants.

(j) Upon the entry of an order of forfeiture of real property, the court shall forward a copy of the order to the assessor of the county in which the property is located. Orders for the forfeiture of real property shall be entered by the superior court, subject to court rules. Such an order shall be filed by the seizing agency in the county auditor's records in the county in which the real property is located.

Sec. 13. Section 228, chapter 271, Laws of 1989 and RCW 69.50.511 are each amended to read as follows:

Law enforcement agencies who during the official investigation or enforcement of any illegal drug manufacturing facility come in contact with or are aware of any substances suspected of being hazardous as defined in RCW 70.105D.020(5), shall notify the department of ecology for the purpose of securing a contractor to identify, clean-up, store, and dispose of suspected hazardous substances, except for those random and representative samples obtained for evidentiary purposes. Whenever possible, a destruct order covering hazardous substances which may be described in general terms shall be obtained concurrently with a search warrant. Materials that have been photographed, fingerprinted, and subsampled by police shall be destroyed as soon as practical. The department of ecology shall make every effort to recover costs from the parties responsible for the suspected hazardous substance. All recoveries shall be deposited in the account or fund from which contractor payments are made.

The department of ecology may adopt rules to carry out its responsibilities under this section. The department of ecology shall consult with law enforcement agencies prior to adopting any rule or policy relating to this section.

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 7 and 9 through 11 of this act shall constitute a new chapter in Title 64 RCW.

NEW SECTION. Sec. 16. If specific funding for the purposes of this act, referencing this act by bill number, is not provided in the 1989-91 supplemental omnibus appropriations act (SSB 6407), this act shall be null and void.

NEW SECTION. Sec. 17. Sections 2 and 12 of this act are necessary for the immediate preservation of the public peace, health, or safety or support of the state government and its public institutions, and shall take effect on the effective date of the 1989-91 supplemental omnibus appropriations act (SSB 6407) if specific funding for this act is provided therein.

Passed the House March 5, 1990.

Passed the Senate March 2, 1990.

Approved by the Governor March 27, 1990.

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

CHAPTER 214

[House Bill No. 2345]

ENHANCED FOOD FISH TAX REMITTANCE

AN ACT Relating to remittance of taxes for enhanced food fish; and amending RCW 82.27.060.

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

Sec. 1. Section 6, chapter 98, Laws of 1980 and RCW 82.27.060 are each amended to read as follows:

The taxes levied by this chapter shall be due for payment monthly and remittance therefor shall be made (~~on or before the fifteenth day of the month next succeeding the end of the month in which the tax accrued~~) within twenty-five days after the end of the month in which the taxable activity occurs. The taxpayer on or before the due date shall make out a signed return, setting out such information as the department of revenue may require, including the gross measure of the tax, any deductions, credits, or exemptions claimed, and the amount of tax due for the preceding monthly period, which amount shall be transmitted to the department along with the return.

The department may relieve any taxpayer from the obligation of filing a monthly return and may require the return to cover other periods, but in no event may periodic returns be filed for a period greater than one year. In such cases tax payments are due on or before the last day of the month next succeeding the end of the period covered by the return.

Passed the House February 6, 1990.

Passed the Senate March 2, 1990.

Approved by the Governor March 27, 1990.

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

CHAPTER 215

[House Bill No. 2855]

MUNICIPAL AIRPORTS—TENANT IMPROVEMENTS TO LEASED PREMISES

AN ACT Relating to tenant improvements to leased facilities of municipal airports; and amending RCW 14.08.120.

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

Sec. 1. Section 1, chapter 14, Laws of 1957 as last amended by section 5, chapter 7, Laws of 1984 and RCW 14.08.120 are each amended to read as follows:

In addition to the general powers conferred in this chapter, and without limitation thereof, a municipality that has established or may hereafter establish airports, restricted landing areas, or other air navigation facilities,

or that has acquired or set apart or may hereafter acquire or set apart real property for that purpose or purposes is authorized:

(1) To vest authority for the construction, enlargement, improvement, maintenance, equipment, operation, and regulation thereof in an officer, a board, or body of the municipality by ordinance or resolution that prescribes the powers and duties of the officer, board, or body; and the municipality may also vest authority for industrial and commercial development in a municipal airport commission consisting of at least five resident taxpayers of the municipality to be appointed by the governing board of the municipality by an ordinance or resolution that includes (a) the terms of office, which may not exceed six years and which shall be staggered so that not more than three terms will expire in the same year, (b) the method of appointment and filling vacancies, (c) a provision that there shall be no compensation but may provide for a per diem of not to exceed twenty-five dollars per day plus travel expenses for time spent on commission business, (d) the powers and duties of the commission, and (e) any other matters necessary to the exercise of the powers relating to industrial and commercial development. The expense of the construction, enlargement, improvement, maintenance, equipment, industrial and commercial development, operation, and regulation are the responsibility of the municipality.

(2) To adopt and amend all needed rules, regulations, and ordinances for the management, government, and use of any properties under its control, whether within or outside the territorial limits of the municipality; to provide fire protection for the airport, including the acquisition and operation of fire protection equipment and facilities, and the right to contract with any private body or political subdivision of the state for the furnishing of such fire protection; to appoint airport guards or police, with full police powers; to fix by ordinance or resolution, as may be appropriate, penalties for the violation of the rules, regulations, and ordinances, and enforce those penalties in the same manner in which penalties prescribed by other rules, regulations, and ordinances of the municipality are enforced. For the purposes of such management and government and direction of public use, that part of all highways, roads, streets, avenues, boulevards, and territory that adjoins the limits of any airport or restricted landing area acquired or maintained under the provisions of this chapter is under like control and management of the municipality. It may also adopt and enact rules, regulations, and ordinances designed to safeguard the public upon or beyond the limits of private airports or landing strips within the municipality or its police jurisdiction against the perils and hazards of instrumentalities used in aerial navigation. Rules, regulations, and ordinances shall be published as provided by general law or the charter of the municipality for the publication of similar rules, regulations, and ordinances. They shall conform to and be consistent with the laws of this state and the rules of the state department of transportation and shall be kept in conformity, as nearly as may be,

with the then current federal legislation governing aeronautics and the regulations duly promulgated thereunder and the rules and standards issued from time to time pursuant thereto.

(3) To create a special airport fund, and provide that all receipts from the operation of the airport be deposited in the fund, which fund shall remain intact from year to year and may be pledged to the payment of aviation bonds, or kept for future maintenance, construction, or operation of airports or airport facilities.

(4) To lease airports or other air navigation facilities, or real property acquired or set apart for airport purposes, to private parties, any municipal or state government or the national government, or any department thereof, for operation; to lease or assign to private parties, any municipal or state government or the national government, or any department thereof, for operation or use consistent with the purposes of this chapter, space, area, improvements, or equipment of such airports; to authorize its lessees to construct, alter, repair, or improve the leased premises at the cost of the lessee and to reimburse its lessees for such cost, provided the cost is paid solely out of funds fully collected from the airport's tenants; to sell any part of such airports, other air navigation facilities or real property to any municipal or state government, or to the United States or any department or instrumentality thereof, for aeronautical purposes or purposes incidental thereto, and to confer the privileges of concessions of supplying upon its airports goods, commodities, things, services, and facilities: PROVIDED, That in each case in so doing the public is not deprived of its rightful, equal, and uniform use thereof.

(5) Acting through its governing body, to sell or lease any property, real or personal, acquired for airport purposes and belonging to the municipality, which, in the judgment of its governing body, may not be required for aircraft landings, aircraft takeoffs or related aeronautic purposes, in accordance with the laws of this state, or the provisions of the charter of the municipality, governing the sale or leasing of similar municipally owned property. The municipal airport commission, if one has been organized and appointed under subsection (1) of this section, may lease any airport property for aircraft landings, aircraft takeoffs, or related aeronautic purposes. If there is a finding by the governing body of the municipality that any airport property, real or personal, is not required for aircraft landings, aircraft takeoffs, or related aeronautic purposes, then the municipal airport commission may lease such space, land, area, or improvements, or construct improvements, or take leases back for financing purposes, grant concessions on such space, land, area, or improvements, all for industrial or commercial purposes, by private negotiation and under such terms and conditions that seem just and proper to the municipal airport commission. Any such lease of real property for aircraft manufacturing or aircraft industrial purposes or to any manufacturer of aircraft or aircraft parts or for any other business,

manufacturing, or industrial purpose or operation relating to, identified with, or in any way dependent upon the use, operation, or maintenance of the airport, or for any commercial or industrial purpose may be made for any period not to exceed seventy-five years, but any such lease of real property made for a longer period than ten years shall contain provisions requiring the municipality and the lessee to permit the rentals for each five-year period thereafter, to be readjusted at the commencement of each such period if written request for readjustment is given by either party to the other at least thirty days before the commencement of the five-year period for which the readjustment is requested. If the parties cannot agree upon the rentals for the five-year period, they shall submit to have the disputed rentals for the period adjusted by arbitration. The lessee shall pick one arbitrator, and the governing body of the municipality shall pick one, and the two so chosen shall select a third. After a review of all pertinent facts the board of arbitrators may increase or decrease such rentals or continue the previous rate thereof.

The proceeds of the sale of any property the purchase price of which was obtained by the sale of bonds shall be deposited in the bond sinking fund. If all the proceeds of the sale are not needed to pay the principal of bonds remaining unpaid, the remainder shall be paid into the airport fund of the municipality. The proceeds of sales of property the purchase price of which was paid from appropriations of tax funds shall be paid into the airport fund of the municipality.

(6) To determine the charges or rental for the use of any properties under its control and the charges for any services or accommodations, and the terms and conditions under which such properties may be used: PROVIDED, That in all cases the public is not deprived of its rightful, equal, and uniform use of the property. Charges shall be reasonable and uniform for the same class of service and established with due regard to the property and improvements used and the expense of operation to the municipality. The municipality shall have and may enforce liens, as provided by law for liens and enforcement thereof, for repairs to or improvement or storage or care of any personal property, to enforce the payment of any such charges.

(7) To exercise all powers necessarily incidental to the exercise of the general and special powers granted in this section.

Passed the House February 13, 1990.

Passed the Senate February 28, 1990.

Approved by the Governor March 27, 1990.

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

CHAPTER 216

[Senate Bill No. 6451]

UNSTAMPED CIGARETTES

AN ACT Relating to unstamped cigarettes; amending RCW 82.24.030, 82.24.040, 82.24.050, 82.24.110, 82.24.130, and 82.24.250; and declaring an emergency.

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

Sec. 1. Section 82.24.030, chapter 15, Laws of 1961 as amended by section 61, chapter 278, Laws of 1975 1st ex. sess. and RCW 82.24.030 are each amended to read as follows:

In order to enforce collection of the tax hereby levied, the department of revenue shall design and have printed stamps of such size and denominations as may be determined by the department, such stamps to be affixed on the smallest container or package that will be handled, sold, used, consumed, or distributed, to permit the department to readily ascertain by inspection, whether or not such tax has been paid. Except as otherwise provided in this chapter, every person shall cause to be affixed on every package of cigarettes ((on which a tax is due)), stamps of an amount equaling the tax due thereon before he or she sells, offers for sale, uses, consumes, handles, removes, or otherwise disturbs and distributes the same: PROVIDED, That where it is established to the satisfaction of the department that it is impractical to affix such stamps to the smallest container or package, the department may authorize the affixing of stamps of appropriate denomination to a large container or package.

The department may authorize the use of meter stamping machines for imprinting stamps, which imprinted stamps shall be in lieu of those otherwise provided for under this chapter, and if such use is authorized, shall provide reasonable rules and regulations with respect thereto.

Sec. 2. Section 82.24.040, chapter 15, Laws of 1961 as amended by section 1, chapter 214, Laws of 1969 ex. sess. and RCW 82.24.040 are each amended to read as follows:

~~((Every wholesaler in this state shall, within a reasonable time after receipt of any of the articles taxed herein, cause the same to have the requisite denomination and amount of stamps affixed to represent the tax imposed herein. PROVIDED, That))~~ No wholesaler in this state may possess within this state unstamped cigarettes except that:

(1) Every wholesaler in the state who is licensed under Washington state law may possess within this state unstamped cigarettes for such period of time after receipt as is reasonably necessary to affix the stamps as required; and

(2) Any wholesaler in the state who is licensed under Washington state law and who furnishes a surety bond in a sum satisfactory to the department, shall be permitted to set aside, without affixing the stamps required

by this chapter, such part of his stock as may be necessary for the conduct of his business in making sales to persons in another state or foreign country, to instrumentalities of the federal government, or to the established governing bodies of any Indian tribe, recognized as such by the United States Department of the Interior. Such unstamped stock shall be kept separate and apart from stamped stock(~~(-PROVIDED FURTHER, That)~~).

(3) Every wholesaler licensed under Washington state law shall, at the time of shipping or delivering any of the articles taxed herein to a point outside of this state, or to a federal instrumentality, or to an Indian tribal organization, make a true duplicate invoice of the same which shall show full and complete details of the sale or delivery, whether or not stamps were affixed thereto, and shall transmit such true duplicate invoice to the main office of the department, at Olympia, not later than the fifteenth day of the following calendar month, and for failure to comply with the requirements of this section the department may revoke the permission granted to the taxpayer to maintain a stock of goods to which the stamps required by this chapter have not been affixed. The department may also revoke this permission to maintain a stock of unstamped goods for sale to a specific Indian tribal organization when it appears that sales of unstamped cigarettes to persons who are not enrolled members of a recognized Indian tribe are taking place, or have taken place, within the exterior boundaries of the reservation occupied by that tribe.

Sec. 3. Section 82.24.050, chapter 15, Laws of 1961 as amended by section 2, chapter 214, Laws of 1969 ex. sess. and RCW 82.24.050 are each amended to read as follows:

~~(Every retailer shall)~~ No retailer in this state may possess unstamped cigarettes within this state unless the retailer is licensed under Washington state law and, within a ((reasonable)) period of time after receipt of any of the articles taxed herein as is reasonably necessary for the purpose, causes the same to have the requisite denomination and amount of stamps affixed to represent the tax imposed herein: PROVIDED, That those articles to which stamps have been properly affixed by a wholesaler or another retailer, licensed under Washington state law, may be retained by any retailer, and that those articles intended for sale to qualified purchasers may, under rules adopted by the department of revenue, be retained by federal instrumentalities and Indian tribal organizations, without affixing the stamps required by this chapter.

Sec. 4. Section 82.24.110, chapter 15, Laws of 1961 as last amended by section 1, chapter 496, Laws of 1987 and RCW 82.24.110 are each amended to read as follows:

(1) Each of the following acts is a gross misdemeanor and punishable as such:

(a) To sell, except as a ((registered)) licensed wholesaler or licensed retailer engaged in interstate commerce as to the article being taxed herein, without the stamp first being affixed;

(b) To use or have in possession knowingly or intentionally any forged or counterfeit stamps;

(c) For any person other than the department of revenue or its duly authorized agent to sell any stamps not affixed to any of the articles taxed herein whether such stamps are genuine or counterfeit;

(d) To violate any of the provisions of this chapter;

(e) To violate any lawful rule or regulation made and published by the department of revenue;

(f) To use any stamps more than once;

(g) To refuse to allow the department of revenue or any duly authorized agent thereof, on demand, to make full inspection of any place of business where any of the articles herein taxed are sold or otherwise hinder or prevent such inspection;

(h) For any retailer, except one permitted to maintain an unstamped stock to engage in interstate business as provided herein, to have in possession in any place of business any of the articles herein taxed, unless the same have the proper stamps attached;

(i) For any person to make, use, or present or exhibit to the department of revenue or any duly authorized agent thereof, any invoice for any of the articles herein taxed which bears an untrue date or falsely states the nature or quantity of the goods therein invoiced;

(j) For any wholesaler or retailer or his or her agents or employees to fail to produce on demand of the department of revenue all invoices of all the articles herein taxed or stamps bought by him or her or received in his or her place of business within five years prior to such demand unless he or she can show by satisfactory proof that the nonproduction of the invoices was due to causes beyond his control;

(k) For any person to receive in this state any shipment of any of the articles taxed herein, when the same are not stamped, for the purpose of avoiding payment of tax. It is presumed that persons other than dealers who purchase or receive shipments of unstamped cigarettes do so to avoid payment of the tax imposed herein;

(l) For any person to possess or transport upon the public highways, roads, or streets of this state a quantity of sixty thousand cigarettes or less unless the proper stamps required by this chapter have been affixed or unless the person transporting the cigarettes has in actual possession invoices or delivery tickets therefor which show the true name and address of the consignor or seller, the true name of the consignee or purchaser, and the quantity and brands of the cigarettes so transported and unless the cigarettes are consigned to or purchased by any person in this state who is a

purchaser or consignee authorized by this chapter to possess unstamped cigarettes in this state.

(2) It is unlawful for any person knowingly or intentionally to possess or to transport upon the public highways, roads, or streets of this state a quantity in excess of sixty thousand cigarettes unless the proper stamps required by this chapter are affixed thereto or unless the person transporting the cigarettes actually possesses invoices or delivery tickets showing the true name and address of the consignor or seller, the true name of the consignee or purchaser, and the quantity and brands of the cigarettes so transported. Violation of this section shall be punished as a class C felony under Title 9A RCW.

(3) All agents, employees, and others who aid, abet, or otherwise participate in any way in the violation of the provisions of this chapter or in any of the offenses described in this chapter shall be guilty and punishable as principals, to the same extent as any wholesaler or retailer or any other person violating the provisions thereof.

Sec. 5. Section 82.24.130, chapter 15, Laws of 1961 as last amended by section 2, chapter 496, Laws of 1987 and RCW 82.24.130 are each amended to read as follows:

(1) The following are subject to seizure and forfeiture:

(a) Subject to RCW 82.24.250, any articles taxed in this chapter that are found at any point within this state, which articles are held, owned, or possessed by any person, and that do not have the stamps affixed to the packages or containers.

(b) All conveyances, including aircraft, vehicles, or vessels, which are used, or intended for use, to transport, or in any manner to facilitate the transportation, for the purpose of sale or receipt of property described in (a) of this subsection, except:

(i) A conveyance used by any person as a common or contract carrier having in actual possession invoices or delivery tickets showing the true name and address of the consignor or seller, the true name of the consignee or purchaser, and the quantity and brands of the cigarettes transported, unless it appears that the owner or other person in charge of the conveyance is a consenting party or privy to a violation of this chapter;

(ii) A conveyance subject to forfeiture under this section by reason of any act or omission of which the owner thereof establishes to have been committed or omitted without his or her knowledge or consent;

(iii) A conveyance encumbered by a bona fide security interest if the secured party neither had knowledge of nor consented to the act or omission.

(c) Any vending machine used for the purpose of violating the provisions of this chapter.

(2) Property subject to forfeiture under this chapter may be seized by any agent of the department authorized to collect taxes or law enforcement

officer of this state upon process issued by any superior court or district court having jurisdiction over the property. Seizure without process may be made if:

(a) The seizure is incident to an arrest or a search under a search warrant or an inspection under an administrative inspection warrant; or

(b) The department or law enforcement officer has probable cause to believe that the property was used or is intended to be used in violation of this chapter and exigent circumstances exist making procurement of a search warrant impracticable.

(3) Notwithstanding the foregoing provisions of this section, articles taxed in this chapter which are in the possession of a wholesaler or retailer, licensed ~~((by the department, pursuant to the provisions of chapter 19.91 RCW))~~ under Washington state law, for a period of time necessary to affix the stamps after receipt of the articles, shall not be considered contraband.

Sec. 6. Section 6, chapter 157, Laws of 1972 ex. sess. and RCW 82-.24.250 are each amended to read as follows:

~~((Every))~~ No person ~~((who))~~ other than (1) a licensed wholesaler in its own vehicle, or (2) a person who has given notice to the department in advance of the commencement of transportation shall transport or cause to be transported cigarettes not having the stamps affixed to the packages or containers, upon the public highways, roads or streets of this state. In the case of transportation of unstamped cigarettes such persons shall have in ~~((his))~~ their actual possession invoices or delivery tickets for such cigarettes, which shall show the true name and address of the consignor or seller, the true name of the consignee or purchaser, and the quantity and brands of the cigarettes so transported. If the cigarettes are consigned to or purchased by any person in this state such purchaser or consignee must be a person who is authorized by chapter 82.24 RCW to possess unstamped cigarettes in this state. In the absence of such invoices or delivery tickets, or, if the name or address of the consignee or purchaser is falsified or if the purchaser or consignee is not authorized by chapter 82.24 RCW to possess unstamped cigarettes, the cigarettes so transported shall be deemed contraband subject to seizure and sale under the provisions of RCW 82.24.130.

Transportation of cigarettes from a point outside this state to a point in some other state will not be considered a violation of this section provided that the person so transporting such cigarettes has in his possession adequate invoices or delivery tickets which give the true name and address of such out-of-state seller or consignor and such out-of-state purchaser or consignee.

In any case where the department or its duly authorized agent, or any peace officer of the state, has knowledge or reasonable grounds to believe that any vehicle is transporting cigarettes in violation of this section, the department, such agent, or such police officer, is authorized to stop such vehicle and to inspect the same for contraband cigarettes.

For purposes of this section, the term "person authorized by chapter 82.24 RCW to possess unstamped cigarettes" shall mean a wholesaler or retailer, licensed (~~(pursuant to the provisions of chapter 19.91 RCW)~~) under Washington state law, the United States or an agency thereof, and any Indian tribal organization authorized under rules adopted by the department of revenue to possess unstamped cigarettes.

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 February 10, 1990.

Passed the House March 2, 1990.

Approved by the Governor March 27, 1990.

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

CHAPTER 217

[House Bill No. 2716]

OVERWEIGHT VEHICLES—TRAFFIC INFRACTION TO DIRECT LOADING

AN ACT Relating to codefendants in cases of vehicle weight restrictions; and amending RCW 46.44.105.

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

Sec. 1. Section 23, chapter 64, Laws of 1975-'76 2nd ex. sess. as last amended by section 6, chapter 351, Laws of 1985 and RCW 46.44.105 are each amended to read as follows:

(1) Violation of any of the provisions of RCW 46.44.041, 46.44.042, 46.44.047, 46.44.090, 46.44.091, and 46.44.095, (~~and 46.44.041;~~) or failure to obtain a permit as provided by RCW 46.44.090 and 46.44.095, or misrepresentation of the size or weight of any load or failure to follow the requirements and conditions of a permit issued hereunder is a traffic infraction, and upon the first finding thereof shall be assessed a basic penalty of not less than fifty dollars; and upon a second finding thereof shall be assessed a basic penalty of not less than seventy-five dollars; and upon a third or subsequent finding shall be assessed a basic penalty of not less than one hundred dollars.

(2) In addition to the penalties imposed in subsection (1) of this section, any person violating RCW 46.44.041, 46.44.042, 46.44.047, 46.44.090, 46.44.091, or 46.44.095 (~~or 46.44.041~~) shall be assessed three cents for each pound of excess weight. Upon a first violation in any calendar year, the court may suspend the penalty for five hundred pounds of excess weight for each axle on any vehicle or combination of vehicles, not to exceed a two thousand pound suspension. In no case may the basic penalty assessed in subsection (1) of this section be suspended.

(3) Whenever any vehicle or combination of vehicles is involved in two violations of RCW 46.44.041, 46.44.042, 46.44.047, 46.44.090, 46.44.091, or 46.44.095 (~~or 46.44.041~~) during any twelve-month period, the court may suspend the certificate of license registration of the vehicle or combination of vehicles for not less than thirty days. Upon a third or succeeding violation in any twelve-month period, the court shall suspend the certificate of license registration for not less than thirty days. Whenever the certificate of license registration is suspended, the court shall secure such certificate and immediately forward the same to the director with information concerning the suspension.

(4) Any person found to have violated any posted limitations of a highway or section of highway shall be assessed a monetary penalty of not less than one hundred and fifty dollars, and the court shall in addition thereto upon second violation within a twelve-month period involving the same power unit, suspend the certificate of license registration for not less than thirty days.

(5) Any police officer is authorized to require the driver of any vehicle or combination of vehicles to stop and submit to a weighing either by means of a portable or stationary scale and may require that the vehicle be driven to the nearest public scale. Whenever a police officer, upon weighing a vehicle and load, determines that the weight is unlawful, the officer may require the driver to stop the vehicle in a suitable location and remain standing until such portion of the load is removed as may be necessary to reduce the gross weight of the vehicle to the limit permitted by law.

Any vehicle whose driver or owner represents that the vehicle is disabled or otherwise unable to proceed to a weighing location shall have its load sealed or otherwise marked by any police officer. The owner or driver shall be directed that upon completion of repairs, the vehicle shall submit to weighing with the load and markings and/or seal intact and undisturbed. Failure to report for weighing, appearing for weighing with the seal broken or the markings disturbed, or removal of any cargo prior to weighing is unlawful. Any person so convicted shall be fined five hundred dollars, and in addition the certificate of license registration shall be suspended for not less than thirty days.

(6) Any other provision of law to the contrary notwithstanding, district courts having venue have concurrent jurisdiction with the superior courts for the imposition of any penalties authorized under this section.

(7) For the purpose of determining additional penalties as provided by subsection (2) of this section, "excess weight" means the poundage in excess of the maximum gross weight prescribed by RCW 46.44.041 and 46.44.042 (~~and 46.44.041~~) plus the weights allowed by RCW 46.44.047, 46.44.091, and 46.44.095.

(8) The penalties provided in subsections (1) and (2) of this section shall be remitted as provided in chapter 3.62 RCW or RCW 10.82.070. For

the purpose of computing the basic penalties and additional penalties to be imposed under the provisions of subsections (1) and (2) of this section the convictions shall be on the same vehicle or combination of vehicles within a twelve-month period under the same ownership.

(9) Any state patrol officer or any weight control officer who finds any person operating a vehicle or a combination of vehicles in violation of the conditions of a permit issued under RCW 46.44.047, 46.44.090, and 46.44.095 may confiscate the permit and forward it to the state department of transportation which may return it to the permittee or revoke, cancel, or suspend it without refund. The department of transportation shall keep a record of all action taken upon permits so confiscated, and if a permit is returned to the permittee the action taken by the department of transportation shall be endorsed thereon. Any permittee whose permit is suspended or revoked may upon request receive a hearing before the department of transportation or person designated by that department. After the hearing the department of transportation may reinstate any permit or revise its previous action.

Every permit issued as provided for in this chapter shall be carried in the vehicle or combination of vehicles to which it refers and shall be open to inspection by any law enforcement officer or authorized agent of any authority granting such a permit.

Upon the third finding within a calendar year of a violation of the requirements and conditions of a permit issued under RCW 46.44.095 as now or hereafter amended, the permit shall be canceled, and the canceled permit shall be immediately transmitted by the court or the arresting officer to the department of transportation. The vehicle covered by the canceled permit is not eligible for a new permit for a period of thirty days.

(10) For the purposes of determining gross weights the actual scale weight taken by the arresting officer is prima facie evidence of the total gross weight.

(11) It is a traffic infraction to direct the loading of a vehicle with knowledge that it violates the requirements in RCW 46.44.041, 46.44.042, 46.44.047, 46.44.090, 46.44.091, or 46.44.095 and that it is to be operated on the public highways of this state.

(12) The chief of the state patrol, with the advice of the department, may adopt reasonable rules to aid in the enforcement of this section.

Passed the House March 3, 1990.

Passed the Senate March 1, 1990.

Approved by the Governor March 27, 1990.

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

CHAPTER 218

[Senate Bill No. 6192]

GENERIC DRUG SUBSTITUTION—OUT-OF-STATE PRESCRIPTIONS

AN ACT Relating to substitution of generic drugs on out-of-state prescriptions; amending RCW 69.41.120; and declaring an emergency.

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

Sec. 1. Section 3, chapter 352, Laws of 1977 ex. sess. as amended by section 22, chapter 110, Laws of 1979 and RCW 69.41.120 are each amended to read as follows:

Every drug prescription shall contain an instruction on whether or not a therapeutically equivalent generic drug may be substituted in its place, unless substitution is permitted under a prior-consent authorization.

If a written prescription is involved, the form shall have two signature lines at opposite ends on the bottom of the form. Under the line at the right side shall be clearly printed the words "DISPENSE AS WRITTEN". Under the line at the left side shall be clearly printed the words "SUBSTITUTION PERMITTED". The practitioner shall communicate the instructions to the pharmacist by signing the appropriate line. No prescription shall be valid without the signature of the practitioner on one of these lines. In the case of a prescription issued by a practitioner in another state that uses a one-line prescription form or variation thereof, the pharmacist may substitute a therapeutically equivalent generic drug unless otherwise instructed by the practitioner through the use of the words "dispense as written", words of similar meaning, or some other indication.

If an oral prescription is involved, the practitioner or the practitioner's agent shall instruct the pharmacist as to whether or not a therapeutically equivalent generic drug may be substituted in its place. The pharmacist shall note the instructions on the file copy of the prescription.

The pharmacist shall note the manufacturer of the drug dispensed on the file copy of a written or oral prescription.

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 5, 1990.

Passed the House March 1, 1990.

Approved by the Governor March 27, 1990.

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

CHAPTER 219

[Substitute Senate Bill No. 5594]
OUT-OF-STATE PRESCRIPTIONS

AN ACT Relating to out-of-state prescriptions; amending RCW 69.41.030 and 69.50-.101; creating a new section; and declaring an emergency.

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

NEW SECTION. Sec. 1. The legislature finds that Washington citizens in the border areas of this state are prohibited from having prescriptions from out-of-state dentists and veterinarians filled at their in-state pharmacies, and that it is in the public interest to remove this barrier for the state's citizens.

Sec. 2. Section 3, chapter 186, Laws of 1973 1st ex. sess. as last amended by section 1, chapter 144, Laws of 1987 and RCW 69.41.030 are each amended to read as follows:

It shall be unlawful for any person to sell, deliver, or possess any legend drug except upon the order or prescription of a physician under chapter 18.71 RCW, an osteopathic physician or an osteopathic physician and surgeon under chapter 18.57 RCW, a dentist under chapter 18.32 RCW, a podiatrist under chapter 18.22 RCW, a veterinarian under chapter 18.92 RCW, a commissioned medical or dental officer in the United States armed forces, marine hospital service, or public health service in the discharge of his official duties, a duly licensed physician or dentist employed by the veterans administration in the discharge of his official duties, a registered nurse under chapter 18.88 RCW when authorized by the board of nursing, an osteopathic physician's assistant under chapter 18.57A RCW when authorized by the committee of osteopathic examiners, a physician's assistant under chapter 18.71A RCW when authorized by the board of medical examiners, ((or)) a physician licensed to practice medicine and surgery or a physician licensed to practice osteopathy and surgery, a dentist licensed to practice dentistry, a podiatrist licensed to practice podiatry, or a veterinarian licensed to practice veterinary medicine, in any province of Canada which shares a common border with the state of Washington or in any state of the United States: PROVIDED, HOWEVER, That the above provisions shall not apply to sale, delivery, or possession by drug wholesalers or drug manufacturers, or their agents or employees, or to any practitioner acting within the scope of his license, or to a common or contract carrier or warehouseman, or any employee thereof, whose possession of any legend drug is in the usual course of business or employment: PROVIDED FURTHER, That nothing in this chapter or chapter 18.64 RCW shall prevent a family planning clinic that is under contract with the department of social and health services from selling, delivering, possessing, and dispensing commercially prepackaged oral contraceptives prescribed by authorized, licensed health

care practitioners: PROVIDED FURTHER, That it shall be unlawful to fill a prescription written by an authorized prescriber who is not licensed in this state if more than six months has passed since the date of the issuance of the original prescription.

Sec. 3. Section 69.50.101, chapter 308, Laws of 1971 ex. sess. as last amended by section 2, chapter 144, Laws of 1987 and RCW 69.50.101 are each amended to read as follows:

As used in this chapter:

(a) "Administer" means the direct application of a controlled substance, whether by injection, inhalation, ingestion, or any other means, to the body of a patient or research subject by:

(1) a practitioner, or

(2) the patient or research subject at the direction and in the presence of the practitioner.

(b) "Agent" means an authorized person who acts on behalf of or at the direction of a manufacturer, distributor, or dispenser. It does not include a common or contract carrier, public warehouseman, or employee of the carrier or warehouseman.

(c) "Drug enforcement administration" means the federal drug enforcement administration in the United States Department of Justice, or its successor agency.

(d) "Controlled substance" means a drug, substance, or immediate precursor in Schedules I through V of Article II.

(e) "Counterfeit substance" means a controlled substance which, or the container or labeling of which, without authorization, bears the trademark, trade name, or other identifying mark, imprint, number or device, or any likeness thereof, of a manufacturer, distributor, or dispenser other than the person who in fact manufactured, distributed, or dispensed the substance.

(f) "Deliver" or "delivery" means the actual, constructive, or attempted transfer from one person to another of a controlled substance, whether or not there is an agency relationship.

(g) "Dispense" means the interpretation of a prescription or order for a controlled substance and, pursuant to that prescription or order, the proper selection, measuring, compounding, labeling, or packaging necessary to prepare that prescription or order for delivery.

(h) "Dispenser" means a practitioner who dispenses.

(i) "Distribute" means to deliver other than by administering or dispensing a controlled substance.

(j) "Distributor" means a person who distributes.

(k) "Drug" means (1) substances recognized as drugs in the official United States Pharmacopoeia, official Homeopathic Pharmacopoeia of the United States, or Official National Formulary, or any supplement to any of them; (2) substances intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or animals; (3) substances (other

than food) intended to affect the structure or any function of the body of man or animals; and (4) substances intended for use as a component of any article specified in clause (1), (2), or (3) of this subsection. It does not include devices or their components, parts, or accessories.

(l) "Immediate precursor" means a substance which the state board of pharmacy has found to be and by rule designates as being the principal compound commonly used or produced primarily for use, and which is an immediate chemical intermediary used or likely to be used in the manufacture of a controlled substance, the control of which is necessary to prevent, curtail, or limit manufacture.

(m) "Manufacture" means the production, preparation, propagation, compounding, conversion or processing of a controlled substance, either directly or indirectly by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging or repackaging of the substance or labeling or relabeling of its container, except that this term does not include the preparation or compounding of a controlled substance by an individual for his own use or the preparation, compounding, packaging, or labeling of a controlled substance:

(1) by a practitioner as an incident to his administering or dispensing of a controlled substance in the course of his professional practice, or

(2) by a practitioner, or by his authorized agent under his supervision, for the purpose of, or as an incident to, research, teaching, or chemical analysis and not for sale.

(n) "Marihuana" means all parts of the plant of the genus *Cannabis* L., whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination.

(o) "Narcotic drug" means any of the following, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis:

(1) Opium and opiate, and any salt, compound, derivative, or preparation of opium or opiate.

(2) Any salt, compound, isomer, derivative, or preparation thereof which is chemically equivalent or identical with any of the substances referred to in clause 1, but not including the isoquinoline alkaloids of opium.

(3) Opium poppy and poppy straw.

(4) Coca leaves and any salt, compound, derivative, or preparation of coca leaves, and any salt, compound, isomer, derivative, or preparation thereof which is chemically equivalent or identical with any of these substances, but not including decocainized coca leaves or extractions of coca leaves which do not contain cocaine or ecgonine.

(p) "Opiate" means any substance having an addiction-forming or addiction-sustaining liability similar to morphine or being capable of conversion into a drug having addiction-forming or addiction-sustaining liability. It does not include, unless specifically designated as controlled under RCW 69.50.201, the dextrorotatory isomer of 3-methoxy-n-methylmorphinan and its salts (dextromethorphan). It does include its racemic and levorotatory forms.

(q) "Opium poppy" means the plant of the genus *Papaver* L., except its seeds, capable of producing an opiate.

(r) "Person" means individual, corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership or association, or any other legal entity.

(s) "Poppy straw" means all parts, except the seeds, of the opium poppy, after mowing.

(t) "Practitioner" means:

(1) A physician under chapter 18.71 RCW, an osteopathic physician or an osteopathic physician and surgeon under chapter 18.57 RCW, a dentist under chapter 18.32 RCW, a chiroprapist under chapter 18.22 RCW, a veterinarian under chapter 18.92 RCW, a registered nurse under chapter 18.88 RCW, a licensed practical nurse under chapter 18.78 RCW, a pharmacist under chapter 18.64 RCW or a scientific investigator under this chapter, licensed, registered or otherwise permitted insofar as is consistent with those licensing laws to distribute, dispense, conduct research with respect to or administer a controlled substance in the course of their professional practice or research in this state.

(2) A pharmacy, hospital or other institution licensed, registered, or otherwise permitted to distribute, dispense, conduct research with respect to or to administer a controlled substance in the course of professional practice or research in this state.

(3) A physician licensed to practice medicine and surgery ((σ)),₁ a physician licensed to practice osteopathy and surgery, a dentist licensed to practice dentistry, a podiatrist licensed to practice podiatry, or a veterinarian licensed to practice veterinary medicine in any state of the United States.

(u) "Production" includes the manufacture, planting, cultivation, growing, or harvesting of a controlled substance.

(v) "State", when applied to a part of the United States, includes any state, district, commonwealth, territory, insular possession thereof, and any area subject to the legal authority of the United States of America.

(w) "Ultimate user" means a person who lawfully possesses a controlled substance for his own use or for the use of a member of his household or for administering to an animal owned by him or by a member of his household.

(x) "Board" means the state board of pharmacy.

(y) "Executive officer" means the executive officer of the state board of pharmacy.

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 February 6, 1990.

Passed the House March 2, 1990.

Approved by the Governor March 27, 1990.

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

CHAPTER 220

[House Bill No. 2373]

LOCAL GOVERNMENT BOND INFORMATION

AN ACT Relating to bond information; and amending RCW 39.44.200 and 39.44.210.

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

Sec. 1. Section 5, chapter 130, Laws of 1985 as last amended by section 1, chapter 225, Laws of 1989 and RCW 39.44.200 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout RCW 39.44.200 through 39.44.240.

(1) "Bond" means "bond" as defined in RCW 39.46.020, but also includes any other indebtedness that may be issued by any local government to fund private activities or purposes where the indebtedness is of a nonre-course nature payable from private sources.

(2) "Local government" means "local government" as defined in RCW 39.46.020.

(3) "Type of bond" includes: (a) General obligation bonds, including councilmanic and voter-approved bonds; (b) revenue bonds; (c) local improvement district bonds; (d) special assessment bonds such as those issued by irrigation districts and diking districts; and (e) other classes of bonds.

(4) "State" means "state" as defined in RCW 39.46.020 but also includes any commissions or other entities of the state.

Sec. 2. Section 1, chapter 130, Laws of 1985 as amended by section 2, chapter 225, Laws of 1989 and RCW 39.44.210 are each amended to read as follows:

For each state or local government bond issued, the underwriter of the issue shall supply the department of community development with information on the bond issue within twenty days of its issuance. In cases where the issuer of the bond makes a direct or private sale to a purchaser without benefit of an underwriter, the issuer shall supply the required information. The bond issue information shall be provided on a form prescribed by the department of community development and shall include but is not limited to: (1) The par value of the bond issue; (2) the effective interest rates; (3) a schedule of maturities; (4) the purposes of the bond issue; (5) cost of issuance information; and (6) the type of bonds that are issued. A copy of the bond covenants shall be supplied with this information.

For each state or local government bond issued, the issuer's bond counsel promptly shall provide to the underwriter or to the department of community development information on the amount of any fees charged for services rendered with regard to the bond issue.

Each local government that issues any type of bond shall make a report annually to the department of community development that includes a summary of all the outstanding bonds of the local government as of the first day of January in that year. Such report shall distinguish the outstanding bond issues on the basis of the type of bond, as defined in RCW 39.44.200, and shall report the local government's outstanding indebtedness compared to any applicable limitations on indebtedness, including RCW 35.42.200, 39.30.010, and 39.36.020.

Passed the House March 5, 1990.

Passed the Senate March 1, 1990.

Approved by the Governor March 27, 1990.

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

CHAPTER 221

[House Bill No. 2299]

COMMERCIAL TELEFACSIMILE SOLICITATION

AN ACT Relating to the use of telefacsimile messages for commercial solicitation; and adding a new section to chapter 80.36 RCW.

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

NEW SECTION. Sec. 1. A new section is added to chapter 80.36 RCW to read as follows:

(1) As used in this section, "telefacsimile message" means the transmittal of electronic signals over telephone lines for conversion into written text.

(2) No person, corporation, partnership, or association shall initiate the unsolicited transmission of telefacsimile messages promoting goods or services for purchase by the recipient.

(3) (a) Except as provided in (b) of this subsection, this section shall not apply to telefacsimile messages sent to a recipient with whom the initiator has had a prior contractual or business relationship.

(b) A person shall not initiate an unsolicited telefacsimile message under the provisions of (a) of this subsection if the person knew or reasonably should have known that the recipient is a governmental entity.

(4) Notwithstanding subsection (3) of this section, it is unlawful to initiate any telefacsimile message to a recipient who has previously sent a written or telefacsimile message to the initiator clearly indicating that the recipient does not want to receive telefacsimile messages from the initiator.

(5) The unsolicited transmission of telefacsimile messages promoting goods or services for purchase by the recipient is a matter affecting the public interest for the purpose of applying the consumer protection act, chapter 19.86 RCW. The transmission of unsolicited telefacsimile messages is not reasonable in relation to the development and preservation of business. A violation of this section is an unfair or deceptive act in trade or commerce for the purpose of applying the consumer protection act, chapter 19.86 RCW. Damages to the recipient of telefacsimile messages in violation of this section are five hundred dollars or actual damages, whichever is greater.

(6) Nothing in this section shall be construed to prevent the Washington utilities and transportation commission from adopting additional rules regulating transmissions of telefacsimile messages.

Passed the House March 5, 1990.

Passed the Senate March 1, 1990.

Approved by the Governor March 27, 1990.

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

CHAPTER 222

[House Bill No. 2411]

HEALTH CARE AUTHORITY

AN ACT Relating to the health care authority; amending RCW 41.04.205, 41.05.011, 41.05.021, 41.05.031, 41.05.090, and 48.42.070; and adding a new section to chapter 41.05 RCW.

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

Sec. 1. Section 1, chapter 106, Laws of 1975-'76 2nd ex. sess. as amended by section 17, chapter 107, Laws of 1988 and RCW 41.04.205 are each amended to read as follows:

(1) Notwithstanding the provisions of RCW 41.04.180, the employees, with their dependents, of any county, municipality, or other political subdivision of this state shall be eligible to participate in any insurance or self-insurance program administered under chapter 41.05 RCW if the legislative authority of any such county, municipality, or other political subdivisions of

this state determines a transfer to an insurance or self-insurance program administered under chapter 41.05 RCW should be made: PROVIDED, That this section shall have no application to members of the law enforcement officers' and fire fighters' retirement system under chapter 41.26 RCW: PROVIDED FURTHER, That in the event of a special district employee transfer pursuant to this section, members of the governing authority shall be eligible to be included in such transfer if such members are authorized by law as of June 25, 1976 to participate in the insurance program being transferred from and subject to payment by such members of all costs of insurance for members(~~(-PROVIDED FURTHER, That contributions by any county, municipality, or other political subdivision to which coverage is extended after October 1, 1988, shall not receive the benefit of any surplus funds attributable to premiums paid prior to the date upon which coverage is extended))~~).

(2) When the legislative authority of a county, municipality, or other political subdivision determines to so transfer, the state health care authority shall:

(a) Establish the conditions under which the transfer may be made, which shall include the requirements that:

(i) All the eligible employees of the political subdivision transfer as a unit, and

(ii) The political subdivision involved obligate itself to make employer contributions in an amount at least equal to those provided by the state as employer; and

(b) Hold public hearings on the application for transfer; and

(c) Have the sole right to reject the application.

Approval of the application by the state health care authority shall effect a transfer of the employees involved to the insurance, self-insurance, or health care program applied for.

Sec. 2. Section 3, chapter 107, Laws of 1988 and RCW 41.05.011 are each amended to read as follows:

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

(1) "Administrator" means the administrator of the authority.

(2) "State purchased health care" or "health care" means medical and health care, pharmaceuticals, and medical equipment purchased with state and federal funds by the department of social and health services, the department of health, the basic health plan, the state health care authority, the department of labor and industries, the department of corrections, the department of veterans affairs, and local school districts.

(3) "Authority" means the Washington state health care authority.

(4) "Insuring entity" means an insurance carrier as defined in chapter 48.21 or 48.22 RCW, a health care service contractor as defined in chapter

48.44 RCW, or a health maintenance organization as defined in chapter 48.46 RCW.

(5) "Flexible benefit plan" means a benefit plan that allows employees to choose the level of health care coverage provided and the amount of employee contributions from among a range of choices offered by the authority.

(6) "Employee" includes all full-time and career seasonal employees of the state, whether or not covered by civil service; elected and appointed officials of the executive branch of government, including full-time members of boards, commissions, or committees; and includes any or all part-time and temporary employees under the terms and conditions established under this chapter by the authority; justices of the supreme court and judges of the court of appeals and the superior courts; and members of the state legislature or of the legislative authority of any county, city, or town who are elected to office after February 20, 1970. "Employee" also includes employees of a county, municipality, or other political subdivision of the state if the legislative authority of the county, municipality, or other political subdivision of the state (~~((transfers any of its insurance programs to an insurance program administered by the authority pursuant to))~~) seeks and receives the approval of the authority to provide any of its insurance programs by contract with the authority, as provided in RCW 41.04.205, and employees of a school district if the board of directors of the school district seeks and receives the approval of the authority to provide any of its insurance programs by contract with the authority as provided in RCW 28A.58.420.

(7) "Board" means the state employees' benefits board established under RCW 41.05.055.

Sec. 3. Section 4, chapter 107, Laws of 1988 and RCW 41.05.021 are each amended to read as follows:

The Washington state health care authority is created within the executive branch. The authority shall have an administrator appointed by the governor, with the consent of the senate. The administrator shall serve at the pleasure of the governor. The administrator may employ up to seven staff members, who shall be exempt from chapter 41.06 RCW, and any additional staff members as are necessary to administer this chapter. The primary duties of the authority shall be to administer state employees' insurance benefits and to study state-purchased health care programs in order to maximize cost containment in these programs while ensuring access to quality health care. The authority's duties include, but are not limited to, the following:

(1) To administer a health care benefit program for employees as specifically authorized in RCW 41.05.065 and in accordance with the methods described in RCW 41.05.075, 41.05.140, and other provisions of this chapter;

(2) To analyze ~~((the))~~ state-purchased health care programs and to explore options for cost containment and delivery alternatives for those programs that are consistent with the purposes of those programs, including, but not limited to:

(a) Creation of economic incentives for the persons for whom the state purchases health care to appropriately utilize and purchase health care services, including the development of flexible benefit plans to offset increases in individual financial responsibility;

(b) Utilization of provider arrangements that encourage cost containment and ensure access to quality care, including but not limited to prepaid delivery systems, utilization review, and prospective payment methods;

(c) Coordination of state agency efforts to purchase drugs effectively as provided in RCW 70.14.050;

(d) Development of recommendations and methods for purchasing medical equipment and supporting services on a volume discount basis; and

(e) Development of data systems to obtain utilization data from state-purchased health care programs in order to identify cost centers, utilization patterns, provider and hospital practice patterns, and procedure costs, utilizing the information obtained pursuant to RCW 41.05.031;

(3) To analyze areas of public and private health care interaction; ~~((and))~~

(4) To provide information and technical and administrative assistance to the board;

(5) To review and approve or deny applications from counties, municipalities, other political subdivisions of the state, and school districts to provide state-sponsored insurance or self-insurance programs to their employees in accordance with the provisions of RCW 41.04.205 and 28A-.58.420, setting the premium contribution for approved groups as outlined in RCW 41.05.050;

(6) To appoint a health care policy technical advisory committee as required by RCW 41.05.150; and

(7) To promulgate and adopt rules consistent with this chapter as described in RCW 41.05.160.

Sec. 4. Section 5, chapter 107, Laws of 1988 and RCW 41.05.031 are each amended to read as follows:

The following state agencies are directed to cooperate with the authority to establish appropriate health care information systems in their programs: The department of social and health services, the department of health, the department of labor and industries, the basic health plan, the department of veterans affairs, the department of corrections, and the superintendent of public instruction.

The authority, in conjunction with these agencies, shall determine:

(1) Definitions of health care services;

(2) Health care data elements common to all agencies;

- (3) Health care data elements unique to each agency; and
- (4) A mechanism for program and budget review of health care data.

Sec. 5. Section 3, chapter 125, Laws of 1979 and RCW 41.05.090 are each amended to read as follows:

(1) When ((α)) an employee, spouse, or covered dependent becomes ineligible under the state plan and wishes to continue coverage on an individual basis with the same provider under the state plan, such employee, spouse, or covered dependent shall be entitled to immediately transfer and shall not be required to undergo any waiting period before obtaining individual coverage.

(2) Entitlement to a conversion contract under the terms of this section shall not apply to any employee, spouse, or covered dependent who is:

(a) Eligible for federal medicare coverage; or

(b) Covered under another group plan, policy, contract, or agreement providing benefits for hospital or medical care.

(3) Entitlement to conversion under the terms of this section shall not apply to any employee terminated for misconduct, except that conversion shall be offered to the spouse and covered dependents of the terminated employee.

NEW SECTION. Sec. 6. A new section is added to chapter 41.05 RCW to read as follows:

When soliciting proposals for the purpose of awarding contracts for goods or services, the administrator shall, upon written request by the bidder, exempt from public inspection and copying such proprietary data, trade secrets, or other information contained in the bidder's proposal that relate to the bidder's unique methods of conducting business or of determining prices or premium rates to be charged for services under terms of the proposal.

**Sec. 7. Section 2, chapter 56, Laws of 1984 as last amended by section 221, chapter 9, Laws of 1989 1st ex. sess. and RCW 48.42.070 are each amended to read as follows:*

Every person or organization which seeks sponsorship of a legislative proposal which would mandate a health coverage or offering of a health coverage by an insurance carrier, health care service contractor, or health maintenance organization as a component of individual or group policies, shall submit a report to the legislative committees having jurisdiction, assessing both the social and financial impacts of such coverage, including the efficacy of the treatment or service proposed, according to the guidelines enumerated in RCW 48.42.080. Copies of the report shall be sent to the ((state department of health)) health care authority for review and comment. The ((state department of health)) health care authority shall make recommendations based on the report ((to the extent requested by the legislative

committees)). The legislature shall consider the report of the health care authority prior to acting on a legislative proposal that requires or modifies mandated benefits or mandated offerings.

*Sec. 7 was vetoed, see message at end of chapter.

Passed the House March 5, 1990.

Passed the Senate March 2, 1990.

Approved by the Governor March 27, 1990, with the exception of certain items which were vetoed.

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

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

"I am returning herewith, without my approval as to section 7, House Bill No. 2411 entitled:

"AN ACT Relating to the health care authority."

Section 7 of the bill seeks to transfer responsibility for review of proposals for mandated health care coverage from the Department of Health to the Health Care Authority.

Less than one year ago, the Department of Health was given the responsibility for formulating the executive's policy recommendations for health care in the state. The Health Care Authority's primary responsibility is to implement the state's health care policy for public employees by purchasing affordable health care programs.

In order to avoid an appearance of conflict of interest by a major purchaser of health care programs, it is appropriate at this time that the agency responsible for policy recommendations related to mandated health coverages and the agency responsible for purchasing programs reflecting those mandates remain independent. Section 7 would dissolve this independence.

Further, the primary responsibility for the Department of Health is the "general oversight and planning for all of the state's activities as they relate to the health of its citizenry." The duty to review and comment upon proposed mandates falls within that mission and I see no reason, at this time, to shift that duty from the Department of Health.

For these reasons, I have vetoed section 7 of the bill.

With the exception of section 7, House Bill No. 2411 is approved."

CHAPTER 223

[Substitute House Bill No. 1597]

GEOLOGY—EVALUATION OF NEED FOR REGULATION

AN ACT Relating to the practice of geology; 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 it may be in the public interest to establish qualifications for geologists and for the practice of professional geological work.

NEW SECTION. Sec. 2. The department of licensing shall conduct an evaluation of the practice of professional geological work and make recommendations to the legislature as to what extent it is in the public interest to

regulate the practice of geological work. In conducting the evaluation, the department shall consult and work with geologists, including professional geological organizations directly involved in the practice of geology within the state of Washington. The department's findings and recommendations shall be submitted to the legislature by December 1, 1990.

NEW SECTION. Sec. 3. In the event the department finds that regulation of geological work is in the public interest, the department shall prepare a legislative proposal to implement such recommendation. The proposal may include, but not be limited to, the following items:

- (1) Definitions and criteria for qualification and practice as a professional geologist in Washington state;
- (2) The composition of a professional geologist board, including provisions for terms of office, rotation of members, and method of appointment;
- (3) Powers and responsibilities of the board;
- (4) Maintenance of a roster of professional geologists; and
- (5) A system of reciprocity with other states.

NEW SECTION. Sec. 4. This act shall expire June 30, 1991.

Passed the House March 5, 1990.

Passed the Senate March 2, 1990.

Approved by the Governor March 27, 1990.

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

CHAPTER 224

[Senate Bill No. 6391]

ESTATE AND TRANSFER TAX INTERNAL REFERENCES

AN ACT Relating to estate and transfer taxes internal references; and amending RCW 83.100.020 and 11.108.010.

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

Sec. 1. Section 83.100.020, chapter 7, Laws of 1981 2nd ex. sess. as amended by section 2, chapter 64, Laws of 1988 and RCW 83.100.020 are each amended to read as follows:

As used in this chapter:

- (1) "Decedent" means a deceased individual;
- (2) "Department" means the department of revenue, the director of that department, or any employee of the department exercising authority lawfully delegated to him by the director;
- (3) "Federal credit" means (a) for a transfer, the maximum amount of the credit for state taxes allowed by section 2011 of the United States Internal Revenue Code of 1986, as amended or renumbered; and (b) for a generation-skipping transfer, the maximum amount of the credit for state taxes allowed by section 2604 of the United States Internal Revenue Code of 1986, as amended or renumbered;

(4) "Federal return" means any tax return required by chapter 11 or 13 of the United States Internal Revenue Code of 1986, as amended or renumbered, and any regulations thereunder;

(5) "Federal tax" means (a) for a transfer, a tax under chapter 11 of the United States Internal Revenue Code of 1986, as amended or renumbered; and (b) for a generation-skipping transfer, the tax under chapter 13 of the United States Internal Revenue Code of 1986, as amended or renumbered;

(6) "Generation-skipping transfer" means a "generation-skipping transfer" as defined and used in section 2611 of the United States Internal Revenue Code of 1986, as amended or renumbered;

(7) "Gross estate" means "gross estate" as defined and used in section 2031 of the United States Internal Revenue Code of 1986, as amended or renumbered;

(8) "Nonresident" means a decedent who was domiciled outside Washington at his death;

(9) "Person" means any individual, estate, trust, receiver, cooperative association, club, corporation, company, firm, partnership, joint venture, syndicate, or other entity and, to the extent permitted by law, any federal, state, or other governmental unit or subdivision or agency, department, or instrumentality thereof;

(10) "Person required to file the federal return" means any person required to file a return required by chapter 11 or 13 of the Internal Revenue Code of 1986, as amended or renumbered, such as the personal representative of an estate; or a transferor, trustee, or beneficiary of a generation-skipping transfer; or a qualified heir with respect to qualified real property, as defined and used in section 2032A(c) of the United States Internal Revenue Code of 1986, as amended or renumbered;

(11) "Property" means (a) for a transfer, property included in the gross estate; and (b) for a generation-skipping transfer, all real and personal property subject to the federal tax;

(12) "Resident" means a decedent who was domiciled in Washington at time of death;

(13) "Transfer" means "transfer" as used in section 2001 of the United States Internal Revenue Code of 1986, as amended or renumbered, or a disposition or cessation of qualified use as defined and used in section 2032A(c) of the United States Internal Revenue Code of 1986, as amended or renumbered; and

(14) "Trust" means "trust" under Washington law and any arrangement described in section 2652 of the Internal Revenue Code of 1986, as amended or renumbered.

(15) References in this chapter to the United States internal revenue code of 1986, to a chapter of the code, and to regulations under the code are

to the code, chapters, and regulations in effect on the effective date of this act.

Sec. 2. Section 106, chapter 30, Laws of 1985 as amended by section 27, chapter 64, Laws of 1988 and RCW 11.108.010 are each amended to read as follows:

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

(1) The term "pecuniary bequest" means a gift in a governing instrument which either is expressly stated as a fixed dollar amount or is a gift of a dollar amount determinable by the governing instrument, and a gift expressed in terms of a "sum" or an "amount," unless the context dictates otherwise, is a gift of a dollar amount.

(2) The term "marital deduction" means the federal estate tax deduction allowed for transfers under section 2056 of the internal revenue code.

(3) The term "maximum marital deduction" means the maximum amount qualifying for the marital deduction.

(4) The term "marital deduction gift" means a gift intended to qualify for the marital deduction.

(5) The term "governing instrument" includes a will and codicils, irrevocable, and revocable trusts.

(6) "Fiduciary" means trustee or personal representative. Reference to a fiduciary in the singular includes the plural where the context requires.

(7) References to the "internal revenue code" are to the United States internal revenue code of 1986, as ~~((it is amended from time to time. Each reference to a section of the internal revenue code refers as well to any subsequent provisions of law enacted in its place))~~ in effect on the effective date of this act.

(8) The term "gift" refers to all legacies, devises, and bequests made in a governing instrument.

Passed the Senate February 7, 1990.

Passed the House March 2, 1990.

Approved by the Governor March 27, 1990.

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

CHAPTER 225

[Senate Bill No. 6394]

ESCHEAT PROPERTY AND SMALL ESTATES

AN ACT Relating to escheat property and small estates; amending RCW 11.08.170 and 11.08.111; and adding a new section to chapter 11.08 RCW.

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

Sec. 1. Section 11.08.170, chapter 145, Laws of 1965 as amended by section 2, chapter 278, Laws of 1975 1st ex. sess. and RCW 11.08.170 are each amended to read as follows:

Escheat property may be probated under the provisions of the probate laws of this state. Whenever such probate proceedings are instituted, whether by special administration or otherwise, the petitioner shall promptly notify the department of revenue in writing thereof on forms furnished by the department of revenue to the county clerks. Thereafter, the department of revenue shall be served with written notice at least twenty days prior to any hearing on proceedings involving the valuation or sale of property, on any petition for the allowance of fees, and on all interim reports, final accounts or petitions for the determination of heirship. Like notice shall be given of the presentation of any claims to the court for allowance. Failure to furnish such notice shall be deemed jurisdictional and any order of the court entered without such notice shall be void(~~(:PROVIDED, That)~~). The department of revenue may waive the provisions of this section in its discretion. The department shall be deemed to have waived its right to administer in such probate proceedings under RCW 11.28.120(3) unless application for appointment of the director or the director's designee is made within forty days immediately following receipt of notice of institution of proceedings.

Sec. 2. Section 11.08.111, chapter 145, Laws of 1965 as amended by section 1, chapter 76, Laws of 1973 1st ex. sess. and RCW 11.08.111 are each amended to read as follows:

Prior to the expiration of the two-year period provided for in RCW 11.08.101, the superintendent may transfer such money or property in his possession, upon request and satisfactory proof submitted to him, to the following designated persons:

(1) To the personal representative of the estate of such deceased in-mate; or

(2) To the ~~((next of kin of the decedent))~~ successor or successors defined in RCW 11.62.005, where such money and property does not exceed the ~~((value of one thousand dollars))~~ amount specified in RCW 6.13.030, and the ~~((person or persons requesting same))~~ successor or successors shall have furnished ((an affidavit as to his or her being next of kin)) proof of death and an affidavit made by said successor or successors meeting the requirements of RCW 11.62.010; or

(3) In the case of money, to the person who may have deposited such money with the superintendent for the use of the decedent, where the sum involved does not exceed one thousand dollars; or

(4) To the department of social and health services, when there are moneys due and owing from such deceased person's estate for the cost of his care and maintenance at a state institution: **PROVIDED**, That transfer of such money or property may be made to the person first qualifying under

this section and such transfer shall exonerate the superintendent from further responsibility relative to such money or property: AND PROVIDED FURTHER, That upon satisfactory showing the funeral expenses of such decedent are unpaid, the superintendent may pay up to one thousand dollars from said deceased inmate's funds on said obligation.

NEW SECTION. Sec. 3. A new section is added to chapter 11.08 RCW to read as follows:

Escheat property may be transferred to the department of revenue under the provisions of RCW 11.62.005 through 11.62.020. The department of revenue shall furnish proof of death and an affidavit made by the department which meets the requirements of RCW 11.62.010 to any person who is indebted to or has possession of any personal property belonging to the decedent or to the decedent and his or her surviving spouse as a community, which debt or personal property is an asset which is subject to probate. Upon receipt of such proof of death and affidavit, the person shall pay the indebtedness or deliver the personal property, or as much of either as is claimed, to the department of revenue pursuant to RCW 11.62.010.

The department of revenue shall file a copy of its affidavit made pursuant to chapter 11.62 RCW with the clerk of the court where any probate administration of the decedent has been commenced, or, if no probate administration has been commenced, then with the clerk of the court of any county provided by law as a place for probate administration of the estate of such person. The affidavit shall be indexed under the name of the decedent in the probate index upon payment of a fee of two dollars. Any claimant to escheated funds shall have seven years from the filing of the affidavit by the department of revenue within which to file the claim. The claim shall be filed with the clerk of the court where the affidavit of the department of revenue was filed, and a copy served upon the department of revenue, together with twenty days notice of a hearing to be held thereon, and the provisions of RCW 11.08.250 through 11.08.280 shall apply.

Passed the Senate February 7, 1990.

Passed the House March 2, 1990.

Approved by the Governor March 27, 1990.

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

CHAPTER 226

[Substitute Senate Bill No. 6195]

DOGS AND CATS—USE AS TRAINING BAIT PROHIBITED

AN ACT Relating to animals; adding a new section to chapter 16.52 RCW; and prescribing penalties.

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

NEW SECTION. Sec. 1. A new section is added to chapter 16.52 RCW to read as follows:

(1) Any person who uses domestic dogs or cats as bait, prey, or targets for the purpose of training dogs or other animals to track, fight, or hunt, in such a fashion as to torture, torment, deprive of necessary sustenance, cruelly beat, or mutilate such animals, shall be guilty of a misdemeanor.

(2) Any person who violates the provisions of subsection (1) of this section, and whose actions result in the death of the animal, shall be guilty of a gross misdemeanor.

(3) Any person who captures by trap a domestic dog or cat to be used as bait, prey, or targets for the purpose of training dogs or other animals to track, fight, or hunt, in such a fashion as to torture, torment, deprive of necessary sustenance, cruelly beat, or mutilate such animals, shall be guilty of a misdemeanor.

(4) Any person who violates the provisions of subsection (3) of this section, and whose actions result in the death of the animal, shall be guilty of a gross misdemeanor.

(5) If a person violates this section, law enforcement authorities shall seize and hold the animals being trained. Such animals shall be disposed of by the court pursuant to the provisions of RCW 16.52.200(3).

(6) This section shall not in any way interfere with or impair the operation of any provision of Title 28B RCW, relating to higher education or biomedical research.

Passed the Senate March 5, 1990.

Passed the House March 2, 1990.

Approved by the Governor March 27, 1990.

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

CHAPTER 227

[House Bill No. 2561]

REPLEVIN

AN ACT Relating to replevin; amending RCW 7.64.010, 7.64.020, 7.64.035, 7.64.045, 7.64.050, 7.64.100, and 7.64.110; adding new sections to chapter 7.64 RCW; and repealing RCW 7.64.060, 7.64.080, 7.64.090, and 7.64.120.

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

Sec. 1. Section 100, page 150, Laws of 1854 as last amended by section 1, chapter 132, Laws of 1979 ex. sess. and RCW 7.64.010 are each amended to read as follows:

The plaintiff in an action to recover the possession of personal property may claim and obtain the immediate delivery of such property, after a hearing, as provided in this chapter.

The remedies provided under this chapter are in addition to any other remedy available to the plaintiff, including a secured creditor's right of self-help repossession.

Sec. 2. Section 101, page 150, Laws of 1854 as last amended by section 2, chapter 132, Laws of 1979 ex. sess. and RCW 7.64.020 are each amended to read as follows:

~~((When a delivery is claimed, an affidavit shall be made by))~~ (1) At the time of filing the complaint or any time thereafter, the plaintiff may apply to the judge or court commissioner to issue an order directing the defendant to appear and show cause why an order putting the plaintiff in immediate possession of the personal property should not be issued.

(2) In support of the application, the plaintiff, or ((by)) someone ((in his)) on the plaintiff's behalf, shall make an affidavit, or a declaration as permitted under RCW 9A.72.085, showing:

~~((1))~~ (a) That the plaintiff is the owner of the property ((claimed, particularly describing it;)) or is lawfully entitled to the possession ((thereof;)) of the property by virtue of a special property ((therein)) interest, including a security interest, ((the facts in respect to which shall be set forth;)) specifically describing the property and interest;

~~((2))~~ (b) That the property is wrongfully detained by defendant((-);)

~~((3))~~ (c) That the ((same)) property has not been taken for a tax, assessment, or fine pursuant to a statute((-or)) and has not been seized under an execution or attachment against the property of the plaintiff((-);), or if so seized, that it is by law exempt from such seizure((-And;)); and

~~((4))~~ (d) The ((actual)) approximate value of the property.

~~((At the time of filing the complaint or any time thereafter, the plaintiff may petition the judge or court commissioner to issue an order directing the defendant to appear and show cause why an order putting plaintiff in possession of the personal property should not be issued. The hearing))~~ (3) The order to show cause shall state the date, time, and place of the hearing, which shall be set no earlier than ten and no later than twenty-five days ((from)) after the date of the order. ((The order shall contain the date, time, and place of the hearing;))

(4) A certified copy of the order to show cause, with a copy of the plaintiff's affidavit or declaration attached, shall be served upon the defendant no later than five days before the hearing date((-; and a copy of the affidavit of the plaintiff shall be attached to the certified copy of the order to show cause)).

Sec. 3. Section 5, chapter 132, Laws of 1979 ex. sess. and RCW 7.64.035 are each amended to read as follows:

~~((The judge or court commissioner;))~~ (1) At the hearing on the order to show cause, the judge or court commissioner may issue an order awarding possession of the property to the plaintiff and directing the sheriff to put the plaintiff in possession of the property;

(a)(i) If the plaintiff establishes ((his)) the right to obtain possession of the property(;) pending final disposition, or (ii) if the defendant, after being served with the order to show cause, fails to appear at the hearing(:(~~Before the order may issue prior to final judgment~~)); and

(b) If the plaintiff ((shall)) executes to the defendant and files in the court a bond in such sum as the court may order, with sufficient surety to be approved by the clerk, conditioned that the plaintiff will prosecute ((his)) the action without delay(;) and that if the order is wrongfully sued out, the plaintiff will pay all costs that may be adjudged to the defendant(;) and all damages, court costs, ((including)) reasonable attorneys' fees, and costs of recovery ((which he)) that the defendant may ((sustain)) incur by reason of the order having been issued((~~should the same be wrongfully sued out~~)).

(2) An order awarding possession shall: (a) State that a show cause hearing was held; (b) describe the property and its location; (c) direct the sheriff to take possession of the property and put the plaintiff in possession as provided in this chapter; (d) if deemed necessary, direct the sheriff to break and enter a building or enclosure to obtain possession of the property if it is concealed in the building or enclosure; and (e) be signed by the judge or commissioner.

(3) If at the time of the hearing more than twenty days have elapsed since service of the summons and complaint and the defendant does not raise an issue of fact prior to or at the hearing that requires a trial on the issue of possession or damages, the judge or court commissioner may also, in addition to entering an order awarding possession, enter a final judgment awarding plaintiff possession of the property or its value if possession cannot be obtained, damages, court costs, ((including)) reasonable attorneys' fees, and costs of recovery ((unless defendant raises an issue of fact prior to or at the hearing to show cause which requires a trial on the issue of possession or damages)).

Sec. 4. Section 6, chapter 132, Laws of 1979 ex. sess. and RCW 7.64-.045 are each amended to read as follows:

((Upon)) After issuance of the order ((for the recovery of property)) awarding possession, the plaintiff shall deliver a copy of the bond and a certified copy of the order awarding possession to the sheriff of the county where the property is located and shall provide the sheriff with all available information as to the location and identity of the defendant and the property claimed. ((The plaintiff shall deliver a certified copy of the order to show cause and the affidavit of the plaintiff to the sheriff. The sheriff shall leave a copy of the order, affidavit, and bond with the defendant, his agent, his attorney, or the person in possession of the property when the property is taken by the sheriff.)) If the property is returned to the plaintiff by the defendant or if the plaintiff otherwise obtains possession of the property, the plaintiff shall notify the sheriff of this fact as soon as possible.

NEW SECTION. Sec. 5. A new section is added to chapter 7.64 RCW to read as follows:

(1) After receiving an order awarding possession, the sheriff shall take possession of the property. If the property or any part of it is concealed in a building or enclosure, the sheriff shall publicly demand delivery of the property. If the property is not delivered and if the order awarding possession so directs, the sheriff shall cause the building or enclosure to be broken open and take possession of the property.

(2) At the time of taking possession of the property, the sheriff shall serve copies of the bond and the order awarding possession on the defendant or, if someone other than the defendant is in possession of the property, shall serve the copies on that person. If the copies of the bond and the order are not served on the defendant at the time of taking possession, the sheriff shall, within a reasonable time after taking possession, give notice to the defendant either by serving copies of the bond and order on the defendant in the same manner as a summons in a civil action or by causing the copies to be mailed to the defendant by both regular mail and certified mail, return receipt requested.

(3) As soon as possible after taking possession of the property and after receiving lawful fees for taking possession and necessary expenses for keeping the property, the sheriff shall release the property to the plaintiff, unless before the release the defendant has, as provided in RCW 7.64.050, given a redelivery bond to the sheriff or filed a redelivery bond with the court and notified the sheriff of that fact.

Sec. 6. Section 104, page 151, Laws of 1854 as last amended by section 3, chapter 132, Laws of 1979 ex. sess. and RCW 7.64.050 are each amended to read as follows:

(1) At the hearing on the order to show cause or at any time before the ((delivery)) sheriff takes possession of the property, the defendant may post a redelivery bond and retain possession of the property pending final judgment in the action for possession. At any time after the sheriff takes possession and before release of the property to the plaintiff as provided in section 5 of this 1990 act, the defendant may require the sheriff to return ((thereof, upon giving)) the property by posting a redelivery bond.

(2) A redelivery bond may be given to the sheriff or ((filing)) filed with the court ((a)). If the bond is filed with the court after a certified copy of the order awarding possession has been issued to the sheriff, the defendant shall give notice of the filing to the sheriff.

(3) The redelivery bond shall be executed by one or more sufficient sureties to the effect that they are bound in an amount equal to the value of the bond filed by the plaintiff ((- If a return of the property be not so required within three days after the taking and service of notice to the defendant, it shall be delivered to the plaintiff, except as provided in RCW 7.64.100)), conditioned that the defendant will deliver the property to the

plaintiff if judgment is entered for the plaintiff in the action for possession and will pay any sum recovered by the plaintiff in that action.

(4) The defendant's sureties, upon a notice to the plaintiff or the plaintiff's attorney, of not less than two, nor more than six days, shall justify as provided by law; upon such justification, the sheriff shall release the property to the defendant. The sheriff shall be responsible for the defendant's sureties until they justify, or until justification is completed or expressly waived, and may retain the property until that time; but if they, or others in their place, fail to justify at the time and place appointed, the sheriff shall release the property to the plaintiff.

Sec. 7. Section 109, page 151, Laws of 1854 as last amended by section 4, chapter 132, Laws of 1979 ex. sess. and RCW 7.64.100 are each amended to read as follows:

If the property taken ~~((be))~~ by the sheriff is claimed by any person other than the defendant or ~~((his))~~ the defendant's agent, ~~((and such person make affidavit of his title thereto, or his right to the possession thereof, stating the grounds of such title or right, and serve the same upon the sheriff before the delivery of the property to the plaintiff, the sheriff shall not be bound to keep the property or deliver it to the plaintiff, unless the plaintiff, on demand indemnify the sheriff against such claim by a bond, executed by one or more sufficient sureties, and no claim to such property by any person other than the defendant or his agent shall be valid against the sheriff, unless made as aforesaid; and notwithstanding such claim, when so made, he may retain the property a reasonable time to demand such indemnity))~~ the claimant may assert the claim by intervening in the plaintiff's action for possession.

Sec. 8. Section 110, page 152, Laws of 1854 as last amended by section 1, chapter 34, Laws of 1891 and RCW 7.64.110 are each amended to read as follows:

The sheriff shall file ~~((the affidavit, with the proceedings thereon;))~~ a return of proceedings with the clerk of the court in which the action is pending~~(;))~~ within twenty days after taking possession of the property ~~((mentioned therein)).~~

NEW SECTION. Sec. 9. A new section is added to chapter 7.64 RCW to read as follows:

To the extent the final judgment entered at a show cause hearing or at any other time is not satisfied by proceedings under an order awarding possession issued at the show cause hearing, the judgment shall be executed in the same manner as any other judgment.

NEW SECTION. Sec. 10. The following acts or parts of acts are each repealed:

(1) Section 105, page 151, Laws of 1854, section 145, page 36, Laws of 1869, section 147, page 31, Laws of 1877, section 147, Code of 1881, section 16, chapter 51, Laws of 1957 and RCW 7.64.060;

(2) Section 107, page 151, Laws of 1854, section 147, page 37, Laws of 1869, section 149, page 31, Laws of 1877, section 149, Code of 1881 and RCW 7.64.080;

(3) Section 108, page 151, Laws of 1854, section 148, page 37, Laws of 1869, section 150, page 32, Laws of 1877, section 150, Code of 1881 and RCW 7.64.090; and

(4) Section 7, chapter 132, Laws of 1979 ex. sess. and RCW 7.64.120.

NEW SECTION. Sec. 11. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

Passed the House February 6, 1990.

Passed the Senate February 28, 1990.

Approved by the Governor March 27, 1990.

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

CHAPTER 228

[House Bill No. 2633]

UNIFORM COMMERCIAL CODE—"MONEY" DEFINED

AN ACT Relating to the uniform commercial code; and amending RCW 62A.1-201.

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

Sec. 1. Section 1-201, chapter 157, Laws of 1965 ex. sess. as last amended by section 53, chapter 35, Laws of 1986 and RCW 62A.1-201 are each amended to read as follows:

Subject to additional definitions contained in the subsequent Articles of this Title which are applicable to specific Articles or Parts thereof, and unless the context otherwise requires, in this Title:

(1) "Action" in the sense of a judicial proceeding includes recoupment, counterclaim, set-off, suit in equity and any other proceedings in which rights are determined.

(2) "Aggrieved party" means a party entitled to resort to a remedy.

(3) "Agreement" means the bargain of the parties in fact as found in their language or by implication from other circumstances including course of dealing or usage of trade or course of performance as provided in this Title (RCW 62A.1-205 and RCW 62A.2-208). Whether an agreement has legal consequences is determined by the provisions of this Title, if applicable; otherwise by the law of contracts (RCW 62A.1-103). (Compare "Contract".)

(4) "Bank" means any person engaged in the business of banking.

(5) "Bearer" means the person in possession of an instrument, document of title, or certificated security payable to bearer or indorsed in blank.

(6) "Bill of lading" means a document evidencing the receipt of goods for shipment issued by a person engaged in the business of transporting or forwarding goods, and includes an airbill. "Airbill" means a document serving for air transportation as a bill of lading does for marine or rail transportation, and includes an air consignment note or air waybill.

(7) "Branch" includes a separately incorporated foreign branch of a bank.

(8) "Burden of establishing" a fact means the burden of persuading the triers of fact that the existence of the fact is more probable than its non-existence.

(9) "Buyer in ordinary course of business" means a person who in good faith and without knowledge that the sale to him is in violation of the ownership rights or security interest of a third party in the goods buys in ordinary course from a person in the business of selling goods of that kind but does not include a pawnbroker. All persons who sell minerals or the like (including oil and gas) at wellhead or minehead shall be deemed to be persons in the business of selling goods of that kind. "Buying" may be for cash or by exchange of other property or on secured or unsecured credit and includes receiving goods or documents of title under a pre-existing contract for sale but does not include a transfer in bulk or as security for or in total or partial satisfaction of a money debt.

(10) "Conspicuous": A term or clause is conspicuous when it is so written that a reasonable person against whom it is to operate ought to have noticed it. A printed heading in capitals (as: **NON-NEGOTIABLE BILL OF LADING**) is conspicuous. Language in the body of a form is "conspicuous" if it is in larger or other contrasting type or color. But in a telegram any stated term is "conspicuous". Whether a term or clause is "conspicuous" or not is for decision by the court.

(11) "Contract" means the total legal obligation which results from the parties' agreement as affected by this Title and any other applicable rules of law. (Compare "Agreement".)

(12) "Creditor" includes a general creditor, a secured creditor, a lien creditor and any representative of creditors, including an assignee for the benefit of creditors, a trustee in bankruptcy, a receiver in equity and an executor or administrator of an insolvent debtor's or assignor's estate.

(13) "Defendant" includes a person in the position of defendant in a cross-action or counterclaim.

(14) "Delivery" with respect to instruments, documents of title, chattel paper, or certificated securities means voluntary transfer of possession.

(15) "Document of title" includes bill of lading, dock warrant, dock receipt, warehouse receipt or order for the delivery of goods, and also any other document which in the regular course of business or financing is

treated as adequately evidencing that the person in possession of it is entitled to receive, hold and dispose of the document and the goods it covers. To be a document of title a document must purport to be issued by or addressed to a bailee and purport to cover goods in the bailee's possession which are either identified or are fungible portions of an identified mass.

(16) "Fault" means wrongful act, omission or breach.

(17) "Fungible" with respect to goods or securities means goods or securities of which any unit is, by nature or usage of trade, the equivalent of any other like unit. Goods which are not fungible shall be deemed fungible for the purposes of this Title to the extent that under a particular agreement or document unlike units are treated as equivalents.

(18) "Genuine" means free of forgery or counterfeiting.

(19) "Good faith" means honesty in fact in the conduct or transaction concerned.

(20) "Holder" (~~means a person who is in possession of a document of title or an instrument or a certificated investment security drawn, issued, or indorsed to him or to his order or to bearer or in blank~~) with respect to an instrument, certificated security, or document of title means the person in possession if (a) in the case of an instrument, it is payable to bearer or to the order of the person in possession, (b) in the case of a security, the person in possession is the registered owner, or the security has been indorsed to the person in possession by the registered owner, or the security is in bearer form, or (c) in the case of a document of title, the goods are deliverable to bearer or to the order of the person in possession.

(21) To "honor" is to pay or to accept and pay, or where a credit so engages to purchase or discount a draft complying with the terms of the credit.

(22) "Insolvency proceedings" includes any assignment for the benefit of creditors or other proceedings intended to liquidate or rehabilitate the estate of the person involved.

(23) A person is "insolvent" who either has ceased to pay his debts in the ordinary course of business or cannot pay his debts as they become due or is insolvent within the meaning of the federal bankruptcy law.

(24) "Money" means a medium of exchange authorized or adopted by a domestic or foreign government (~~as a part of its currency~~) or intergovernmental organization.

(25) A person has "notice" of a fact when (a) he has actual knowledge of it; or

(b) he has received a notice or notification of it; or

(c) from all the facts and circumstances known to him at the time in question he has reason to know that it exists.

A person "knows" or has "knowledge" of a fact when he has actual knowledge of it. "Discover" or "learn" or a word or phrase of similar import refers to knowledge rather than to reason to know. The time and

circumstances under which a notice or notification may cease to be effective are not determined by this Title.

(26) A person "notifies" or "gives" a notice or notification to another by taking such steps as may be reasonably required to inform the other in ordinary course whether or not such other actually comes to know of it. A person "receives" a notice or notification when

(a) it comes to his attention; or

(b) it is duly delivered at the place of business through which the contract was made or at any other place held out by him as the place for receipt of such communications.

(27) Notice, knowledge or a notice or notification received by an organization is effective for a particular transaction from the time when it is brought to the attention of the individual conducting that transaction, and in any event from the time when it would have been brought to his attention if the organization had exercised due diligence. An organization exercises due diligence if it maintains reasonable routines for communicating significant information to the person conducting the transaction and there is reasonable compliance with the routines. Due diligence does not require an individual acting for the organization to communicate information unless such communication is part of his regular duties or unless he has reason to know of the transaction and that the transaction would be materially affected by the information.

(28) "Organization" includes a corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership or association, two or more persons having a joint or common interest, or any other legal or commercial entity.

(29) "Party", as distinct from "third party", means a person who has engaged in a transaction or made an agreement within this Title.

(30) "Person" includes an individual or an organization (See RCW 62A.1-102).

(31) "Presumption" or "presumed" means that the trier of fact must find the existence of the fact presumed unless and until evidence is introduced which would support a finding of its nonexistence.

(32) "Purchase" includes taking by sale, discount, negotiation, mortgage, pledge, lien, issue or re-issue, gift or any other voluntary transaction creating an interest in property.

(33) "Purchaser" means a person who takes by purchase.

(34) "Remedy" means any remedial right to which an aggrieved party is entitled with or without resort to a tribunal.

(35) "Representative" includes an agent, an officer of a corporation or association, and a trustee, executor or administrator of an estate, or any other person empowered to act for another.

(36) "Rights" includes remedies.

(37) "Security interest" means an interest in personal property or fixtures which secures payment or performance of an obligation. The retention or reservation of title by a seller of goods notwithstanding shipment or delivery to the buyer (RCW 62A.2-401) is limited in effect to a reservation of a "security interest". The term also includes any interest of a buyer of accounts or chattel paper which is subject to Article 9. The special property interest of a buyer of goods on identification of such goods to a contract for sale under RCW 62A.2-401 is not a "security interest", but a buyer may also acquire a "security interest" by complying with Article 9. Unless a lease or consignment is intended as security, reservation of title thereunder is not a "security interest" but a consignment is in any event subject to the provisions on consignment sales (RCW 62A.2-326). Whether a lease is intended as security is to be determined by the facts of each case; however, (a) the inclusion of an option to purchase does not of itself make the lease one intended for security, and (b) an agreement that upon compliance with the terms of the lease the lessee shall become or has the option to become the owner of the property for no additional consideration or for a nominal consideration does make the lease one intended for security.

(38) "Send" in connection with any writing or notice means to deposit in the mail or deliver for transmission by any other usual means of communication with postage or cost of transmission provided for and properly addressed and in the case of an instrument to an address specified thereon or otherwise agreed, or if there be none to any address reasonable under the circumstances. The receipt of any writing or notice within the time at which it would have arrived if properly sent has the effect of a proper sending.

(39) "Signed" includes any symbol executed or adopted by a party with present intention to authenticate a writing.

(40) "Surety" includes guarantor.

(41) "Telegram" includes a message transmitted by radio, teletype, cable, any mechanical method of transmission, or the like.

(42) "Term" means that portion of an agreement which relates to a particular matter.

(43) "Unauthorized" signature (~~or indorsement~~) means one made without actual, implied or apparent authority and includes a forgery.

(44) "Value". Except as otherwise provided with respect to negotiable instruments and bank collections (RCW 62A.3-303, RCW 62A.4-208 and RCW 62A.4-209) a person gives "value" for rights if he acquires them

(a) in return for a binding commitment to extend credit or for the extension of immediately available credit whether or not drawn upon and whether or not a charge-back is provided for in the event of difficulties in collection; or

(b) as security for or in total or partial satisfaction of a preexisting claim; or

(c) by accepting delivery pursuant to a pre-existing contract for purchase; or

(d) generally, in return for any consideration sufficient to support a simple contract.

(45) "Warehouse receipt" means a receipt issued by a person engaged in the business of storing goods for hire.

(46) "Written" or "writing" includes printing, typewriting or any other intentional reduction to tangible form.

Passed the House February 12, 1990.

Passed the Senate February 28, 1990.

Approved by the Governor March 27, 1990.

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

CHAPTER 229

[Substitute Senate Bill No. 5206]

ECONOMIC AND REVENUE FORECAST COUNCIL

AN ACT Relating to the economic and revenue forecast council; amending RCW 82.01.130, 41.06.087, and 43.88.020; reenacting and amending RCW 82.01.120; creating new sections; recodifying RCW 82.01.120, 82.01.125, 82.01.130, and 82.01.135; providing an effective date; and declaring an emergency.

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

Sec. 1. Section 4, chapter 138, Laws of 1984 and RCW 82.01.130 are each amended to read as follows:

(1) The economic and revenue forecast council is hereby created. The council shall consist of two individuals appointed by the governor and four individuals, one of whom is appointed by the chairperson of each of the two largest political caucuses in the senate and house of representatives. The chair of the council shall be selected from among the four caucus appointees. The council may select such other officers as the members deem necessary.

(2) The council shall employ an economic and revenue forecast supervisor to supervise the preparation of all economic and revenue forecasts. As used in this chapter, "supervisor" means the economic and revenue forecast supervisor. Approval by an affirmative vote of at least five members of the council is required for any decisions regarding employment of the supervisor. Employment of the supervisor shall terminate after each term of three years. At the end of the first year of each three-year term the council shall consider extension of the supervisor's term by one year. The council may fix the compensation of the supervisor. The supervisor shall employ staff sufficient to accomplish the purposes of this section.

(3) The economic and revenue forecast council shall oversee the preparation of and approve, by an affirmative vote of at least four members, the official, optimistic, and pessimistic state economic and revenue forecasts

prepared under RCW 82.—.— (RCW 82.01.120 as recodified by section 5 of this act). If the council is unable to approve a forecast before a date required in RCW 82.—.— (RCW 82.01.120 as recodified by section 5 of this act), the supervisor shall submit the forecast without approval and the forecast shall have the same effect as if approved by the council.

~~((3))~~ (4) A council member who does not cast an affirmative vote for approval of the official economic and revenue forecast may request, and the supervisor shall provide, an alternative economic and revenue forecast based on assumptions specified by the member.

~~((4))~~ (5) Members of the economic and revenue forecast council shall serve without additional compensation but shall be reimbursed for travel expenses in accordance with RCW 44.04.120 while attending sessions of the council or on official business authorized by the council. Nonlegislative members of the council shall be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

Sec. 2. Section 1, chapter 138, Laws of 1984 as last amended by section 10, chapter 502, Laws of 1987 and by section 79, chapter 505, Laws of 1987 and RCW 82.01.120 are each reenacted and amended to read as follows:

(1) ~~((The director shall employ an economic and revenue forecast supervisor to supervise the preparation of all economic and revenue forecasts. As used in this section and RCW 82.01.125 and 82.01.130, "supervisor" means the economic and revenue forecast supervisor. Approval by an affirmative vote of at least five members of the economic and revenue forecast council is required for any decisions regarding employment of the supervisor. Employment of the supervisor shall terminate after each term of three years, unless the supervisor is reappointed by the director and approved by the economic and revenue forecast council for another three years. The supervisor shall employ staff sufficient to accomplish the purposes of this section:~~

~~(2))~~ Four times each year the supervisor shall prepare, subject to the approval of the economic and revenue forecast council under RCW 82.—.— (RCW ((82.01.130(2))) 82.01.130 as recodified by section 5 of this act):

- (a) An official state economic and revenue forecast;
- (b) An unofficial state economic and revenue forecast based on optimistic economic and revenue projections; and
- (c) An unofficial state economic and revenue forecast based on pessimistic economic and revenue projections.

~~((3))~~ (2) The supervisor shall submit forecasts prepared under this section, along with any unofficial forecasts provided under RCW 82.—.— (RCW ((82.01.130(3))) 82.01.130 as recodified by section 5 of this act), to the governor and the members of the committees on ways and means and the chairs of the committees on transportation of the senate and house of

representatives and the chair of the legislative transportation committee, including one copy to the staff of each of the committees, on or before November 20th, February 20th in the even-numbered years, March 20th in the odd-numbered years, June 20th, and September 20th. All forecasts shall include both estimated receipts and estimated revenues in conformance with generally accepted accounting principles as provided by RCW 43.88.037.

(3) All agencies of state government shall provide to the supervisor immediate access to all information relating to economic and revenue forecasts. Revenue collection information shall be available to the supervisor the first business day following the conclusion of each collection period.

(4) The economic and revenue forecast supervisor and staff shall locate and share information, data, and files with the tax research section of the department of revenue but shall not duplicate the duties and functions of one another.

Sec. 3. Section 2, chapter 138, Laws of 1984 and RCW 41.06.087 are each amended to read as follows:

In addition to the exemptions set forth in RCW 41.06.070, this chapter does not apply to the economic and revenue forecast supervisor and staff employed under RCW 82.—.— (RCW ((82.01.120)) 82.01.130 as recodified by section 5 of this act).

Sec. 4. Section 1, chapter 36, Laws of 1982 1st ex. sess. as last amended by section 1, chapter 502, Laws of 1987 and RCW 43.88.020 are each amended to read as follows:

(1) "Budget" shall mean a proposed plan of expenditures for a given period or purpose and the proposed means for financing these expenditures.

(2) "Budget document" shall mean a formal, written statement offered by the governor to the legislature, as provided in RCW 43.88.030.

(3) "Director of financial management" shall mean 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 mean and include 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 mean 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" shall mean 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" shall mean 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" shall 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.—.— (RCW 82.01.120 as recodified by section 5 of this act), 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.

(22) "Estimated receipts" means the estimated receipt of cash in the most recent official economic and revenue forecast prepared under RCW 82.—.— (RCW 82.01.120 as recodified by section 5 of this act), 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. 5. (1) RCW 82.01.120, 82.01.125, 82.01.130, and 82.01.135 are recodified as sections in and shall constitute a new chapter in Title 82 RCW.

(2) The code reviser shall correct all statutory references to these sections to reflect this recodification.

NEW SECTION. Sec. 6. All powers, duties, and functions of the director of revenue pertaining to the economic and revenue forecast supervisor are transferred to the economic and revenue forecast council.

NEW SECTION. Sec. 7. All reports, documents, surveys, books, records, files, papers, or written material in the possession of the director of revenue pertaining to the powers, functions, and duties transferred shall be delivered to the custody of the economic and revenue forecast council. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the director of revenue in carrying out the powers, functions, and duties transferred shall be made available to the economic and revenue forecast council. All funds, credits, or other assets held in connection with the powers, functions, and duties transferred shall be assigned to the economic and revenue forecast council.

Any appropriations made to the director of revenue for carrying out the powers, functions, and duties transferred shall, on the effective date of this act, be transferred and credited to the economic and revenue forecast council.

Whenever any question arises as to the transfer of any personnel, funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

NEW SECTION. Sec. 8. All employees of the director of revenue engaged in performing the powers, functions, and duties transferred are transferred to the jurisdiction of the economic and revenue forecast council. All employees classified under chapter 41.06 RCW, the state civil service law, are assigned to the economic and revenue forecast council to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing state civil service.

NEW SECTION. Sec. 9. All rules and all pending business before the director of revenue pertaining to the powers, functions, and duties transferred shall be continued and acted upon by the economic and revenue forecast council. All existing contracts and obligations shall remain in full force and shall be performed by the economic and revenue forecast council.

NEW SECTION. Sec. 10. The transfer of the powers, duties, functions, and personnel of the director of revenue shall not affect the validity of any act performed prior to the effective date of this act.

NEW SECTION. Sec. 11. If apportionments of budgeted funds are required because of the transfers directed by sections 7 through 10 of this act, the director of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

NEW SECTION. Sec. 12. 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, 1990.

Passed the Senate January 29, 1990.

Passed the House March 2, 1990.

Approved by the Governor March 27, 1990.

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

CHAPTER 230

[Substitute Senate Bill No. 6729]

DNA IDENTIFICATION

AN ACT Relating to DNA identification; amending RCW 43.43.758 and 43.43.754; adding new sections to chapter 43.43 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 43.43 RCW to read as follows:

The Washington state patrol shall adopt rules to implement RCW 43.43.752 through 43.43.758. The rules shall prohibit the use of DNA identification data for any research or other purpose that is not related to a criminal investigation or to improving the operation of the system authorized by RCW 43.43.752 through 43.43.758.

Sec. 2. Section 6, chapter 350, Laws of 1989 and RCW 43.43.758 are each amended to read as follows:

(1) Except as provided in subsection ~~((3))~~ (2) of this section, no local law enforcement agency may establish or operate a DNA identification system before July 1, 1990, and unless:

(a) The equipment of the local system is compatible with that of the state system under RCW 43.43.752;

(b) The local system is equipped to receive and answer inquiries from the Washington state patrol DNA identification system and transmit data to the Washington state patrol DNA identification system; and

(c) The procedure and rules for the collection, analysis, storage, expungement, and use of DNA identification data do not conflict with procedures and rules applicable to the state patrol DNA identification system.

(2) ~~((The Washington state patrol shall adopt rules to implement this section:~~

~~((3)))~~ Nothing in ~~((subsections (1) and (2) of))~~ this section shall prohibit a local law enforcement agency from performing DNA identification analysis in individual cases to assist law enforcement officials and prosecutors in the preparation and use of DNA evidence for presentation in court.

Sec. 3. Section 4, chapter 350, Laws of 1989 and RCW 43.43.754 are each amended to read as follows:

After July 1, 1990, every individual convicted in a Washington superior court of a felony defined as a sex offense under RCW 9.94A.030(~~((26))~~)(29)(a) or a violent offense as defined in RCW 9.94A.030(~~((29))~~)(32) shall have a blood sample drawn for purposes of DNA identification analysis (~~((before release from or transfer to a state correctional institution or county jail or detention facility))~~). For persons convicted of such offenses after July 1, 1990, who are serving a term of confinement in a county jail or detention facility, the county shall be responsible for obtaining blood samples prior to release from the county jail or detention facility. For persons convicted of such offenses after July 1, 1990, who are serving a term of confinement in a department of corrections facility, the department shall be responsible for obtaining blood samples prior to release from such facility. Any blood sample taken pursuant to RCW 43.43.752 through 43.43.758 shall be used solely for the purpose of providing DNA or other blood grouping tests for identification analysis and prosecution of a sex offense or a violent offense.

****NEW SECTION. Sec. 4. A new section is added to chapter 43.43 RCW to read as follows:***

(1) Jail administrators are authorized to conduct or cause to be conducted blood sampling for purposes of this chapter for persons detained in the county jail.

(2) Department of corrections facility administrators are authorized to conduct or cause to be conducted blood sampling for purposes of this chapter with the approval of the secretary of corrections or the secretary's designee.

****Sec. 4 was vetoed, see message at end of chapter.***

NEW SECTION. Sec. 5. Sections 1 and 2 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 March 5, 1990.

Passed the House March 1, 1990.

Approved by the Governor March 27, 1990, with the exception of certain items which were vetoed.

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

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. 6729 as amended by the House entitled:

"AN ACT Relating to DNA Identification."

This bill specifically authorizes and directs the Washington State Patrol to adopt rules for RCW 43.43.752 through RCW 43.43.758, the statutes establishing the DNA Identification Program.

Section 4 of the bill does not specifically address the DNA Identification Program, but rather the general role and authority of the Department of Corrections and county jail administrators to conduct blood sampling. As constructed, section 4 would not be codified within the statutes for which the bill establishes rule-making authority. As a result, the rule-making authority established by the bill will not be effective to implement section 4.

I believe section 3 of the bill provides sufficient authority to implement the regulations necessary to carry out the intent of this bill.

For these reasons, I have vetoed section 4 of the bill.

With the exception of section 4, Substitute Senate Bill No. 6729 is approved.*

CHAPTER 231

[Substitute House Bill No. 2421] JET SKI SAFETY STANDARDS

AN ACT Relating to safety standards for jet skis; amending RCW 88.12.070, 88.12.040, and 88.02.095; prescribing penalties; and providing an effective date.

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

Sec. 1. Section 1, chapter 241, Laws of 1989 and RCW 88.12.070 are each amended to read as follows:

(1) The purpose of this section is to promote safety in water skiing on the waters of Washington state, provide a means of ensuring safe water skiing and promote the enjoyment of water skiing.

(2) When used in this section, the following words and phrases shall have the meanings designated in this section unless a different meaning is expressly provided or unless the context clearly indicates otherwise.

(a) "Operator" means the individual in physical control of ~~((the recreational boat))~~ a vessel. The operator of a personal watercraft shall be at least fourteen years of age.

(b) "Observer" means the individual riding in ~~((the recreational boat))~~ a vessel who shall be responsible for observing the water skier at all times. The observer and the operator shall not be the same person. The observer shall be ((at least ten years of age)) an individual who meets the minimum qualifications for an observer established by rules of the state parks and recreation commission.

(c) ~~(("Recreational boat" means any vessel manufactured or used primarily for noncommercial use; or leased, rented, or chartered to another for the latter's noncommercial use;))~~ "Personal watercraft" means a vessel of less than sixteen feet which uses a motor powering a water jet pump, as its primary source of motive power and which is designed to be operated by a person sitting, standing, or kneeling on, or being towed behind the vessel, rather than in the conventional manner of sitting or standing inside the vessel.

(d) "Vessel" means every watercraft used or capable of being used as a means of transportation on the water, other than a seaplane.

(e) "Waters of Washington state" means any waters within the territorial limits of Washington state.

(3) No ~~((recreational boat))~~ vessel which has in tow a person or persons on water skis, or similar contrivance shall be operated on any waters of Washington state unless such craft shall be occupied by at least an operator and an observer. The observer shall continuously observe the person or persons being towed and shall display a flag immediately after the towed person or persons fall into the water, and during the time preparatory to skiing while the person or persons are still in the water. Such flag shall be a bright red or brilliant orange color, measuring at least twelve inches ~~((on each side))~~ square, mounted on a ~~((handle))~~ pole not less than twenty-four inches long and displayed as to be visible from every direction. This subsection does not apply to a ~~((United States coast guard approved recreational boat))~~ personal watercraft, the design of which makes no provision for carrying an operator or any other person on board, and that is actually operated by the person or persons being towed. Every remote-operated personal watercraft shall have a flag attached which meets the requirements of this subsection.

(4) No person shall engage or attempt to engage in water skiing, or operate or ride on a personal watercraft, without wearing an adequate and effective United States coast guard approved type I, II, III, or V personal flotation device in good and serviceable condition and of appropriate size, or a wet suit ~~((specifically designed by a manufacturer for that purpose and capable of floating the water skier))~~ which is approved for personal flotation by the United States coast guard. A person operating a personal watercraft equipped by the manufacturer with a lanyard type engine cutoff switch must attach the lanyard to his or her person, clothing, or personal flotation device as is appropriate for the specific vessel. It is unlawful for any person to remove or disable a cutoff switch which was installed by the manufacturer.

(5) No person shall engage or attempt to engage in water skiing, or operate any vessel to tow a water skier, on the waters of Washington state during the period from one hour after sunset until one hour prior to sunrise.

(6) No person shall operate a personal watercraft on the waters of Washington state during the period from sunset until sunrise.

(7) No person engaged in water skiing, or the operation of a personal watercraft, shall conduct himself or herself in a negligent manner that endangers, or is likely to endanger, any person or property.

~~((7))~~ (8) The requirements of subsections (3), (4), and (5) of this section shall not apply to ~~((water skiers and boat operators))~~ persons engaged in ~~((water ski))~~ tournaments, competitions, or exhibitions that have been authorized or otherwise permitted by the appropriate agency having jurisdiction and authority to authorize such events.

(9) It shall be unlawful for a person to lease, hire, or rent a personal watercraft to any person who is under sixteen years of age.

Sec. 2. Section 4, chapter 72, Laws of 1933 and RCW 88.12.040 are each amended to read as follows:

(1) All such motor driven boats or vessels shall use ((a muffler or other similar device to reduce the sound of exhaust)) an adequate and operating muffling device with a series of baffles and chambers, which shall effectively blend the exhaust and motor noise in such a manner so as to preclude excessive or unusual noise.

(2) It shall be unlawful to remove, disable, bypass, or use a cutout device on any muffler or muffling device of any vessel, except while engaged in organized racing events in an area designated for that purpose.

Sec. 3. Section 2, chapter 267, Laws of 1985 as last amended by section 6, chapter 373, Laws of 1987 and RCW 88.02.095 are each amended to read as follows:

(1) It shall be unlawful for any person to operate a vessel in a negligent manner(~~(; except a commercial vessel which has or is required to have a valid marine document as a vessel of the United States and is operating in the navigable waters of the United States))~~). For the purpose of this section, to "operate in a negligent manner" shall be construed to mean the operation of a vessel in such manner as to endanger or be likely to endanger any persons or property or to operate at a rate of speed greater than will permit the operator in the exercise of reasonable care to bring the vessel to a safe stop.

(2) A person is guilty of operating a vessel while under the influence of intoxicating liquor or any drug if the person operates a vessel within this state while:

(a) The person has 0.10 grams or more of alcohol per two hundred ten liters of breath, as shown by analysis of the person's breath made under RCW 46.61.506; or

(b) The person has 0.10 percent or more by weight of alcohol in the person's blood, as shown by analysis of the person's blood made under RCW 46.61.506; or

(c) The person is under the influence of or affected by intoxicating liquor or any drug; or

(d) The person is under the combined influence of or affected by intoxicating liquor and any drug.

The fact that any person charged with a violation of this section is or has been entitled to use such drug under the laws of this state shall not constitute a defense against any charge of violating this section. A person cited under this subsection may upon request be given a breath test for breath alcohol or may request to have a blood sample taken for blood alcohol analysis. An arresting officer shall administer field sobriety tests when circumstances permit.

(3) For the purposes of this section, "vessel" means any watercraft used or capable of being used as a means of transportation on the water, other than a seaplane.

(4) For the purpose of this section, "vessel operator" means a person who is in actual physical control of a vessel.

(5) A violation of this section is a misdemeanor, punishable by up to ninety days in jail and by a fine of not more than one thousand dollars. In addition, the court may order the defendant to pay restitution for any damages or injuries resulting from the offense.

NEW SECTION. Sec. 4. This act shall take effect July 1, 1990.

NEW SECTION. Sec. 5. 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 7, 1990.

Passed the Senate March 6, 1990.

Approved by the Governor March 28, 1990.

Filed in Office of Secretary of State March 28, 1990.

CHAPTER 232

[Substitute House Bill No. 2463]

VEHICLE REGISTRATION RECORDS RELEASE

AN ACT Relating to release of vehicle registration records; amending RCW 46.12.380; adding a new section to chapter 46.12 RCW; creating a new section; and prescribing penalties.

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

NEW SECTION. Sec. 1. The legislature recognizes the extraordinary value of the vehicle title and registration records for law enforcement and commerce within the state. The legislature also recognizes that indiscriminate release of the vehicle owner information to be an infringement upon the rights of the owner and can subject owners to intrusions on their privacy. The purpose of this act is to limit the release of vehicle owners' names and addresses while maintaining the availability of the vehicle records for the purposes of law enforcement and commerce.

Sec. 2. Section 2, chapter 241, Laws of 1984 as amended by section 1, chapter 299, Laws of 1987 and RCW 46.12.380 are each amended to read as follows:

(1) Notwithstanding the provisions of chapter 42.17 RCW, the name or address of an individual vehicle owner shall not be released by the department, county auditor, or ~~((other public agency except upon written request,))~~ agency or firm authorized by the department except under the following circumstances:

(a) The requesting party is a business entity that requests the information for use in the course of business;

(b) The request is a written request that is signed by the person requesting disclosure ~~(, stating their)~~ that contains the full legal name and address of the requesting party, that specifies the purpose for which the information will be used; and

(c) The requesting party enters into a disclosure agreement with the department in which the party promises that the party will use the information only for the purpose stated in the request for the information; and that the party does not intend to use, or facilitate the use of, the information for the purpose of making any unsolicited business contact with a person named in the disclosed information. The term "unsolicited business contact" means a contact that is intended to result in, or promote, the sale of any goods or services to a person named in the disclosed information. The term does not apply to situations where the requesting party and such person have been involved in a business transaction prior to the date of the disclosure request and where the request is made in connection with the transaction.

(2) The disclosing entity shall retain the request for disclosure ~~((is itself a public record, subject to inspection and copying, and shall be retained by the disclosing agency))~~ for ~~((two))~~ three years.

~~((Notice that such a disclosure request has been honored shall be sent to the affected vehicle owner by the disclosing agency, indicating the name and address of the person requesting disclosure.~~

~~This section shall not apply to persons who routinely request disclosure of vehicle registration information for use in the course of their business or occupation.))~~

(3) Whenever the disclosing entity grants a request for information under this section by an attorney or private investigator, the disclosing entity shall provide notice to the vehicle owner, to whom the information applies, that the request has been granted. The notice also shall contain the name and address of the requesting party.

(4) Any person who is furnished vehicle owner information under this section shall be responsible for assuring that the information furnished is not used for a purpose contrary to the agreement between the person and the department.

(5) This section shall not apply to requests for information by governmental entities or requests that may be granted under any other provision of this title expressly authorizing the disclosure of the names or addresses of vehicle owners.

NEW SECTION. Sec. 3. A new section is added to chapter 46.12 RCW to read as follows:

(1) The department may review the activities of a person who receives vehicle record information to ensure compliance with the limitations imposed on the use of the information. The department shall suspend or revoke for up to five years the privilege of obtaining vehicle record information of a person found to be in violation of chapter 42.17 RCW, this chapter, or a disclosure agreement executed with the department.

(2) In addition to the penalty in subsection (1) of this section:

(a) The unauthorized disclosure of information from a department vehicle record; or

(b) The use of a false representation to obtain information from the department's vehicle records; or

(c) The use of information obtained from the department vehicle records for a purpose other than what is stated in the request for information or in the disclosure agreement executed with the department; or

(d) The sale or other distribution of any vehicle owner name or address to another person not disclosed in the request or disclosure agreement is a gross misdemeanor punishable by a fine not to exceed ten thousand dollars, or by imprisonment in a county jail not to exceed one year, or by both such fine and imprisonment for each violation.

Passed the House March 5, 1990.

Passed the Senate March 2, 1990.

Approved by the Governor March 28, 1990.

Filed in Office of Secretary of State March 28, 1990.

CHAPTER 233

[House Bill No. 1724]

STATE HIGHWAY DESIGNATION CRITERIA

AN ACT Relating to criteria for designation of state highways; adding a new section to chapter 47.17 RCW; and creating a new section.

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

NEW SECTION. Sec. 1. A new section is added to chapter 47.17 RCW to read as follows:

In considering whether to make additions, deletions, or other changes to the state highway system, the legislature shall be guided by the following criteria as contained in the Road Jurisdiction Committee Phase I report to the legislature dated January 1987:

(1) A rural highway route should be designated as a state highway if it meets any of the following criteria:

(a) Is designated as part of the national system of interstate and defense highways (popularly called the interstate system); or

(b) Is designated as part of the system of numbered United States routes; or

(c) Contains an international border crossing that is open twelve or more hours each day.

(2) A rural highway route may be designated as a state highway if it is part of an integrated system of roads and:

(a) Carries in excess of three hundred thousand tons annually and provides primary access to a rural port or intermodal freight terminal;

(b) Provides a major cross-connection between existing state highways;

or

(c) Connects places exhibiting one or more of the following characteristics:

(i) A population center of one thousand or greater;

(ii) An area or aggregation of areas having a population equivalency of one thousand or more, such as, but not limited to, recreation areas, military installations, and so forth;

(iii) A county seat;

(iv) A major commercial-industrial terminal in a rural area with a population equivalency of one thousand or greater.

(3) An urban highway route that meets any of the following criteria should be designated as part of the state highway system:

(a) Is designated as part of the interstate system;

(b) Is designated as part of the system of numbered United States routes;

(c) Is an urban extension of a rural state highway into or through an urban area and is necessary to form an integrated system of state highways;

(d) Is a principal arterial that is a connecting link between two state highways and serves regionally oriented through traffic in urbanized areas with a population of fifty thousand or greater, or is a spur that serves regionally oriented traffic in urbanized areas.

(4) The following guidelines are intended to be used as a basis for interpreting and applying the criteria to specific routes:

(a) For any route wholly within one or more contiguous jurisdictions which would be proposed for transfer to the state highway system under these criteria, if local officials prefer, responsibility will remain at the local level.

(b) State highway routes maintain continuity of the system by being composed of routes that join other state routes at both ends or to arterial routes in the states of Oregon and Idaho and the Province of British Columbia.

(c) Public facilities may be considered to be served if they are within approximately two miles of a state highway.

(d) Exceptions may be made to include:

(i) Rural spurs as state highways if they meet the criteria relative to serving population centers of one thousand or greater population or activity

centers with population equivalencies or an aggregated population of one thousand or greater;

(ii) Urban spurs as state highways that provide needed access to Washington state ferry terminals, state parks, major seaports, and trunk airports; and

(iii) Urban connecting links as state highways that function as needed bypass routing of regionally oriented through traffic and benefit truck routing, capacity alternative, business congestion, and geometric deficiencies.

(e) In urban and urbanized areas:

(i) Unless they are significant regional traffic generators, public facilities such as state hospitals, state correction centers, state universities, ferry terminals, and military bases do not constitute a criteria for establishment of a state highway; and

(ii) There may be no more than one parallel nonaccess controlled facility in the same corridor as a freeway or limited access facility as designated by the metropolitan planning organization.

(f) When there is a choice of two or more routes between population centers, the state route designation shall normally be based on the following considerations:

(i) The ability to handle higher traffic volumes;

(ii) The higher ability to accommodate further development or expansion along the existing alignment;

(iii) The most direct route and the lowest travel time;

(iv) The route that serves traffic with the most interstate, state-wide, and interregional significance;

(v) The route that provides the optimal spacing between other state routes; and

(vi) The route that best serves the comprehensive plan for community development in those areas where such a plan has been developed and adopted.

NEW SECTION. Sec. 2. The road jurisdiction committee is directed to study the differential financial impact that additions, deletions, or changes to the state highway system may have on the jurisdiction gaining and/or losing jurisdiction over any particular roadway and make recommendations to the legislative transportation committee regarding creation of a fund to address these differential impacts. The recommendations shall also include a funding mechanism that includes a requirement that benefitted jurisdictions pay into the fund for the benefit of jurisdictions negatively impacted by a jurisdictional transfer. The recommendations shall address hardship issues relating to ability to make required payments and shall

make recommendations relating to time payments. The committee shall report to the legislative transportation committee by October 1, 1990.

Passed the House March 3, 1990.

Passed the Senate March 1, 1990.

Approved by the Governor March 28, 1990.

Filed in Office of Secretary of State March 28, 1990.

CHAPTER 234

[House Bill No. 2330]

JUNIOR TAXING DISTRICTS TAXING AUTHORITY

AN ACT Relating to the taxation authority of junior taxing districts; amending RCW 84.52.043, 70.44.060, 35.61.210, and 84.52.010; and repealing RCW 84.52.100.

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

Sec. 1. Section 134, chapter 195, Laws of 1973 1st ex. sess. as last amended by section 36, chapter 378, Laws of 1989 and RCW 84.52.043 are each amended to read as follows:

Within and subject to the limitations imposed by RCW 84.52.050 as amended, the regular ad valorem tax levies upon real and personal property by the taxing districts hereafter named shall be as follows:

(1) Levies of the senior taxing districts shall be as follows: (a) The levy by the state shall not exceed three dollars and sixty cents per thousand dollars of assessed value adjusted to the state equalized value in accordance with the indicated ratio fixed by the state department of revenue to be used exclusively for the support of the common schools; (b) the levy by any county shall not exceed one dollar and eighty cents per thousand dollars of assessed value; (c) the levy by any road district shall not exceed two dollars and twenty-five cents per thousand dollars of assessed value; and (d) the levy by any city or town shall not exceed three dollars and thirty-seven and one-half cents per thousand dollars of assessed value. However any county is hereby authorized to increase its levy from one dollar and eighty cents to a rate not to exceed two dollars and forty-seven and one-half cents per thousand dollars of assessed value for general county purposes if the total levies for both the county and any road district within the county do not exceed four dollars and five cents per thousand dollars of assessed value, and no other taxing district has its levy reduced as a result of the increased county levy.

(2) Except as provided in RCW 84.52.100, the aggregate levies of junior taxing districts and senior taxing districts, other than the state, shall not exceed five dollars and (~~(fifty-five)~~) ninety cents per thousand dollars of assessed valuation. The term "junior taxing districts" includes all taxing districts other than the state, counties, road districts, cities, towns, port districts, and public utility districts. The limitations provided in this subsection

shall not apply to: (a) Levies at the rates provided by existing law by or for any port or public utility district; (b) excess property tax levies authorized in Article VII, section 2 of the state Constitution; (c) levies for acquiring conservation futures as authorized under RCW 84.34.230; and (d) levies for emergency medical care or emergency medical services imposed under RCW 84.52.069.

Sec. 2. Section 6, chapter 264, Laws of 1945 as last amended by section 59, chapter 186, Laws of 1984 and RCW 70.44.060 are each amended to read as follows:

All public hospital districts organized under the provisions of this chapter shall have power:

(1) To make a survey of existing hospital and other health care facilities within and without such district.

(2) To construct, condemn and purchase, purchase, acquire, lease, add to, maintain, operate, develop and regulate, sell and convey all lands, property, property rights, equipment, hospital and other health care facilities and systems for the maintenance of hospitals, buildings, structures, and any and all other facilities, and to exercise the right of eminent domain to effectuate the foregoing purposes or for the acquisition and damaging of the same or property of any kind appurtenant thereto, and such right of eminent domain shall be exercised and instituted pursuant to a resolution of the commission and conducted in the same manner and by the same procedure as in or may be provided by law for the exercise of the power of eminent domain by incorporated cities and towns of the state of Washington in the acquisition of property rights: PROVIDED, That no public hospital district shall have the right of eminent domain and the power of condemnation against any health care facility.

(3) To lease existing hospital and other health care facilities and equipment and/or other property used in connection therewith, including ambulances, and to pay such rental therefor as the commissioners shall deem proper; to provide hospital and other health care services for residents of said district by facilities located outside the boundaries of said district, by contract or in any other manner said commissioners may deem expedient or necessary under the existing conditions; and said hospital district shall have the power to contract with other communities, corporations, or individuals for the services provided by said hospital district; and they may further receive in said hospitals and other health care facilities and furnish proper and adequate services to all persons not residents of said district at such reasonable and fair compensation as may be considered proper: PROVIDED, That it must at all times make adequate provision for the needs of the district and residents of said district shall have prior rights to the available hospital and other health care facilities of said district, at rates set by the district commissioners.

(4) For the purpose aforesaid, it shall be lawful for any district so organized to take, condemn and purchase, lease, or acquire, any and all property, and property rights, including state and county lands, for any of the purposes aforesaid, and any and all other facilities necessary or convenient, and in connection with the construction, maintenance, and operation of any such hospitals and other health care facilities, subject, however, to the applicable limitations provided in subsection (2) of this section.

(5) To contract indebtedness or borrow money for corporate purposes on the credit of the corporation or the revenues of the hospitals thereof, and the revenues of any other facilities or services that the district is or hereafter may be authorized by law to provide, and to issue and sell: (a) Revenue bonds, revenue warrants, or other revenue obligations therefor payable solely out of a special fund or funds into which the district may pledge such amount of the revenues of the hospitals thereof, and the revenues of any other facilities or services that the district is or hereafter may be authorized by law to provide, to pay the same as the commissioners of the district may determine, such revenue bonds, warrants, or other obligations to be issued and sold in the same manner and subject to the same provisions as provided for the issuance of revenue bonds, warrants, or other obligations by cities or towns under the Municipal Revenue Bond Act, chapter 35.41 RCW, as may hereafter be amended; (b) general obligation bonds therefor in the manner and form as provided in RCW 70.44.110 and 70.44.130, as may hereafter be amended; or (c) interest-bearing warrants to be drawn on a fund pending deposit in such fund of money sufficient to redeem such warrants and to be issued and paid in such manner and upon such terms and conditions as the board of commissioners may deem to be in the best interest of the district; and to assign or sell hospital accounts receivable, and accounts receivable for the use of other facilities or services that the district is or hereafter may be authorized by law to provide, for collection with or without recourse. General obligation bonds shall be issued and sold in accordance with chapter 39.46 RCW. Revenue bonds, revenue warrants, or other revenue obligations may be issued and sold in accordance with chapter 39.46 RCW.

(6) To raise revenue by the levy of an annual tax on all taxable property within such public hospital district not to exceed ~~((seventy-five))~~ fifty cents per thousand dollars of assessed value, and an additional annual tax on all taxable property within such public hospital district not to exceed twenty-five cents per thousand dollars of assessed value, or such further amount as has been or shall be authorized by a vote of the people~~(-PROVIDED FURTHER, That the))~~. Although public hospital districts are authorized to impose two separate regular property tax levies, the levies shall be considered to be a single levy for purposes of the one hundred six percent limitation provided for in chapter 84.55 RCW. Public hospital districts are~~(hereby))~~ authorized to levy such a general tax in excess of~~((said seventy-five cents per thousand dollars of assessed value))~~ their regular

property taxes when authorized so to do at a special election conducted in accordance with and subject to all of the requirements of the Constitution and the laws of the state of Washington now in force or hereafter enacted governing the limitation of tax levies. The said board of district commissioners is ~~((hereby))~~ authorized and empowered to call a special election for the purpose of submitting to the qualified voters of the hospital district a proposition or propositions to levy ((a tax)) taxes in excess of ~~((the seventy= five cents per thousand dollars of assessed value herein specifically authorized))~~ its regular property taxes. The superintendent shall prepare a proposed budget of the contemplated financial transactions for the ensuing year and file the same in the records of the commission on or before the first Monday in September. Notice of the filing of said proposed budget and the date and place of hearing on the same shall be published for at least two consecutive weeks in a newspaper printed and of general circulation in said county. On the first Monday in October the commission shall hold a public hearing on said proposed budget at which any taxpayer may appear and be heard against the whole or any part of the proposed budget. Upon the conclusion of said hearing, the commission shall, by resolution, adopt the budget as finally determined and fix the final amount of expenditures for the ensuing year. Taxes levied by the commission shall be certified to and collected by the proper county officer of the county in which such public hospital district is located in the same manner as is or may be provided by law for the certification and collection of port district taxes. The commission is authorized, prior to the receipt of taxes raised by levy, to borrow money or issue warrants of the district in anticipation of the revenue to be derived by such district from the levy of taxes for the purpose of such district, and such warrants shall be redeemed from the first money available from such taxes when collected, and such warrants shall not exceed the anticipated revenues of one year, and shall bear interest at a rate or rates as authorized by the commission.

(7) To enter into any contract with the United States government or any state, municipality, or other hospital district, or any department of those governing bodies, for carrying out any of the powers authorized by this chapter.

(8) To sue and be sued in any court of competent jurisdiction: PROVIDED, That all suits against the public hospital district shall be brought in the county in which the public hospital district is located.

(9) To pay actual necessary travel expenses and living expenses incurred while in travel status for (a) qualified physicians who are candidates for medical staff positions, and (b) other qualified persons who are candidates for superintendent or other managerial and technical positions, when

the district finds that hospitals or other health care facilities owned and operated by it are not adequately staffed and determines that personal interviews with said candidates to be held in the district are necessary or desirable for the adequate staffing of said facilities.

(10) To make contracts, employ superintendents, attorneys, and other technical or professional assistants and all other employees; to make contracts with private or public institutions for employee retirement programs; to print and publish information or literature; and to do all other things necessary to carry out the provisions of this chapter.

Sec. 3. Section 35.61.210, chapter 7, Laws of 1965 as amended by section 25, chapter 195, Laws of 1973 1st ex. sess. and RCW 35.61.210 are each amended to read as follows:

The board of park commissioners may levy or cause to be levied a general tax on all the property located in said park district each year not to exceed ~~((seventy-five))~~ fifty cents per thousand dollars of assessed value of the property in such park district ~~((:PROVIDED, That notwithstanding the provisions of RCW 84.52.050, and RCW 84.52.043))~~. In addition, the board of park commissioners may levy or cause to be levied a general tax on all property located in said park district each year not to exceed twenty-five cents per thousand dollars of assessed valuation. Although park districts are authorized to impose two separate regular property tax levies, the levies shall be considered to be a single levy for purposes of the one hundred six percent limitation provided for in chapter 84.55 RCW.

The board is hereby authorized to levy a general tax in excess of ((seventy-five cents per thousand dollars of assessed value)) its regular property tax levy or levies when authorized so to do at a special election conducted in accordance with and subject to all the requirements of the Constitution and laws of the state now in force or hereafter enacted governing the limitation of tax levies. The board is hereby authorized to call a special election for the purpose of submitting to the qualified voters of the park district a proposition to levy a tax in excess of the seventy-five cents per thousand dollars of assessed value herein specifically authorized. The manner of submitting any such proposition, of certifying the same, and of giving or publishing notice thereof, shall be as provided by law for the submission of propositions by cities or towns.

The board shall include in its general tax levy for each year a sufficient sum to pay the interest on all outstanding bonds and may include a sufficient amount to create a sinking fund for the redemption of all outstanding bonds. The levy shall be certified to the proper county officials for collection the same as other general taxes and when collected, the general tax shall be placed in a separate fund in the office of the county treasurer to be known as the "metropolitan park district fund" and paid out on warrants.

Sec. 4. Section 84.52.010, chapter 15, Laws of 1961 as last amended by section 7, chapter 274, Laws of 1988 and RCW 84.52.010 are each amended to read as follows:

Except as is permitted under RCW 84.55.050, all taxes shall be levied or voted in specific amounts.

The rate percent of all taxes for state and county purposes, and purposes of taxing districts coextensive with the county, shall be determined, calculated and fixed by the county assessors of the respective counties, within the limitations provided by law, upon the assessed valuation of the property of the county, as shown by the completed tax rolls of the county, and the rate percent of all taxes levied for purposes of taxing districts within any county shall be determined, calculated and fixed by the county assessors of the respective counties, within the limitations provided by law, upon the assessed valuation of the property of the taxing districts respectively.

When a county assessor finds that the aggregate rate of tax levy on any property, that is subject to the limitations set forth in RCW 84.52.043 or 84.52.050, as now or hereafter amended, exceeds the limitations provided in either of these sections, the assessor shall recompute and establish a consolidated levy in the following manner:

(1) The full certified rates of tax levy for state, county, county road district, and city or town purposes shall be extended on the tax rolls in amounts not exceeding the limitations established by law, subject to subsection (2)(e) of this section; however any state levy shall take precedence over all other levies and shall not be reduced for any purpose other than that required by RCW 84.55.010; and

(2) The certified rates of tax levy subject to these limitations by all junior taxing districts imposing taxes on such property shall be reduced or eliminated as follows to bring the consolidated levy of taxes on such property within the provisions of these limitations:

(a) First, the certified property tax levy rates of those junior taxing districts authorized under RCW 36.68.525, 36.69.145, and 67.38.130 shall be reduced on a pro rata basis or eliminated;

(b) Second, if the consolidated tax levy rate still exceeds these limitations, the certified property tax levy rates of flood control zone districts shall be reduced on a pro rata basis or eliminated;

(c) Third, if the consolidated tax levy rate still exceeds these limitations, the certified property tax levy rates of all other junior taxing districts, other than fire protection districts, (~~public hospital districts, metropolitan park districts, and~~) library districts, the first fifty cent per thousand dollars of assessed valuation levies for metropolitan park districts, and the first fifty cent per thousand dollars of assessed valuation levies for public hospital districts, shall be reduced on a pro rata basis or eliminated;

(d) Fourth, if the consolidated tax levy rate still exceeds these limitations, the certified property tax levy rates authorized to fire protection districts under RCW 52.16.140 and 52.16.160 shall be reduced on a pro rata basis or eliminated; and

(e) Fifth, if the consolidated tax levy rate still exceeds these limitations, the certified property tax levy rates authorized for ~~((cities and towns; fire protection districts under RCW 52.16.130; public hospital districts; metropolitan park districts, and library districts shall be adjusted as provided in RCW 84.52.0501; and~~

~~(f) Sixth, if the consolidated tax levy rate still exceeds these limitations, the certified property tax levy rates authorized to))~~ fire protection districts under RCW 52.16.130, ~~((and the certified property tax levy rates of public hospital districts, metropolitan park districts, and))~~ library districts, metropolitan park districts under their first fifty cent per thousand dollars of assessed valuation levy, and public hospital districts under their first fifty cent per thousand dollars of assessed valuation levy, shall be reduced on a pro rata basis or eliminated.

NEW SECTION. Sec. 5. Section 7, chapter 138, Laws of 1987, section 6, chapter 274, Laws of 1988 and RCW 84.52.100 are each repealed.

Passed the House February 9, 1990.

Passed the Senate February 27, 1990.

Approved by the Governor March 28, 1990.

Filed in Office of Secretary of State March 28, 1990.

CHAPTER 235

[House Bill No. 2429]

ELUDING LAW ENFORCEMENT VESSELS

AN ACT Relating to attempts by vessel operators to elude pursuing law enforcement vessels; adding new sections to chapter 88.08 RCW; and prescribing penalties.

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

NEW SECTION. Sec. 1. A new section is added to chapter 88.08 RCW to read as follows:

Any operator of a vessel who willfully fails to stop when requested or signaled to do so by a person reasonably identifiable as a law enforcement officer is guilty of a gross misdemeanor.

NEW SECTION. Sec. 2. A new section is added to chapter 88.08 RCW to read as follows:

Any operator of a vessel who willfully fails or refuses to immediately bring the vessel to a stop and who operates the vessel in a manner indicating a wanton or willful disregard for the lives or property of others while attempting to elude a pursuing law enforcement vessel, after being given a visual or audible signal to bring the vessel to a stop, shall be guilty of a class

C felony punishable under chapter 9A.20 RCW. The signal given by the law enforcement officer may be by hand, voice, emergency light, or siren. The officer giving such a signal shall be in uniform and his or her vessel shall be appropriately marked showing it to be an official law enforcement vessel.

Passed the House February 12, 1990.

Passed the Senate March 1, 1990.

Approved by the Governor March 28, 1990.

Filed in Office of Secretary of State March 28, 1990.

CHAPTER 236

[Substitute Senate Bill No. 6255]

ASSAULT ON TRANSIT OR SCHOOL BUS DRIVER

AN ACT Relating to assault of a transit or school bus operator or driver; and amending RCW 9A.36.031.

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

Sec. 1. Section 6, chapter 257, Laws of 1986 as last amended by section 1, chapter 169, Laws of 1989 and RCW 9A.36.031 are each amended to read as follows:

(1) A person is guilty of assault in the third degree if he or she, under circumstances not amounting to assault in the first or second degree:

(a) With intent to prevent or resist the execution of any lawful process or mandate of any court officer or the lawful apprehension or detention of himself or another person, assaults another; or

(b) Assaults a person employed as a transit operator or driver by a public or private transit company while that person is operating or is in control of a vehicle that is owned or operated by the transit company and that is occupied by one or more passengers; or

(c) Assaults a school bus driver employed by a school district or a private company under contract for transportation services with a school district while the driver is operating or is in control of a school bus that is occupied by one or more passengers; or

(d) With criminal negligence, causes bodily harm to another person by means of a weapon or other instrument or thing likely to produce bodily harm; or

~~((d))~~ (e) Assaults a fire fighter or other employee of a fire department or fire protection district who was performing his or her official duties at the time of the assault; or

~~((e))~~ (f) With criminal negligence, causes bodily harm accompanied by substantial pain that extends for a period sufficient to cause considerable suffering; or

~~((f))~~ (g) Assaults a law enforcement officer or other employee of a law enforcement agency who was performing his or her official duties at the time of the assault.

(2) Assault in the third degree is a class C felony.

Passed the Senate March 8, 1990.

Passed the House March 1, 1990.

Approved by the Governor March 28, 1990.

Filed in Office of Secretary of State March 28, 1990.

CHAPTER 237

[Substitute Senate Bill No. 6393]

PENSION MONEYS—EXEMPTIONS FROM PROCESS

AN ACT Relating to exempt pension money; amending RCW 6.15.020; and declaring an emergency.

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

Sec. 1. Section 6, chapter 231, Laws of 1988 as amended by section 21, chapter 360, Laws of 1989 and RCW 6.15.020 are each amended to read as follows:

(1) It is the policy of the state of Washington to ensure the well-being of its citizens by protecting retirement income to which they are or may become entitled. For that purpose generally and pursuant to the authority granted to the state of Washington under 11 U.S.C. Sec. 522(b)(2), the exemptions in this section relating to retirement benefits are provided.

(2) Unless otherwise provided by federal law, any money received by any citizen of the state of Washington as a pension from the government of the United States, whether the same be in the actual possession of such person or be deposited or loaned, shall be exempt from execution, attachment, garnishment, or seizure by or under any legal process whatever, and when a debtor dies, or absconds, and leaves his or her family any money exempted by this ~~((section))~~ subsection, the same shall be exempt to the family as provided in this ~~((section))~~ subsection. This ~~((section))~~ subsection shall not apply to child support collection actions issued under chapter 26-.18, 26.23, or 74.20A RCW, if otherwise permitted by federal law.

~~((2))~~ (3) The right of a person to a pension, annuity, or retirement allowance or disability allowance, or death benefits, or any optional benefit, or any other right accrued or accruing to any citizen of the state of Washington under any employee benefit plan, and any fund created by such a plan or arrangement, shall be exempt from execution, attachment, garnishment, or seizure by or under any legal process whatever. This subsection shall not apply to child support collection actions issued under chapter 26-.18, 26.23, or 74.20A RCW if otherwise permitted by federal law. This subsection shall permit benefits under any such plan or arrangement to be

payable to a spouse, former spouse, child, or other dependent of a participant in such plan to the extent expressly provided for in a qualified domestic relations order (~~((as such term is defined in section 206(d) of the federal employee retirement income security act of 1974, as amended, 29 U.S.C. Sec. 1056(d) or in section 401(a)(13) of the internal revenue code of 1954, as amended))~~) that meets the requirements for such orders under the plan, or, in the case of benefits payable under a plan described in sections 403(b) or 408 of the internal revenue code of 1986, as amended, or section 409 of such code as in effect before January 1, 1984, to the extent provided in any order issued by a court of competent jurisdiction that provides for maintenance or support. This subsection shall not prohibit actions against an employee benefit plan, or fund for valid obligations incurred by the plan or fund for the benefit of the plan or fund.

~~((3))~~ (4) For the purposes of this section, the term "employee benefit plan" means any plan or arrangement (~~((that is subject to the provisions of the federal employee retirement income security act of 1974, as amended, 29 U.S.C. Secs. 1001 through 1461 or that is described in sections 401(a), 403(a), 403(b), 408, or 409 (as in effect before January 1, 1984) of the internal revenue code of 1954, as amended, or both. The term "employee benefit plan" shall not include any employee benefit plan that is excluded from the application of the federal employee retirement income security act of 1974, as amended, pursuant to section 4(b)(1) of that act, 29 U.S.C. Sec. 1003(b)(1))~~) that is described in RCW 49.64.020, including any Keogh plan, whether funded by a trust or by an annuity contract, and in sections 401(a) or 403(a) of the internal revenue code of 1986, as amended; or that is described in sections 403(b) or 408 of the internal revenue code of 1986, as amended, or section 409 of such code as in effect before January 1, 1984. The term "employee benefit plan" shall not include any employee benefit plan that is established or maintained for its employees by the government of the United States, by the state of Washington or any political subdivision thereof, or by any agency or instrumentality of any of the foregoing.

(5) An employee benefit plan shall be deemed to be a spendthrift trust, regardless of the source of funds, the relationship between the trustee or custodian of the plan and the beneficiary, or the ability of the debtor to withdraw or borrow or otherwise become entitled to benefits from the plan before retirement. This subsection shall not apply to child support collection actions issued under chapter 26.18, 26.23, or 74.20A RCW, if otherwise permitted by federal law. This subsection shall permit benefits under any such plan or arrangement to be payable to a spouse, former spouse, child, or other dependent of a participant in such plan to the extent expressly provided for in a qualified domestic relations order that meets the requirements for such orders under the plan, or, in the case of benefits payable under a plan described in sections 403(b) or 408 of the internal revenue code of 1986, as amended, or section 409 of such code as in effect before January 1,

1984, to the extent provided in any order issued by a court of competent jurisdiction that provides for maintenance or support.

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 immediately.

Passed the Senate February 7, 1990.

Passed the House March 2, 1990.

Approved by the Governor March 28, 1990.

Filed in Office of Secretary of State March 28, 1990.

CHAPTER 238

[Substitute Senate Bill No. 6560]
ODOMETER DISCLOSURES

AN ACT Relating to odometers; amending RCW 46.12.030, 46.12.040, 46.12.050, 46.12.101, 46.12.120, and 46.70.120; adding a new section to chapter 46.12 RCW; repealing RCW 46.12.125; declaring an emergency; and providing an effective date.

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

Sec. 1. Section 46.12.030, chapter 12, Laws of 1961 as last amended by section 8, chapter 25, Laws of 1975 and RCW 46.12.030 are each amended to read as follows:

The application for certificate of ownership shall be upon a blank form to be furnished by the department and shall contain:

(1) A full description of the vehicle, which (~~said description~~) shall contain the proper vehicle identification number, the number of miles indicated on the odometer at the time of delivery of the vehicle, and any distinguishing marks of identification;

(2) The name and address of the person who is to be the registered owner of the vehicle and, if the vehicle is subject to a security interest, the name and address of the secured party;

(3) Such other information as the department may require (~~(-PROVIDED, That)~~). The department may in any instance, in addition to the information required on ((said)) the application, require additional information and a physical examination of the vehicle or of any class of vehicles, or either((-PROVIDED FURTHER, That)). A physical examination of the vehicle is mandatory if it previously was registered in any other state or country. The inspection must verify that the vehicle identification number is

genuine and agrees with the number shown on the foreign title and registration certificate. If the vehicle is from a jurisdiction that does not issue titles, the inspection must verify that the vehicle identification number is genuine and agrees with the number shown on the registration certificate. The inspection must also confirm that the license plates on the vehicle are those assigned to the vehicle by the jurisdiction in which the vehicle was previously licensed. The inspection must be made by a member of the Washington state patrol or other person authorized by the department to make such inspections.

~~((Such))~~ The application shall be subscribed by the registered owner and be sworn to by that ((person before a notary public or other officer authorized by law to take acknowledgments of deeds, or other person authorized by the director to certify to the signature of the applicant upon such application)) applicant in the manner described by RCW 9A.72.085. The department shall retain the application in either the original, computer, or photostatic form.

Sec. 2. Section 46.12.040, chapter 12, Laws of 1961 as last amended by section 1, chapter 110, Laws of 1989 and RCW 46.12.040 are each amended to read as follows:

The application accompanied by a draft, money order, ~~((or))~~ certified bank check, or cash for one dollar and twenty-five cents, together with the last preceding certificates or other satisfactory evidence of ownership, shall be forwarded to the director.

The fee shall be in addition to any other fee for the license registration of the vehicle. The certificate of ownership shall not be required to be renewed annually, or at any other time, except as by law provided.

In addition to the application fee and any other fee for the license registration of a vehicle, there shall be collected from the applicant an inspection fee whenever a physical examination of the vehicle is required as a part of the vehicle licensing or titling process.

For vehicles previously registered in any other state or country, the inspection fee shall be fifteen dollars and shall be deposited in the motor vehicle fund. For all other vehicles requiring a physical examination, the inspection fee shall be twenty dollars and shall be deposited in the motor vehicle fund.

Sec. 3. Section 46.12.050, chapter 12, Laws of 1961 as last amended by section 9, chapter 25, Laws of 1975 and RCW 46.12.050 are each amended to read as follows:

The department, if satisfied from the statements upon the application that the applicant is the legal owner of the vehicle or otherwise entitled to have the certificate of ownership thereof in the applicant's name, shall thereupon issue an appropriate certificate of ownership, over the director's signature, authenticated by seal, and a new certificate of license registration if certificate of license registration is required.

Both the certificate of ownership and the certificate of license registration shall contain upon the face thereof, the date of application, the registration number assigned to the registered owner and to the vehicle, the name and address of the registered owner and legal owner, the vehicle identification number, and such other description of the vehicle and facts as the department shall require, and in addition thereto, if the vehicle described in such certificates shall have ever been licensed and operated as an exempt vehicle or a taxicab, or if it is less than four years old and has been rebuilt after having been totaled out by an insurance carrier, such fact shall be clearly shown thereon. All certificates of ownership of motor vehicles issued after April 30, 1990, shall reflect the odometer reading as provided by the odometer disclosure statement submitted with the title application involving a change of registration.

A blank space shall be provided on the face of the certificate of license registration for the signature of the registered owner.

Upon issuance of the certificate of license registration and certificate of ownership and upon any reissue thereof, the department shall deliver the certificate of license registration to the registered owner and the certificate of ownership to the legal owner, or both to the person who is both the registered owner and legal owner.

Sec. 4. Section 7, chapter 140, Laws of 1967 as last amended by section 1, chapter 127, Laws of 1987 and RCW 46.12.101 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 ~~((inscribe in ink the number of miles indicated on the odometer in the respective spaces provided therefor))~~ provide an odometer disclosure statement under section 6 of this act 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 the owner shall notify the department 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 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.

~~((3))~~ (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.

~~((4))~~ (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.

~~((5))~~ (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.

~~((6))~~ (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.

~~((7))~~ (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. 5. Section 46.12.120, chapter 12, Laws of 1961 as last amended by section 11, chapter 25, Laws of 1975 and RCW 46.12.120 are each amended to read as follows:

(1) If the purchaser or transferee is a dealer he shall, on selling or otherwise disposing of the vehicle, promptly execute the assignment and warranty of title, in such form as the director shall prescribe(~~(, including recording on the application the odometer reading as recorded by the previous owner on the title at the time the dealer obtained the vehicle or, if the previous owner failed to record the mileage on the title, the dealer shall attach a signed statement attesting to the odometer reading as it appeared on the vehicle at the time the vehicle was obtained by the dealer. Such))~~).

(2) The assignment and warranty shall show any secured party holding a security interest created or reserved at the time of resale, to which shall be attached the assigned certificates of ownership and license registration received by the dealer(, and)). The dealer shall mail or deliver them to the department with the transferee's application for the issuance of new certificates of ownership and license registration(, PROVIDED, That)). The title certificate issued for a vehicle possessed by a dealer and subject to a security interest shall be delivered to the secured party who upon request of the dealer's transferee shall, unless the transfer was a breach of ((his)) the security agreement, either deliver the certificate to the transferee for transmission to the department, or upon receipt from the transferee of the owner's bill of sale or sale document, the transferee's application for a new certificate and the required fee, mail or deliver to the department(, AND PROVIDED FURTHER, That)). Failure of a dealer to deliver the title certificate to the secured party does not affect perfection of the security interest.

NEW SECTION. Sec. 6. A new section is added to chapter 46.12 RCW to read as follows:

(1) The department shall require an odometer disclosure statement to accompany every application for a certificate of ownership, unless specifically exempted. If the certificate of ownership was issued after April 30, 1990, a secure odometer statement is required, unless specifically exempted. The statements shall include, at a minimum, the following:

(a) The miles shown on the odometer at the time of transfer of ownership;

(b) The date of transfer of ownership;

(c) One of the following statements:

(i) The mileage reflected is actual to the best of transferor's knowledge;

(ii) The odometer reading exceeds the mechanical limits of the odometer to the best of the transferor's knowledge; or

(iii) The odometer reading is not the actual mileage;

If the odometer reading is under one hundred thousand miles, the only options that can be certified are "actual to the best of the transferor's

knowledge" or "not the actual mileage." If the odometer reading is one hundred thousand miles or more, the options "actual to the best of the transferor's knowledge" or "not the actual mileage" cannot be used unless the odometer has six digit capability;

(d) A complete description of the vehicle, including the:

(i) Model year;

(ii) Make;

(iii) Series and body type (model);

(iv) Vehicle identification number;

(v) License plate number and state (optional);

(e) The name, address, and signature of the transferor, in accordance with the following conditions:

(i) Only one registered owner is required to complete the odometer disclosure statement;

(ii) When the registered owner is a business, both the business name and a company representative's name must be shown on the odometer disclosure statement;

(f) The name and address of the transferee and the transferee's signature to acknowledge the transferor's information. If the transferee represents a company, both the company name and the agent's name must be shown on the odometer disclosure statement;

(g) A statement that the notice is required by the federal Truth in Mileage Act of 1986; and

(h) A statement that failure to complete the odometer disclosure statement or providing false information may result in fines or imprisonment or both.

(2) The transferee shall return a signed copy of the odometer disclosure statement to the transferor at the time of transfer of ownership.

(3) The following vehicles are not subject to the odometer disclosure requirement at the time of ownership transfer:

(a) A vehicle having a declared gross vehicle weight of more than sixteen thousand pounds;

(b) A vehicle that is not self-propelled;

(c) A vehicle that is ten years old or older;

(d) A vehicle sold directly by a manufacturer to a federal agency in conformity with contract specifications; or

(e) A new vehicle before its first retail sale.

Sec. 7. Section 46.70.120, chapter 12, Laws of 1961 as last amended by section 16, chapter 241, Laws of 1986 and RCW 46.70.120 are each amended to read as follows:

A dealer shall complete and maintain for a period of at least five years a record of the purchase and sale of all vehicles purchased or sold by him. The records shall consist of:

- (1) The license and title numbers of the state in which the last license was issued;
- (2) A description of the vehicle;
- (3) The name and address of person from whom purchased;
- (4) The name of legal owner, if any;
- (5) The name and address of purchaser;
- (6) If purchased from a dealer, the name, business address, dealer license number, and resale tax number of the dealer;
- (7) The price paid for the vehicle and the method of payment;
- (8) The vehicle odometer disclosure statement given by the seller to the dealer, and the vehicle odometer disclosure statement given by the dealer to the purchaser;
- (9) The written agreement to allow a dealer to sell between the dealer and the consignor, or the listing dealer and the seller;
- (10) Trust account records of receipts, deposits, and withdrawals;
- (11) All sale documents, which shall show the full name of dealer employees involved in the sale;
- (12) Any additional information the department may require.

Such record shall be maintained separate and apart from all other business records of the dealer and shall at all times be available for inspection by the director or his duly authorized agent.

NEW SECTION. Sec. 8. Section 4, chapter 99, Laws of 1972 ex. sess. and RCW 46.12.125 are each repealed.

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 May 1, 1990. The director of licensing shall immediately take such steps as are necessary to ensure that this act is implemented on its effective date.

Passed the Senate March 6, 1990.

Passed the House March 2, 1990.

Approved by the Governor March 28, 1990.

Filed in Office of Secretary of State March 28, 1990.

CHAPTER 239

[Substitute House Bill No. 2430]

MOTOR VEHICLE WARRANTIES AND SERVICE CONTRACTS

AN ACT Relating to motor vehicle warranties; amending RCW 19.118.021, 48.96.030, 48.96.040, 48.96.050, and 48.96.060; adding new sections to chapter 48.96 RCW; and providing an effective date.

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

Sec. 1. Section 2, chapter 344, Laws of 1987 as amended by section 1, chapter 347, Laws of 1989 and RCW 19.118.021 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 new motor vehicle arbitration board.

(2) "Collateral charges" means any sales or lease related charges including but not limited to sales tax, use tax, arbitration service fees, unused license fees, unused registration fees, unused title fees, finance charges, prepayment penalties, credit disability and credit life insurance costs not otherwise refundable, any other insurance costs prorated for time out of service, transportation charges, dealer preparation charges, or any other charges for service contracts, undercoating, rustproofing, or factory or dealer installed options.

(3) "Condition" means a general problem that results from a defect or malfunction of one or more parts, or their improper installation by the manufacturer, its agents, or the new motor vehicle dealer.

(4) "Consumer" means any person who has entered into an agreement or contract for the transfer, lease, or purchase of a new motor vehicle, other than for purposes of resale or sublease, during the duration of the warranty period defined under this section.

(5) "Court" means the superior court in the county where the consumer resides, except if the consumer does not reside in this state, then the superior court in the county where an arbitration hearing or determination was conducted or made pursuant to this chapter.

(6) "Incidental costs" means any reasonable expenses incurred by the consumer in connection with the repair of the new motor vehicle, including any towing charges and the costs of obtaining alternative transportation.

(7) "Manufacturer" means any person engaged in the business of constructing or assembling new motor vehicles or engaged in the business of importing new motor vehicles into the United States for the purpose of selling or distributing new motor vehicles to new motor vehicle dealers. "Manufacturer" does not include any person engaged in the business of set-up of motorcycles as an agent of a new motor vehicle dealer if the person does not otherwise construct or assemble motorcycles.

(8) "Motorcycle" means any motorcycle as defined in RCW 46.04.330 which has an engine displacement of at least seven hundred fifty cubic centimeters.

~~((8))~~ (9) "New motor vehicle" means any new self-propelled vehicle, including a new motorcycle, primarily designed for the transportation of persons or property over the public highways that, after original retail purchase or lease in this state, was initially registered in this state or for which a temporary motor vehicle license was issued pursuant to RCW 46.16.460, but does not include vehicles purchased or leased by a business as part of a

fleet of ten or more vehicles. If the motor vehicle is a motor home, this chapter shall apply to the self-propelled vehicle and chassis, but does not include those portions of the vehicle designated, used, or maintained primarily as a mobile dwelling, office, or commercial space. The term "new motor vehicle" does not include ~~((motorcycles or))~~ trucks with nineteen thousand pounds or more gross vehicle weight rating. The term "new motor vehicle" includes a demonstrator or lease-purchase vehicle as long as a manufacturer's warranty was issued as a condition of sale.

~~((9))~~ (10) "New motor vehicle dealer" means a person who holds a dealer agreement with a manufacturer for the sale of new motor vehicles, who is engaged in the business of purchasing, selling, servicing, exchanging, or dealing in new motor vehicles, and who is licensed as a dealer by the state of Washington.

~~((10))~~ (11) "Nonconformity" means a defect, serious safety defect, or condition that substantially impairs the use, value, or safety of a new motor vehicle, but does not include a defect or condition that is the result of abuse, neglect, or unauthorized modification or alteration of the new motor vehicle.

~~((11))~~ (12) "Purchase price" means the cash price of the new motor vehicle appearing in the sales agreement or contract, including any allowance for a trade-in vehicle; "purchase price" in the instance of a lease means the purchase price or value of the vehicle declared to the department of licensing for purposes of tax collection.

Where the consumer is a second or subsequent purchaser, lessee, or transferee and the consumer selects repurchase of the motor vehicle, "purchase price" means the purchase price of the second or subsequent purchase or lease. Where the consumer is a second or subsequent purchaser, lessee, or transferee and the consumer selects replacement of the motor vehicle, "purchase price" means the original purchase price.

~~((12))~~ (13) "Reasonable offset for use" means the definition provided in RCW 19.118.041(1)(c) for a new motor vehicle other than a new motorcycle. The reasonable offset for use for a new motorcycle shall be computed by the number of miles that the vehicle traveled before the manufacturer's acceptance of the vehicle upon repurchase or replacement multiplied by the purchase price, and divided by twenty-five thousand.

~~((13))~~ (14) "Reasonable number of attempts" means the definition provided in RCW 19.118.041.

~~((14))~~ (15) "Replacement motor vehicle" means a new motor vehicle that is identical or reasonably equivalent to the motor vehicle to be replaced, as the motor vehicle to be replaced existed at the time of original purchase or lease, including any service contract, undercoating, rustproofing, and factory or dealer installed options.

~~((15))~~ (16) "Serious safety defect" means a life-threatening malfunction or nonconformity that impedes the consumer's ability to control or

operate the new motor vehicle for ordinary use or reasonable intended purposes or creates a risk of fire or explosion.

~~((+6))~~ (17) "Substantially impair" means to render the new motor vehicle unreliable, or unsafe for ordinary use, or to diminish the resale value of the new motor vehicle below the average resale value for comparable motor vehicles.

~~((+7))~~ (18) "Warranty" means any implied warranty, any written warranty of the manufacturer, or any affirmation of fact or promise made by the manufacturer in connection with the sale of a new motor vehicle that becomes part of the basis of the bargain. The term "warranty" pertains to the obligations of the manufacturer in relation to materials, workmanship, and fitness of a new motor vehicle for ordinary use or reasonably intended purposes throughout the duration of the warranty period as defined under this section.

~~((+8))~~ (19) "Warranty period" means the period ending two years after the date of the original delivery to the consumer of a new motor vehicle, or the first twenty-four thousand miles of operation, whichever occurs first.

NEW SECTION. Sec. 2. The purpose of this chapter is to protect the public and contract providers from losses arising from the mismanagement of funds paid for motor vehicle service contracts, to better inform the public of their rights and obligations under the contracts, to permit purchasers of such contracts the opportunity to return the contract for a refund, and to require the liabilities owed under these contracts to be fully insured, rather than partially insured, or insured only in the event of provider default.

NEW SECTION. Sec. 3. (1) Every insurer issuing a reimbursement insurance policy shall include, as a part of the policy, the motor vehicle service contract(s) that the reimbursement insurance policy is intended to cover. Notwithstanding RCW 48.18.100, subsequent changes to the motor vehicle service contract(s) must be filed by the insurer with the commissioner no later than thirty days after the date of the change.

(2) Every insurer issuing a reimbursement insurance policy must require that premiums due for coverage under the policy be paid directly by the provider to the insurer or its agent.

NEW SECTION. Sec. 4. A motor vehicle service contract shall not be issued, sold, or offered for sale in this state unless the contract contains a conspicuous statement that has been initialed by the service contract holder and discloses:

(1) Any material conditions that the service contract holder must meet to maintain coverage under the contract including, but not limited to any maintenance schedule to which the service contract holder must adhere, any requirement placed on the service contract holder for documenting repair or

maintenance work, and any procedure to which the service contract holder must adhere for filing claims;

(2) The work and parts covered by the contract;

(3) Any time or mileage limitations;

(4) That the implied warranty of merchantability on the motor vehicle is not waived if the contract has been purchased within ninety days of the purchase date of the motor vehicle from a provider who also sold the motor vehicle covered by the contract;

(5) Any exclusions of coverage; and

(6) The contract holder's right to return the contract for a refund, which right can be no more restrictive than provided for in section 5 of this act.

NEW SECTION. Sec. 5. (1) At a minimum, every provider shall permit the service contract holder to return the contract within thirty days of its purchase if no claim has been made under the contract, and shall refund to the holder the full purchase price of the contract unless the service contract holder returns the contract ten or more days after its purchase, in which case the provider may charge a cancellation fee not exceeding twenty-five dollars. A ten percent penalty shall be added to any refund that is not paid within thirty days of return of the contract to the provider. If a contract holder returns the contract within thirty days of its purchase or within such longer time period as permitted under the contract, the contract shall be void from the beginning and the parties shall be in the same position as if no contract had been issued.

(2) If a service contract holder returns the contract in accordance with this section, the insurer issuing the reimbursement insurance policy covering the contract shall refund to the provider the full premium paid by the provider for coverage of the contract.

Sec. 6. Section 3, chapter 99, Laws of 1987 and RCW 48.96.030 are each amended to read as follows:

A motor vehicle service contract reimbursement insurance policy shall not be issued, sold, or offered for sale in this state unless the reimbursement insurance policy conspicuously states that the issuer of the policy shall pay on behalf of the provider all sums which the provider is legally obligated to pay (~~for failure to perform~~) according to the provider's contractual obligations under the motor vehicle service contracts issued or sold by the provider.

Sec. 7. Section 4, chapter 99, Laws of 1987 and RCW 48.96.040 are each amended to read as follows:

A motor vehicle service contract shall not be issued, sold, or offered for sale in this state unless the contract conspicuously states that the obligations of the provider to the service contract holder are guaranteed under the (~~service contract~~) reimbursement insurance policy, and unless the contract

conspicuously states the name and address of the issuer of the reimbursement insurance policy, the applicable policy number, and the means by which a service contract holder may file a claim under the policy.

Sec. 8. Section 5, chapter 99, Laws of 1987 and RCW 48.96.050 are each amended to read as follows:

~~((This chapter does))~~ RCW 48.96.020, 48.96.030, and 48.96.040 do not apply to motor vehicle service contracts issued by a motor vehicle manufacturer or ((importer)) import distributor covering vehicles manufactured or imported by the motor vehicle manufacturer or import distributor.

Sec. 9. Section 6, chapter 99, Laws of 1987 and RCW 48.96.060 are each amended to read as follows:

Failure to comply with the provisions of this chapter is an unfair method of competition and an unfair or deceptive act or practice in the conduct of a trade or commerce, as specifically contemplated by RCW 19.86.020, and is a violation of the Consumer Protection Act, chapter 19.86 RCW. Any service contract holder injured as a result of a violation of a provision of this chapter shall be entitled to maintain an action pursuant to chapter 19.86 RCW against the motor vehicle service contract provider and the insurer issuing the applicable motor vehicle service contract reimbursement insurance policy and shall be entitled to all of the rights and remedies afforded by that chapter. Any successful claimant under this section shall also be entitled to reasonable attorneys' fees.

NEW SECTION. Sec. 10. Sections 2 through 5 of this act are each added to chapter 48.96 RCW.

NEW SECTION. Sec. 11. Sections 2 through 10 of this act shall take effect January 1, 1991.

Passed the House March 8, 1990.

Passed the Senate March 8, 1990.

Approved by the Governor March 28, 1990.

Filed in Office of Secretary of State March 28, 1990.

CHAPTER 240

[Substitute Senate Bill No. 6426]
SCENIC HIGHWAY SYSTEM

AN ACT Relating to the scenic highway system; amending RCW 47.39.020; adding a new section to chapter 47.39 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 scenic and recreational highways are designated because of a need to develop management plans that will protect and preserve the scenic and recreational resources

from loss through inappropriate development. Protection of scenic and recreational resources includes managing land use outside normal highway rights of way. The legislature recognizes that scenic and recreational highways are typically located in areas that are natural in character, along watercourses or through mountainous areas, or in areas with a view of such scenery.

NEW SECTION. Sec. 2. A new section is added to chapter 47.39 RCW to read as follows:

(1) In addition to planning and design standards required under RCW 47.39.040 and 47.39.050, the department of transportation, in consultation with the parks and recreation commission, shall develop, by December 1, 1990, a method for assessing scenic and recreational highways and an appropriate threshold for the addition of highways to the scenic and recreational system. The method shall take into consideration the following factors:

- (a) Scenic quality of the corridor;
- (b) Service to major population centers;
- (c) Economic feasibility;
- (d) Variety of recreational experience;
- (e) Compatibility with other highway users;
- (f) Harmony with other land uses;
- (g) Access from existing or planned highways and to parks and other recreational areas;
- (h) Popular demand; and
- (i) Degree of urgency for protecting the corridor.

(2) All additions to the scenic and recreational highway system made after the effective date of this act shall be assessed by the department in accordance with the method adopted under subsection (1) of this section. The department shall submit its recommendations for additions to the legislature for its approval.

Sec. 3. Section 2, chapter 85, Laws of 1967 ex. sess. as last amended by section 8, chapter 63, Laws of 1975 and RCW 47.39.020 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) 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) 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) 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) 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) 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) 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) 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) 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) State route number 901, beginning at a junction with state route number 90 in the vicinity west of Issaquah, thence northerly to the west of Lake Sammamish to a junction with state route number 908 in the vicinity of Redmond. If the description of state route number 901 is changed after the effective date of this act, the revised route shall retain its status as part of the scenic and recreational highway system.

Passed the Senate February 7, 1990.

Passed the House February 28, 1990.

Approved by the Governor March 28, 1990.

Filed in Office of Secretary of State March 28, 1990.

CHAPTER 241

[Senate Bill No. 6303]

PEDESTRIAN SAFETY

AN ACT Relating to pedestrians; amending RCW 46.04.400, 46.61.055, 46.61.060, 46.61.235, 46.61.240, 46.61.250, 46.61.266, 46.61.370, and 46.61.375; adding a new section to chapter 46.37 RCW; and adding a new section to Title 28A RCW.

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

Sec. 1. Section 46.04.400, chapter 12, Laws of 1961 and RCW 46.04.400 are each amended to read as follows:

"Pedestrian" means any person who is afoot or who is using a wheelchair or a means of conveyance propelled by human power other than a bicycle.

Sec. 2. Section 8, chapter 155, Laws of 1965 ex. sess. as amended by section 19, chapter 62, Laws of 1975 and RCW 46.61.055 are each amended to read as follows:

Whenever traffic is controlled by traffic control signals exhibiting different colored lights, or colored lighted arrows, successively one at a time or in combination, only the colors green, red and yellow shall be used, except for special pedestrian signals carrying a word or legend, and said lights shall indicate and apply to drivers of vehicles and pedestrians as follows:

(1) Green indication

(a) ~~((Vehicular traffic))~~ Vehicle operators facing a circular green signal may proceed straight through or turn right or left unless a sign at such place prohibits either such turn. But ~~((vehicular traffic, including vehicles))~~ vehicle operators turning right or left ~~((shall yield the right of way))~~ shall stop to allow other vehicles ((and to)) or pedestrians lawfully within the intersection ((or an adjacent crosswalk at the time such signal is exhibited)) control area to complete their movements.

(b) ~~((Vehicular traffic))~~ Vehicle operators facing a green arrow signal, shown alone or in combination with another indication, may ~~((cautiously))~~ enter the intersection control area only to make the movement indicated by such arrow, or such other movement as is permitted by other indications shown at the same time. ~~((Such vehicular traffic shall yield the right of way))~~ The vehicle operators shall stop to allow other vehicles or pedestrians lawfully within ((an adjacent crosswalk and to other traffic lawfully using)) the intersection control area to complete their movements.

(c) Unless otherwise directed by a pedestrian control signal, as provided in RCW 46.61.060 as now or hereafter amended, pedestrians facing any green signal, except when the sole green signal is a turn arrow, may proceed across the roadway within any marked or unmarked crosswalk.

(2) Steady yellow indication

(a) ~~((Vehicular traffic))~~ Vehicle operators facing a steady circular yellow or yellow arrow signal ~~((is))~~ are thereby warned that the related green movement is being terminated or that a red indication will be exhibited immediately thereafter when vehicular traffic shall not enter the intersection.

(b) Pedestrians facing a steady circular yellow or yellow arrow signal, unless otherwise directed by a pedestrian control signal as provided in RCW 46.61.060 ~~((as now or hereafter amended, are thereby advised that there is insufficient time to cross the roadway before a red indication is shown and no pedestrian shall then start to cross))~~ shall not enter the roadway, but if pedestrians have begun to cross before the display of either signal, vehicle operators shall stop to allow them to complete their movements.

(3) Steady red indication

(a) ~~((Vehicular traffic))~~ Vehicle operators facing a steady circular red signal alone shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection control area and shall remain standing until an indication to proceed is shown ~~((: PROVIDED, That such traffic))~~. However, the vehicle operators facing a steady circular red signal may, after stopping ((cautiously)) proceed to make a right turn from a one-way or two-way street into a two-way street or into a one-way street carrying traffic in the direction of the right turn; or a left turn from a one-way or two-way street into a one-way street carrying traffic in the direction of the left turn; unless a sign posted by competent authority prohibits such movement; but ((vehicular traffic making)) vehicle operators planning to make such turns shall ((yield the right of way)) remain stopped to allow other vehicles ((and to pedestrians)) lawfully within or approaching the intersection control area, or approaching pedestrians lawfully within an adjacent crosswalk ((at the time such signal is exhibited)), to complete their movements.

(b) Unless otherwise directed by a pedestrian control signal as provided in RCW 46.61.060 as now or hereafter amended, pedestrians facing a steady circular red signal alone shall not enter the roadway.

(c) (~~(Vehicular traffic)~~) Vehicle operators facing a steady red arrow indication may not enter the intersection control area to make the movement indicated by such arrow, and unless entering the intersection control area to make such other movement as is permitted by other indications shown at the same time, shall stop at a clearly marked stop line, but if none, before entering a crosswalk on the near side of the intersection control area, or if none, then before entering the intersection control area and shall remain standing until an indication to make the movement indicated by such arrow is shown (~~(: PROVIDED, That such traffic)~~). However, the vehicle operators facing a steady red arrow indication may, after stopping (~~(cautiously)~~) proceed to make a right turn from a one-way or two-way street into a two-way street or into a one-way street carrying traffic in the direction of the right turn; or a left turn from a one-way street or two-way street into a one-way street carrying traffic in the direction of the left turn; unless a sign posted by competent authority prohibits such movement; but (~~(vehicular traffic making)~~) vehicle operators planning to make such turns shall (~~(yield the right of way)~~) remain stopped to allow other vehicles (and to pedestrians) lawfully within or approaching the intersection control area, or approaching pedestrians lawfully within an adjacent crosswalk (at the time such signal is exhibited), to complete their movements.

(d) Unless otherwise directed by a pedestrian signal, pedestrians facing a steady red arrow signal indication shall not enter the roadway.

(4) (~~(In the event)~~) If an official traffic control signal is erected and maintained at a place other than an intersection, the provisions of this section shall be applicable except as to those provisions which by their nature can have no application. Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made, but in the absence of any such sign or marking the stop shall be made at the signal.

Sec. 3. Section 9, chapter 155, Laws of 1965 ex. sess. as amended by section 20, chapter 62, Laws of 1975 and RCW 46.61.060 are each amended to read as follows:

Whenever (~~(special)~~) pedestrian control signals exhibiting the words "Walk" or the walking person symbol or "Don't Walk" or the hand symbol are (~~(in place such)~~) operating, the signals shall indicate as follows:

(1) WALK or walking person symbol—Pedestrians facing such signal may (~~(proceed across)~~) cross the roadway in the direction of the signal (and shall be given the right of way by the drivers of all vehicles). Pedestrians that begin to cross a roadway while facing such signal shall be granted the right to complete their crossing by all vehicle operators.

(2) (~~(STEADY DON'T WALK or FLASHING DON'T WALK~~)—No pedestrian shall start to cross the roadway in the direction of either such

~~signal, but any pedestrian who has partially completed his crossing on the walk signal shall proceed to a sidewalk or safety island while the don't walk signal is showing))~~ Steady or flashing DON'T WALK or hand symbol—Pedestrians shall not enter the roadway, but if pedestrians have begun to cross before the display of either signal, vehicle operators shall stop to allow them to complete their movements.

(3) Pedestrian control signals having the "Wait" legend in use on August 6, 1965, shall be deemed authorized signals and shall indicate the same as the "Don't Walk" legend. Whenever such pedestrian control signals are replaced the legend "Wait" shall be replaced by the legend "Don't Walk".

Sec. 4. Section 34, chapter 155, Laws of 1965 ex. sess. and RCW 46-.61.235 are each amended to read as follows:

(1) When traffic-control signals are not in place or not in operation, the ~~((driver))~~ operator of ~~((α))~~ an approaching vehicle shall ~~((yield the right of way, slowing down or stopping if need be to so yield;))~~ stop to allow a pedestrian ((crossing)) to cross the roadway within ((α)) an unmarked or marked crosswalk when the pedestrian is upon the half of the roadway upon which the vehicle is traveling, or when the pedestrian is ((approaching so closely from)) upon the opposite half of the roadway ((as to be in danger)) and moving toward the approaching vehicle.

(2) No pedestrian shall suddenly leave a curb or other place of safety and walk ~~((or)),~~ run, or otherwise move into the path of a vehicle which is so close that it is impossible for the driver to ~~((yield))~~ stop.

(3) Subsection (1) ~~((above shall))~~ of this section does not apply under the conditions stated in RCW 46.61.240 ((subsection)) (2).

(4) Whenever any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass such stopped vehicle.

Sec. 5. Section 35, chapter 155, Laws of 1965 ex. sess. and RCW 46-.61.240 are each amended to read as follows:

(1) Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right of way to all vehicles upon the roadway.

(2) Where curb ramps exist at or adjacent to intersections or at marked crosswalks in other locations, disabled persons may enter the roadway from the curb ramps and cross the roadway within or as closely as practicable to the crosswalk. All other pedestrian rights and duties as defined elsewhere in this chapter remain applicable.

(3) Any pedestrian crossing a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right of way to all vehicles upon the roadway.

~~((3))~~ (4) Between adjacent intersections at which traffic-control signals are in operation pedestrians shall not cross at any place except in a marked crosswalk.

~~((4))~~ (5) No pedestrian shall cross a roadway intersection diagonally unless authorized by official traffic-control devices; and, when authorized to cross diagonally, pedestrians shall cross only in accordance with the official traffic-control devices pertaining to such crossing movements.

~~((5))~~ (6) No pedestrian shall cross a roadway at an unmarked crosswalk where an official sign prohibits such crossing.

Sec. 6. Section 37, chapter 155, Laws of 1965 ex. sess. and RCW 46.61.250 are each amended to read as follows:

(1) Where sidewalks are provided it ~~((shall be))~~ is unlawful for any pedestrian to walk or otherwise move along and upon an adjacent roadway. Where sidewalks are provided but wheelchair access is not available, disabled persons who require such access may walk or otherwise move along and upon an adjacent roadway until they reach an access point in the sidewalk.

(2) Where sidewalks are not provided any pedestrian walking or otherwise moving along and upon a highway shall, when practicable, walk or move only on the left side of the roadway or its shoulder facing traffic which may approach from the opposite direction and upon meeting an oncoming vehicle shall ~~((step))~~ move clear of the roadway.

Sec. 7. Section 43, chapter 62, Laws of 1975 as amended by section 1, chapter 11, Laws of 1987 and RCW 46.61.266 are each amended to read as follows:

A law enforcement officer may offer to transport a pedestrian who appears to be under the influence of alcohol or any drug and who is walking or moving along or within the right of way of a public roadway, unless the pedestrian is to be taken into protective custody under RCW 70.96A.120.

The law enforcement officer offering to transport an intoxicated pedestrian under this section shall:

- (1) Transport the intoxicated pedestrian to a safe place; or
- (2) Release the intoxicated pedestrian to a competent person.

The law enforcement officer shall take no action if the pedestrian refuses this assistance. No suit or action may be commenced or prosecuted against the law enforcement officer, law enforcement agency, the state of Washington, or any political subdivision of the state for any act resulting from the refusal of the pedestrian to accept this assistance.

Sec. 8. Section 52, chapter 155, Laws of 1965 ex. sess. and RCW 46.61.370 are each amended to read as follows:

(1) The driver of a vehicle upon overtaking or meeting from either direction any school bus which has stopped on the ~~((highway))~~ roadway for the purpose of receiving or discharging any school children shall stop the

vehicle before reaching such school bus when there is in operation on said school bus a visual signal as specified in RCW 46.37.190 and said driver shall not proceed until such school bus resumes motion (~~(or is signaled by the school bus driver to proceed)~~) or the visual signals are no longer activated.

(2) The driver of a vehicle upon a highway divided into separate roadways as provided in RCW 46.61.150 need not stop upon meeting a school bus which is proceeding in the opposite direction and is stopped for the purpose of receiving or discharging school children.

(3) The driver of a vehicle upon a highway with three or more marked traffic lanes need not stop upon meeting a school bus which is proceeding in the opposite direction and is stopped for the purpose of receiving or discharging school children.

~~((2) Every school bus shall bear upon the front and rear thereof plainly visible signs containing the words "SCHOOL BUS" in letters not less than eight inches in height, and in addition shall be equipped with visual signals meeting the requirements of RCW 46.37.190 which shall be actuated by))~~ (4) The driver of ((said)) a school bus ((whenever but only whenever such vehicle)) shall actuate the visual signals required by RCW 46.37.190 only when such bus is stopped on the ((highway)) roadway for the purpose of receiving or discharging school children ((, except:

(a) When school children do not have to cross a highway and the bus is stopped completely off the main traveled portion of the roadway, or

(b) When the bus is stopped at an intersection or place where traffic is controlled by a traffic officer or official traffic control signal, or

(c) When the bus is stopped at school for the purpose of receiving or discharging school children and school children are not required to cross the roadway)).

~~((3))~~ (5) The driver of a ((vehicle upon a highway divided into separate roadways as provided in RCW 46.61.150, need not stop upon meeting or passing a school bus which is on a separate roadway or when upon a limited access highway and the school bus is stopped in a loading zone which is a part of or adjacent to such highway and where pedestrians are not permitted to cross the roadway)) school bus may stop completely off the roadway for the purpose of receiving or discharging school children only when the school children do not have to cross the roadway. The school bus driver shall actuate the hazard warning lamps as defined in RCW 46.37.215 before loading or unloading school children at such stops.

Sec. 9. Section 8, chapter 100, Laws of 1970 ex. sess. and RCW 46.61.375 are each amended to read as follows:

(1) The driver of a vehicle upon overtaking or meeting from either direction any private carrier bus which has stopped on the ~~((highway))~~ roadway for the purpose of receiving or discharging any passenger shall stop the vehicle before reaching such private carrier bus when there is in operation

on said bus a visual signal as specified in RCW 46.37.190 and said driver shall not proceed until such bus resumes motion (~~((or is signaled by the bus driver to proceed))~~) or the visual signals are no longer activated.

(2) The driver of a vehicle upon a highway divided into separate roadways as provided in RCW 46.61.150 need not stop upon meeting a private carrier bus which is proceeding in the opposite direction and is stopped for the purpose of receiving or discharging passengers.

(3) The driver of a vehicle upon a highway with three or more lanes need not stop upon meeting a private carrier bus which is proceeding in the opposite direction and is stopped for the purpose of receiving or discharging passengers.

~~((2) Every private carrier bus shall bear upon the front and rear thereof plainly visible signs containing the words "PRIVATE CARRIER BUS" in letters not less than eight inches in height, and in addition shall be equipped with visual signals meeting the requirements of RCW 46.37.190 which shall be actuated by)) (4) The driver of ((said)) a private carrier bus ((whenever but only whenever such vehicle)) shall actuate the visual signals required by RCW 46.37.190 only when such bus is stopped on the ((highway)) roadway for the purpose of receiving or discharging passengers((; except:~~

(a) When the passengers boarding or alighting do not have to cross a highway and the bus is stopped completely off the main traveled portion of the roadway; or

(b) When the bus is stopped at an intersection or place where traffic is controlled by a traffic officer or official traffic control signal)).

~~((3)) (5) The driver of a ((vehicle upon a highway divided into separate roadways as provided in RCW 46.61.150, need not stop upon meeting or passing a private carrier bus which is on a separate roadway or when upon a limited access highway and the private carrier bus is stopped in a loading zone which is a part of or adjacent to such highway and where pedestrians are not permitted to cross the roadway)) private carrier bus may stop a private carrier bus completely off the roadway for the purpose of receiving or discharging passengers only when the passengers do not have to cross the roadway. The private carrier bus driver shall actuate the hazard warning lamps as defined in RCW 46.37.215 before loading or unloading passengers at such stops.~~

NEW SECTION. Sec. 10. A new section is added to chapter 46.37 RCW to read as follows:

Every school bus and private carrier bus, in addition to any other equipment or distinctive markings required by this chapter, shall bear upon the front and rear thereof, above the windows thereof, plainly visible signs containing only the words "school bus" on a school bus and only the words "private carrier bus" on a private carrier bus in letters not less than eight

inches in height, and in addition shall be equipped with visual signals meeting the requirements of RCW 46.37.190.

NEW SECTION. Sec. 11. A new section is added to Title 28A RCW to read as follows:

On highways divided into separate roadways as provided in RCW 46-.61.150 and highways with three or more marked traffic lanes, public school district bus routes and private school bus routes shall serve each side of the highway so that students do not have to cross the highway, unless there is a traffic control signal as defined in RCW 46.04.600 or an adult crossing guard within three hundred feet of the bus stop to assist students while crossing such multiple-lane highways.

Passed the Senate March 8, 1990.

Passed the House March 8, 1990.

Approved by the Governor March 28, 1990.

Filed in Office of Secretary of State March 28, 1990.

CHAPTER 242

[House Bill No. 2475]

LODGING TAX—LIMITATIONS ON USES OF REVENUES

AN ACT Relating to a limitation on license fees and taxes; amending RCW 67.40.100; and creating a new section.

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

Sec. 1. Section 10, chapter 34, Laws of 1982 as amended by section 25, chapter 1, Laws of 1988 ex. sess. and RCW 67.40.100 are each amended to read as follows:

(1) Except as provided in chapters 67.28 and 82.14 RCW and subsection (2) of this section, after January 1, 1983, no city, town, or county in which the tax under RCW 67.40.090 is imposed may impose a license fee or tax on the act or privilege of engaging in business to furnish lodging by a hotel, rooming house, tourist court, motel, trailer camp, or similar facilities in excess of the rate imposed upon other persons engaged in the business of making sales at retail as that term is defined in chapter 82.04 RCW.

(2) A city incorporated before January 1, 1982, with a population over sixty thousand located in a county with a population over one million, other than the city of Seattle, may impose a special excise tax under the following conditions:

(a) The proceeds of the tax must be used (~~solely~~) for the acquisition, design, (~~and~~) construction, and marketing of convention and trade facilities and may be used for and pledged to the payment of bonds, leases, or other obligations issued or incurred for such purposes. The proceeds of the tax may be used for maintenance and operation only as part of a budget which includes the use of the tax for debt service and marketing.

(b) The legislative body of the city, before imposing the tax, must authorize a complete study and investigation of the desirability and economic feasibility of the proposed convention and trade facilities.

(c) The rate of the tax shall not exceed three percent.

(d) The tax shall be imposed on the sale of or charge made for the furnishing of lodging by a hotel, rooming house, tourist court, motel, or trailer camp, and the granting of any similar license to use real property, as distinguished from the renting or leasing of real property, except that no such tax may be levied on any premises having fewer than sixty lodging units.

NEW SECTION. Sec. 2. This 1990 amendment applies to all proceeds of the tax authorized under RCW 67.40.100(2), regardless of when levied or collected.

Passed the House March 6, 1990.

Passed the Senate March 1, 1990.

Approved by the Governor March 28, 1990.

Filed in Office of Secretary of State March 28, 1990.

CHAPTER 243

[Substitute Senate Bill No. 5450]

PACIFIC RIM LANGUAGE SCHOLARSHIP

AN ACT Relating to education in Pacific Rim languages; amending RCW 28A.67.020; adding a new section to Title 28A RCW; adding a new chapter to Title 28B RCW; creating a new section; and providing an expiration date.

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

NEW SECTION. Sec. 1. The legislature finds that it is important to the economic future of Washington state to promote international awareness and understanding. The legislature intends to complement the provisions of chapter 28A.125 RCW by encouraging high school students to study Pacific Rim languages, promote teacher exchanges with Pacific Rim nations, and allow nonimmigrant aliens to serve as exchange teachers for more than one year.

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

(1) "Washington state Pacific Rim language scholarship" means a scholarship awarded, for a period not to exceed one year, to a student proficient in speaking one of the following languages: Spanish, Russian, Chinese, and Japanese.

(2) "Institution of higher education" or "institution" means a college or university in the state of Washington that is accredited by an accrediting association recognized as such by rule of the higher education coordinating board.

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

(4) "Student" means a high school senior who is a proficient speaker of a Pacific Rim language, and who intends to enroll in an institution of higher education within one year of high school graduation.

NEW SECTION. Sec. 3. The Washington state Pacific Rim language scholarship program is created. The program shall be administered by the higher education coordinating board. In administering the program, the board shall have the following powers and duties:

(1) Select students to receive the scholarships with the assistance of a screening committee composed of leaders in government, business, and education;

(2) Adopt necessary rules and guidelines;

(3) Publicize the program; and

(4) Solicit and accept grants and donations from public and private sources for the program.

NEW SECTION. Sec. 4. The board shall select up to four students yearly from each congressional district to receive a Washington state Pacific Rim scholarship from funds appropriated for this purpose. Of the four students selected, one student shall be a proficient speaker of Spanish, one of Russian, one of Japanese, and one of Chinese. Using measures as objective as possible, the board shall select students who have shown the most improvement in their ability to speak the language during their high school careers.

NEW SECTION. Sec. 5. Scholarships shall not exceed one thousand dollars per student. The scholarship shall not be disbursed to the student until the student is enrolled at an institution of higher education. The board may also use private donations or any other funds given to the board for this program to make additional scholarship awards.

NEW SECTION. Sec. 6. By October 30, 1995, the board shall report on the program to the governor and the house of representatives and senate committees on higher education. The report shall include a recommendation on whether to expand the number of languages included, and whether to expand the program to students in each legislative district.

Sec. 7. Section 28A.67.020, chapter 223, Laws of 1969 ex. sess. as last amended by section 5, chapter 379, Laws of 1985 and RCW 28A.67.020 are each amended to read as follows:

No person, who is not a citizen of the United States of America, shall be permitted to teach in the common schools in this state: PROVIDED, That the superintendent of public instruction may grant to an alien a permit to teach in the common schools of this state if such teacher has all the other qualifications required by law, and has declared his or her intention of becoming a citizen of the United States of America: PROVIDED FURTHER, That after a one year probationary period the superintendent of

public instruction, at the request of the school district which employed such teacher on a permit, may grant to an alien whose qualifications have been approved by the state board of education a standard certificate to teach in the common schools of this state: PROVIDED FURTHER, That the superintendent of public instruction may grant to a nonimmigrant alien whose qualifications have been approved by the state board of education a temporary permit to teach foreign language for a period to be defined by the superintendent of public instruction or a one-year temporary permit which is renewable (~~only once for no more than one year~~) to teach as an exchange teacher in the common schools of this state.

~~((Before such alien shall be granted a temporary permit he or she shall be required to subscribe to an oath or affirmation in writing as follows: I do solemnly swear (or affirm) that I will support the Constitution and laws of the United States and the Constitution and laws of the state of Washington; that I do not advocate the overthrow, destruction, or alteration of the constitutional form of government of the United States or of the state of Washington or any political subdivision of either of them. All oaths or affirmations subscribed as herein provided shall be filed in the office of the superintendent of public instruction and shall be there retained for a period of five years.))~~ Such permits shall at all times be subject to revocation by the superintendent of public instruction.

NEW SECTION. Sec. 8. Sections 2 through 6 of this act shall expire June 30, 1996, and no scholarships shall be granted after June 30, 1996.

NEW SECTION. Sec. 9. A new section is added to Title 28A RCW to read as follows:

The superintendent of public instruction shall encourage school districts to establish exchange programs for teachers with schools in Pacific Rim nations.

NEW SECTION. Sec. 10. Sections 2 through 6 of this act shall constitute a new chapter in Title 28B RCW.

Passed the Senate March 8, 1990.

Passed the House March 8, 1990.

Approved by the Governor March 28, 1990.

Filed in Office of Secretary of State March 28, 1990.

CHAPTER 244

[Substitute House Bill No. 2336]

CONTROLLED SUBSTANCES—SALES IN OR NEAR PUBLIC PARKS OR TRANSIT VEHICLES OR SHELTERS

AN ACT Relating to manufacture, sale, or delivery of controlled substances; and amending RCW 69.50.435.

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

Sec. 1. Section 112, chapter 271, Laws of 1989 and RCW 69.50.435 are each amended to read as follows:

(a) Any person who violates RCW 69.50.401(a) by manufacturing, selling, delivering, or possessing with the intent to manufacture, sell, or deliver a controlled substance listed under that subsection to a person in a school or on a school bus or within one thousand feet of a school bus route stop designated by the school district or within one thousand feet of the perimeter of the school grounds (~~(is punishable)~~), in a public park or on a public transit vehicle, or in a public transit stop shelter may be punished by a fine of up to twice the fine otherwise authorized by this chapter, but not including twice the fine authorized by RCW 69.50.406, or by imprisonment of up to twice the imprisonment otherwise authorized by this chapter, but not including twice the imprisonment authorized by RCW 69.50.406, or by both such fine and imprisonment. The provisions of this section shall not operate to more than double the fine or imprisonment otherwise authorized by this chapter for an offense.

(b) It is not a defense to a prosecution for a violation of this section that the person was unaware that the prohibited conduct took place while in a school or school bus or within one thousand feet of the school or school bus route stop, in a public park, on a public transit vehicle, or in a public transit stop shelter.

(c) It is not a defense to a prosecution for a violation of this section or any other prosecution under this chapter that persons under the age of eighteen were not present in the school, the school bus, the public park, or the public transit vehicle, or at the school bus route stop or the public transit vehicle stop shelter at the time of the offense or that school was not in session.

(d) It is an affirmative defense to a prosecution for a violation of this section that the prohibited conduct took place entirely within a private residence, that no person under eighteen years of age or younger was present in such private residence at any time during the commission of the offense, and that the prohibited conduct did not involve delivering, manufacturing, selling, or possessing with the intent to manufacture, sell, or deliver any controlled substance in RCW 69.50.401(a) for profit. The affirmative defense established in this section shall be proved by the defendant by a preponderance of the evidence. This section shall not be construed to establish an affirmative defense with respect to a prosecution for an offense defined in any other section of this chapter.

(e) In a prosecution under this section, a map produced or reproduced by any municipal, school district, ~~((or))~~ county, or transit authority engineer for the purpose of depicting the location and boundaries of the area on or within one thousand feet of any property used for a school ~~((or))~~, school bus route stop, public park, or public transit vehicle stop shelter, or a true copy of such a map, shall under proper authentication, be admissible and

shall constitute prima facie evidence of the location and boundaries of those areas if the governing body of the municipality, school district, ~~((or))~~ county, or transit authority has adopted a resolution or ordinance approving the map as the official location and record of the location and boundaries of the area on or within one thousand feet of the school ~~((or))~~, school bus route stop, public park, or public transit vehicle stop shelter. Any map approved under this section or a true copy of the map shall be filed with the clerk of the municipality or county, and shall be maintained as an official record of the municipality or county. This section shall not be construed as precluding the prosecution from introducing or relying upon any other evidence or testimony to establish any element of the offense. This section shall not be construed as precluding the use or admissibility of any map or diagram other than the one which has been approved by the governing body of a municipality, school district, ~~((or))~~ county, or transit authority if the map or diagram is otherwise admissible under court rule.

(f) As used in this section the following terms have the meanings indicated unless the context clearly requires otherwise:

(1) "School" has the meaning under RCW 28A.01.055 or 28A.01.060. The term "school" also includes a private school approved under RCW 28A.02.201;

(2) "School bus" means a school bus as defined by the superintendent of public instruction by rule which is owned and operated by any school district and all school buses which are privately owned and operated under contract or otherwise with any school district in the state for the transportation of students. The term does not include buses operated by common carriers in the urban transportation of students such as transportation of students through a municipal transportation system; ~~((and))~~

(3) "School bus route stop" means a school bus stop as designated on maps submitted by school districts to the office of the superintendent of public instruction;

(4) "Public park" means land, including any facilities or improvements on the land, that is operated as a park by the state or a local government;

(5) "Public transit vehicle" means any motor vehicle, street car, train, trolley vehicle, or any other device, vessel, or vehicle which is owned or operated by a transit authority and which is used for the purpose of carrying passengers on a regular schedule;

(6) "Transit authority" means a city, county, or state transportation system, transportation authority, public transportation benefit area, public transit authority, or metropolitan municipal corporation within the state that operates public transit vehicles;

(7) "Stop shelter" means a passenger shelter designated by a transit authority.

Passed the House March 3, 1990.

Passed the Senate March 1, 1990.

Approved by the Governor March 28, 1990.

Filed in Office of Secretary of State March 28, 1990.

CHAPTER 245

[Substitute House Bill No. 2426]

UNEMPLOYMENT COMPENSATION—EMPLOYER CONTRIBUTIONS

AN ACT Relating to employer contributions for unemployment compensation; amending RCW 50.04.205, 50.20.160, 50.20.190, 50.24.110, 50.29.025, 50.29.070, 50.44.060, and 49.30.005; reenacting and amending RCW 50.04.030; adding a new section to chapter 50.04 RCW; creating a new section; providing an effective date; and declaring an emergency.

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

Sec. 1. Section 4, chapter 35, Laws of 1945 as last amended by section 1, chapter 256, Laws of 1987 and by section 2, chapter 278, Laws of 1987 and RCW 50.04.030 are each reenacted and amended to read as follows:

"Benefit year" with respect to each individual, means the fifty-two consecutive week period beginning with the first day of the calendar week in which the individual files an application for an initial determination and thereafter the fifty-two consecutive week period beginning with the first day of the calendar week in which the individual next files an application for an initial determination after the expiration of the individual's last preceding benefit year: PROVIDED, HOWEVER, That the foregoing limitation shall not be deemed to preclude the establishment of a new benefit year under the laws of another state pursuant to any agreement providing for the interstate combining of employment and wages and the interstate payment of benefits nor shall this limitation be deemed to preclude the commissioner from backdating an initial application at the request of the claimant either for the convenience of the department of employment security or for any other reason deemed by the commissioner to be good cause.

An individual's benefit year shall be extended to be fifty-three weeks when at the expiration of fifty-two weeks the establishment of a new benefit year would result in the use of a quarter of wages in the new base year that had been included in the individual's prior base year.

No benefit year will be established unless it is determined that the individual earned wages in "employment" in not less than six hundred eighty hours of the individual's base year: PROVIDED, HOWEVER, That a benefit year cannot be established if the base year wages include wages earned prior to the establishment of a prior benefit year unless the individual worked and earned wages (~~((in "employment"))~~) since the ~~((beginning of))~~ initial separation from employment in the previous benefit (~~((year's waiting~~

period under RCW 50.20.010(4)) year of not less than six times the weekly benefit amount computed for the individual's new benefit year.

If an individual's prior benefit year was based on the last four completed calendar quarters, a new benefit year shall not be established until the new base year does not include any hours used in the establishment of the prior benefit year.

If the wages of an individual are not based upon a fixed duration of time or if the individual's wages are paid at irregular intervals or in such manner as not to extend regularly over the period of employment, the wages for any week shall be determined in such manner as the commissioner may by regulation prescribe. Such regulation shall, so far as possible, secure results reasonably similar to those which would prevail if the individual were paid his or her wages at regular intervals.

Sec. 2. Section 5, chapter 292, Laws of 1977 ex. sess. and RCW 50.04.205 are each amended to read as follows:

Except as provided in section 3 of this act, services performed by aliens legally or illegally admitted to the United States shall be considered services in employment subject to the payment of contributions to the extent that services by citizens are covered.

NEW SECTION. Sec. 3. A new section is added to chapter 50.04 RCW to read as follows:

The term "employment" shall not include service that is performed by a nonresident alien for the period he or she is temporarily present in the United States as a nonimmigrant under subparagraph (F), (H)(iii), or (J) of section 101(a)(15) of the federal immigration and naturalization act, as amended, and that is performed to carry out the purpose specified in the applicable subparagraph of the federal immigration and naturalization act.

Sec. 4. Section 84, chapter 35, Laws of 1945 as last amended by section 4, chapter 266, Laws of 1959 and RCW 50.20.160 are each amended to read as follows:

(1) A determination of amount of benefits potentially payable issued pursuant to the provisions of RCW 50.20.120 and 50.20.140 shall not serve as a basis for appeal but shall be subject to request by the claimant for reconsideration and/or for redetermination by the commissioner at any time within one year from the date of delivery or mailing of such determination, or any redetermination thereof: PROVIDED, That in the absence of fraud or misrepresentation on the part of the claimant, any benefits paid prior to the date of any redetermination which reduces the amount of benefits payable shall not be subject to recovery under the provisions of RCW 50.20.190. A denial of a request to reconsider or a redetermination shall be furnished the claimant in writing and provide the basis for appeal under the provisions of RCW 50.32.020.

(2) A determination of denial of benefits issued under the provisions of RCW 50.20.180 shall become final, in absence of timely appeal therefrom: PROVIDED, That the commissioner may reconsider and redetermine such determinations at any time within one year from delivery or mailing to correct an error in identity, omission of fact, or misapplication of law with respect to the facts.

(3) A determination of allowance of benefits shall become final, in absence of a timely appeal therefrom: PROVIDED, That the commissioner may redetermine such allowance at any time within two years following the benefit year in which such allowance was made in order to recover any benefits improperly paid and for which recovery is provided under the provisions of RCW 50.20.190: AND PROVIDED FURTHER, That in the absence of fraud, misrepresentation, or nondisclosure, this provision or the provisions of RCW 50.20.190 shall not be construed so as to permit redetermination or recovery of an allowance of benefits which having been made after consideration of the provisions of RCW 50.20.010(3), or the provisions of RCW 50.20.050, 50.20.060, 50.20.080, or 50.20.090 has become final.

(4) A redetermination may be made at any time: (a) To conform to a final court decision applicable to either an initial determination or a determination of denial or allowance of benefits; (b) in the event of a back pay award or settlement affecting the allowance of benefits; or (c) in the case of fraud, misrepresentation, or willful nondisclosure. Written notice of any such redetermination shall be promptly given by mail or delivered to such interested parties as were notified of the initial determination or determination of denial or allowance of benefits and any new interested party or parties who, pursuant to such regulation as the commissioner may prescribe, would be an interested party.

Sec. 5. Section 87, chapter 35, Laws of 1945 as last amended by section 2, chapter 92, Laws of 1989 and RCW 50.20.190 are each amended to read as follows:

(1) An individual who is paid any amount as benefits under this title to which he or she is not entitled shall, unless otherwise relieved pursuant to this section, be liable for repayment of the amount overpaid. The department shall issue an overpayment assessment setting forth the reasons for and the amount of the overpayment. The amount assessed, to the extent not collected, may be deducted from any future benefits payable to the individual: PROVIDED, That in the absence of fraud, misrepresentation, or willful nondisclosure, every determination of liability shall be mailed or personally served not later than two years after the close of the individual's benefit year in which the purported overpayment was made unless the merits of the claim are subjected to administrative or judicial review in which event the period for serving the determination of liability shall be extended to allow service of the determination of liability during the six-month period following the final decision affecting the claim.

(2) The commissioner may waive an overpayment if the commissioner finds that said overpayment was not the result of fraud, misrepresentation, willful nondisclosure, or fault attributable to the individual and that the recovery thereof would be against equity and good conscience: PROVIDED, HOWEVER, That the overpayment so waived shall be charged against the individual's applicable entitlement for the eligibility period containing the weeks to which the overpayment was attributed as though such benefits had been properly paid.

(3) Any assessment herein provided shall constitute a determination of liability from which an appeal may be had in the same manner and to the same extent as provided for appeals relating to determinations in respect to claims for benefits: PROVIDED, That an appeal from any determination covering overpayment only shall be deemed to be an appeal from the determination which was the basis for establishing the overpayment unless the merits involved in the issue set forth in such determination have already been heard and passed upon by the appeal tribunal. If no such appeal is taken to the appeal tribunal by the individual within thirty days of the delivery of the notice of determination of liability, or within thirty days of the mailing of the notice of determination, whichever is the earlier, said determination of liability shall be deemed conclusive and final. Whenever any such notice of determination of liability becomes conclusive and final, the commissioner, upon giving at least twenty days notice by certified mail return receipt requested to the individual's last known address of the intended action, may file with the superior court clerk of any county within the state a warrant in the amount of the notice of determination of liability plus a filing fee of five dollars. The clerk of the county where 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 person(s) mentioned in the warrant, the amount of the notice of determination of liability, and the date when the warrant was filed. The amount of the warrant as docketed shall become a lien upon the title to, and any interest in, all real and personal property of the person(s) against whom the warrant is issued, the same as a judgment in a civil case duly docketed in the office of such clerk. A warrant so docketed shall be sufficient to support the issuance of writs of execution and writs of garnishment in favor of the state in the manner provided by law for a civil judgment. A copy of the warrant shall be mailed to the person(s) mentioned in the warrant by certified mail to the person's last known address within five days of its filing with the clerk.

(4) On request of any agency which administers an employment security law of another state, the United States, or a foreign government and which has found in accordance with the provisions of such law that a

claimant is liable to repay benefits received under such law, the commissioner may collect the amount of such benefits from the claimant to be refunded to the agency. In any case in which under this section a claimant is liable to repay any amount to the agency of another state, the United States, or a foreign government, such amounts may be collected without interest by civil action in the name of the commissioner acting as agent for such agency if the other state, the United States, or the foreign government extends such collection rights to the employment security department of the state of Washington, and provided that the court costs be paid by the governmental agency benefiting from such collection.

(5) When an individual has been awarded or receives back pay, the amount of the back pay shall constitute wages paid in the period for which it was awarded. No person is liable for the amount of benefits if the amount of the back pay award or settlement was reduced by the amount of benefits received. When the amount of the back pay award or settlement was reduced by the amount of benefits received, the employer shall pay to the unemployment compensation fund an amount equal to the amount of such reduction. An employer who is a party to any back pay award or settlement shall, within thirty days of the settlement, report to the department the amount of benefits by which the award or settlement was reduced, if any, and the name and social security number of the person who received the award or settlement.

(6) When an individual fails to repay an overpayment assessment that is due and fails to arrange for satisfactory repayment terms, the commissioner shall impose an interest penalty of one percent of the outstanding balance for each month that payments are not made in a timely fashion. Interest shall accrue immediately on overpayments assessed pursuant to RCW 50.20.070. For any other overpayment, interest shall accrue when the individual has missed two or more of their monthly payments either partially or in full. The interest penalty shall be used to fund detection and recovery of overpayment and collection activities.

Sec. 6. Section 99, chapter 35, Laws of 1945 as last amended by section 5, chapter 111, Laws of 1987 and RCW 50.24.110 are each amended to read as follows:

The commissioner is hereby authorized to issue to any person, firm, corporation, political subdivision, or department of the state, a notice and order to withhold and deliver property of any kind whatsoever when ~~((he))~~ the commissioner has reason to believe that there is in the possession of such person, firm, corporation, political subdivision, or department, property which is due, owing, or belonging to any person, firm, or corporation upon whom the department has served a benefit overpayment assessment or a notice and order of assessment for unemployment compensation contributions, interest, or penalties. The effect of a notice to withhold and deliver shall be continuous from the date such notice and order to withhold and

deliver is first made until the liability is satisfied or becomes unenforceable because of a lapse of time.

The notice and order to withhold and deliver shall be served by the sheriff or the sheriff's deputy of the county wherein the service is made (~~or by his deputy~~), by certified mail, return receipt requested, or by any duly authorized representative of the commissioner. Any person, firm, corporation, political subdivision, or department upon whom service has been made is hereby required to answer the notice within twenty days exclusive of the day of service, under oath and in writing, and shall make true answers to the matters inquired of in the notice.

In the event there is in the possession of any such person, firm, corporation, political subdivision, or department, any property which may be subject to the claim of the employment security department of the state, such property shall be delivered forthwith to the commissioner or ~~((his))~~ the commissioner's duly authorized representative upon demand to be held in trust by the commissioner for application on the indebtedness involved or for return, without interest, in accordance with final determination of liability or nonliability, or in the alternative, there shall be furnished a good and sufficient bond satisfactory to the commissioner conditioned upon final determination of liability.

Should any person, firm, or corporation fail to make answer to an order to withhold and deliver within the time prescribed herein, it shall be lawful for the court, after the time to answer such order has expired, to render judgment by default against such person, firm, or corporation for the full amount claimed by the commissioner in the notice to withhold and deliver, together with costs.

Sec. 7. Section 5, chapter 205, Laws of 1984 as last amended by section 79, chapter 380, Laws of 1989 and RCW 50.29.025 are each amended to read as follows:

The contribution rate for each employer shall be determined under this section.

(1) A fund balance ratio shall be determined by dividing the balance in the unemployment compensation fund as of the June 30th immediately preceding the rate year by the total remuneration paid by all employers subject to contributions during the second calendar year preceding the rate year and reported to the department by the following March 31st. The division shall be carried to the fourth decimal place with the remaining fraction, if any, disregarded. The fund balance ratio shall be expressed as a percentage.

(2) The interval of the fund balance ratio, expressed as a percentage, shall determine which tax schedule in subsection (5) of this section shall be in effect for assigning tax rates for the rate year. The intervals for determining the effective tax schedule shall be:

Interval of the Fund Balance Ratio Expressed as a Percentage	Effective Tax Schedule
3.40 and above	A
2.90 to 3.39	B
2.40 to 2.89	C
1.90 to 2.39	D
1.40 to 1.89	E
Less than 1.40	F

(3) An array shall be prepared, listing all qualified employers in ascending order of their benefit ratios. The array shall show for each qualified employer: (a) Identification number; (b) benefit ratio; (c) taxable payrolls for the four calendar quarters immediately preceding the computation date and reported to the department by the cut-off date; (d) a cumulative total of taxable payrolls consisting of the employer's taxable payroll plus the taxable payrolls of all other employers preceding him or her in the array; and (e) the percentage equivalent of the cumulative total of taxable payrolls.

(4) Each employer in the array shall be assigned to one of twenty rate classes according to the percentage intervals of cumulative taxable payrolls set forth in subsection (5) of this section: PROVIDED, That if an employer's taxable payroll falls within two or more rate classes, the employer and any other employer with the same benefit ratio shall be assigned to the lowest rate class which includes any portion of the employer's taxable payroll.

(5) The contribution rate for each employer in the array shall be the rate specified in the following table for the rate class to which he or she has been assigned, as determined under subsection (4) of this section, within the tax schedule which is to be in effect during the rate year:

Percent of Cumulative Taxable Payrolls			Schedule of Contribution Rates for Effective Tax Schedule					
From	To	Rate Class	A	B	C	D	E	F
0.00	5.00	1	0.48	0.58	0.98	1.48	1.88	2.48
5.01	10.00	2	0.48	0.78	1.18	1.68	2.08	2.68
10.01	15.00	3	0.58	0.98	1.38	1.78	2.28	2.88
15.01	20.00	4	0.78	1.18	1.58	1.98	2.48	3.08
20.01	25.00	5	0.98	1.38	1.78	2.18	2.68	3.18
25.01	30.00	6	1.18	1.58	1.98	2.38	2.78	3.28
30.01	35.00	7	1.38	1.78	2.18	2.58	2.98	3.38
35.01	40.00	8	1.58	1.98	2.38	2.78	3.18	3.58
40.01	45.00	9	1.78	2.18	2.58	2.98	3.38	3.78
45.01	50.00	10	1.98	2.38	2.78	3.18	3.58	3.98

50.01	55.00	11	2.28	2.58	2.98	3.38	3.78	4.08
55.01	60.00	12	2.48	2.78	3.18	3.58	3.98	4.28
60.01	65.00	13	2.68	2.98	3.38	3.78	4.18	4.48
65.01	70.00	14	2.88	3.18	3.58	3.98	4.38	4.68
70.01	75.00	15	3.08	3.38	3.78	4.18	4.58	4.78
75.01	80.00	16	3.28	3.58	3.98	4.38	4.68	4.88
80.01	85.00	17	3.48	3.78	4.18	4.58	4.88	4.98
85.01	90.00	18	3.88	4.18	4.58	4.88	4.98	5.18
90.01	95.00	19	4.28	4.58	4.98	5.08	5.18	5.38
95.01	100.00	20	5.40	5.40	5.40	5.40	5.40	5.40

(6) The contribution rate for each employer not qualified to be in the array shall be as follows:

(a) Employers who do not meet the definition of "qualified employer" by reason of failure to pay contributions when due shall be assigned the contribution rate of five and four-tenths percent, except employers who have an approved agency-deferred payment contract by September 30 of the previous rate year. If any employer with an approved agency-deferred payment contract fails to make any one of the succeeding deferred payments or fails to submit any succeeding tax report and payment in a timely manner, the employer's tax rate shall immediately revert to five and four-tenths percent for the current rate year;

(b) The contribution rate for employers exempt as of December 31, 1989, who are newly covered under the section 78, chapter 380, Laws of 1989(;;) amendment to RCW 50.04.150 and not yet qualified to be in the array shall be 2.5 percent for employers whose standard industrial code is "013", "016", "017", "018", "019", "021", or "081"; and

(c) For all other employers not qualified to be in the array, the contribution rate shall be a rate equal to the average industry rate as determined by the commissioner; however, the rate may not be less than one percent. Assignment of employers by the commissioner to industrial classification, for purposes of this subsection, shall be in accordance with established classification practices found in the "Standard Industrial Classification Manual" issued by the federal office of management and budget to the third digit provided in the Standard Industrial Classification code.

Sec. 8. Section 16, chapter 2, Laws of 1970 ex. sess. as last amended by section 19, chapter 23, Laws of 1983 1st ex. sess. and RCW 50.29.070 are each amended to read as follows:

~~((Within a reasonable time after the computation date, each employer shall be notified of the total amount of benefits charged to his account during the twelve-month period immediately preceding the computation date and, upon request, the amount of such charges with respect to each individual receiving unemployment benefits charged to his account.))~~

Within a reasonable time after the computation date each employer shall be notified of ~~((his))~~ the employer's rate of contribution as determined for the succeeding rate year and factors used in the calculation.

Any employer dissatisfied with the benefit charges made to ~~((his))~~ the employer's account for the twelve-month period immediately preceding the computation date or with his or her determined rate may file a request for review and redetermination with the commissioner within thirty days of the mailing of the notice to the employer, showing the reason for such request. Should such request for review and redetermination be denied, the employer may, within ~~((ten))~~ thirty days of the mailing of such notice of denial, file with the appeal tribunal a petition for hearing which shall be heard in the same manner as a petition for denial of refund. The appellate procedure prescribed by this title for further appeal shall apply to all denials of review and redetermination under this section.

Sec. 9. Section 23, chapter 3, Laws of 1971 as last amended by section 24, chapter 23, Laws of 1983 1st ex. sess. and RCW 50.44.060 are each amended to read as follows:

Benefits paid to employees of "nonprofit organizations" shall be financed in accordance with the provisions of this section. For the purpose of this section and RCW 50.44.070, the term "nonprofit organization" is limited to those organizations described in RCW 50.44.010, and joint accounts composed exclusively of such organizations.

(1) Any nonprofit organization which is, or becomes subject to this title on or after January 1, 1972 shall pay contributions under the provisions of RCW 50.24.010 and chapter 50.29 RCW, unless it elects, in accordance with this subsection, to pay to the commissioner for the unemployment compensation fund an amount equal to the full amount of regular and additional benefits and one-half of the amount of extended benefits paid to individuals for weeks of unemployment ~~((which begin during the effective period of such election))~~ that are based upon wages paid or payable during the effective period of such election to the extent that such payments are attributable to service in the employ of such nonprofit organization.

(a) Any nonprofit organization which becomes subject to this title after January 1, 1972 may elect to become liable for payments in lieu of contributions for a period of not less than twelve months beginning with the date on which such subjectivity begins by filing a written notice of its election with the commissioner not later than thirty days immediately following the date of the determination of such subjectivity.

(b) Any nonprofit organization which makes an election in accordance with paragraph (a) of this subsection will continue to be liable for payments in lieu of contributions until it files with the commissioner a written notice terminating its election not later than thirty days prior to the beginning of the taxable year for which such termination shall first be effective.

(c) Any nonprofit organization which has been paying contributions under this title for a period subsequent to January 1, 1972 may change to a reimbursable basis by filing with the commissioner not later than thirty days prior to the beginning of any taxable year a written notice of election to become liable for payments in lieu of contributions. Such election shall not be terminable by the organization for that and the next year.

(d) The commissioner may for good cause extend the period within which a notice of election, or a notice of termination, must be filed and may permit an election to be retroactive but not any earlier than with respect to benefits paid after December 31, 1969.

(e) The commissioner, in accordance with such regulations as ~~((he))~~ the commissioner may prescribe, shall notify each nonprofit organization of any determination which ~~((he))~~ the commissioner may make of its status as an employer and of the effective date of any election which it makes and of any termination of such election. Any nonprofit organization subject to such determination and dissatisfied with such determination may file a request for review and redetermination with the commissioner within thirty days of the mailing of the determination to the organization. Should such request for review and redetermination be denied, the organization may, within ten days of the mailing of such notice of denial, file with the appeal tribunal a petition for hearing which shall be heard in the same manner as a petition for denial of refund. The appellate procedure prescribed by this title for further appeal shall apply to all denials of review and redetermination under this paragraph.

(2) Payments in lieu of contributions shall be made in accordance with the provisions of this section including either paragraph (a) or (b) of this subsection.

(a) At the end of each calendar quarter, the commissioner shall bill each nonprofit organization or group of such organizations which has elected to make payments in lieu of contributions for an amount equal to the full amount of regular and additional benefits plus one-half of the amount of extended benefits paid during such quarter that is attributable to service in the employ of such organization.

(b) (i) Each nonprofit organization that has elected payments in lieu of contributions may request permission to make such payments as provided in this paragraph. Such method of payment shall become effective upon approval by the commissioner.

(ii) At the end of each calendar quarter, or at the end of such other period as determined by the commissioner, the commissioner shall bill each nonprofit organization for an amount representing one of the following:

(A) The percentage of its total payroll for the immediately preceding calendar year as the commissioner shall determine. Such determination shall be based each year on the average benefit costs attributable to service in the employ of nonprofit organizations during the preceding calendar year.

(B) For any organization which did not pay wages throughout the four calendar quarters of the preceding calendar year, such percentage of its payroll during such year as the commissioner shall determine.

(iii) At the end of each taxable year, the commissioner may modify the quarterly percentage of payroll thereafter payable by the nonprofit organization in order to minimize excess or insufficient payments.

(iv) At the end of each taxable year, the commissioner shall determine whether the total of payments for such year made by a nonprofit organization is less than, or in excess of, the total amount of regular and additional benefits plus one-half of the amount of extended benefits paid to individuals during such taxable year based on wages attributable to service in the employ of such organization. Each nonprofit organization whose total payments for such year are less than the amount so determined shall be liable for payment of the unpaid balance to the fund in accordance with paragraph (c). If the total payments exceed the amount so determined for the taxable year, all of the excess payments will be retained in the fund as part of the payments which may be required for the next taxable year, or a part of the excess may, at the discretion of the commissioner, be refunded from the fund or retained in the fund as part of the payments which may be required for the next taxable year.

(c) Payment of any bill rendered under paragraph (a) or (b) shall be made not later than thirty days after such bill was mailed to the last known address of the nonprofit organization or was otherwise delivered to it, and if not paid within such thirty days, the reimbursement payments itemized in the bill shall be deemed to be delinquent and the whole or part thereof remaining unpaid shall bear interest and penalties from and after the end of such thirty days at the rate and in the manner set forth in RCW 50.12.220 and 50.24.040.

(d) Payments made by any nonprofit organization under the provisions of this section shall not be deducted or deductible, in whole or in part, from the remuneration of individuals in the employ of the organization. Any deduction in violation of the provisions of this paragraph shall be unlawful.

(3) Each employer that is liable for payments in lieu of contributions shall pay to the commissioner for the fund the total amount of regular and additional benefits plus the amount of one-half of extended benefits paid that are attributable to service in the employ of such employer. If benefits paid to an individual are based on wages paid by more than one employer and one or more of such employers are liable for payments in lieu of contributions, the amount payable to the fund by each employer that is liable for such payments shall be determined in accordance with the provisions of paragraphs (a) (~~(through (d))~~) and (b) of this subsection.

(a) If benefits paid to an individual are based on wages paid by one or more employers that are liable for payments in lieu of contributions and on wages paid by one or more employers who are liable for contributions, the

amount of benefits payable by each employer that is liable for payments in lieu of contributions shall be an amount which bears the same ratio to the total benefits paid to the individual as the total base-period wages paid to the individual by such employer bear to the total base-period wages paid to the individual by all of his base-period employers.

(b) If benefits paid to an individual are based on wages paid by two or more employers that are liable for payments in lieu of contributions, the amount of benefits payable by each such employer shall be an amount which bears the same ratio to the total benefits paid to the individual as the total base-period wages paid to the individual by such employer bear to the total base-period wages paid to the individual by all of his base-period employers.

Sec. 10. Section 82, chapter 380, Laws of 1989 and RCW 49.30.005 are each amended to read as follows:

(1) It is the intent of the legislature that the department assist agricultural employers in mitigating the costs of the state's unemployment insurance program. The department shall work with members of the agricultural community to: Improve understanding of the program's operation; increase compliance with work-search requirements; provide prompt notification of potential claims against an employer's experience rating; inform employers of their rights; inform employers of the actions necessary to appeal a claim and to protect their rights; and reduce claimant and employer fraud. These efforts shall include:

- (a) Conducting employer workshops and community seminars;
- (b) Developing new educational materials; and
- (c) Developing forms that use lay language.

(2) The employment security department, the department of labor and industries, the department of licensing, and the department of revenue shall develop a plan to implement voluntary combined reporting for agricultural employers by January 1, ~~((+1991))~~ 1992. The departments shall submit the plan to the legislature by January 10, 1990, and include recommendations for legislation necessary to standardize and simplify statutory coverage and other requirements. Such standardization shall be as consistent with federal requirements as possible.

The departments shall consult with representatives of agricultural employer and labor associations and general business associations in the development of the plan and legislation. The departments shall ensure that they accommodate the needs of small agricultural employers in particular.

(3) The department shall report to the appropriate standing committees of the legislature by January 10, 1990, 1991, and 1992 and include a description of the activities of the department to carry out the intents of this section and provide quantitative data where possible on the effectiveness of the activities undertaken by the department to comply with the intents of this section during the previous calendar year.

NEW SECTION. Sec. 11. 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 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 that 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. 12. (1) Section 1 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.

(2) Sections 2, 3, and 6 through 9 of this act shall take effect on July 1, 1990.

Passed the House March 8, 1990.

Passed the Senate March 8, 1990.

Approved by the Governor March 28, 1990.

Filed in Office of Secretary of State March 28, 1990.

CHAPTER 246

[Second Substitute House Bill No. 2122]

DEPENDENCY PROCEEDINGS AND TERMINATION OF PARENTAL RIGHTS

AN ACT Relating to dependency proceedings and termination of parental rights; and amending RCW 13.34.060, 13.34.070, 13.34.080, 13.34.090, 13.34.130, 13.34.150, 13.34.180, 13.50.010, 13.50.100, and 26.44.115.

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

Sec. 1. Section 4, chapter 524, Laws of 1987 and RCW 13.34.060 are each amended to read as follows:

(1) A child taken into custody pursuant to RCW 13.34.050 or 26.44-.050 shall be immediately placed in shelter care. A child taken by a relative of the child in violation of RCW 9A.40.060 or 9A.40.070 shall be placed in shelter care only when permitted under RCW 13.34.055. "Shelter care" means temporary physical care in a facility licensed pursuant to RCW 74-.15.030 or in a home not required to be licensed pursuant to that section. Whenever a child is taken into such custody pursuant to this section, the supervising agency may authorize evaluations of the child's physical or emotional condition, routine medical and dental examination and care, and all necessary emergency care. In no case may a child who is taken into custody pursuant to RCW 13.34.055, 13.34.050, or 26.44.050 be detained in a secure detention facility. No child may be held longer than seventy-two hours, excluding Saturdays, Sundays and holidays, after such child is taken

into custody unless a court order has been entered for continued shelter care. The child and his or her parent, guardian, or custodian shall be informed that they have a right to a shelter care hearing. The court shall hold a shelter care hearing ((if one is requested)) within seventy-two hours after the child is taken into custody, excluding Saturdays, Sundays, and holidays. If a parent, guardian, or legal custodian desires to waive the shelter care hearing, the court shall determine, on the record and with the parties present, that such waiver is knowing and voluntary.

(2) Whenever a child is taken into custody by child protective services pursuant to a court order issued under RCW 13.34.050 or when child protective services is notified that a child has been taken into custody pursuant to RCW 26.44.050 or 26.44.056, child protective services shall make reasonable efforts to inform the parents, guardian, or legal custodian of the fact that the child has been taken into custody, the reasons why the child was taken into custody, and their legal rights under this title as soon as possible and in no event longer than twenty-four hours after the child has been taken into custody or twenty-four hours after child protective services has been notified that the child has been taken into custody. The notice of custody and rights may be given by any means reasonably certain of notifying the parents including, but not limited to, written, telephone, or in person oral notification. If the initial notification is provided by a means other than writing, child protective services shall make reasonable efforts to also provide written notification.

The written notice of custody and rights shall be in substantially the following form:

"NOTICE

Your child has been placed in temporary custody under the supervision of Child Protective Services (or other person or agency). You have important legal rights and you must take steps to protect your interests.

1. A court hearing will be held before a judge within 72 hours of the time your child is taken into custody. You should call the court at...(insert appropriate phone number here)... for specific information about the date, time, and location of the court hearing.

2. You have the right to have a lawyer represent you at the hearing. A lawyer can look at the files in your case, talk to child protective services and other agencies, tell you about the law, help you understand your rights, and help you at hearings. If you cannot afford a lawyer, the court will appoint one to represent you. To get a court-appointed lawyer you must contact: ... (explain local procedure)....

3. At the hearing, you have the right to speak on your own behalf, to introduce evidence, to examine witnesses, and to receive a decision based solely on the evidence presented to the judge.

You should be present at this hearing. If you do not come, the judge will not hear what you have to say.

You may call the Child Protective Services' caseworker for more information about your child. The caseworker's name and telephone number are: ...(insert name and telephone number)..."

Upon receipt of the written notice, the parent, guardian, or legal custodian shall acknowledge such notice by signing a receipt prepared by child protective services. If the parent, guardian, or legal custodian does not sign the receipt, the reason for lack of a signature shall be written on the receipt. The receipt shall be made a part of the court's file in the dependency action.

If after making reasonable efforts to provide notification, child protective services is unable to determine the whereabouts of the parents, guardian, or legal custodian, the notice shall be delivered or sent to the last known address of the parent, guardian, or legal custodian.

(3) If child protective services is not required to give notice under subsection (2) of this section, the juvenile court counselor assigned to the matter shall make all reasonable efforts to advise the parents, guardian, or legal custodian of the time and place of any shelter care hearing, request that they be present, and inform them of their basic rights as provided in RCW 13.34.090.

((3)) (4) Reasonable efforts to advise and to give notice, as required in subsections (2) and (3) of this section, shall include, at a minimum, investigation of the whereabouts of the parent, guardian, or legal custodian. If such reasonable efforts are not successful, or the parent, guardian, or legal custodian does not appear at the shelter care hearing, the juvenile court counselor or caseworker shall testify at the hearing or state in a declaration:

(a) The efforts made to investigate the whereabouts of, and to advise, the parent, guardian, or legal custodian; and

(b) Whether actual advice of rights was made, to whom it was made, and how it was made, including the substance of any oral communication or copies of written materials used.

(5) At the commencement of the shelter care hearing the court shall advise the parties of their basic rights as provided in RCW 13.34.090 and shall appoint counsel pursuant to RCW 13.34.090 if counsel has not been retained by the parent or guardian and if the parent or guardian is indigent, unless the court finds that the right to counsel has been expressly and voluntarily waived in court.

((4)) (6) The court shall hear evidence regarding notice given to, and efforts to notify, the parent, guardian, or legal custodian and shall examine the need for shelter care. The court shall make an express finding as to whether the notice required under subsections (2) and (3) of this section was given to the parent, guardian, or legal custodian. All parties have the right to present testimony to the court regarding the need or lack of need for shelter care. Hearsay evidence before the court regarding the need or

lack of need for shelter care must be supported by sworn testimony, affidavit, or declaration of the person offering such evidence.

~~((5))~~ (7) The juvenile court probation counselor shall submit a recommendation to the court as to the further need for shelter care, except that such recommendation shall be submitted by the department of social and health services in cases where the petition alleging dependency has been filed by the department of social and health services, unless otherwise ordered by the court.

~~((6))~~ (8) The court shall release a child alleged to be dependent to the care, custody, and control of the child's parent, guardian, or legal custodian unless the court finds there is reasonable cause to believe that:

(a) After consideration of the specific services that have been provided, reasonable efforts have been made to prevent or eliminate the need for removal of the child from the child's home and to make it possible for the child to return home; and

(b)(i) The child has no parent, guardian, or legal custodian to provide supervision and care for such child; or

(ii) The release of such child would present a serious threat of substantial harm to such child; or

(iii) The parent, guardian, or custodian to whom the child could be released is alleged to have violated RCW 9A.40.060 or 9A.40.070.

If the court does not release the child to his or her parent, guardian, or legal custodian, the court shall order continued shelter care or order placement with another suitable person, and the court shall set forth its reasons for the order. The court shall enter a finding as to whether subsections (2) and (3) of this section have been complied with. If actual notice was not given to the parent, guardian, or legal custodian and the whereabouts of such person is known or can be ascertained, the court shall order the supervising agency or the department of social and health services to make reasonable efforts to advise the parent, guardian, or legal custodian of the status of the case, including the date and time of any subsequent hearings, and their rights under RCW 13.34.090.

~~((7))~~ (9) An order releasing the child on any conditions specified in this section may at any time be amended, with notice and hearing thereon, so as to return the child to shelter care for failure of the parties to conform to the conditions originally imposed.

~~((8))~~ (10) A shelter care order issued pursuant to this section may be amended at any time with notice and hearing thereon. The shelter care decision of placement shall be modified only upon a showing of change in circumstances. No child may be detained for longer than thirty days without an order, signed by the judge, authorizing continued shelter care.

(11) Any parent, guardian, or legal custodian who for good cause is unable to attend the initial shelter care hearing may request that a subsequent shelter care hearing be scheduled. The request shall be made to the

clerk of the court where the petition is filed prior to the initial shelter care hearing. The hearing shall be held within seventy-two hours of the request, excluding Saturdays, Sundays, and holidays. The clerk shall notify all other parties of the hearing by any reasonable means.

Sec. 2. Section 6, chapter 160, Laws of 1913 as last amended by section 2, chapter 194, Laws of 1988 and RCW 13.34.070 are each amended to read as follows:

(1) Upon the filing of the petition, the clerk of the court shall issue a summons, one directed to the child, if the child is twelve or more years of age, and another to the parents, guardian, or custodian, and such other persons as appear to the court to be proper or necessary parties to the proceedings, requiring them to appear personally before the court at the time fixed to hear the petition. If the child is developmentally disabled and not living at home, the notice shall be given to the child's custodian as well as to the child's parent. The developmentally disabled child shall not be required to appear unless requested by the court. Where the custodian is summoned, the parent or guardian or both shall also be served with a summons. The fact-finding hearing on the petition shall be held no later than seventy-five days after the filing of the petition, unless exceptional reasons for a continuance are found. The party requesting the continuance shall have the burden of proving by a preponderance of the evidence that exceptional circumstances do exist. To ensure that the hearing on the petition occurs within the seventy-five day time limit, the court shall schedule and hear the matter on an expedited basis.

(2) A copy of the petition shall be attached to each summons.

(3) The summons shall advise the parties of the right to counsel. The summons shall also inform the child's parent, guardian, or legal custodian of his or right to appointed counsel, if indigent, and of the procedure to use to secure appointed counsel.

(4) The judge may endorse upon the summons an order directing any parent, guardian, or custodian having the custody or control of the child to bring the child to the hearing.

(5) If it appears from affidavit or sworn statement presented to the judge that there is probable cause for the issuance of a warrant of arrest or that the child needs to be taken into custody pursuant to RCW 13.34.050, the judge may endorse upon the summons an order that an officer serving the summons shall at once take the child into custody and take him to the place of shelter designated by the court.

(6) If the person summoned as provided in this section is subject to an order of the court pursuant to subsection (4) or (5) of this section, and if the person fails to abide by the order, he may be proceeded against as for contempt of court. The order endorsed upon the summons shall conspicuously display the following legend:

NOTICE:
VIOLATION OF THIS ORDER
IS SUBJECT TO PROCEEDING
FOR CONTEMPT OF COURT
PURSUANT TO RCW 13.34.070.

(7) If a party to be served with a summons can be found within the state, the summons shall be served upon the party personally (~~(at least five)~~) as soon as possible following the filing of the petition, but in no case later than fifteen court days before the fact-finding hearing, or such time as set by the court. If the party is within the state and cannot be personally served, but the party's address is known or can with reasonable diligence be ascertained, the summons may be served upon the party by mailing a copy thereof by certified mail (~~(at least ten)~~) as soon as possible following the filing of the petition, but in no case later than fifteen court days before the hearing, or such time as set by the court. If a party other than the child is without the state but can be found or the address is known, or can with reasonable diligence be ascertained, service of the summons may be made either by delivering a copy thereof to the party personally or by mailing a copy thereof to the party by certified mail at least ten court days before the fact-finding hearing, or such time as set by the court.

(8) Service of summons may be made under the direction of the court by any person eighteen years of age or older who is not a party to the proceedings or by any law enforcement officer, probation counselor, or department of social and health services social worker.

(9) In any proceeding brought under this chapter where the court knows or has reason to know that the child involved is a member of an Indian tribe, notice of the pendency of the proceeding shall also be sent by registered mail, return receipt requested, to the child's tribe. If the identity or location of the tribe cannot be determined, such notice shall be transmitted to the secretary of the interior of the United States.

Sec. 3. Section 7, chapter 160, Laws of 1913 as last amended by section 1, chapter 201, Laws of 1988 and RCW 13.34.080 are each amended to read as follows:

In a dependency case where it appears by the petition or verified statement, that the person standing in the position of natural or legal guardian of the person of any child, is a nonresident of this state, or that the name or place of residence or whereabouts of such person is unknown, as well as in all cases where, after due diligence, the officer has been unable to make service of the summons or notice provided for in RCW 13.34.070, and a copy of the notice has been deposited in the post office, postage prepaid, directed to such person at his last known place of residence, the court shall direct the clerk to publish notice in a legal newspaper printed in the county, qualified to publish summons, once a week for three consecutive weeks, with the first publication of the notice to be at least twenty-five days prior to the

date fixed for the hearing. If the parent, guardian, or legal custodian is believed to be a resident of another state or a county other than the county in which the petition has been filed, notice also shall be published in the county in which the parent, guardian, or legal custodian is believed to reside. Additionally, publication may proceed simultaneously with efforts to provide personal service or service by mail for good cause shown, when there is reason to believe that personal service or service by mail will not be successful. Such notice shall be directed to the parent, parents, or other person claiming the right to the custody of the child, if their names are known, or if unknown, the phrase "To whom it may concern" shall be used and apply to, and be binding upon, any such persons whose names are unknown. The name of the court, the name of the child (or children if of one family), the date of the filing of the petition, the date of hearing, and the object of the proceeding in general terms shall be set forth, and the whole shall be subscribed by the clerk. There shall be filed with the clerk an affidavit showing due publication of the notice, and the cost of publication shall be paid by the county at not to exceed the rate paid by the county for other legal notices. The publication of notice shall be deemed equivalent to personal service upon all persons, known or unknown, who have been designated as provided in this section.

Sec. 4. Section 37, chapter 291, Laws of 1977 ex. sess. as amended by section 42, chapter 155, Laws of 1979 and RCW 13.34.090 are each amended to read as follows:

(1) Any party has a right to be represented by an attorney in all proceedings under this chapter, to introduce evidence, to be heard in his or her own behalf, to examine witnesses, to receive a decision based solely on the evidence adduced at the hearing, and to an unbiased fact-finder.

(2) At all stages of a proceeding in which a child is alleged to be dependent pursuant to RCW 13.34.030(2), the child's parent ((or)), guardian, or legal custodian has the right to be represented by counsel, and if indigent, to have counsel appointed for him or her by the court. Unless waived in court, counsel shall be provided to the child's parent, guardian, or legal custodian, if such person (a) has appeared in the proceeding or requested the court to appoint counsel and (b) is financially unable to obtain counsel because of indigency as defined in chapter 10.101 RCW.

(3) If a party to an action under this chapter is represented by counsel, no order shall be provided to that party for his or her signature without prior notice and provision of the order to counsel.

(4) Copies of department of social and health services or supervising agency records to which parents have legal access pursuant to chapter 13.50 RCW shall be given to the child's parent, guardian, legal custodian, or his or her legal counsel, within twenty days after the department or supervising

agency receives a written request for such records from the parent, guardian, legal custodian, or his or her legal counsel. These records shall be provided to the child's parents, guardian, legal custodian, or legal counsel prior to the shelter care hearing in order to allow an opportunity to review the records prior to the hearing. These records shall be legible and shall be provided at no expense to the parents, guardian, legal custodian, or his or her counsel.

Sec. 5. Section 17, chapter 17, Laws of 1989 1st ex. sess. and RCW 13.34.130 are each amended to read as follows:

If, after a fact-finding hearing pursuant to RCW 13.34.110, as now or hereafter amended, it has been proven by a preponderance of the evidence that the child is dependent within the meaning of RCW 13.34.030(2); after consideration of the predisposition report prepared pursuant to RCW 13.34.110 and after a disposition hearing has been held pursuant to RCW 13.34.110, the court shall enter an order of disposition pursuant to this section.

(1) The court shall order one of the following dispositions of the case:

(a) Order a disposition other than removal of the child from his or her home, which shall provide a program designed to alleviate the immediate danger to the child, to mitigate or cure any damage the child has already suffered, and to aid the parents so that the child will not be endangered in the future. In selecting a program, the court should choose those services that least interfere with family autonomy, provided that the services are adequate to protect the child.

(b) Order that the child be removed from his or her home and ordered into the custody, control, and care of a relative or the department of social and health services or a licensed child placing agency for placement in a foster family home or group care facility licensed pursuant to chapter 74.15 RCW or in a home not required to be licensed pursuant to chapter 74.15 RCW. Unless there is reasonable cause to believe that the safety or welfare of the child would be jeopardized or that efforts to reunite the parent and child will be hindered, such child shall be placed with a grandparent, brother, sister, stepbrother, stepsister, uncle, aunt, or first cousin with whom the child has a relationship and is comfortable, and who is willing and available to care for the child. An order for out-of-home placement may be made only if the court finds that reasonable efforts have been made to prevent or eliminate the need for removal of the child from the child's home and to make it possible for the child to return home, specifying the services that have been provided to the child and the child's parent, guardian, or legal custodian, and that:

- (i) There is no parent or guardian available to care for such child;
- (ii) The child is unwilling to reside in the custody of the child's parent, guardian, or legal custodian;
- (iii) The parent, guardian, or legal custodian is not willing to take custody of the child;

(iv) A manifest danger exists that the child will suffer serious abuse or neglect if the child is not removed from the home and an order under RCW 26.44.063 would not protect the child from danger; or

(v) The extent of the child's disability is such that the parent, guardian, or legal custodian is unable to provide the necessary care for the child and the parent, guardian, or legal custodian has determined that the child would benefit from placement outside of the home.

(2) Whenever a child is ordered removed from the child's home, the agency charged with his or her care shall provide the court with a specific plan as to where the child will be placed, what steps will be taken to return the child home, and what actions the agency will take to maintain parent-child ties. All aspects of the plan shall include the goal of achieving permanence for the child.

(a) The agency plan shall specify what services the parents will be offered in order to enable them to resume custody, what requirements the parents must meet in order to resume custody, and a time limit for each service plan and parental requirement.

(b) The agency shall be required to encourage the maximum parent-child contact possible, including regular visitation and participation by the parents in the care of the child while the child is in placement. Visitation may be limited or denied only if the court determines that such limitation or denial is necessary to protect the child's health, safety, or welfare.

(c) A child shall be placed as close to the child's home as possible, preferably in the child's own neighborhood, unless the court finds that placement at a greater distance is necessary to promote the child's or parents' well-being.

(d) The agency charged with supervising a child in placement shall provide all reasonable services that are available within the agency, or within the community, or those services which the department of social and health services has existing contracts to purchase. It shall report to the court if it is unable to provide such services.

(3) If there is insufficient information at the time of the disposition hearing upon which to base a determination regarding the suitability of a proposed placement with a relative, the child shall remain in foster care and the court shall direct the supervising agency to conduct necessary background investigations as provided in chapter 74.15 RCW and report the results of such investigation to the court within thirty days. However, if such relative appears otherwise suitable and competent to provide care and treatment, the criminal history background check need not be completed before placement, but as soon as possible after placement. Any placements with relatives, pursuant to this section, shall be contingent upon cooperation by the relative with the agency case plan and compliance with court orders related to the care and supervision of the child including, but not limited to,

court orders regarding parent-child contacts and any other conditions imposed by the court. Noncompliance with the case plan or court order shall be grounds for removal of the child from the relative's home, subject to review by the court.

(4) The status of all children found to be dependent shall be reviewed by the court at least every six months from the beginning date of the placement episode or the date dependency is established, whichever is first, at a hearing in which it shall be determined whether court supervision should continue. The review shall include findings regarding the agency and parental completion of disposition plan requirements, and if necessary, revised permanency time limits.

(a) A child shall not be returned home at the review hearing unless the court finds that a reason for removal as set forth in this section no longer exists. The parents, guardian, or legal custodian shall report to the court the efforts they have made to correct the conditions which led to removal. If a child is returned, casework supervision shall continue for a period of six months, at which time there shall be a hearing on the need for continued intervention.

(b) If the child is not returned home, the court shall establish in writing:

(i) Whether reasonable services have been provided to or offered to the parties to facilitate reunion, specifying the services provided or offered;

(ii) Whether the child has been placed in the least-restrictive setting appropriate to the child's needs, including whether consideration has been given to placement with the child's relatives;

(iii) Whether there is a continuing need for placement and whether the placement is appropriate;

(iv) Whether there has been compliance with the case plan by the child, the child's parents, and the agency supervising the placement;

(v) Whether progress has been made toward correcting the problems that necessitated the child's placement in out-of-home care;

(vi) Whether the parents have visited the child and any reasons why visitation has not occurred or has been infrequent;

(vii) Whether additional services are needed to facilitate the return of the child to the child's parents; if so, the court shall order that reasonable services be offered specifying such services; and

(viii) The projected date by which the child will be returned home or other permanent plan of care will be implemented.

(c) The court at the review hearing may order that a petition seeking termination of the parent and child relationship be filed.

Sec. 6. Section 15, chapter 160, Laws of 1913 as amended by section 43, chapter 291, Laws of 1977 ex. sess. and RCW 13.34.150 are each amended to read as follows:

Any order made by the court in the case of a dependent child may (~~at any time~~) be changed, modified, or set aside, (~~as to the judge may seem meet and proper~~) only upon a showing of a change in circumstance.

Sec. 7. Section 46, chapter 291, Laws of 1977 ex. sess. as last amended by section 2, chapter 201, Laws of 1988 and RCW 13.34.180 are each amended to read as follows:

A petition seeking termination of a parent and child relationship may be filed in juvenile court by any party to the dependency proceedings concerning that child. Such petition shall conform to the requirements of RCW 13.34.040, shall be served upon the parties as provided in RCW 13.34.070(7), and shall allege:

(1) That the child has been found to be a dependent child under RCW 13.34.030(2); and

(2) That the court has entered a dispositional order pursuant to RCW 13.34.130; and

(3) That the child has been removed or will, at the time of the hearing, have been removed from the custody of the parent for a period of at least six months pursuant to a finding of dependency under RCW 13.34.030(2); and

(4) That the services ordered under RCW 13.34.130 have been offered or provided and all necessary services, reasonably available, capable of correcting the parental deficiencies within the foreseeable future have been offered or provided; and

(5) That there is little likelihood that conditions will be remedied so that the child can be returned to the parent in the near future; and

(6) That continuation of the parent and child relationship clearly diminishes the child's prospects for early integration into a stable and permanent home;

(7) In lieu of the allegations in subsections (1) through (6) of this section, the petition may allege that the child was found under such circumstances that the whereabouts of the child's parent are unknown and no person has acknowledged paternity or maternity and requested custody of the child within two months after the child was found.

Notice of rights shall be served upon the parent, guardian, or legal custodian with the petition and shall be in substantially the following form:

"NOTICE

A petition for termination of parental rights has been filed against you. You have important legal rights and you must take steps to protect your interests. This petition could result in permanent loss of your parental rights.

1. You have the right to a fact-finding hearing before a judge.

2. You have the right to have a lawyer represent you at the hearing. A lawyer can look at the files in your case, talk to the department of social

and health services and other agencies, tell you about the law, help you understand your rights, and help you at hearings. If you cannot afford a lawyer, the court will appoint one to represent you. To get a court-appointed lawyer you must contact: ...(explain local procedure)...

3. At the hearing, you have the right to speak on your own behalf, to introduce evidence, to examine witnesses, and to receive a decision based solely on the evidence presented to the judge.

You should be present at this hearing.

You may call ...(insert agency)... for more information about your child. The agency's name and telephone number are ...(insert name and telephone number)..."

Sec. 8. Section 8, chapter 155, Laws of 1979 as amended by section 11, chapter 288, Laws of 1986 and RCW 13.50.010 are each amended to read as follows:

(1) For purposes of this chapter:

(a) "Juvenile justice or care agency" means any of the following: Police, diversion units, court, prosecuting attorney, defense attorney, detention center, attorney general, the department of social and health services and its contracting agencies, and persons or public or private agencies having children committed to their custody;

(b) "Official juvenile court file" means the legal file of the juvenile court containing the petition or information, motions, memorandums, briefs, findings of the court, and court orders;

(c) "Social file" means the juvenile court file containing the records and reports of the probation counselor;

(d) "Records" means the official juvenile court file, the social file, and records of any other juvenile justice or care agency in the case.

(2) Each petition or information filed with the court may include only one juvenile and each petition or information shall be filed under a separate docket number. The social file shall be filed separately from the official juvenile court file.

(3) It is the duty of any juvenile justice or care agency to maintain accurate records. To this end:

(a) The agency may never knowingly record inaccurate information. Any information in records maintained by the department of social and health services relating to a petition filed pursuant to chapter 13.34 RCW that is found by the court, upon proof presented, to be false or inaccurate shall be corrected or expunged from such records by the agency;

(b) An agency shall take reasonable steps to insure the security of its records and prevent tampering with them; and

(c) An agency shall make reasonable efforts to insure the completeness of its records, including action taken by other agencies with respect to matters in its files.

(4) Each juvenile justice or care agency shall implement procedures consistent with the provisions of this chapter to facilitate inquiries concerning records.

(5) Any person who has reasonable cause to believe information concerning that person is included in the records of a juvenile justice or care agency and who has been denied access to those records by the agency may make a motion to the court for an order authorizing that person to inspect the juvenile justice or care agency record concerning that person. The court shall grant the motion to examine records unless it finds that in the interests of justice or in the best interests of the juvenile the records or parts of them should remain confidential.

(6) A juvenile, or his or her parents, or any person who has reasonable cause to believe information concerning that person is included in the records of a juvenile justice or care agency may make a motion to the court challenging the accuracy of any information concerning the moving party in the record or challenging the continued possession of the record by the agency. If the court grants the motion, it shall order the record or information to be corrected or destroyed.

(7) The person making a motion under subsection (5) or (6) of this section shall give reasonable notice of the motion to all parties to the original action and to any agency whose records will be affected by the motion.

(8) The court may permit inspection of records by, or release of information to, any clinic, hospital, or agency which has the subject person under care or treatment, or to individuals or agencies engaged in legitimate research for educational, scientific, or public purposes. The court may also permit inspection of, or release of information from, records which have been sealed pursuant to RCW 13.50.050(11). Access to records or information for research purposes shall be permitted only if the anonymity of all persons mentioned in the records or information will be preserved. Each person granted permission to inspect juvenile justice or care agency records for research purposes shall present a notarized statement to the court stating that the names of juveniles and parents will remain confidential.

(9) Juvenile detention facilities shall release records to the juvenile disposition standards commission under RCW 13.40.025 upon request. The commission shall not disclose the names of any juveniles or parents mentioned in the records without the named individual's written permission.

Sec. 9. Section 10, chapter 155, Laws of 1979 as amended by section 20, chapter 191, Laws of 1983 and RCW 13.50.100 are each amended to read as follows:

(1) This section governs records not covered by RCW 13.50.050.

(2) Records covered by this section shall be confidential and shall be released only pursuant to this section and RCW 13.50.010.

(3) Records retained or produced by any juvenile justice or care agency may be released to other participants in the juvenile justice or care system only when an investigation or case involving the juvenile in question is being pursued by the other participant or when that other participant is assigned the responsibility of supervising the juvenile. Records covered under this section and maintained by the juvenile courts which relate to the official actions of the agency may be entered in the state-wide juvenile court information system.

(4) A juvenile, his or her parents, the juvenile's attorney and the juvenile's parent's attorney, shall, upon request, be given access to all records and information collected or retained by a juvenile justice or care agency which pertain to the juvenile except:

(a) If it is determined by the agency that release of this information is likely to cause severe psychological or physical harm to the juvenile or his or her parents the agency may withhold the information subject to other order of the court: **PROVIDED**, That if the court determines that limited release of the information is appropriate, the court may specify terms and conditions for the release of the information; or

(b) If the information or record has been obtained by a juvenile justice or care agency in connection with the provision of counseling, psychological, psychiatric, or medical services to the juvenile, and the juvenile has a legal right to receive those services without the consent of any person or agency, then the information or record may not be disclosed to the juvenile's parents without the informed consent of the juvenile; or

(c) That the department of social and health services may delete the name and identifying information regarding persons or organizations who have reported suspected child abuse or neglect.

(5) A juvenile or his or her parent denied access to any records following an agency determination under subsection (4) of this section may file a motion in juvenile court requesting access to the records. The court shall grant the motion unless it finds access may not be permitted according to the standards found in subsections (4) (a) and (b) of this section.

(6) The person making a motion under subsection (5) of this section shall give reasonable notice of the motion to all parties to the original action and to any agency whose records will be affected by the motion.

(7) Subject to the rules of discovery in civil cases, any party to a proceeding seeking a declaration of dependency or a termination of the parent-child relationship and any party's counsel and the guardian ad litem of any party, shall have access to the records of any natural or adoptive child of the parent, subject to the limitations in subsection (4) of this section.

(8) Information concerning a juvenile or a juvenile's family contained in records covered by this section may be released to the public only when that information could not reasonably be expected to identify the juvenile or the juvenile's family.

Sec. 10. Section 4, chapter 183, Laws of 1985 and RCW 26.44.115 are each amended to read as follows:

If a child is taken into custody by child protective services pursuant to a court order issued under RCW 13.34.050, the child protective services worker shall take reasonable steps to advise the parents immediately, regardless of the time of day, that the child has been taken into custody, the reasons why the child was taken into custody, and general information about the child's placement. ~~((Notice may be given by any means reasonably certain of notifying the parents, including but not limited to, written, telephonic, or in-person oral notification. If the initial notification is provided by a means other than writing, the information shall also be provided to the parent in writing as soon thereafter as possible))~~ The department shall comply with RCW 13.34.060 when providing notice under this section.

NEW SECTION. Sec. 11. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

Passed the House March 8, 1990.

Passed the Senate March 7, 1990.

Approved by the Governor March 28, 1990.

Filed in Office of Secretary of State March 28, 1990.

CHAPTER 247

[House Bill No. 2526]

ALTERNATE OPERATOR SERVICE COMPANIES

AN ACT Relating to registration of telecommunication companies; amending RCW 80.36.350 and 80.36.530; adding new sections to chapter 80.36 RCW; and prescribing penalties.

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

***Sec. 1. Section 7, chapter 450, Laws of 1985 and RCW 80.36.350 are each amended to read as follows:**

Each telecommunications company not operating under tariff in Washington on January 1, 1985, shall register with the commission before beginning operations in this state. The registration shall be on a form prescribed by the commission and shall contain such information as the commission may by rule require, but shall include as a minimum the name and address of the company; the name and address of its registered agent, if any; the name, address, and title of each officer or director; its most current balance sheet; its latest annual report, if any; and a description of the telecommunications services it offers or intends to offer.

The commission may require as a precondition to registration the procurement of a performance bond sufficient to cover any advances or deposits

the telecommunications company may collect from its customers, or order that such advances or deposits be held in escrow or trust.

The commission may deny registration to any telecommunications company which:

- (1) Does not provide the information required by this section;*
- (2) Fails to provide a performance bond, if required;*
- (3) Does not possess adequate financial resources to provide the proposed service; or*
- (4) Does not possess adequate technical competency to provide the proposed service.*

The commission shall take action to approve or issue a notice of hearing concerning any application for registration within thirty days after receiving the application. The commission may approve an application with or without a hearing. The commission may deny an application after a hearing.

A telecommunications company may also submit a petition for competitive classification under RCW 80.36.310 at the time it applies for registration. The commission may act on the registration application and the competitive classification petition at the same time.

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

NEW SECTION. Sec. 2. A new section is added to chapter 80.36 RCW to read as follows:

All alternate operator service companies providing services within the state shall register with the commission as a telecommunications company before providing alternate operator services. The commission may deny an application for registration of an alternate operator services company if, after a hearing, it finds that the services and charges to be offered by the company are not for the public convenience and advantage. The commission may suspend the registration of an alternate operator services company if, after a hearing, it finds that the company does not meet the service or disclosure requirements of the commission. Any alternate operator services company that provides service without being properly registered with the commission shall be subject to a penalty of not less than five hundred dollars and not more than one thousand dollars for each and every offense. In case of a continuing offense, every day's continuance shall be a separate offense. The penalty shall be recovered in an action as provided in RCW 80.04.400.

NEW SECTION. Sec. 3. A new section is added to chapter 80.36 RCW to read as follows:

The commission may adopt rules that provide for minimum service levels for telecommunications companies providing alternate operator services. The rules may provide a means for suspending the registration of a company providing alternate operator services if the company fails to meet minimum service levels or if the company fails to provide appropriate disclosure to consumers of the protection afforded under this chapter.

Sec. 4. Section 3, chapter 91, Laws of 1988 and RCW 80.36.530 are each amended to read as follows:

In addition to the penalties provided in this title, a violation of RCW 80.36.510 ((or)), 80.36.520 , or section 3 of this act constitutes ((a)) an unfair or deceptive act in trade or commerce in violation of chapter 19.86 RCW, the consumer protection act. Acts in violation of RCW 80.36.510, 80.36.520, or section 3 of this act are not reasonable in relation to the development and preservation of business, and constitute matters vitally affecting the public interest for the purpose of applying the consumer protection act, chapter 19.86 RCW. It shall be presumed that damages to the consumer are equal to the cost of the service provided plus two hundred dollars. Additional damages must be proved.

Passed the House March 5, 1990.

Passed the Senate March 2, 1990.

Approved by the Governor March 28, 1990, with the exception of certain items which were vetoed.

Filed in Office of Secretary of State March 28, 1990.

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

"I am returning herewith, without my approval as to section 1, House Bill No. 2526 entitled:

"AN ACT Relating to registration of telecommunication companies."

The provisions of section 1 of this bill are identical to the provisions of Senate Bill No. 6510, which has already been enacted into law. To avoid duplication, I have vetoed section 1 of this bill.

With the exception of section 1, House Bill No. 2526 is approved."

CHAPTER 248

[House Bill No. 2542]

CONTROLLED SUBSTANCES—VEHICLE FORFEITURES

AN ACT Relating to the forfeiture of vehicles involved in illegal transfers of controlled substances; amending RCW 69.50.101 and 69.50.505; and prescribing penalties.

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

Sec. 1. Section 69.50.101, chapter 308, Laws of 1971 ex. sess. as last amended by section 429, chapter 9, Laws of 1989 1st ex. sess. and RCW 69.50.101 are each amended to read as follows:

As used in this chapter:

(a) "Administer" means the direct application of a controlled substance, whether by injection, inhalation, ingestion, or any other means, to the body of a patient or research subject by:

- (1) a practitioner, or
- (2) the patient or research subject at the direction and in the presence of the practitioner.

(b) "Agent" means an authorized person who acts on behalf of or at the direction of a manufacturer, distributor, or dispenser. It does not include a common or contract carrier, public warehouseman, or employee of the carrier or warehouseman.

(c) "Drug enforcement administration" means the federal drug enforcement administration in the United States Department of Justice, or its successor agency.

(d) "Controlled substance" means a drug, substance, or immediate precursor in Schedules I through V of Article II.

(e) "Counterfeit substance" means a controlled substance which, or the container or labeling of which, without authorization, bears the trademark, trade name, or other identifying mark, imprint, number or device, or any likeness thereof, of a manufacturer, distributor, or dispenser other than the person who in fact manufactured, distributed, or dispensed the substance.

(f) "Deliver" or "delivery" means the actual, constructive, or attempted transfer from one person to another of a controlled substance, whether or not there is an agency relationship.

(g) "Department" means the department of health.

(h) "Dispense" means the interpretation of a prescription or order for a controlled substance and, pursuant to that prescription or order, the proper selection, measuring, compounding, labeling, or packaging necessary to prepare that prescription or order for delivery.

(i) "Dispenser" means a practitioner who dispenses.

(j) "Distribute" means to deliver other than by administering or dispensing a controlled substance.

(k) "Distributor" means a person who distributes.

(l) "Receipt" means to receive a controlled substance either with or without consideration.

(m) "Drug" means (1) substances recognized as drugs in the official United States Pharmacopoeia, official Homeopathic Pharmacopoeia of the United States, or Official National Formulary, or any supplement to any of them; (2) substances intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or animals; (3) substances (other than food) intended to affect the structure or any function of the body of man or animals; and (4) substances intended for use as a component of any article specified in clause (1), (2), or (3) of this subsection. It does not include devices or their components, parts, or accessories.

((m)) (n) "Immediate precursor" means a substance which the state board of pharmacy has found to be and by rule designates as being the principal compound commonly used or produced primarily for use, and which is an immediate chemical intermediary used or likely to be used in the manufacture of a controlled substance, the control of which is necessary to prevent, curtail, or limit manufacture.

~~((n))~~ (o) "Manufacture" means the production, preparation, propagation, compounding, conversion or processing of a controlled substance, either directly or indirectly by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging or repackaging of the substance or labeling or relabeling of its container, except that this term does not include the preparation or compounding of a controlled substance by an individual for his own use or the preparation, compounding, packaging, or labeling of a controlled substance:

(1) by a practitioner as an incident to his administering or dispensing of a controlled substance in the course of his professional practice, or

(2) by a practitioner, or by his authorized agent under his supervision, for the purpose of, or as an incident to, research, teaching, or chemical analysis and not for sale.

~~((t))~~ (p) "Marijuana" or "marihuana" means all parts of the plant of the genus *Cannabis* L., whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination.

~~((p))~~ (q) "Narcotic drug" means any of the following, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis:

(1) Opium and opiate, and any salt, compound, derivative, or preparation of opium or opiate.

(2) Any salt, compound, isomer, derivative, or preparation thereof which is chemically equivalent or identical with any of the substances referred to in clause 1, but not including the isoquinoline alkaloids of opium.

(3) Opium poppy and poppy straw.

(4) Coca leaves and any salt, compound, derivative, or preparation of coca leaves, and any salt, compound, isomer, derivative, or preparation thereof which is chemically equivalent or identical with any of these substances, but not including decocainized coca leaves or extractions of coca leaves which do not contain cocaine or ecgonine.

~~((q))~~ (r) "Opiate" means any substance having an addiction-forming or addiction-sustaining liability similar to morphine or being capable of conversion into a drug having addiction-forming or addiction-sustaining liability. It does not include, unless specifically designated as controlled under

RCW 69.50.201, the dextrorotatory isomer of 3-methoxy-n-methylmorphinan and its salts (dextromethorphan). It does include its racemic and levorotatory forms.

((~~t~~)) (s) "Opium poppy" means the plant of the genus *Papaver* L., except its seeds, capable of producing an opiate.

((~~s~~)) (t) "Person" means individual, corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership or association, or any other legal entity.

((~~t~~)) (u) "Poppy straw" means all parts, except the seeds, of the opium poppy, after mowing.

((~~u~~)) (v) "Practitioner" means:

(1) A physician under chapter 18.71 RCW, an osteopathic physician or an osteopathic physician and surgeon under chapter 18.57 RCW, a dentist under chapter 18.32 RCW, a chiropractor under chapter 18.22 RCW, a veterinarian under chapter 18.92 RCW, a registered nurse under chapter 18.88 RCW, a licensed practical nurse under chapter 18.78 RCW, a pharmacist under chapter 18.64 RCW or a scientific investigator under this chapter, licensed, registered or otherwise permitted insofar as is consistent with those licensing laws to distribute, dispense, conduct research with respect to or administer a controlled substance in the course of their professional practice or research in this state.

(2) A pharmacy, hospital or other institution licensed, registered, or otherwise permitted to distribute, dispense, conduct research with respect to or to administer a controlled substance in the course of professional practice or research in this state.

(3) A physician licensed to practice medicine and surgery or a physician licensed to practice osteopathy and surgery in any state of the United States.

((~~v~~)) (w) "Production" includes the manufacture, planting, cultivation, growing, or harvesting of a controlled substance.

((~~w~~)) (x) "Secretary" means the secretary of health or the secretary's designee.

((~~x~~)) (y) "State", when applied to a part of the United States, includes any state, district, commonwealth, territory, insular possession thereof, and any area subject to the legal authority of the United States of America.

((~~y~~)) (z) "Ultimate user" means a person who lawfully possesses a controlled substance for his own use or for the use of a member of his household or for administering to an animal owned by him or by a member of his household.

((~~z~~)) (aa) "Board" means the state board of pharmacy.

Sec. 2. Section 15, chapter 2, Laws of 1983 as last amended by section 212, chapter 271, Laws of 1989 and RCW 69.50.505 are each amended to read as follows:

(a) The following are subject to seizure and forfeiture and no property right exists in them:

(1) All controlled substances which have been manufactured, distributed, dispensed, acquired, or possessed in violation of this chapter or chapter 69.41 or 69.52 RCW;

(2) All raw materials, products, and equipment of any kind which are used, or intended for use, in manufacturing, compounding, processing, delivering, importing, or exporting any controlled substance in violation of this chapter or chapter 69.41 or 69.52 RCW;

(3) All property which is used, or intended for use, as a container for property described in paragraphs (1) or (2);

(4) All conveyances, including aircraft, vehicles, or vessels, which are used, or intended for use, in any manner to facilitate the sale, delivery, or receipt of property described in paragraphs (1) or (2), except that:

(i) No conveyance used by any person as a common carrier in the transaction of business as a common carrier is subject to forfeiture under this section unless it appears that the owner or other person in charge of the conveyance is a consenting party or privy to a violation of this chapter or chapter 69.41 or 69.52 RCW;

(ii) No conveyance is subject to forfeiture under this section by reason of any act or omission established by the owner thereof to have been committed or omitted without the owner's knowledge or consent;

(iii) No conveyance is subject to forfeiture under this section if used in the receipt of only an amount of marijuana for which possession constitutes a misdemeanor under RCW 69.50.401(e);

(iv) A forfeiture of a conveyance encumbered by a bona fide security interest is subject to the interest of the secured party if the secured party neither had knowledge of nor consented to the act or omission; and

~~((iv))~~ (v) When the owner of a conveyance has been arrested under this chapter or chapter 69.41 or 69.52 RCW the conveyance in which the person is arrested may not be subject to forfeiture unless it is seized or process is issued for its seizure within ten days of the owner's arrest;

(5) All books, records, and research products and materials, including formulas, microfilm, tapes, and data which are used, or intended for use, in violation of this chapter or chapter 69.41 or 69.52 RCW;

(6) All drug paraphernalia;

(7) All moneys, negotiable instruments, securities, or other tangible or intangible property of value furnished or intended to be furnished by any person in exchange for a controlled substance in violation of this chapter or chapter 69.41 or 69.52 RCW, all tangible or intangible personal property, proceeds, or assets acquired in whole or in part with proceeds traceable to an exchange or series of exchanges in violation of this chapter or chapter 69.41 or 69.52 RCW, and all moneys, negotiable instruments, and securities used or intended to be used to facilitate any violation of this chapter or

chapter 69.41 or 69.52 RCW: PROVIDED, That a forfeiture of money, negotiable instruments, securities, or other tangible or intangible property encumbered by a bona fide security interest is subject to the interest of the secured party if, at the time the security interest was created, the secured party neither had knowledge of nor consented to the act or omission: PROVIDED FURTHER, That no personal property may be forfeited under this paragraph, to the extent of the interest of an owner, by reason of any act or omission which that owner establishes was committed or omitted without the owner's knowledge or consent; and

(8) All real property, including any right, title, and interest in the whole of any lot or tract of land, and any appurtenances or improvements which are being used with the knowledge of the owner for the manufacturing, compounding, processing, delivery, importing, or exporting of any controlled substance, or which have been acquired in whole or in part with proceeds traceable to an exchange or series of exchanges in violation of this chapter or chapter 69.41 or 69.52 RCW, if such activity is not less than a class C felony and a substantial nexus exists between the commercial production or sale of the controlled substance and the real property: PROVIDED, That:

(i) No property may be forfeited pursuant to this subsection, to the extent of the interest of an owner, by reason of any act or omission committed or omitted without the owner's knowledge or consent;

(ii) The bona fide gift of a controlled substance, legend drug, or imitation controlled substance shall not result in the forfeiture of real property;

(iii) The possession of marijuana shall not result in the forfeiture of real property unless the marijuana is possessed for commercial purposes, the amount possessed is five or more plants or one pound or more of marijuana, and a substantial nexus exists between the possession of marijuana and the real property. In such a case, the intent of the offender shall be determined by the preponderance of the evidence, including the offender's prior criminal history, the amount of marijuana possessed by the offender, the sophistication of the activity or equipment used by the offender, and other evidence which demonstrates the offender's intent to engage in commercial activity;

(iv) The unlawful sale of marijuana or a legend drug shall not result in the forfeiture of real property unless the sale was forty grams or more in the case of marijuana or one hundred dollars or more in the case of a legend drug, and a substantial nexus exists between the unlawful sale and the real property; and

(v) A forfeiture of real property encumbered by a bona fide security interest is subject to the interest of the secured party if the secured party, at the time the security interest was created, neither had knowledge of nor consented to the act or omission.

(b) Real or personal property subject to forfeiture under this chapter may be seized by any board inspector or law enforcement officer of this

state upon process issued by any superior court having jurisdiction over the property. Seizure of real property shall include the filing of a lis pendens by the seizing agency. Real property seized under this section shall not be transferred or otherwise conveyed until ninety days after seizure or until a judgment of forfeiture is entered, whichever is later: PROVIDED, That real property seized under this section may be transferred or conveyed to any person or entity who acquires title by foreclosure or deed in lieu of foreclosure of a security interest. Seizure of personal property without process may be made if:

(1) The seizure is incident to an arrest or a search under a search warrant or an inspection under an administrative inspection warrant;

(2) The property subject to seizure has been the subject of a prior judgment in favor of the state in a criminal injunction or forfeiture proceeding based upon this chapter;

(3) A board inspector or law enforcement officer has probable cause to believe that the property is directly or indirectly dangerous to health or safety; or

(4) The board inspector or law enforcement officer has probable cause to believe that the property was used or is intended to be used in violation of this chapter.

(c) In the event of seizure pursuant to subsection (b), proceedings for forfeiture shall be deemed commenced by the seizure. The law enforcement agency under whose authority the seizure was made shall cause notice to be served within fifteen days following the seizure on the owner of the property seized and the person in charge thereof and any person having any known right or interest therein, including any community property interest, of the seizure and intended forfeiture of the seized property. Service of notice of seizure of real property shall be made according to the rules of civil procedure. However, the state may not obtain a default judgment with respect to real property against a party who is served by substituted service absent an affidavit stating that a good faith effort has been made to ascertain if the defaulted party is incarcerated within the state, and that there is no present basis to believe that the party is incarcerated within the state. The notice of seizure in other cases may be served by any method authorized by law or court rule including but not limited to service by certified mail with return receipt requested. Service by mail shall be deemed complete upon mailing within the fifteen day period following the seizure.

(d) If no person notifies the seizing law enforcement agency in writing of the person's claim of ownership or right to possession of items specified in subsection (a)(4), (a)(7), or (a)(8) of this section within forty-five days of the seizure in the case of personal property and ninety days in the case of real property, the item seized shall be deemed forfeited. The community

property interest in real property of a person whose spouse committed a violation giving rise to seizure of the real property may not be forfeited if the person did not participate in the violation.

(e) If any person notifies the seizing law enforcement agency in writing of the person's claim of ownership or right to possession of items specified in subsection (a)(2), (a)(3), (a)(4), (a)(5), (a)(6), (a)(7), or (a)(8) of this section within forty-five days of the seizure in the case of personal property and ninety days in the case of real property, the person or persons shall be afforded a reasonable opportunity to be heard as to the claim or right. The hearing shall be before the chief law enforcement officer of the seizing agency or the chief law enforcement officer's designee, except where the seizing agency is a state agency as defined in RCW 34.12.020(4), the hearing shall be before the chief law enforcement officer of the seizing agency or an administrative law judge appointed under chapter 34.12 RCW, except that any person asserting a claim or right may remove the matter to a court of competent jurisdiction if the aggregate value of the article or articles involved is more than five hundred dollars. The court to which the matter is to be removed shall be the district court when such aggregate value is ten thousand dollars or less of personal property. A hearing before the seizing agency and any appeal therefrom shall be under Title 34 RCW. In a court hearing between two or more claimants to the article or articles involved, the prevailing party shall be entitled to a judgment for costs and reasonable attorney's fees. In cases involving personal property, the burden of producing evidence shall be upon the person claiming to be the lawful owner or the person claiming to have the lawful right to possession of the property. In cases involving real property, the burden of producing evidence shall be upon the law enforcement agency. The burden of proof that the seized real property is subject to forfeiture shall be upon the law enforcement agency. The seizing law enforcement agency shall promptly return the article or articles to the claimant upon a determination by the administrative law judge or court that the claimant is the present lawful owner or is lawfully entitled to possession thereof of items specified in subsection (a)(2), (a)(3), (a)(4), (a)(5), (a)(6), (a)(7), or (a)(8) of this section.

(f) When property is forfeited under this chapter the board or seizing law enforcement agency may:

(1) Retain it for official use or upon application by any law enforcement agency of this state release such property to such agency for the exclusive use of enforcing the provisions of this chapter;

(2) (i) Sell that which is not required to be destroyed by law and which is not harmful to the public. The proceeds and all moneys forfeited under this title shall be used for payment of all proper expenses of the investigation leading to the seizure, including any money delivered to the subject of the investigation by the law enforcement agency, and of the proceedings for forfeiture and sale, including expenses of seizure, maintenance of custody,

advertising, actual costs of the prosecuting or city attorney, and court costs. Money remaining after the payment of all expenses shall be distributed as follows:

(A) Twenty-five percent of the money derived from the forfeiture of real property and seventy-five percent of the money derived from the forfeiture of personal property shall be deposited in the general fund of the state, county, and/or city of the seizing law enforcement agency and shall be used exclusively for the expansion or improvement of law enforcement services. These services may include the creation of reward funds for the purpose of rewarding informants who supply information leading to the arrest, prosecution and conviction of persons who violate laws relating to controlled substances. Such moneys shall not supplant preexisting funding sources;

(B) Twenty-five percent of money derived from the forfeiture of real property and twenty-five percent of money derived from the forfeiture of personal property shall be remitted to the state treasurer for deposit in the public safety and education account established in RCW 43.08.250;

(C) Until July 1, 1995, fifty percent of money derived from the forfeiture of real property shall be remitted to the state treasurer for deposit in the drug enforcement and education account under RCW 69.50.520, on and after July 1, 1995, the fifty percent of the money shall be remitted in the same manner as the twenty-five percent of the money remitted under (2)(i)(A) of this subsection; and

(D) If an investigation involves a seizure of moneys and proceeds having an aggregate value of less than five thousand dollars, the moneys and proceeds may be deposited in total in the general fund of the governmental unit of the seizing law enforcement agency and shall be appropriated exclusively for the expansion of narcotics enforcement services. Such moneys shall not supplant preexisting funding sources.

(ii) Money deposited according to this section must be deposited within ninety days of the date of final disposition of either the administrative seizure or the judicial seizure;

(3) Request the appropriate sheriff or director of public safety to take custody of the property and remove it for disposition in accordance with law; or

(4) Forward it to the drug enforcement administration for disposition.

(g) Controlled substances listed in Schedule I, II, III, IV, and V that are possessed, transferred, sold, or offered for sale in violation of this chapter are contraband and shall be seized and summarily forfeited to the state. Controlled substances listed in Schedule I, II, III, IV, and V, which are seized or come into the possession of the board, the owners of which are unknown, are contraband and shall be summarily forfeited to the board.

(h) Species of plants from which controlled substances in Schedules I and II may be derived which have been planted or cultivated in violation of

this chapter, or of which the owners or cultivators are unknown, or which are wild growths, may be seized and summarily forfeited to the board.

(i) The failure, upon demand by a board inspector or law enforcement officer, of the person in occupancy or in control of land or premises upon which the species of plants are growing or being stored to produce an appropriate registration or proof that he is the holder thereof constitutes authority for the seizure and forfeiture of the plants.

(j) Upon the entry of an order of forfeiture of real property, the court shall forward a copy of the order to the assessor of the county in which the property is located. Orders for the forfeiture of real property shall be entered by the superior court, subject to court rules. Such an order shall be filed by the seizing agency in the county auditor's records in the county in which the real property is located.

Passed the House February 9, 1990.

Passed the Senate March 1, 1990.

Approved by the Governor March 28, 1990.

Filed in Office of Secretary of State March 28, 1990.

CHAPTER 249

[Substitute House Bill No. 2643]

STATE RETIREMENT SYSTEMS—SURVIVORSHIP OPTIONS

AN ACT Relating to survivor benefit options offered by the department of retirement systems; amending RCW 2.10.146, 41.26.460, 41.32.498, 41.32.530, 41.32.785, 41.40.185, 41.40.190, 41.40.660, 41.40.270, 41.32.497, 2.10.144, 41.26.510, 41.32.520, 41.32.805, 41.40.700, 41.32.790, and 41.40.670; reenacting and amending RCW 41.40.150 and 41.26.470; adding a new section to chapter 41.40 RCW; creating new sections; repealing RCW 41.32.493, 41.32.4932, and 41.40.508; and making an appropriation.

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

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

(1) It would be advantageous for some retirees to have survivorship options available other than the options currently listed in statute. Allowing the department of retirement systems to adopt several different survivor options will assist retirees in their financial planning; and

(2) Disabled members of the retirement systems listed in RCW 41.50-.030, except for members of the law enforcement officers' and fire fighters' retirement system plan I, must forfeit any right to leave a benefit to their survivors if they wish to go on disability retirement. This results in some disabled workers holding onto their jobs in order to provide for their dependents. The provisions of this act allow members to go on disability retirement while still providing for their survivors.

Sec. 2. Section 9, chapter 109, Laws of 1988 and RCW 2.10.146 are each amended to read as follows:

(1) Upon making application for a service retirement allowance under RCW 2.10.100 or a disability allowance under RCW 2.10.120, a judge who is eligible therefor shall make an election as to the manner in which such service retirement shall be paid from among the following designated options, calculated so as to be actuarially equivalent to each other:

~~((+))~~ (a) Standard Allowance. A member selecting this option shall receive a retirement allowance, which shall be computed as provided in RCW 2.10.110. The retirement allowance shall be payable throughout the judge's life. However, if the judge dies before the total of the retirement allowance paid to the judge equals the amount of the judge's accumulated contributions at the time of retirement, then the balance shall be paid to such person or persons having an insurable interest in the judge's life, as the judge has nominated by written designation duly executed and filed with the department of retirement systems or, if there is no such designated person or persons still living at the time of the judge's death, then to the surviving spouse or, if there is neither such designated person or persons still living at the time of death nor a surviving spouse, then to the judge's legal representative.

~~((2))~~ Option II. A judge who selects this option shall receive a reduced retirement allowance which upon death shall be continued throughout the life of and paid to such person, having an insurable interest in the judge's life, as the judge has nominated by written designation duly executed and filed with the department of retirement systems at the time of retirement.

~~((3))~~ Option III. A judge who selects this option shall receive a reduced retirement allowance and upon death, one-half of the judge's reduced retirement allowance shall be continued throughout the life of and paid to such person, having an insurable interest in the judge's life, as the judge has nominated by written designation duly executed and filed with the department of retirement systems at the time of retirement.))

(b) The department shall adopt rules that allow a judge to select a retirement option that pays the judge a reduced retirement allowance and upon death, such portion of the judge's reduced retirement allowance as the department by rule designates shall be continued throughout the life of and paid to a person who has an insurable interest in the judge's life. Such person shall be nominated by the judge by written designation duly executed and filed with the department at the time of retirement. The options adopted by the department shall include, but are not limited to, a joint and one hundred percent survivor option and a joint and fifty percent survivor option.

(2) A judge, if married, must provide the written consent of his or her spouse to the option selected under this section. If a judge is married and both the judge and the judge's spouse do not give written consent to an option under this section, the department will pay the judge a joint and fifty percent survivor benefit and record the judge's spouse as the beneficiary.

Such benefit shall be calculated to be actuarially equivalent to the benefit options available under subsection (1) of this section.

Sec. 3. Section 7, chapter 294, Laws of 1977 ex. sess. and RCW 41.26.460 are each amended to read as follows:

(1) Upon retirement for service as prescribed in RCW 41.26.430 or disability retirement under RCW 41.26.470, a member shall elect to have the retirement allowance paid pursuant to ((Option 1, 2, or 3 with)) the following options ((2 and 3)), calculated so as to be actuarially equivalent to ((Option 1)) each other.

~~((1) OPTION 1)~~ (a) Standard allowance. A member electing this option shall receive a retirement allowance payable throughout such member's life. However, if the retiree dies before the total of the retirement allowance paid to such retiree equals the amount of such retiree's accumulated contributions at the time of retirement, then the balance shall be paid to such person or persons having an insurable interest in the retiree's life as the retiree shall have nominated by written designation duly executed and filed with the department; or if there be no such designated person or persons still living at the time of the retiree's death, then to the surviving spouse; or if there be neither such designated person or persons still living at the time of death nor a surviving spouse, then to the retiree's legal representative.

~~((2) OPTION 2. A member who elects this option shall receive a reduced retirement allowance, which upon the member's death shall be continued throughout the life of and paid to such person having an insurable interest in the retiree's life as the retiree shall have nominated by written designation duly executed and filed with the department at the time of the retiree's retirement.~~

~~((3) OPTION 3. A member who elects this option shall receive a reduced retirement allowance, and upon the member's death one-half of the retiree's reduced retirement allowance shall be continued throughout the life of and paid to such person having an insurable interest in the retiree's life as the retiree shall have nominated by written designation duly executed and filed with the department at the time of the retiree's retirement.))~~

(b) The department shall adopt rules that allow a member to select a retirement option that pays the member a reduced retirement allowance and upon death, such portion of the member's reduced retirement allowance as the department by rule designates shall be continued throughout the life of and paid to a person who has an insurable interest in the member's life. Such person shall be nominated by the member by written designation duly executed and filed with the department at the time of retirement. The options adopted by the department shall include, but are not limited to, a joint and one hundred percent survivor option and a joint and fifty percent survivor option.

(2) A member, if married, must provide the written consent of his or her spouse to the option selected under this section. If a member is married and both the member and member's spouse do not give written consent to an option under this section, the department will pay the member a joint and fifty percent survivor benefit and record the member's spouse as the beneficiary. Such benefit shall be calculated to be actuarially equivalent to the benefit options available under subsection (1) of this section.

Sec. 4. Section 3, chapter 189, Laws of 1973 1st ex. sess. as last amended by section 1, chapter 116, Laws of 1988 and RCW 41.32.498 are each amended to read as follows:

Any person who becomes a member subsequent to April 25, 1973 or who has made the election, provided by RCW 41.32.497, to receive the benefit provided by this section, shall receive a retirement allowance consisting of:

(1) An annuity which shall be the actuarial equivalent of his additional contributions on full salary as provided by chapter 274, Laws of 1955 and his or her lump sum payment in excess of the required contribution rate made at date of retirement, pursuant to RCW 41.32.350, if any; and

(2) A combined pension and annuity service retirement allowance which shall be equal to two percent of his or her average earnable compensation for his or her two highest compensated consecutive years of service times the total years of creditable service established with the retirement system, to a maximum of sixty percent of such average earnable compensation: PROVIDED, That any member may irrevocably elect, at time of retirement, to withdraw all or a part of his accumulated contributions and to receive, in lieu of the full retirement allowance provided by this subsection, a reduction in the standard two percent allowance, of the actuarially determined amount of monthly annuity which would have been purchased by said contributions: PROVIDED FURTHER, That no member may withdraw an amount of accumulated contributions which would lower his or her retirement allowance below the minimum allowance provided by RCW 41.32.497 as now or hereafter amended: AND PROVIDED FURTHER, That said reduced amount may be reduced even further pursuant to the options provided in ~~((subsection (4) below))~~ RCW 41.32.530;

(3) Notwithstanding the provisions of subsections (1) and (2) of this section, the retirement allowance payable for service of a member who was state superintendent of public instruction on January 1, 1973 shall be equal to three percent of the average earnable compensation of his two highest consecutive years of service for each year of such service.

~~((4) Upon an application for retirement approved by the board of trustees every member shall receive the maximum retirement allowance available to him throughout life unless prior to the time the first installment thereof becomes due he has elected to receive the reduced amount provided in subsection (2) and/or has elected by executing the proper application~~

therefor, to receive the actuarial equivalent of his retirement allowance in reduced payments throughout his life, with the options listed below:

(a) Option 1. If he dies before he has received the present value of his accumulated contributions at the time of his retirement by virtue of the annuity portion of his retirement allowance, the unpaid balance shall be paid to his estate or to such person as he shall have nominated by written designation executed and filed with the board of trustees:

(b) Option 2. Upon his death his adjusted retirement allowance shall be continued throughout the life of and paid to such person as he shall have nominated by written designation duly executed and filed with the board of trustees at the time of his retirement:

(c) Option 3. Upon his death one-half of his adjusted retirement allowance shall be continued throughout the life of and paid to such person as he shall have nominated by written designation executed and filed with the board of trustees at the time of his retirement:

(d) Option 4. In addition to the other options provided under this subsection, the member may also elect to receive the maximum retirement allowance or a retirement allowance based on options 1, 2, or 3 which also includes the benefit provided under RCW 41.32.770. This retirement allowance option shall also be calculated so as to be actuarially equivalent to the maximum retirement allowance and to options 1, 2, and 3 as provided in this subsection:))

Sec. 5. Section 53, chapter 80, Laws of 1947 as amended by section 26, chapter 274, Laws of 1955 and RCW 41.32.530 are each amended to read as follows:

(1) Upon an application for retirement for service under RCW 41.32-.480 or retirement for disability under RCW 41.32.550, approved by the ((board of trustees)) department, every member shall receive the maximum retirement allowance available to him or her throughout life unless prior to the time the first installment thereof becomes due he or she has elected, by executing the proper application therefor, to receive the actuarial equivalent of his or her retirement allowance in reduced payments throughout his or her life with the following options:

((Option 1)) (a) Standard allowance. If he or she dies before he or she has received the present value of his or her accumulated contributions at the time of his or her retirement in annuity payments, the unpaid balance shall be paid to his or her estate or to such person as he or she shall have nominated by written designation executed and filed with the ((board of trustees:

Option 2. Upon his death his adjusted retirement allowance shall be continued throughout the life of and paid to such person as he shall have nominated by written designation duly executed and filed with the board of trustees at the time of his retirement:

Option 3. Upon his death one-half of his adjusted retirement allowance shall be continued throughout the life of and paid to such person as he shall

have nominated by written designation executed and filed with the board of trustees at the time of his retirement:

~~Option 4))~~ department.

(b) The department shall adopt rules that allow a member to select a retirement option that pays the member a reduced retirement allowance and upon death, such portion of the member's reduced retirement allowance as the department by rule designates shall be continued throughout the life of and paid to a person who has an insurable interest in the member's life. Such person shall be nominated by the member by written designation duly executed and filed with the department at the time of retirement. The options adopted by the department shall include, but are not limited to, a joint and one hundred percent survivor option and a joint and fifty percent survivor option.

(c) Such other benefits shall be paid to a member receiving a retirement allowance under RCW 41.32.497 as the member may designate for himself, herself, or others equal to the actuarial value of his or her retirement annuity at the time of his retirement: PROVIDED, That the board of trustees shall limit withdrawals of accumulated contributions to such sums as will not reduce the member's retirement allowance below one hundred and twenty dollars per month.

(d) A member whose retirement allowance is calculated under RCW 41.32.498 may also elect to receive a retirement allowance based on options available under this subsection that includes the benefit provided under RCW 41.32.770. This retirement allowance option shall also be calculated so as to be actuarially equivalent to the maximum retirement allowance and to the options available under this subsection.

(2) A member, if married, must provide the written consent of his or her spouse to the option selected under this section. If a member is married and both the member and the member's spouse do not give written consent to an option under this section, the department will pay the member a joint and fifty percent survivor benefit and record the member's spouse as the beneficiary. Such benefit shall be calculated to be actuarially equivalent to the benefit options available under subsection (1) of this section.

Sec. 6. Section 8, chapter 293, Laws of 1977 ex. sess. and RCW 41.32.785 are each amended to read as follows:

(1) Upon retirement for service as prescribed in RCW 41.32.765 or retirement for disability under RCW 41.32.790, a member shall elect to have the retirement allowance paid pursuant to (~~Option 1, 2, or 3~~ with ~~Options 2 and 3~~)) the following options, calculated so as to be actuarially equivalent to (~~Option 1~~)) each other.

(~~(+)~~ OPTION 1) (a) Standard allowance. A member electing this option shall receive a retirement allowance payable throughout such member's life. However, if the retiree dies before the total of the retirement allowance paid to such retiree equals the amount of such retiree's

accumulated contributions at the time of retirement, then the balance shall be paid to such person or persons having an insurable interest in the retiree's life as the retiree shall have nominated by written designation duly executed and filed with the department; or if there be no such designated person or persons still living at the time of the retiree's death, then to the surviving spouse; or if there be neither such designated person or persons still living at the time of death nor a surviving spouse, then to the retiree's legal representative.

~~((2) OPTION 2. A member who elects this option shall receive a reduced retirement allowance, which upon the member's death shall be continued throughout the life of and paid to such person having an insurable interest in the retiree's life as the retiree shall have nominated by written designation duly executed and filed with the department at the time of the retiree's retirement.~~

~~(3) OPTION 3. A member who elects this option shall receive a reduced retirement allowance, and upon the member's death one-half of the retiree's reduced retirement allowance shall be continued throughout the life of and paid to such person having an insurable interest in the retiree's life as the retiree shall have nominated by written designation duly executed and filed with the department at the time of the retiree's retirement.)~~

(b) The department shall adopt rules that allow a member to select a retirement option that pays the member a reduced retirement allowance and upon death, such portion of the member's reduced retirement allowance as the department by rule designates shall be continued throughout the life of and paid to a person who has an insurable interest in the member's life. Such person shall be nominated by the member by written designation duly executed and filed with the department at the time of retirement. The options adopted by the department shall include, but are not limited to, a joint and one hundred percent survivor option and a joint and fifty percent survivor option.

(2) A member, if married, must provide the written consent of his or her spouse to the option selected under this section. If a member is married and both the member and member's spouse do not give written consent to an option under this section, the department will pay the member a joint and fifty percent survivor benefit and record the member's spouse as the beneficiary. Such benefit shall be calculated to be actuarially equivalent to the benefit options available under subsection (1) of this section.

Sec. 7. Section 5, chapter 151, Laws of 1972 ex. sess. as last amended by section 2, chapter 143, Laws of 1987 and RCW 41.40.185 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 year or fraction of a 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 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.

~~((5) Upon making application for a service retirement allowance under RCW 41.40.180, a member who is eligible therefor shall make an election as to the manner in which such service retirement shall be paid from among the following designated options, calculated so as to be actuarially equivalent to each other:~~

~~(a) Standard Allowance. A member selecting this option shall receive a retirement allowance, which shall be computed as provided in subsections (1), (2) and (3) of this section. The retirement allowance shall be payable throughout his life. However, if he dies before the total of the retirement allowance paid to him equals the amount of his accumulated contributions at the time of retirement, then the balance shall be paid to such person or persons having an insurable interest in his life, as he shall have nominated by written designation duly executed and filed with the retirement board, or if there be no such designated person or persons, still living at the time of his death, then to his surviving spouse, or if there be neither such designated person or persons still living at the time of his death nor a surviving spouse, then to his legal representative.~~

~~(b) Option II. A member who selects this option shall receive a reduced retirement allowance which upon his death shall be continued throughout the life of and paid to such person, having an insurable interest in his life, as he shall have nominated by written designation duly executed and filed with the retirement board at the time of his retirement.~~

~~(c) Option III. A member who selects this option shall receive a reduced retirement allowance and upon his death, one-half of his reduced retirement allowance shall be continued throughout the life of and paid to such person, having an insurable interest in his life, as he shall have nominated by written designation duly executed and filed with the retirement board at the time of his retirement.~~

~~(d) In addition to the other options provided under this subsection, the member may also elect to receive a standard allowance, an option II allowance, or an option III allowance, which includes the benefit provided under RCW 41.40.640. This retirement allowance option shall also be calculated so as to be actuarially equivalent to the options offered in (a), (b), and (c) of this subsection:))~~

Sec. 8. Section 20, chapter 274, Laws of 1947 as last amended by section 3, chapter 143, Laws of 1987 and RCW 41.40.190 are each amended to read as follows:

In lieu of the retirement allowance provided in RCW 41.40.185, an individual employed on or before April 25, 1973 may, after complying with RCW 41.40.180 or 41.40.210, make an irrevocable election to receive the retirement allowance provided by this section which shall consist of:

(1) An annuity which shall be the actuarial equivalent of his or her accumulated contributions at the time of his or her retirement; and

(2) A basic service pension of one hundred dollars per annum; and

(3) A membership service pension, subject to the provisions of subdivision (4) of this section, which shall be equal to one one-hundredth of his or her average final compensation for each year or fraction of a year of membership service credited to his or her service account; and

(4) 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 shall any original member upon retirement at age seventy with ten or more years of service credit receive less than nine hundred dollars per annum as a retirement allowance, nor shall any member upon retirement at any age receive a retirement allowance 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. In the event that the retirement allowance as to such member provided by subdivisions (1), (2), (3), and (4) hereof shall amount to less than the aforesaid minimum retirement allowance, the basic service pension of the member shall be increased from one hundred dollars to a sum sufficient to make a retirement allowance of the applicable minimum amount.

(5) Notwithstanding the provisions of subsections (1) through (4) 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 under the provisions of Article II of the Washington state Constitution.

(6) ~~((Upon making application for a service retirement allowance under RCW 41.40.180, a member who is eligible therefor shall make an election as to the manner in which such service retirement shall be paid from among the following designated options, calculated so as to be actuarially equivalent to each other:~~

~~(a) Option IA. A member electing this option shall receive a retirement allowance payable throughout his life only with termination at death;~~

~~which shall be computed as provided for in subsections (1) through (4) or (5) of this section:~~

~~(b) Option I. If he dies before the total of the annuity portions of the retirement allowance paid to him equals the amount of his accumulated contributions at the time of retirement, then the balance shall be paid to such person or persons having an insurable interest in his life, as he shall have nominated by written designation duly executed and filed with the retirement board, or if there be no such designated person or persons, still living at the time of his death, then to his surviving spouse, or if there be neither such designated person or persons still living at the time of his death nor a surviving spouse, then to his legal representative; or~~

~~(c) Option H. Upon his death his reduced retirement allowance shall be continued throughout the life of and paid to such person, having an insurable interest in his life, as he shall have nominated by written designation duly executed and filed with the retirement board at the time of his retirement:)) Unless payment shall be made under RCW 41.40.270, ((option H)) a joint and one hundred percent survivor benefit under section 9 of this 1990 act shall automatically be given effect as if selected for the benefit of the surviving spouse 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 for a service retirement allowance or has completed ten years of service at the time of death, except that if the member is not then qualified for a service retirement allowance, such option II 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((; or~~

~~(d) Option III. Upon his death, one-half of his reduced retirement allowance shall be continued throughout the life of and paid to such person, having an insurable interest in his life, as he shall have nominated by written designation duly executed and filed with the retirement board at the time of his retirement:~~

~~(e) In addition to the other options provided under this subsection, the member may also elect to receive a retirement allowance based on options IA, I, H, or III, which includes the benefit provided under RCW 41.40.640: This retirement allowance option shall also be calculated so as to be actuarially equivalent to the options offered in (a), (b), (c), and (d) of this subsection)).~~

NEW SECTION. Sec. 9. A new section is added to chapter 41.40 RCW to read as follows:

(1) Upon retirement for service as prescribed in RCW 41.40.180 or retirement for disability under RCW 41.40.210 or 41.40.230, a member shall elect to have the retirement allowance paid pursuant to one of the following options calculated so as to be actuarially equivalent to each other.

(a) Standard allowance. A member electing this option shall receive a retirement allowance payable throughout such member's life. However, if the retiree dies before the total of the retirement allowance paid to such retiree equals the amount of such retiree's accumulated contributions at the time of retirement, then the balance shall be paid to such person or persons having an insurable interest in the retiree's life as the retiree shall have nominated by written designation duly executed and filed with the department; or if there be no such designated person or persons still living at the time of the retiree's death, then to the surviving spouse; or if there be neither such designated person or persons still living at the time of death nor a surviving spouse, then to the retiree's legal representative.

(b) The department shall adopt rules that allow a member to select a retirement option that pays the member a reduced retirement allowance and upon death, such portion of the member's reduced retirement allowance as the department by rule designates shall be continued throughout the life of and paid to a person who has an insurable interest in the member's life. Such person shall be nominated by the member by written designation duly executed and filed with the department at the time of retirement. The options adopted by the department shall include, but are not limited to, a joint and one hundred percent survivor option and a joint and fifty percent survivor option.

(c) A member may elect to include the benefit provided under RCW 41.40.640 along with the retirement options available under this section. This retirement allowance option shall be calculated so as to be actuarially equivalent to the options offered under this subsection.

(2) A member, if married, must provide the written consent of his or her spouse to the option selected under this section. If a member is married and both the member and the member's spouse do not give written consent to an option under this section, the department shall pay a joint and fifty percent survivor benefit calculated to be actuarially equivalent to the benefit options available under subsection (1) of this section.

Sec. 10. Section 7, chapter 295, Laws of 1977 ex. sess. and RCW 41.40.660 are each amended to read as follows:

(1) Upon retirement for service as prescribed in RCW 41.40.630 or retirement for disability under RCW 41.40.670, a member shall elect to have the retirement allowance paid pursuant to ((Option 1, 2, or 3 with Options 2 and 3)) one of the following options, calculated so as to be actuarially equivalent to ((Option 1)) each other.

((1) OPTION 1) (a) Standard allowance. A member electing this option shall receive a retirement allowance payable throughout such member's life. However, if the retiree dies before the total of the retirement allowance paid to such retiree equals the amount of such retiree's accumulated contributions at the time of retirement, then the balance shall

be paid to such person or persons having an insurable interest in the retiree's life as the retiree shall have nominated by written designation duly executed and filed with the department; or if there be no such designated person or persons still living at the time of the retiree's death, then to the surviving spouse; or if there be neither such designated person or persons still living at the time of death nor a surviving spouse, then to the retiree's legal representative.

~~((2) OPTION 2. A member who elects this option shall receive a reduced retirement allowance, which upon the member's death shall be continued throughout the life of and paid to such person having an insurable interest in the retiree's life as the retiree shall have nominated by written designation duly executed and filed with the department at the time of the retiree's retirement.~~

~~(3) OPTION 3. A member who elects this option shall receive a reduced retirement allowance, and upon the member's death one-half of the retiree's reduced retirement allowance shall be continued throughout the life of and paid to such person having an insurable interest in the retiree's life as the retiree shall have nominated by written designation duly executed and filed with the department at the time of the retiree's retirement.))~~

(b) The department shall adopt rules that allow a member to select a retirement option that pays the member a reduced retirement allowance and upon death, such portion of the member's reduced retirement allowance as the department by rule designates shall be continued throughout the life of and paid to a person who has an insurable interest in the member's life. Such person shall be nominated by the member by written designation duly executed and filed with the department at the time of retirement. The options adopted by the department shall include, but are not limited to, a joint and one hundred percent survivor option and a joint and fifty percent survivor option.

(2) A member, if married, must provide the written consent of his or her spouse to the option selected under this section. If a member is married and both the member and the member's spouse do not give written consent to an option under this section, the department shall pay a joint and fifty percent survivor benefit calculated to be actuarially equivalent to the benefit options available under subsection (1) of this section.

Sec. 11. Section 28, chapter 274, Laws of 1947 as last amended by section 11, chapter 249, Laws of 1979 ex. sess. and RCW 41.40.270 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, 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, ~~((the member's credited))~~ such accumulated contributions ~~((in the employees' savings fund))~~ 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, ~~((option H of))~~ a joint and one hundred percent survivor option under section 9 of this 1990 act, calculated under the retirement allowance described in RCW 41.40.185 or ((option H of RCW)) 41.40.190, whichever is greater, shall automatically be given effect as if selected for the benefit of the surviving spouse or dependent who is the designated beneficiary((, except that)). If the member is not then qualified for a service retirement allowance, such ~~((option H))~~ 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~~((, PROVIDED, That))~~.

(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 ~~((either options H or HH in RCW 41.40.185 or 41.40.190))~~ a survivorship option under section 9 of this 1990 act. In those cases the beneficiary named in the member's final application for service retirement may elect to receive either a cash refund or monthly payments according to the option selected by the member.

Sec. 12. Section 16, chapter 14, Laws of 1963 ex. sess. as last amended by section 3, chapter 199, Laws of 1974 ex. sess. and RCW 41.32.497 are each amended to read as follows:

Any person who became a member on or before April 25, 1973 and who qualifies for a retirement allowance shall, at time of retirement, make an irrevocable election to receive either the retirement allowance by RCW 41.32.498 as now or hereafter amended or to receive a retirement allowance pursuant to this section consisting of: (1) An annuity which shall be the actuarial equivalent of his accumulated contributions at his age of retirement,

(2) A basic service pension of one hundred dollars per annum, and (3) A service pension which shall be equal to one one-hundredth of his average earnable compensation for his two highest compensated consecutive years of service times the total years of creditable service established with the retirement system: PROVIDED, That no beneficiary now receiving benefits or who receives benefits in the future, except those beneficiaries receiving reduced benefits pursuant to RCW 41.32.520(1)((~~options 2 and 3 provided in RCW~~) or 41.32.530, ((~~or options 2 or 3 of RCW 41.32.498 as now or hereafter amended;~~)) shall receive a pension of less than six dollars and fifty cents per month for each year of creditable service established with the retirement system. Pension benefits payable under the provisions of this section shall be prorated on a monthly basis and paid at the end of each month.

Sec. 13. Section 8, chapter 109, Laws of 1988 and RCW 2.10.144 are each amended to read as follows:

(1) If a judge dies before the date of retirement, the amount of the accumulated contributions standing to the judge's credit at the time of death shall be paid to such person or persons, having an insurable interest in the judge's life, as the judge has nominated by written designation duly executed and filed with the department of retirement systems. If there is no such designated person or persons still living at the time of the judge's death, or if the judge 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, the judge's credited accumulated contributions shall be paid to the surviving spouse as if in fact the spouse had been nominated by written designation or, if there is no such surviving spouse, then to the judge's legal representatives.

(2) Upon the death in service of any judge 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, ((~~option II of~~) a joint and one hundred percent survivor option under RCW 2.10.146 shall automatically be given effect as if selected for the benefit of the surviving spouse or dependent who is the designated beneficiary, except that if the judge is not then qualified for a service retirement allowance, the option II benefit shall be based upon the actuarial equivalent of the sum necessary to pay the accrued regular retirement allowance commencing when the deceased judge would have first qualified for a service retirement allowance. However, subsection (1) of this section, unless elected, shall not apply to any judge who has applied for a service retirement and thereafter dies between the date of separation from service and the judge's effective retirement date, where the judge has selected ((either

~~option II or III of~~) a survivorship option under RCW 2.10.146(1)(b). In those cases, the beneficiary named in the judge's final application for service retirement may elect to receive either a cash refund or monthly payments according to the option selected by the judge.

Sec. 14. Section 12, chapter 294, Laws of 1977 ex. sess. and RCW 41.26.510 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 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 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 adjusted to reflect (~~Option 2 of~~) 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.

Sec. 15. Section 52, chapter 80, Laws of 1947 as last amended by section 5, chapter 193, Laws of 1974 ex. sess. and RCW 41.32.520 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 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 reestablishment of membership following termination by withdrawal, lapsation, or retirement, payment of his or her accumulated contributions 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:

~~((1))~~ (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.

~~((2))~~ (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 ~~((Option 2 of))~~ 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 ~~((PROVIDED, That))~~.

(ii) If at the time of death, the member was not then qualified for a service retirement allowance, ~~((such Option 2))~~ 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 shall be paid to his or her estate, or his or her dependents may qualify for survivor benefits under benefit plan ~~((2))~~ (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. 16. Section 12, chapter 293, Laws of 1977 ex. sess. and RCW 41.32.805 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 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 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 adjusted to reflect ~~((Option 2 of))~~ 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.

Sec. 17. Section 16, chapter 274, Laws of 1947 as last amended by section 1, chapter 88, Laws of 1987 and by section 1, chapter 384, Laws of 1987 and RCW 41.40.150 are each reenacted and amended to read as follows:

Should any member die, or should the individual separate or be separated from service without leave of absence before attaining age sixty years, or should the individual become a beneficiary, except a beneficiary of an optional retirement allowance as provided by ~~((RCW 41.40.185 or 41.40.190))~~ section 9 of this 1990 act, the individual shall thereupon cease to be a member except;

(1) As provided in RCW 41.40.170.

(2) An employee not previously retired who reenters service shall upon completion of six months of continuous service and upon the restoration of all withdrawn contributions with interest as computed by the director, which restoration must be completed within a total period of five years of membership service following the member's first resumption of employment, be returned to the status, either as an original member or new member which the member held at time of separation.

~~(3) ((Any member, except a state elected official, who reentered service and who failed to restore withdrawn contributions, shall now have from April 4, 1986, through June 30, 1987, to restore the contributions, with interest as determined by the director. Local elected officials may restore withdrawn contributions only for the period during which they served as non-elected officials. Local elected officials who have retired in the period from April 4, 1986, through June 30, 1987, may nevertheless restore these contributions through June 30, 1987.~~

~~(4))~~ Within the ninety days following the employee's resumption of employment, the employer shall notify the department of the resumption and the department shall then return to the employer a statement of the potential service credit to be restored, the amount of funds required for restoration, and the date when the restoration must be accomplished. The employee shall be given a copy of the statement and shall sign a copy of the statement which signed copy shall be placed in the employee's personnel file.

~~((5))~~ (4) A member who separates or has separated after having completed at least five years of service shall remain a member during the period of absence from service for the exclusive purpose of receiving a retirement allowance to begin at attainment of age sixty-five, however, such a member may on written notice to the director elect to receive a reduced retirement allowance on or after age sixty which allowance shall be the actuarial equivalent of the sum necessary to pay regular retirement benefits as of age sixty-five: PROVIDED, That if such member should withdraw all or part of the member's accumulated contributions except those additional contributions made pursuant to RCW 41.40.330(2), the individual shall thereupon cease to be a member and this section shall not apply.

~~((6))~~ (5) (a) The recipient of a retirement allowance who is employed in an eligible position other than under RCW 41.40.120(12) shall be considered to have terminated his or her retirement status and shall immediately become a member of the retirement system with the status of membership the member held as of the date of retirement. Retirement benefits shall be suspended during the period of eligible employment and the individual shall make contributions and receive membership credit. Such a member shall have the right to again retire if eligible in accordance with RCW 41.40.180: PROVIDED, That where any such right to retire is exercised to become effective before the member has rendered two uninterrupted

years of service the type of retirement allowance the member had at the time of the member's previous retirement shall be reinstated;

(b) The recipient of a retirement allowance elected to office or appointed to office directly by the governor, and who shall apply for and be accepted in membership as provided in RCW 41.40.120(3) shall be considered to have terminated his or her retirement status and shall become a member of the retirement system with the status of membership the member held as of the date of retirement. Retirement benefits shall be suspended from the date of return to membership until the date when the member again retires and the member shall make contributions and receive membership credit. Such a member shall have the right to again retire if eligible in accordance with RCW 41.40.180: PROVIDED, That where any such right to retire is exercised to become effective before the member has rendered six uninterrupted months of service the type of retirement allowance the member had at the time of the member's previous retirement shall be reinstated, but no additional service credit shall be allowed: AND PROVIDED FURTHER, That if such a recipient of a retirement allowance does not elect to apply for reentry into membership as provided in RCW 41.40.120(3), the member shall be considered to remain in a retirement status and the individual's retirement benefits shall continue without interruption.

~~((7))~~ (6) Any member who leaves the employment of an employer and enters the employ of a public agency or agencies of the state of Washington, other than those within the jurisdiction of the Washington public employees' retirement system, and who establishes membership in a retirement system or a pension fund operated by such agency or agencies and who shall continue membership therein until attaining age sixty, shall remain a member for the exclusive purpose of receiving a retirement allowance without the limitation found in RCW 41.40.180(1) to begin on attainment of age sixty-five; however, such a member may on written notice to the director elect to receive a reduced retirement allowance on or after age sixty which allowance shall be the actuarial equivalent of the sum necessary to pay regular retirement benefits commencing at age sixty-five: PROVIDED, That if such member should withdraw all or part of the member's accumulated contributions except those additional contributions made pursuant to RCW 41.40.330(2), the individual shall thereupon cease to be a member and this section shall not apply.

Sec. 18. Section 11, chapter 295, Laws of 1977 ex. sess. and RCW 41.40.700 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 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 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 adjusted to reflect (~~Option 2 of~~) 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.

Sec. 19. Section 8, chapter 294, Laws of 1977 ex. sess. as last amended by section 1, chapter 88, Laws of 1989 and by section 1, chapter 191, Laws of 1989 and RCW 41.26.470 are each reenacted and amended to read as follows:

(1) A member of the retirement system who becomes totally incapacitated for continued employment by an employer as determined by the director shall be eligible to receive an allowance under the provisions of RCW 41.26.410 through 41.26.550. Such member shall receive a monthly disability allowance computed as provided for in RCW 41.26.420 and shall have such allowance actuarially reduced to reflect the difference in the number of years between age at disability and the attainment of age fifty-eight.

(2) Any member who receives an allowance under the provisions of this section shall be subject to such comprehensive medical examinations as required by the department. If such medical examinations reveal that such a member has recovered from the incapacitating disability and the member is no longer entitled to benefits under Title 51 RCW, the retirement allowance shall be canceled and the member shall be restored to duty in the same civil

service rank, if any, held by the member at the time of retirement or, if unable to perform the duties of the rank, then, at the member's request, in such other like or lesser rank as may be or become open and available, the duties of which the member is then able to perform. In no event shall a member previously drawing a disability allowance be returned or be restored to duty at a salary or rate of pay less than the current salary attached to the rank or position held by the member at the date of the retirement for disability. If the department determines that the member is able to return to service, the member is entitled to notice and a hearing. Both the notice and the hearing shall comply with the requirements of chapter 34.05 RCW, the Administrative Procedure Act.

(3) Those members subject to this chapter who became disabled in the line of duty on or after July 23, 1989, and who receive benefits under RCW 41.04.500 through 41.04.530 or similar benefits under RCW 41.04.535 shall receive or continue to receive service credit subject to the following:

(a) No member may receive more than one month's service credit in a calendar month.

(b) No service credit under this section may be allowed after a member separates or is separated without leave of absence.

(c) Employer contributions shall be paid by the employer at the rate in effect for the period of the service credited.

(d) Employee contributions shall be collected by the employer and paid to the department at the rate in effect for the period of service credited.

(e) State contributions shall be as provided in RCW 41.26.450.

(f) Contributions shall be based on the regular compensation which the member would have received had the disability not occurred.

(g) The service and compensation credit under this section shall be granted for a period not to exceed six consecutive months.

(h) Should the legislature revoke the service credit authorized under this section or repeal this section, no affected employee is entitled to receive the credit as a matter of contractual right.

(4)(a) If the recipient of a monthly 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.

(b) If a recipient of a monthly retirement allowance under this section died before April 27, 1989, and before the total of the retirement allowance

paid to the recipient equaled the amount of his or her accumulated contributions at the date of retirement, then the department shall pay the balance of the accumulated contributions to the member's surviving spouse or, if there is no surviving spouse, then in equal shares to the member's children. If there is no surviving spouse or children, the department shall retain the contributions.

Sec. 20. Section 9, chapter 293, Laws of 1977 ex. sess. as amended by section 2, chapter 191, Laws of 1989 and RCW 41.32.790 are each amended to read as follows:

(1) A member of the retirement system who becomes totally incapacitated for continued employment by an employer as determined by the department upon recommendation of the retirement board shall be eligible to receive an allowance under the provisions of RCW 41.32.755 through 41.32.825. Such member shall receive a monthly disability allowance computed as provided for in RCW 41.32.760 and shall have such allowance actuarially reduced to reflect the difference in the number of years between age at disability and the attainment of age sixty-five.

Any member who receives an allowance under the provisions of this section shall be subject to such comprehensive medical examinations as required by the department. If such medical examinations reveal that such a member has recovered from the incapacitating disability and the member is offered reemployment by an employer at a comparable compensation, such member shall cease to be eligible for such allowance.

(2)(a) If the recipient of a monthly 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.

(b) If a recipient of a monthly retirement allowance under this section died before April 27, 1989, and before the total of the retirement allowance paid to the recipient equaled the amount of his or her accumulated contributions at the date of retirement, then the department shall pay the balance of the accumulated contributions to the member's surviving spouse or, if there is no surviving spouse, then in equal shares to the member's children. If there is no surviving spouse or children, the department shall retain the contributions.

Sec. 21. Section 8, chapter 295, Laws of 1977 ex. sess. as last amended by section 3, chapter 191, Laws of 1989 and RCW 41.40.670 are each amended to read as follows:

(1) A member of the retirement system who becomes totally incapacitated for continued employment by an employer as determined by the department upon recommendation of the retirement board shall be eligible to receive an allowance under the provisions of RCW 41.40.610 through 41.40.740. Such member shall receive a monthly disability allowance computed as provided for in RCW 41.40.620 and shall have such allowance actuarially reduced to reflect the difference in the number of years between age at disability and the attainment of age sixty-five.

Any member who receives an allowance under the provisions of this section shall be subject to such comprehensive medical examinations as required by the department. If such medical examinations reveal that such a member has recovered from the incapacitating disability and the member is offered reemployment by an employer at a comparable compensation, such member shall cease to be eligible for such allowance.

(2) The retirement for disability of a judge, who is a member of the retirement system, by the supreme court under Article IV, section 31 of the Constitution of the state of Washington (House Joint Resolution No. 37, approved by the voters November 4, 1980), with the concurrence of the retirement board, shall be considered a retirement under subsection (1) of this section.

(3)(a) If the recipient of a monthly 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.

(b) If a recipient of a monthly retirement allowance under this section died before April 27, 1989, and before the total of the retirement allowance paid to the recipient equaled the amount of his or her accumulated contributions at the date of retirement, then the department shall pay the balance of the accumulated contributions to the member's surviving spouse or, if there is no surviving spouse, then in equal shares to the member's children. If there is no surviving spouse or children, the department shall retain the contributions.

NEW SECTION. Sec. 22. The following acts or parts of acts are each repealed:

(1) Section 2, chapter 22, Laws of 1961 ex. sess., section 2, chapter 151, Laws of 1967 and RCW 41.32.493;

(2) Section 1, chapter 35, Laws of 1970 ex. sess., section 2, chapter 147, Laws of 1972 ex. sess. and RCW 41.32.4932; and

(3) Section 9, chapter 168, Laws of 1973 1st ex. sess. and RCW 41-40.508.

NEW SECTION. Sec. 23. The repeal of RCW 41.32.493, 41.32.4932, and 41.40.508 by section 22 of this act shall not be construed as affecting any existing right acquired under those sections or under any rule or order adopted under those sections, nor as affecting any proceedings instituted under those sections.

NEW SECTION. Sec. 24. The sum of twenty-eight thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the retirement systems expense fund to the department of retirement systems solely for the purposes of this act.

Passed the House February 8, 1990.

Passed the Senate March 6, 1990.

Approved by the Governor March 28, 1990.

Filed in Office of Secretary of State March 28, 1990.

CHAPTER 250

[Substitute Senate Bill No. 6663]

SPECIAL LICENSE PLATES AND DEPARTMENT OF LICENSING STATUTES

AN ACT Relating to vehicle license plates and license plate emblems; amending RCW 46.16.350, 10.05.060, 46.01.030, 46.01.090, 46.01.100, 46.04.303, 46.04.304, 46.04.305, 46.04.330, 46.04.580, 46.09.030, 46.09.080, 46.09.140, 46.10.050, 46.10.140, 46.12.070, 46.12.140, 46.12.151, 46.12.181, 46.16.270, 46.20.021, 46.20.055, 46.20.091, 46.20.100, 46.20.118, 46.20.119, 46.20.130, 46.20.161, 46.20.181, 46.20.270, 46.20.285, 46.20.293, 46.20.311, 46.20.326, 46.20.342, 46.20.391, 46.20.911, 46.25.120, 46.29.110, 46.29.330, 46.29.430, 46.29.610, 46.61.655, 46.61.685, 46.61.688, 46.64.048, 46.64.020, 46.65.070, 46.70.029, 46.70.041, 46.70.061, 46.70.083, 46.70.085, 46.76.040, 46.79.010, 46.79.020, 46.79.070, 46.80.030, 46.82.410, 46.87.025, 46.87.120, 46.87.270, 46.90.300, 82.36.010, 82.36.190, 82.38.040, 82.38.050, 82.38.070, 82.38.090, 82.38.120, 46.20.308, 46.61.205, 46.01.140, and 73.04.115; reenacting and amending RCW 46.37.530 and 46.63.020; adding new sections to chapter 46.16 RCW; adding a new section to chapter 46.04 RCW; adding a new section to chapter 46.87 RCW; adding a new section to chapter 88.02 RCW; repealing RCW 46.16.310, 46.16.311, 46.16.315, 46.16.320, 46.16.330, 46.16.620, 46.16.625, 46.16.660, 46.20.171, 46.20.416, 46.20.418, and 46.20.599; prescribing penalties; and providing effective dates.

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

NEW SECTION. Sec. 1. A new section is added to chapter 46.16 RCW to read as follows:

(1) The department may create, design, and issue special license plates, upon terms and conditions as may be established by the department, that may be used in lieu of regular or personalized license plates upon vehicles. The special plates may denote the age or type of vehicle or may denote special activities or interests, status, or contribution or sacrifice for the United States, the state of Washington, or the citizens of the state of Washington, of a registered owner of that vehicle.

(2) The department has the sole discretion to determine whether or not to create, design, or issue any series of special license plates and whether

any activity, status, contribution, or sacrifice merits the issuance of a series of special license plates. In making this determination, the department shall consider whether or not an activity or interest proposed contributes or has contributed significantly to the public health, safety, or welfare of the citizens of the United States or of this state or to their significant benefit, or whether the activity, interest, contribution, or sacrifice is recognized by the United States, this state, or other states, in other settings or contexts. The department may also consider the potential number of persons who may be eligible for the plates and the cost and efficiency of producing limited numbers of the plates. The design of a special license plate shall conform to all requirements for plates for the type of vehicle for which it is issued, as provided elsewhere in this chapter.

NEW SECTION. Sec. 2. A new section is added to chapter 46.16 RCW to read as follows:

The department shall continue to issue, under section 1 of this act and the department's rules implementing sections 1 through 9 of this act, the categories of special plates issued by the department under the sections repealed under section 13 (1) through (7) of this act. Special license plates issued under those repealed sections before January 1, 1991, are valid to the extent and under the conditions provided in those repealed sections. The following conditions, limitations, or requirements apply to certain special license plates issued after January 1, 1991:

(1) A horseless carriage plate and a plate or plates issued for collectors' vehicles more than thirty years old, upon payment of the initial fees required by law and the additional special license plate fee established by the department, are valid for the life of the vehicle for which application is approved by the department. When a single plate is issued, it shall be displayed on the rear of the vehicle.

(2) The department may issue special license plates denoting amateur radio operator status only to persons having a valid official radio operator license issued for a term of five years by the federal communications commission.

(3) The department shall issue one set of special license plates to each resident of this state who has been awarded the Congressional Medal of Honor for use on a passenger vehicle registered to that person. The department shall issue the plate without the payment of any fees.

(4) The department may issue for use on only one motor vehicle owned by the qualified applicant special license plates denoting that the recipient of the plate is a survivor of the attack on Pearl Harbor on December 7, 1941, to persons meeting all of the following criteria:

- (a) Is a resident of this state;
- (b) Was a member of the United States Armed Forces on December 7, 1941;

(c) Was on station on December 7, 1941, during the hours of 7:55 a.m. to 9:45 a.m. Hawaii time at Pearl Harbor, the island of Oahu, or offshore at a distance not to exceed three miles;

(d) Received an honorable discharge from the United States Armed Forces; and

(e) Is certified by a Washington state chapter of the Pearl Harbor survivors association as satisfying the qualifications in (c) of this subsection.

The department may issue such plates to the surviving spouse of any deceased Pearl Harbor survivor who met the requirements of this subsection. If the surviving spouse remarries, he or she shall return the special plates to the department within fifteen days and apply for regular plates. The surviving spouse must be a resident of this state.

The department shall issue these plates upon payment by the applicant of all other license fees, but the department may not set or charge an additional fee for these special license plates under section 4 of this act.

(5) The department shall replace, free of charge, special license plates issued under subsections (3) and (4) of this section if they are lost, stolen, damaged, defaced, or destroyed. Such plates shall remain with the persons upon transfer or other disposition of the vehicle for which they were initially issued, and may be used on another vehicle registered to the recipient in accordance with the provisions of section 5(1) of this act.

NEW SECTION. Sec. 3. A new section is added to chapter 46.16 RCW to read as follows:

Persons applying to the department for special license plates shall apply on forms obtained from the department and in accordance with RCW 46.16.040. The applicant shall provide all information as is required by the department in order to determine the applicant's eligibility for such special license plates and for administration of sections 1 through 9 of this act.

NEW SECTION. Sec. 4. A new section is added to chapter 46.16 RCW to read as follows:

The department may establish a fee for the issuance of each type of special license plate or plates in an amount calculated to offset the cost of production of the special license plate or plates and the administration of this program. The fee shall not exceed thirty-five dollars and is in addition to all other fees required to register and license the vehicle for which the plates have been requested. All such additional special license plate fees collected by the department shall be deposited in the state treasury and credited to the motor vehicle fund.

NEW SECTION. Sec. 5. A new section is added to chapter 46.16 RCW to read as follows:

Except as provided in section 2 of this act:

(1) When a person who has been issued a special license plate or plates under section 1 of this act sells, trades, or otherwise transfers or releases

ownership of the vehicle upon which the special license plate or plates have been displayed, he or she shall immediately report the transfer of such plate or plates to an acquired vehicle or vehicle eligible for such plates pursuant to departmental rule, or he or she shall surrender such plates to the department immediately if such surrender is required by departmental rule. If a person applies for a transfer of the plate or plates to another eligible vehicle, a transfer fee of five dollars shall be charged in addition to all other applicable fees. Such transfer fees shall be deposited in the motor vehicle fund. Failure to surrender the plates when required is a traffic infraction.

(2) If the special license plate or plates issued by the department become lost, defaced, damaged, or destroyed, application for a replacement special license plate or plates shall be made and fees paid as provided by law for the replacement of regular license plates.

NEW SECTION. Sec. 6. A new section is added to chapter 46.16 RCW to read as follows:

(1) The department shall issue upon payment of a fee and proof from an honorably discharged veteran, a remembrance emblem depicting a tribute or message and the American flag.

(2) Veterans 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 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.

(3) The remembrance emblem will be displayed upon vehicle license plates in the manner prescribed by the department.

(4) A veteran requesting a remembrance emblem from the department shall provide a copy of his or her discharge papers (DD-214) along with payment of the fee. A veteran requesting a remembrance emblem must be a legal or registered owner of the vehicle on which remembrance emblems are to be displayed.

NEW SECTION. Sec. 7. A new section is added to chapter 46.16 RCW to read as follows:

Any institution of higher education as defined in RCW 28B.10.016 may petition the department to create, design, and issue to that institution a vehicle license plate emblem series that identifies that institution or one of its purposes, programs, projects, or causes. The vehicle license plate emblem issued by the department may display a mascot, slogan, message, or symbol that can be displayed on a vehicle license plate or plates in the manner prescribed by the department. The department has sole discretion in approving or disapproving institutions for participation in the vehicle license plate emblem program. The department also has the sole discretion to determine the

significance of the purpose, program, project, or cause and if it merits recognition by issuance of a vehicle license plate emblem.

Application to the department is the exclusive method for an institution to request issuance of a special vehicle license plate emblem series or to obtain such emblems for distribution by approved institutions. All applicants shall apply to the department on a form obtained from the department.

Any approved institution may collect additional fees from any person as a condition for receiving an emblem, to be used for the purposes of the approved institution.

NEW SECTION. Sec. 8. A new section is added to chapter 46.16 RCW to read as follows:

Vehicle license plate emblems and veteran remembrance emblems shall use fully reflectorized materials designed to provide visibility at night. Emblems shall be designed to be affixed to a vehicle license number plate by pressure-sensitive adhesive so as not to obscure the plate identification numbers or letters.

Emblems will be issued for display on the front and rear license number plates. Single emblems will be issued for vehicles authorized to display one license number plate.

NEW SECTION. Sec. 9. A new section is added to chapter 46.16 RCW to read as follows:

(1) The director may adopt fees to be charged by the department for emblems issued by the department under sections 6 and 7 of this act.

(2) The fee for each remembrance emblem issued under section 6 of this act shall be in an amount sufficient to offset the costs of production of remembrance emblems and the administration of that program by the department plus an amount for use by the department of veterans' affairs, not to exceed a total fee of twenty-five dollars per emblem. The fee for each special vehicle license plate emblem issued under section 7 of this act shall be an amount sufficient to offset the cost of production of the emblems and of administering the special vehicle license plate emblem program.

(3) The veterans' emblem account is created in the custody of the state treasurer. All receipts by the department from the issuance of remembrance emblems under section 6 of this act shall be deposited into this fund. Expenditures from the fund may be used only for the costs of production of remembrance emblems and administration of the program by the department of licensing, with the balance used only by the department of veterans' affairs for projects that pay tribute to those living veterans and to those who have died defending freedom in our nation's wars and conflicts and for the upkeep and operations of existing memorials, as well as for planning, acquiring land for, and constructing future memorials. Only the director of licensing, the director of veterans' affairs, or their designees 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.

(4) The special vehicle license plate emblem account is established in the state treasury. Fees collected by the department for emblems issued under section 7 of this act shall be deposited into the special vehicle license plate emblem account to be used only to offset the costs of administering the special vehicle license plate emblem program.

NEW SECTION. Sec. 10. A new section is added to chapter 46.16 RCW to read as follows:

The director shall adopt rules to implement sections 1 through 9 of this act, including setting of fees.

Sec. 11. Section 46.16.350, chapter 12, Laws of 1961 as last amended by section 49, chapter 136, Laws of 1979 ex. sess. and RCW 46.16.350 are each amended to read as follows:

Any radio amateur operator who holds a special call letter license plate as issued under ~~((the provisions of RCW 46.16.320 through 46.16.350))~~ sections 1 through 5 of this act, and who has allowed his or her federal communications commission license to expire, or has had it revoked, must notify the director in writing within thirty days and surrender his or her call letter license plate. Failure to do so is a traffic infraction.

NEW SECTION. Sec. 12. The following acts or parts of acts are each repealed:

(1) Section 46.16.310, chapter 12, Laws of 1961, section 1, chapter 114, Laws of 1971 ex. sess., section 1, chapter 143, Laws of 1982, section 1, chapter 15, Laws of 1988 and RCW 46.16.310;

(2) Section 2, chapter 114, Laws of 1971 ex. sess. and RCW 46.16.311;

(3) Section 3, chapter 114, Laws of 1971 ex. sess. and RCW 46.16.315;

(4) Section 46.16.320, chapter 12, Laws of 1961, section 21, chapter 32, Laws of 1967, section 80, chapter 145, Laws of 1967 ex. sess., section 1, chapter 206, Laws of 1969 ex. sess., section 10, chapter 118, Laws of 1975 1st ex. sess. and RCW 46.16.320;

(5) Section 46.16.330, chapter 12, Laws of 1961, section 22, chapter 32, Laws of 1967 and RCW 46.16.330;

(6) Section 1, chapter 77, Laws of 1979 ex. sess. and RCW 46.16.620;

(7) Section 1, chapter 44, Laws of 1987 and RCW 46.16.625; and

(8) Section 2, chapter 280, Laws of 1986 and RCW 46.16.660.

Sec. 13. Section 6, chapter 244, Laws of 1975 1st ex. sess. as last amended by section 9, chapter 352, Laws of 1985 and RCW 10.05.060 are each amended to read as follows:

If the report recommends treatment, the court shall examine the treatment plan. If it approves the plan and the petitioner agrees to comply with

its terms and conditions and agrees to pay the cost thereof, if able to do so, or arrange for the treatment, an entry shall be made upon the person's court docket showing that the person has been accepted for deferred prosecution. A copy of the treatment plan shall be attached to the docket, which shall then be removed from the regular court dockets and filed in a special court deferred prosecution file. If the charge be one that an abstract of the docket showing the charge and the date of petitioner's acceptance is required to be sent to the department of licensing, an abstract shall be sent, and the department of licensing shall make an entry of the charge and of the petitioner's acceptance for deferred prosecution on the department's driving record of the petitioner. The entry is not a conviction for purposes of Title 46 RCW. The department shall maintain the record for five years from date of entry of the order granting deferred prosecution.

Sec. 14. Section 3, chapter 156, Laws of 1965 and RCW 46.01.030 are each amended to read as follows:

The department shall be responsible for administering and recommending the improvement of the motor vehicle laws of this state relating to:

- (1) driver examining and licensing;
- (2) driver improvement;
- (3) driver records;
- (4) financial responsibility;
- (5) certificates of ownership;
- (6) certificates of license registration and license plates;
- (7) proration and reciprocity;
- (8) liquid fuel tax collections;
- (9) licensing of dealers, motor vehicle transporters, motor vehicle wreckers, for hire vehicles, and drivers' schools;
- (10) general highway safety promotion in cooperation with the Washington state patrol and ~~((state))~~ traffic safety ~~((council))~~ commission;
- (11) such other activities as the legislature may provide.

Sec. 15. Section 9, chapter 156, Laws of 1965 as amended by section 119, chapter 158, Laws of 1979 and RCW 46.01.090 are each amended to read as follows:

The department shall be under the control of an executive officer to be known as the director of licensing. ~~((He))~~ The director shall be appointed by the governor, with the consent of the senate, and hold office at the pleasure of the governor. ~~((The director))~~ Directors shall be selected with special reference to ~~((his))~~ their experience, capacity, and interest in the field of motor vehicle administration or highway safety.

Sec. 16. Section 10, chapter 156, Laws of 1965 and RCW 46.01.100 are each amended to read as follows:

~~((The director))~~ Directors shall organize the department in such manner as ~~((he))~~ they may deem necessary ~~((properly))~~ to segregate and conduct the work of the department ~~((effectively))~~.

Sec. 17. Section 5, chapter 231, Laws of 1971 ex. sess. and RCW 46.04.303 are each amended to read as follows:

"Modular home" means ~~((any factory-built housing))~~ a factory-assembled structure designed primarily for ((residential occupancy by human beings which does not contain a permanent frame)) use as a dwelling when connected to the required utilities that include plumbing, heating, and electrical systems contained therein, does not contain its own running gear, and must be mounted on a permanent foundation. A modular home does not include a mobile home or manufactured home.

Sec. 18. Section 1, chapter 213, Laws of 1979 ex. sess. as amended by section 702, chapter 330, Laws of 1987 and RCW 46.04.304 are each amended to read as follows:

"Moped" means ~~((any two-wheeled or three-wheeled))~~ a motorized device designed to travel with not more than three sixteen-inch or larger diameter wheels in contact with the ground, having fully operative pedals for propulsion by human power, and ((a)) an electric or a liquid fuel motor with a cylinder displacement not exceeding fifty cubic centimeters which produces no more than two gross brake horsepower (developed by a prime mover, as measured by a brake applied to the driving shaft) ((and)) that is capable of propelling the device at ((a maximum speed of)) not more than thirty miles per hour on level ground((, and the wheels of which are at least sixteen inches in diameter)).

The Washington state patrol may approve of and define as a "moped" a vehicle which fails to meet these specific criteria, but which is essentially similar in performance and application to ~~((vehicles))~~ motorized devices which do meet these specific criteria.

Sec. 19. Section 3, chapter 231, Laws of 1971 ex. sess. and RCW 46.04.305 are each amended to read as follows:

"Motor homes" means motor vehicles originally designed, reconstructed, or permanently altered to provide facilities for human habitation, which include lodging and cooking or sewage disposal, and is enclosed within a solid body shell with the vehicle, but excludes a camper or like unit constructed separately and affixed to a motor vehicle.

Sec. 20. Section 46.04.330, chapter 12, Laws of 1961 as amended by section 2, chapter 213, Laws of 1979 ex. sess. and RCW 46.04.330 are each amended to read as follows:

"Motorcycle" means ~~((every))~~ a motor vehicle ((having a saddle for the use of the rider and)) designed to travel on not more than three wheels in contact with the ground, on which the driver rides astride the motor unit

or power train and is designed to be steered with a handle bar, but excluding a farm tractor and a moped.

The Washington state patrol may approve of and define as a "motorcycle" a motor vehicle that fails to meet these specific criteria, but that is essentially similar in performance and application to motor vehicles that do meet these specific criteria.

NEW SECTION. Sec. 21. A new section is added to chapter 46.04 RCW to read as follows:

"Photograph," along with the terms "picture" and "negative," means a pictorial representation, whether produced through photographic or other means, including, but not limited to, digital data imaging.

Sec. 22. Section 46.04.580, chapter 12, Laws of 1961 and RCW 46.04.580 are each amended to read as follows:

"Suspend," in all its forms, means invalidation for any period less than one calendar year and thereafter until reinstatement. However, under RCW 46.61.515 the invalidation may last for more than one calendar year.

Sec. 23. Section 8, chapter 47, Laws of 1971 ex. sess. as last amended by section 2, chapter 206, Laws of 1986 and RCW 46.09.030 are each amended to read as follows:

The department shall provide for the issuance of use permits for off-road vehicles and may appoint agents for collecting fees and issuing permits. The department shall charge each applicant for registration the actual cost of the decal. The department shall make available replacement decals for a fee equivalent to the actual cost of the decals. The provisions of RCW 46.01.130 and 46.01.140 apply to the issuance of use permits for off-road vehicles as they do to the issuance of vehicle licenses, the appointment of agents and the collection of application fees.

Sec. 24. Section 13, chapter 47, Laws of 1971 ex. sess. as last amended by section 5, chapter 206, Laws of 1986 and RCW 46.09.080 are each amended to read as follows:

(1) Each dealer of off-road vehicles in this state who does not have a current "dealer's plate" for vehicle use pursuant to chapter 46.70 RCW shall obtain an ORV dealer permit from the department in such manner and upon such forms as the department shall prescribe. Upon receipt of an application for an ORV dealer permit and the fee under subsection (2) of this section, the dealer shall be registered and an ORV dealer permit number assigned.

(2) The fee for ORV dealer permits shall be twenty-five dollars per year, which covers all of the off-road vehicles owned by a dealer and not rented. Off-road vehicles rented on a regular, commercial basis by a dealer shall have separate use permits.

(3) Upon the issuance of an ORV dealer permit each dealer ~~((shall))~~ may purchase, at a cost to be determined by the department, ORV dealer

number plates of a size and color to be determined by the department, that contain the dealer ORV permit number assigned to the dealer. Each off-road vehicle operated by a dealer, dealer representative, or prospective customer for the purposes of testing or demonstration shall display such number plates assigned pursuant to the dealer permit provisions in chapter 46.70 RCW or this section, in a manner prescribed by the department.

(4) ~~((No person other than a dealer or a representative thereof may display number plates as prescribed in subsection (3) of this section, and))~~ No dealer ((or)), dealer representative ((thereof)), or prospective customer shall use such number plates for any purpose other than the purpose prescribed in subsection (3) of this section.

(5) ORV dealer permit numbers shall be nontransferable.

(6) It is unlawful for any dealer to sell any off-road vehicle at wholesale or retail or to test or demonstrate any off-road vehicle within the state unless he has a motor vehicle dealers' license pursuant to chapter 46.70 RCW or an ORV dealer permit number in accordance with this section.

(7) When an ORV is sold by a dealer, the dealer shall apply for title in the purchaser's name within fifteen days following the sale.

Sec. 25. Section 19, chapter 47, Laws of 1971 ex. sess. as amended by section 12, chapter 220, Laws of 1977 ex. sess. and RCW 46.09.140 are each amended to read as follows:

The operator of any nonhighway vehicle involved in any accident resulting in injury to or death of any person, or property damage to another ~~((in the estimated amount of two hundred dollars or more))~~ to an apparent extent equal to or greater than the minimum amount established by rule adopted by the chief of the Washington state patrol in accordance with chapter 46.52 RCW, or a person acting for the operator shall submit such reports as are required under chapter 46.52 RCW, ((as now enacted or as hereafter amended;)) and the provisions of chapter 46.52 RCW ((shall be applicable)) applies to ((such)) the reports when submitted.

Sec. 26. Section 5, chapter 29, Laws of 1971 ex. sess. as amended by section 5, chapter 17, Laws of 1982 and RCW 46.10.050 are each amended to read as follows:

(1) Each dealer of snowmobiles in this state shall register with the department in such manner and upon such forms as the department shall prescribe. Upon receipt of a dealer's application for registration and the registration fee provided for in subsection (2) of this section, such dealer shall be registered and a registration number assigned.

(2) The registration fee for dealers shall be twenty-five dollars per year, and such fee shall cover all of the snowmobiles ~~((owned))~~ offered by a dealer for ~~((other than personal use))~~ sale and not rented on a regular, commercial basis: PROVIDED, That snowmobiles rented on a regular commercial basis by a dealer shall be registered separately under the provisions of RCW 46.10.020, 46.10.040, 46.10.060, and 46.10.070.

(3) Upon registration each dealer ~~((shall))~~ may purchase, at a cost to be determined by the department, dealer number plates of a size and color to be determined by the department, which shall contain the registration number assigned to that dealer. Each snowmobile operated by a dealer, dealer representative, or prospective customer for the purposes ~~((enumerated in subsection (2) of this section))~~ of demonstration or testing shall display such number plates in a clearly visible manner.

(4) No person other than a dealer ~~((or a)),~~ dealer representative ((thereof)), or prospective customer shall display a dealer number plate, and no dealer ~~((or a)),~~ dealer representative ((thereof)), or prospective customer shall use a dealer's number plate for any purpose other than the purposes described in subsection ~~((2))~~ (3) of this section.

(5) Dealer registration numbers ~~((shall be))~~ are nontransferable.

(6) It ~~((shall be))~~ is unlawful for any dealer to sell any snowmobile at wholesale or retail, or to test or demonstrate any snowmobile, within the state, unless registered in accordance with the provisions of this section.

Sec. 27. Section 14, chapter 29, Laws of 1971 ex. sess. and RCW 46.10.140 are each amended to read as follows:

The operator of any snowmobile involved in any accident resulting in injury to or death of any person, or property damage ~~((in the estimated amount of two hundred dollars or more))~~ to an apparent extent equal to or greater than the minimum amount established by rule adopted by the Washington state patrol in accordance with chapter 46.52 RCW, or a person acting for the operator, or the owner of the snowmobile having knowledge of the accident, ((should)) if the operator of the snowmobile ((be)) is unknown, shall submit such reports as are required under chapter 46.52 RCW, ((as now enacted or as hereafter amended;)) and the provisions of chapter 46.52 RCW ~~((shall be applicable))~~ applies to ((such)) the reports when submitted.

Sec. 28. Section 46.12.070, chapter 12, Laws of 1961 and RCW 46.12.070 are each amended to read as follows:

Upon the destruction of any vehicle ~~((covered by))~~ issued a certificate((s)) of ownership under this chapter or a license registration ((and ownership)) under chapter 46.16 RCW, the registered owner and the legal owner shall forthwith and within ((five)) fifteen days thereafter forward and surrender ((such)) the certificate((, together with the vehicle license plates therefor if available;)) to the ((director)) department, together with a statement of the reason for ((such)) the surrender and the ((time)) date and place of destruction. Failure to notify the ((director)) department or the possession by any person of any such certificate for a vehicle so destroyed, after ((five)) fifteen days following its destruction, ((shall be)) is prima facie evidence of violation of the provisions of this chapter and ((shall)) constitutes a gross misdemeanor.

Any insurance company settling ~~((any))~~ an insurance claim on ~~((any such))~~ a vehicle that has been issued a certificate of ownership under this chapter or a certificate of license registration under chapter 46.16 RCW as a total loss, less salvage value, shall notify the ~~((director))~~ department thereof within ~~((five))~~ fifteen days after the settlement of ~~((any-such))~~ the claim ~~((under any policy of insurance carried by it on a vehicle covered by certificates of license registration and ownership issued by this state)).~~ Notification shall be provided regardless of where or in what jurisdiction the total loss occurred.

Sec. 29. Section 46.12.140, chapter 12, Laws of 1961 and RCW 46.12.140 are each amended to read as follows:

In the case of vehicle dealers ~~((in vehicles, including manufacturers who sell to persons other than dealers,))~~ a separate certificate of ownership, either of the dealer or of the dealer's immediate vendor properly assigned ~~((or of the dealer himself)),~~ shall be required covering each used vehicle kept in ~~((his))~~ the dealer's possession. In the case of consigned vehicles, the vehicle dealer may possess a completed consignment contract that includes a guaranteed title from the seller in lieu of the required certificate of ownership.

Sec. 30. Section 9, chapter 140, Laws of 1967 and RCW 46.12.151 are each amended to read as follows:

If the department is not satisfied as to the ownership of the vehicle or that there are no undisclosed security interests in it, the department may register the vehicle but shall either:

(1) Withhold issuance of a certificate of ownership for a period of three years or until the applicant presents documents reasonably sufficient to satisfy the department as to the applicant's ownership of the vehicle and that there are no undisclosed security interests in it; or

(2) As a condition of issuing a certificate of ownership, require the applicant to file with the department a bond for a period of three years in the form prescribed by the department and executed by the applicant ~~((or in lieu thereof a deposit of cash in like amount)).~~ The bond shall be in an amount equal to one and one-half times the value of the vehicle as determined by the department and conditioned to indemnify any prior owner and secured party and any subsequent purchaser of the vehicle or person acquiring any security interest in it, and their respective successors in interest, against any expense, loss or damage, including reasonable attorney's fees, by reason of the issuance of the certificate of ownership of the vehicle or on account of any defect in or undisclosed security interest upon the right, title and interest of the applicant in and to the vehicle. Any such interested person has a right of action to recover on the bond for any breach of its conditions, but the aggregate liability of the surety to all persons shall not exceed the amount of the bond. ~~((The bond, or any cash deposit shall be returned))~~

At the end of three years or prior thereto if the vehicle is no longer registered in this state ((and the currently valid certificate)) or when satisfactory evidence of ownership is surrendered to the department, ((unless the department has been notified of the pendency of an action to recover on)) the owner may apply to the department for a replacement certificate of ownership without reference to the bond.

Sec. 31. Section 8, chapter 140, Laws of 1967 as amended by section 1, chapter 170, Laws of 1969 ex. sess. and RCW 46.12.181 are each amended to read as follows:

If a certificate of ownership or a certificate of license registration is lost, stolen, mutilated or destroyed or becomes illegible, the first priority secured party or, if none, the owner or legal representative of the owner named in the certificate, as shown by the records of the department, shall promptly make application for and may obtain a duplicate upon tender of one dollar and upon furnishing information satisfactory to the department. The duplicate certificate of ownership or license registration shall contain the legend, "This is a duplicate certificate." It shall be mailed to the first priority secured party named in it or, if none, to the owner.

~~((The department shall not issue a new certificate of ownership to a transferee upon application made for a duplicate until fifteen department business days after receipt of the application.))~~

A person recovering an original certificate of ownership or title registration for which a duplicate has been issued shall promptly surrender the original certificate to the department.

Sec. 32. Section 2, chapter 178, Laws of 1987 and RCW 46.16.270 are each amended to read as follows:

Replacement plates issued after January 1, 1987, will be centennial plates as described in RCW 46.16.650. ~~((Revenues generated from the centennial plate shall go in part to support local and state centennial activities as provided in RCW 27.60.080. One dollar per plate of the replacement plate fee(s) will be distributed as follows: From January 1, 1987, through June 30, 1989, one-half of the fee shall be deposited in the centennial commission account, and the remainder shall be deposited in the motor vehicle fund. Commencing July 1, 1989.))~~ The total replacement plate fee including the one dollar per plate centennial plate fee shall be deposited in the motor vehicle fund.

Upon the loss, defacement, or destruction of one or both of the vehicle license number plates issued for any vehicle where more than one plate was originally issued or where one or both have become so illegible or in such a condition as to be difficult to distinguish, or upon the owner's option, the owner of the vehicle shall make application for new vehicle license number plates upon a form furnished by the director ~~((; upon which form it shall be required that the owner, if appropriate and in addition to other requirements, make a complete statement as to the cause of the loss, defacement,~~

or destruction of the original plate or plates, which statement shall be subscribed and sworn to before a notary public or other person authorized to certify to statements upon vehicle license applications. ~~Such~~). The application shall be filed with the director or the director's authorized agent, accompanied by the certificate of license registration of the vehicle and a fee in the amount of three dollars per plate, whereupon the director, or the director's authorized agent, shall issue new vehicle license number plates to the applicant. It shall be accompanied by a fee of two dollars for a new motorcycle license number plate. In the event the director has issued license period tabs or a windshield emblem instead of vehicle license number plates, and upon the loss, defacement, or destruction of the tabs or windshield emblem, application shall be made on a form provided by the director and in the same manner as above described, and shall be accompanied by a fee of one dollar for each pair of tabs or for each windshield emblem, whereupon the director shall issue to the applicant a duplicate pair of tabs, year tabs, and when necessary month tabs or a windshield emblem to replace those lost, defaced, or destroyed. For ~~((those))~~ vehicles owned, rented, or leased by the state of Washington or by any county, city, town, school district, or other political subdivision of the state of Washington or United States government, or owned or leased by the governing body of an Indian tribe as defined in RCW 46.16.020, a fee shall be charged for replacement of a vehicle license number plate only to the extent required by the provisions of RCW 46.16.020, 46.16.061, 46.16.237, and 46.01.140. For ~~((those))~~ vehicles owned, rented, or leased by foreign countries or international bodies to which the United States government is a signatory by treaty, the payment of any fee for the replacement of a vehicle license number plate shall not be required.

Sec. 33. Section 2, chapter 121, Laws of 1965 ex. sess. as last amended by section 1, chapter 88, Laws of 1988 and RCW 46.20.021 are each amended to read as follows:

(1) No person, except as expressly exempted by this chapter, may drive any motor vehicle upon a highway in this state unless the person has a valid driver's license issued under the provisions of this chapter. A violation of this subsection is a misdemeanor and is a lesser included offense within the offenses described in RCW 46.20.342(1), ~~((46.20.416;))~~ 46.20.420, and 46.65.090.

(2) No person shall receive a driver's license unless and until he or she surrenders to the department all valid driver's licenses in his or her possession issued to him or her by any other jurisdiction. The department shall establish a procedure to invalidate the surrendered photograph license and return it to the person. The invalidated license, along with the valid temporary Washington driver's license provided for in RCW 46.20.055(3), shall be accepted as proper identification. The department shall notify the issuing

department that the licensee is now licensed in a new jurisdiction. No person shall be permitted to have more than one valid driver's license at any time.

(3) Any person licensed as a driver under this chapter may exercise the privilege thereby granted upon all streets and highways in this state and shall not be required to obtain any other license to exercise such privilege by any county, municipal or local board, or body having authority to adopt local police regulations.

Sec. 34. Section 10, chapter 260, Laws of 1981 as last amended by section 1, chapter 17, Laws of 1986 and RCW 46.20.055 are each amended to read as follows:

(1) Any person who is at least fifteen and a half years of age may apply to the department for an instruction permit for the operation of any motor vehicle except a motorcycle. Any person (~~who is at least~~) sixteen years of age or older, holding a valid driver's license, may apply for an instruction permit for the operation of a motorcycle. The department may in its discretion, after the applicant has successfully passed all parts of the examination other than the driving test, issue to the applicant a driver's or motorcyclist's instruction permit.

(a) A driver's instruction permit entitles the permittee while having the permit in immediate possession to drive a motor vehicle upon the public highways for a period of one year when accompanied by a licensed driver who has had at least five years of driving experience and is occupying a seat beside the driver. Except as provided in subsection (c) of this subsection, only one additional permit, valid for one year, may be issued.

(b) A motorcyclist's instruction permit entitles the permittee while having the permit in immediate possession to drive a motorcycle upon the public highways for a period of ninety days as provided in RCW 46.20.510(3). Except as provided in subsection (c) of this subsection, only one additional permit, valid for ninety days, may be issued.

(c) The department after investigation may issue a third driver's or motorcyclist's instruction permit when it finds that the permittee is diligently seeking to improve driving proficiency.

(2) The department may waive the examination, except as to eyesight and other potential physical restrictions, for any applicant who is enrolled in either a traffic safety education course as defined by RCW (~~46.81.010(2))~~ 28A.08.010(2) or a course of instruction offered by a licensed driver training school as defined by RCW 46.82.280(1) at the time the application is being considered by the department. The department may require proof of registration in such a course as it deems necessary.

(3) The department upon receiving proper application may in its discretion issue a driver's instruction permit (~~effective for a school semester or other restricted period~~) to an applicant who is at least fifteen years of age and is enrolled in a traffic safety education program which includes practice

driving and which is approved and accredited by the superintendent of public instruction. Such instruction permit shall entitle the permittee having the permit in immediate possession to drive a motor vehicle only when an approved instructor or other licensed driver with at least five years of driving experience, is occupying a seat beside the permittee.

(4) The department may in its discretion issue a temporary driver's permit to an applicant for a driver's license permitting the applicant to drive a motor vehicle for a period not to exceed sixty days while the department is completing its investigation and determination of all facts relative to such applicant's right to receive a driver's license. Such permit must be in the permittee's immediate possession while driving a motor vehicle, and it shall be invalid when the permittee's license has been issued or for good cause has been refused.

Sec. 35. Section 8, chapter 121, Laws of 1965 ex. sess. as last amended by section 2, chapter 1, Laws of 1985 ex. sess. and RCW 46.20.091 are each amended to read as follows:

(1) Every application for an instruction permit or for an original driver's license shall be made upon a form prescribed and furnished by the department which shall be sworn to and signed by the applicant before a person authorized to administer oaths. Every application for an instruction permit containing a photograph shall be accompanied by a fee of five dollars. The department shall forthwith transmit the fees collected for instruction permits and temporary drivers' permits to the state treasurer.

(2) Every such application shall state the full name, date of birth, sex, and Washington residence address of the applicant, and briefly describe the applicant, and shall state whether the applicant has theretofore been licensed as a driver or chauffeur, and, if so, when and by what state or country, and whether any such license has ever been suspended or revoked, or whether an application has ever been refused, and, if so, the date of and reason for such suspension, revocation, or refusal, and shall state such additional information as the department shall require.

(3) Whenever application is received from a person previously licensed in another jurisdiction, the department shall request a copy of such driver's record from such other jurisdiction. When received, the driving record shall become a part of the driver's record in this state.

(4) Whenever the department receives request for a driving record from another licensing jurisdiction, the record shall be forwarded without charge if the other licensing jurisdiction extends the same privilege to the state of Washington. Otherwise there shall be a reasonable charge for transmittal of the record, the amount to be fixed by the director of the department.

Sec. 36. Section 46.20.100, chapter 12, Laws of 1961 as last amended by section 2, chapter 234, Laws of 1985 and RCW 46.20.100 are each amended to read as follows:

The department of licensing shall not consider an application of any minor under the age of eighteen years for a driver's license or the issuance of a motorcycle endorsement for a particular category unless:

(1) The application is also signed by ~~((the father or mother of the applicant, otherwise by the))~~ a parent or guardian having the custody of such minor, or in the event a minor under the age of eighteen has no father, mother, or guardian, then a driver's license shall not be issued to the minor unless his or her application is also signed by the minor's employer; and

(2) The applicant has satisfactorily completed a traffic safety education course as defined in RCW ~~((46.81.010))~~ 28A.08.010, conducted by a recognized secondary school, that meets the standards established by the office of the state superintendent of public instruction or the applicant has satisfactorily completed a traffic safety education course, conducted by a commercial driving instruction enterprise, that meets the standards established by the office of the superintendent of public instruction and is officially approved by that office on an annual basis: PROVIDED, HOWEVER, That the director may upon a showing that an applicant was unable to take or complete a driver education course waive that requirement if the applicant shows to the satisfaction of the department that a need exists for the applicant to operate a motor vehicle and he or she has the ability to operate a motor vehicle in such a manner as not to jeopardize the safety of persons or property, under rules to be promulgated by the department in concert with the supervisor of the traffic safety education section, office of the superintendent of public instruction. For a person under the age of eighteen years to obtain a motorcycle endorsement, he or she must successfully complete a motorcycle safety education course that meets the standards established by the department of licensing.

The department may waive any education requirement under this subsection for an applicant previously licensed to drive a motor vehicle or motorcycle outside this state if the applicant provides proof satisfactory to the department that he or she has had education equivalent to that required under this subsection.

Sec. 37. Section 5, chapter 155, Laws of 1969 ex. sess. as last amended by section 1, chapter 22, Laws of 1981 and RCW 46.20.118 are each amended to read as follows:

The department shall maintain a negative file. It shall contain negatives of all pictures taken by the department of licensing as authorized by RCW ~~((46.20.115))~~ 46.20.070 through 46.20.119. ~~((The negative file shall become a part of the driver record file maintained by the department.))~~ Negatives in the file shall not be available for public inspection and copying under chapter 42.17 RCW. The department may make the file available to official governmental enforcement agencies to assist in the investigation by the agencies of suspected criminal activity. The department may also provide a print to the driver's next of kin in the event the driver is deceased.

Sec. 38. Section 6, chapter 155, Laws of 1969 ex. sess. and RCW 46.20.119 are each amended to read as follows:

The rules and regulations adopted pursuant to RCW (~~(46.20.115)~~) 46.20.070 through 46.20.119 shall be reasonable in view of the purposes to be served by RCW (~~(46.20.115)~~) 46.20.070 through 46.20.119.

Sec. 39. Section 46.20.130, chapter 12, Laws of 1961 as last amended by section 4, chapter 245, Laws of 1981 and RCW 46.20.130 are each amended to read as follows:

The director shall prescribe the content of the driver licensing examination and the manner of conducting the examination, which shall include but is not limited to:

(1) A test of the applicant's eyesight and (~~(his)~~) ability to see, understand, and follow highway signs regulating, warning, and directing traffic;

(2) A test of the applicant's knowledge of traffic laws and (~~(his)~~) ability to understand and follow the directives of lawful authority, (~~((given in the English language,))~~) orally or graphically, that regulate, warn, and direct traffic in accordance with the traffic laws of this state;

(3) An actual demonstration of (~~(his)~~) the applicant's ability to operate a motor vehicle in such a manner as not to jeopardize the safety of persons or property; and

(4) Such further examination as the director deems necessary (a) to determine whether any facts exist which would bar the issuance of a vehicle operator's license under chapters 46.20, 46.21, and 46.29 RCW, and (b) to determine the applicant's fitness to operate a motor vehicle safely on the highways; and

(5) In addition to the foregoing, when the applicant desires to drive a motorcycle, as defined in RCW 46.04.330, or a motor-driven cycle, as defined in RCW 46.04.332, the applicant shall also demonstrate (~~(his)~~) the ability to operate such motorcycle or motor-driven cycle in such a manner as not to jeopardize the safety of persons or property.

Sec. 40. Section 11, chapter 121, Laws of 1965 ex. sess. as last amended by section 1, chapter 245, Laws of 1981 and RCW 46.20.161 are each amended to read as follows:

The department, upon receipt of a fee of fourteen dollars, which includes the fee for the required photograph, shall issue to every applicant qualifying therefor a driver's license, which license shall bear thereon a distinguishing number assigned to the licensee, the full name, date of birth, Washington residence address, and a brief description of the licensee, and either a facsimile of the signature of the licensee or a space upon which the licensee shall write his usual signature with pen and ink immediately upon receipt of the license. No license (~~(shall be)~~) is valid until it has been so signed by the licensee.

Sec. 41. Section 17, chapter 121, Laws of 1965 ex. sess. as last amended by section 2, chapter 245, Laws of 1981 and RCW 46.20.181 are each amended to read as follows:

Every driver's license ((~~shall~~)) expires on the fourth anniversary of the licensee's birthdate following the issuance of ((~~such~~)) the license((~~PROVIDED, That during the period July 1, 1981, through and including June 30, 1983, the department shall implement a system of staggering the renewal periods of currently licensed drivers so as to make approximately one-half of such renewals for a two-year period and the other one-half for a four-year period~~)). Every such license ((~~shall be~~)) is renewable on or before its expiration upon application prescribed by the department and the payment of a fee of fourteen dollars((~~or of seven dollars in the case of those being renewed for only two years. These fees~~)). This fee includes the fee for the required photograph.

Sec. 42. Section 46.20.270, chapter 12, Laws of 1961 as last amended by section 5, chapter 14, Laws of 1982 1st ex. sess. and RCW 46.20.270 are each amended to read as follows:

(1) Whenever any person is convicted of any offense for which this title makes mandatory the suspension or revocation of the driver's license of such person by the department, the privilege of the person to operate a vehicle is suspended until the department takes the action required by this chapter, and the court in which such conviction is had shall forthwith secure the immediate forfeiture of the driver's license of such convicted person and immediately forward such driver's license to the department, and on failure of such convicted person to deliver such driver's license the judge shall cause such person to be confined for the period of such suspension or revocation or until such driver's license is delivered to such judge: PROVIDED, That if the convicted person testifies that he or she does not and at the time of the offense did not have a current and valid vehicle driver's license, the judge shall cause such person to be charged with the operation of a motor vehicle without a current and valid driver's license and on conviction punished as by law provided, and the department may not issue a driver's license to such persons during the period of suspension or revocation: PROVIDED, ALSO, That if the driver's license of such convicted person has been lost or destroyed and such convicted person makes an affidavit to that effect, sworn to before the judge, the convicted person may not be so confined, but the department may not issue or reissue a driver's license for such convicted person during the period of such suspension or revocation: PROVIDED, That perfection of notice of appeal shall stay the execution of sentence including the suspension and/or revocation of the driver's license.

(2) Every court having jurisdiction over offenses committed under this chapter, or any other act of this state or municipal ordinance adopted by a local authority regulating the operation of motor vehicles on highways, or any federal authority having jurisdiction over offenses substantially the

same as those set forth in Title 46 RCW which occur on federal installations within this state, shall forward to the department within ten days of a forfeiture of bail or collateral deposited to secure the defendant's appearance in court, a payment of a fine or penalty, a plea of guilty or a finding of guilt, or a finding that any person has committed a traffic infraction an abstract of the court record in the form prescribed by rule of the supreme court, showing the conviction of any person or the finding that any person has committed a traffic infraction in said court for a violation of any said laws other than regulations governing standing, stopping, parking, and pedestrian offenses.

(3) Every municipality having jurisdiction over offenses committed under this chapter, or any other act of this state or municipal ordinance adopted by a local authority regulating the operation of motor vehicles on highways, may forward to the department within ten days of failure to respond, failure to pay a penalty, failure to appear at a hearing to contest the determination that a violation of any statute, ordinance, or regulation relating to standing, stopping, or parking, or failure to appear at a hearing to explain mitigating circumstances, an abstract of the citation record in the form prescribed by rule of the department, showing the finding by such municipality that three or more violations of laws governing standing, stopping, and parking have been committed and indicating the nature of the defendant's failure to act. Such violations may not have occurred while the vehicle is stolen from the registered owner or is leased or rented under a bona fide commercial vehicle lease or rental agreement between a lessor engaged in the business of leasing vehicles and a lessee who is not the vehicle's registered owner. The department may enter into agreements of reciprocity with the duly authorized representatives of the states for reporting to each other violations of laws governing standing, stopping, and parking.

(4) For the purposes of Title 46 RCW the term "conviction" means a final conviction in a state or municipal court or by any federal authority having jurisdiction over offenses substantially the same as those set forth in Title 46 RCW which occur on federal installations in this state, an unvacated forfeiture of bail or collateral deposited to secure a defendant's appearance in court, the payment of a fine, a plea of guilty, or a finding of guilt on a traffic law violation charge, regardless of whether the imposition of sentence ((is)) or sanctions are deferred or the penalty is suspended, but not including entry into a deferred prosecution agreement under chapter 10.05 RCW.

(5) For the purposes of Title 46 RCW the term "finding that a traffic infraction has been committed" means a failure to respond to a notice of infraction or a determination made by a court pursuant to this chapter. Payment of a monetary penalty made pursuant to RCW 46.63.070(2) is deemed equivalent to such a finding.

Sec. 43. Section 24, chapter 121, Laws of 1965 ex. sess. as last amended by section 2, chapter 407, Laws of 1985 and RCW 46.20.285 are each amended to read as follows:

The department shall forthwith revoke the license of any driver for the period of one calendar year unless otherwise provided in this section, upon receiving a record of the driver's conviction of any of the following offenses, when the conviction has become final:

- (1) For vehicular homicide the period of revocation shall be two years;
- (2) Vehicular assault;
- (3) Driving a motor vehicle while under the influence of intoxicating liquor or a narcotic drug, or under the influence of any other drug to a degree which renders ~~((him))~~ the driver incapable of safely driving a motor vehicle, upon a showing by the department's records that the conviction is the second such conviction for the driver within a period of five years. Upon a showing that the conviction is the third such conviction for the driver within a period of five years, the period of revocation shall be two years;
- (4) Any felony in the commission of which a motor vehicle is used;
- (5) Failure to stop and give information or render aid as required under the laws of this state in the event of a motor vehicle accident resulting in the death or personal injury of another or resulting in damage to a vehicle that is driven or attended by another;
- (6) Perjury or the making of a false affidavit or statement under oath to the department under Title 46 RCW or under any other law relating to the ownership or operation of motor vehicles;
- (7) Reckless driving upon a showing by the department's records that the conviction is the third such conviction for the driver within a period of two years.

Sec. 44. Section 10, chapter 167, Laws of 1967 as last amended by section 9, chapter 61, Laws of 1979 and RCW 46.20.293 are each amended to read as follows:

The department is authorized to provide juvenile courts with the department's record of traffic charges compiled under RCW 46.52.100 and ~~((13.04.278))~~ 13.50.200, against any minor upon the request of any state juvenile court or duly authorized officer of any juvenile court of this state. Further, the department is authorized to provide any juvenile court with any requested service which the department can reasonably perform which is not inconsistent with its legal authority which substantially aids juvenile courts in handling traffic cases and which promotes highway safety.

The department is authorized to furnish to the parent, parents, or guardian of any person under eighteen years of age who is not emancipated from such parent, parents, or guardian, the department records of traffic charges compiled against ~~((said))~~ the person and shall collect for ~~((said))~~ the copy a fee of ~~((one))~~ four dollars and fifty cents to be deposited in the highway safety fund.

Sec. 45. Section 9, chapter 148, Laws of 1988 and RCW 46.20.311 are each amended to read as follows:

(1) The department shall not suspend a driver's license or privilege to drive a motor vehicle on the public highways for a fixed period of more than one year, except as permitted under RCW 46.20.342 or 46.61.515. Whenever the license or driving privilege of any person is suspended by reason of a conviction, a finding that a traffic infraction has been committed, pursuant to chapter 46.29 RCW, or pursuant to RCW 46.20.291, the suspension shall remain in effect (~~((and the department shall not issue to the person any new, duplicate, or renewal license))~~) until the person (~~((pays a reinstatement fee of twenty dollars and))~~) gives and thereafter maintains proof of financial responsibility for the future as provided in chapter 46.29 RCW. The department shall not issue to the person a new, duplicate, or renewal license until the person pays a reissue fee of twenty dollars. If the suspension is the result of a violation of RCW 46.61.502 or 46.61.504, the ~~((reinstatement))~~ reissue fee shall be fifty dollars.

(2) Any person whose license or privilege to drive a motor vehicle on the public highways has been revoked, unless the revocation was for a cause which has been removed, is not entitled to have the license or privilege renewed or restored until: (a) After the expiration of one year from the date (~~((on which the revoked license was surrendered to and received by the department))~~) the license or privilege to drive was revoked; (b) after the expiration of the applicable revocation period provided by RCW 46.61.515(3) (b) or (c); (c) after the expiration of two years for persons convicted of vehicular homicide; (d) after the expiration of one year in cases of revocation for the first refusal within five years to submit to a chemical test under RCW 46.20.308; (e) after the expiration of two years in cases of revocation for the second refusal within five years to submit to a chemical test under RCW 46.20.308; or (f) after the expiration of the applicable revocation period provided by RCW 46.20.265. After the expiration of the appropriate period, the person may make application for a new license as provided by law together with a ~~((reinstatement))~~ reissue fee in the amount of twenty dollars, but if the revocation is the result of a violation of RCW 46.20.308, 46.61.502, or 46.61.504, the ~~((reinstatement))~~ reissue fee shall be fifty dollars. Except for a revocation under RCW 46.20.265, the department shall not then issue a new license unless it is satisfied after investigation of the driving ability of the person that it will be safe to grant the privilege of driving a motor vehicle on the public highways, and until the person gives and thereafter maintains proof of financial responsibility for the future as provided in chapter 46.29 RCW. For a revocation under RCW 46.20.265, the department shall not issue a new license unless it is satisfied after investigation of the driving ability of the person that it will be safe to grant that person the privilege of driving a motor vehicle on the public highways. (~~((A resident without a license or permit whose license or permit was revoked~~

~~under RCW 46.20.308(6) shall give and thereafter maintain proof of financial responsibility for the future as provided in chapter 46.29 RCW:))~~

(3) Whenever the driver's license of any person is suspended pursuant to Article IV of the nonresident violators compact or RCW 46.23.020, the ~~((suspension shall remain in effect and the))~~ department shall not issue to the person any new or renewal license until the person pays a ~~((reinstatement))~~ reissue fee of twenty dollars. If the suspension is the result of a violation of the laws of another state, province, or other jurisdiction involving (a) the operation or physical control of a motor vehicle upon the public highways while under the influence of intoxicating liquor or drugs, or (b) the refusal to submit to a chemical test of the driver's blood alcohol content, the ~~((reinstatement))~~ reissue fee shall be fifty dollars.

Sec. 46. Section 33, chapter 121, Laws of 1965 ex. sess. and RCW 46.20.326 are each amended to read as follows:

Failure to appear for a driver improvement interview at the time and place stated by the department in its notice as provided in RCW 46.20.322 and 46.20.323 or failure to request a driver improvement interview within ten days as provided in ~~((section 33 of this 1965 amendatory act shall))~~ RCW 46.20.325 constitutes a waiver of a driver improvement interview, and the department may take action without such driver improvement interview, or the department may, upon request of the person whose privilege to drive may be affected, or at its own option, re-open the case, take evidence, change or set aside any order theretofore made, or grant a driver improvement interview.

Sec. 47. Section 3, chapter 148, Laws of 1980 as last amended by section 1, chapter 388, Laws of 1987 and RCW 46.20.342 are each amended to read as follows:

(1) Any person who drives a motor vehicle on any public highway of this state while that person is in a suspended or revoked status or when his or her privilege so to do is suspended or revoked in this or any other state or when his or her policy of insurance or bond, when required under this title, has been canceled or terminated, is guilty of a gross misdemeanor, except that any person who has a valid Washington driver's license is not guilty of a violation of this section. Upon the first conviction for a violation of this section, a person shall be punished by imprisonment for not less than ten days nor more than six months. Upon the second conviction, the person shall be punished by imprisonment for not less than ninety days nor more than one year. Upon the third or subsequent such conviction, the person shall be punished by imprisonment for not less than one year. There may also be imposed in connection with each such conviction a fine of not more than five hundred dollars.

(2) Except as otherwise provided in this subsection, upon receiving a record of conviction of any person or upon receiving an order by any juvenile court or any duly authorized court officer of the conviction of any juvenile under this section upon a charge of driving a vehicle while the license or privilege of the person is under suspension, the department shall extend the period of the suspension for an additional like period and if the conviction was upon a charge of driving while a license was revoked the department shall not issue a new license or restore the driving privilege for an additional period of one year from and after the date the person would otherwise have been entitled to apply for a new license or have his or her driving privilege restored. The department shall not so extend the period of suspension or revocation if the court recommends against the extension and:

(a) The convicted person has obtained a valid driver's license; or

(b) The department determines that the convicted person has demonstrated proof of future financial responsibility as provided for in chapter 46.29 RCW, and, if the suspension or revocation was the result of a violation of RCW 46.61.502 or 46.61.504, that the person is making satisfactory progress in any required alcoholism treatment program.

**Sec. 48. Section 1, chapter 5, Laws of 1973 as last amended by section 5, chapter 407, Laws of 1985 and RCW 46.20.391 are each amended to read as follows:*

(1) Any person licensed under this chapter (~~who is convicted of an offense relating to motor vehicles for which suspension or revocation of the driver's license is mandatory~~) or any nonresident granted the privilege of driving a motor vehicle on the highways of this state, whose driver's license or driving privilege has been suspended or revoked, other than for vehicular homicide ((or), vehicular assault, or for a physical or mental disability that would affect that person's ability to operate a motor vehicle with safety upon the highways, may submit to the department an application for an occupational driver's license. The department, upon receipt of the prescribed fee and upon determining that the petitioner is engaged in an occupation or trade that makes it essential that the petitioner operate a motor vehicle, may issue an occupational driver's license and may set definite restrictions as provided in RCW 46.20.394. No person may ((petition)) apply for, and the department shall not issue, an occupational driver's license that is effective during the first thirty days of any suspension or revocation imposed under RCW 46.61-.515. A person aggrieved by the decision of the department on the application for an occupational driver's license may request a hearing as provided by rule of the department.

(2) An applicant for an occupational driver's license is eligible to receive such license only if:

(a) Within one year immediately preceding the present ((conviction)) suspension or revocation, the applicant has not been convicted of any offense

relating to motor vehicles for which suspension or revocation of a driver's license is mandatory; and

(b) Within five years immediately preceding the present ((conviction)) suspension or revocation, the applicant has not been convicted of driving or being in actual physical control of a motor vehicle while under the influence of intoxicating liquor under RCW 46.61.502 or 46.61.504, of vehicular homicide under RCW 46.61.520, or of vehicular assault under RCW 46.61.522; and

(c) The applicant is engaged in an occupation or trade that makes it essential that he or she operate a motor vehicle; and

(d) The applicant files satisfactory proof of financial responsibility pursuant to chapter 46.29 RCW.

(3) The director shall cancel an occupational driver's license upon receipt of notice that the holder thereof has been convicted of operating a motor vehicle in violation of its restrictions, or of an offense that pursuant to chapter 46.20 RCW would warrant suspension or revocation of a regular driver's license. The cancellation is effective as of the date of the conviction, and continues with the same force and effect as any suspension or revocation under this title.

*Sec. 48 was vetoed, see message at end of chapter.

Sec. 49. Section 6, chapter 1, Laws of 1969 and RCW 46.20.911 are each amended to read as follows:

If any provision of RCW ((46.20.092;)) 46.20.308, 46.20.311, and 46.61.506 or its application to any person or circumstance is held invalid, the remainder of RCW ((46.20.092;)) 46.20.308, 46.20.311, and 46.61.506, or the application of the provision to other persons or circumstances is not affected.

Sec. 50. Section 14, chapter 178, Laws of 1989 and RCW 46.25.120 are each amended to read as follows:

(1) A person who drives a commercial motor vehicle within this state is deemed to have given consent, subject to RCW 46.61.506, to take a test or tests of that person's blood or breath for the purpose of determining that person's alcohol concentration or the presence of other drugs.

(2) A test or tests may be administered at the direction of a law enforcement officer, who after stopping or detaining the commercial motor vehicle driver, has probable cause to believe that driver was driving a commercial motor vehicle while having alcohol in his or her system.

(3) The law enforcement officer requesting the test under subsection (1) of this section shall warn the person requested to submit to the test that a refusal to submit will result in that person being disqualified from operating a commercial motor vehicle under RCW 46.25.090.

(4) If the person refuses testing, or submits to a test that discloses an alcohol concentration of 0.04 or more, the law enforcement officer shall

submit a sworn report to the department certifying that the test was requested pursuant to subsection (1) of this section and that the person refused to submit to testing, or submitted to a test that disclosed an alcohol concentration of 0.04 or more.

(5) Upon receipt of the sworn report of a law enforcement officer under subsection (4) of this section, the department shall disqualify the driver from driving a commercial motor vehicle under RCW 46.25.090, subject to the hearing provisions of 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 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 commercial motor vehicle within this state while (~~under the influence of alcohol or any drug, whether the person was placed under arrest~~) having alcohol in the person's system, whether the person refused to submit to the test or tests upon request of the officer after having been informed that the refusal would result in the disqualification of the person from driving a commercial motor vehicle, and, if the test was administered, whether the results indicated an alcoholic concentration in that person's blood of 0.04 percent or more. The department shall order that the disqualification of the person either be rescinded or sustained. Any decision by the department disqualifying a person from driving a commercial motor vehicle is stayed and does not take effect while a formal hearing is pending under 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 the pendency of the hearing and appeal. If the disqualification of the person is sustained after the hearing, the person who is disqualified may file a petition in the superior court of the county of arrest to review the final order of disqualification by the department in the manner provided in RCW 46.20.334.

Sec. 51. Section 11, chapter 169, Laws of 1963 as last amended by section 1, chapter 378, Laws of 1987 and RCW 46.29.110 are each amended to read as follows:

~~((In the event that any))~~ If a person required to deposit security under this chapter fails to deposit such security within ~~((thirty))~~ sixty days after the department has sent the notice as hereinbefore provided, the department shall thereupon suspend:

(1) The driver's license of each driver in any manner involved in the accident;

(2) The driver's license of the owner of each vehicle of a type subject to registration under the laws of this state involved in ~~((such))~~ the accident;

(3) If the driver or owner is a nonresident, the privilege of operating within this state a vehicle of a type subject to registration under the laws of this state~~((:));~~

Such suspensions shall be made in respect to persons required by the department to deposit security who fail to deposit such security except as otherwise provided under succeeding sections of this chapter.

Sec. 52. Section 33, chapter 169, Laws of 1963 as last amended by section 3, chapter 44, Laws of 1969 ex. sess. and RCW 46.29.330 are each amended to read as follows:

The department upon receipt of the certificates provided for by RCW 46.29.310, on a form provided by the department, shall forthwith suspend the license and any nonresident's driving privilege of any person against whom such judgment was rendered, except as ((hereinafter)) otherwise provided in ((this section or in other sections of)) this chapter.

~~((When the certificates transmitted to the department under RCW 46.29.310 indicate that a default judgment has been entered against the defendant but do not indicate clearly that service of summons was on the person of the defendant, then the department shall promptly notify the defendant by first class mail addressed to the address in the department's records under RCW 46.20.205 (if a nonresident, then to the comparable record in his home state) that within twenty-five days of the mailing date, which shall be indicated on the notice, he may request a hearing on the question of the suspension of his license or nonresident driving privilege. If the defendant does not make a timely request for a hearing, then the suspension shall be forthwith executed. Should a hearing be timely requested, then the department shall convene a hearing in conformity with chapter 34.04 RCW, as now law or hereafter amended. The defendant's license or nonresident driving privilege shall not be suspended if at such hearing he overcomes the following presumptions:~~

- ~~(a) That he received actual and timely notice of the suit against him.~~
- ~~(b) That he would have received actual and timely notice had he conformed to the provisions of RCW 46.20.205.~~
- ~~(c) That he would have received actual and timely notice had he not thwarted the attempt or attempts to so notify him.))~~

Sec. 53. Section 43, chapter 169, Laws of 1963 as last amended by section 1, chapter 371, Laws of 1987 and RCW 46.29.430 are each amended to read as follows:

~~((In the event that any))~~ If a person required to give proof of financial responsibility under RCW 46.29.420 fails to give such proof within ~~((twenty))~~ sixty days after the department has sent notice as hereinbefore provided, the department shall suspend, or continue in effect any existing suspension or revocation of, the license or any nonresident's driving privilege of ~~((such))~~ the person.

Sec. 54. Section 61, chapter 169, Laws of 1963 and RCW 46.29.610 are each amended to read as follows:

(1) Any person whose license shall have been suspended under any provision of this chapter, or whose policy of insurance or bond, when required under this chapter, shall have been canceled or terminated, shall immediately return ~~((his))~~ the license to the department. ~~((If any person shall fail to return to the department the license as provided herein, the department shall forthwith direct any peace officer to secure possession thereof and to return the same to the department.))~~

(2) Any person willfully failing to return ~~((a))~~ a license as required in ~~((paragraph))~~ subsection (1) of this section ~~((shall be))~~ is guilty of a misdemeanor.

***Sec. 55. Section 4, chapter 232, Laws of 1967 as last amended by section 732, chapter 330, Laws of 1987 and by section 1, chapter 454, Laws of 1987 and RCW 46.37.530 are each reenacted and amended to read as follows:**

(1) It is unlawful:

(a) For any person to operate a motorcycle or motor-driven cycle not equipped with mirrors on the left and right sides of the motorcycle which shall be so located as to give the driver a complete view of the highway for a distance of at least two hundred feet to the rear of the motorcycle or motor-driven cycle ~~((:PROVIDED, That))~~. However, mirrors ((shall)) are not ((be)) required on any motorcycle or motor-driven cycle over twenty-five years old originally manufactured without mirrors and which has been restored to its original condition and which is being ridden to or from or otherwise in conjunction with an antique or classic motorcycle contest, show, or other such assemblage~~((:PROVIDED FURTHER, That))~~, and no mirror is required on any motorcycle manufactured prior to January 1, 1931;

(b) For any person to operate a motorcycle or motor-driven cycle which does not have a windshield unless wearing glasses, goggles, or a face shield of a type conforming to rules adopted by the state patrol;

(c) For any person under the age of eighteen years to operate or ride upon a motorcycle or motor-driven cycle on a state highway, county road, or city street unless wearing upon his or her head a protective helmet of a type conforming to rules adopted by the ~~((commission on equipment))~~ state patrol. The helmet must be equipped with either a neck or chin strap which shall be fastened securely while the motorcycle or motor-driven cycle is in motion;

(d) For any person to transport a child under the age of five on a motorcycle or motor-driven cycle;

(e) For any person to sell or offer for sale a motorcycle helmet which does not meet the requirements established by the state patrol.

(2) The state patrol ((is hereby authorized and empowered to)) may adopt and amend rules, pursuant to the Administrative Procedure Act, concerning the standards and procedures for conformance of rules adopted for glasses, goggles, face shields, and protective helmets.

*Sec. 55 was vetoed, see message at end of chapter.

Sec. 56. Section 46.56.135, chapter 12, Laws of 1961 as last amended by section 1, chapter 89, Laws of 1986 and RCW 46.61.655 are each amended to read as follows:

(1) No vehicle shall be driven or moved on any public highway unless such vehicle is so constructed or loaded as to prevent any of its load from dropping, sifting, leaking, or otherwise escaping therefrom, except that sand may be dropped for the purpose of securing traction. Any person operating a vehicle from which any glass or objects have fallen or escaped, which would constitute an obstruction or injure a vehicle or otherwise endanger travel upon such public highway shall immediately cause the public highway to be cleaned of all such glass or objects and shall pay any costs therefor.

(2) No person may operate on any public highway any vehicle with any load unless the load and such covering as required thereon ~~((be {by}))~~ by subsection (3) of this section is securely fastened to prevent the covering or load from becoming loose, detached, or in any manner a hazard to other users of the highway.

(3) Any vehicle operating on a paved public highway with a load of dirt, sand, or gravel susceptible to being dropped, spilled, leaked, or otherwise escaping therefrom shall be covered so as to prevent spillage. Covering of such loads is not required if six inches of freeboard is maintained within the bed.

(4) Any vehicle with deposits of mud, rocks, or other debris on the vehicle's body, fenders, frame, undercarriage, wheels, or tires shall be cleaned of such material before the operation of the vehicle on a paved public highway.

~~(5) The ((legislative transportation committee shall monitor the effects of subsections (2) through (4) of this section after June 11, 1986, until January 1, 1987, to determine if modifications to this section are necessary:~~

~~(6) The commission on equipment))~~ state patrol may make necessary rules to carry into effect the provisions of this section, applying such provisions to specific conditions and loads and prescribing means, methods, and practices to effectuate such provisions.

~~((7))~~ (6) Nothing in this section may be construed to prohibit a public maintenance vehicle from dropping sand on a highway to enhance traction, or sprinkling water or other substances to clean or maintain a highway.

Sec. 57. Section 2, chapter 151, Laws of 1961 and RCW 46.61.685 are each amended to read as follows:

It ~~((shall be))~~ is unlawful for any person, while operating or in charge of a vehicle, to park or willfully allow such vehicle to stand upon a public highway or in a public place with its motor running, leaving a minor child or children under the age of sixteen years unattended ~~((therein))~~ in the vehicle.

Any person violating the provisions of this section (~~(shall be)~~) is guilty of a misdemeanor. Upon a second or subsequent conviction for a violation of (~~(the provisions of)~~) this section, the (~~(court)~~) department shall (~~(, in addition to such fine or imprisonment as provided by law;)~~) revoke the operator's license of such person.

Sec. 58. Section 1, chapter 152, Laws of 1986 and RCW 46.61.688 are each amended to read as follows:

(1) For the purposes of this section, the term "motor vehicle" includes:

(a) "Buses," meaning motor vehicles with motive power, except trailers, designed to carry more than ten passengers;

(b) "Multipurpose passenger vehicles," meaning motor vehicles with motive power, except trailers, designed to carry ten persons or less that are constructed either on a truck chassis or with special features for occasional off-road operation;

(c) "Passenger cars," meaning motor vehicles with motive power, except multipurpose passenger vehicles, motorcycles, or trailers, designed for carrying ten passengers or less; and

(d) "Trucks," meaning motor vehicles with motive power, except trailers, designed primarily for the transportation of property.

(2) This section only applies to motor vehicles that meet the manual seat belt safety standards as set forth in federal motor vehicle safety standard 208. This section does not apply to a vehicle occupant for whom no safety belt is available when all designated seating positions as required by federal motor vehicle safety standard 208 are occupied.

(3) Every person sixteen years of age or older operating or riding in a motor vehicle shall wear the safety belt assembly in a properly adjusted and securely fastened manner.

(4) No person may operate a motor vehicle unless all passengers under the age of sixteen years are either wearing a safety belt assembly or are securely fastened into an approved child restraint device.

(5) (~~(During the period from June 11, 1986, to January 1, 1987, a person violating this section may be issued a written warning of the violation. After January 1, 1987;)~~) A person violating this section shall be issued a notice of traffic infraction under chapter 46.63 RCW. A finding that a person has committed a traffic infraction under this section shall be contained in the driver's abstract but shall not be available to insurance companies or employers.

(6) Failure to comply with the requirements of this section does not constitute negligence, nor may failure to wear a safety belt assembly be admissible as evidence of negligence in any civil action.

(7) Enforcement of this section by law enforcement officers may be accomplished only as a secondary action when a driver of a motor vehicle has been detained for a suspected violation of Title 46 RCW or an equivalent local ordinance or some other offense.

(8) This section does not apply to an operator or passenger who possesses written verification from a licensed physician that the operator or passenger is unable to wear a safety belt for physical or medical reasons.

(9) The ~~((commission on equipment))~~ state patrol may adopt rules exempting operators or occupants of farm vehicles, construction equipment, and vehicles that are required to make frequent stops from the requirement of wearing safety belts.

Sec. 59. Section 3, chapter 186, Laws of 1986 as amended by section 2, chapter 181, Laws of 1987, section 55, chapter 244, Laws of 1987, section 6, chapter 247, Laws of 1987, and by section 11, chapter 388, Laws of 1987 and RCW 46.63.020 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 46.16.160 relating to vehicle trip permits;~~

~~(8))~~ 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(8) relating to unauthorized acquisition of a special decal, 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 46.20.416 relating to driving while in a suspended or revoked status;~~

~~((15))~~ RCW 46.20.420 relating to the operation of a motor vehicle with a suspended or revoked license;

~~((16))~~ (15) RCW 46.20.750 relating to assisting another person to start a vehicle equipped with an ignition interlock device;

~~((17))~~ (16) Chapter 46.29 RCW relating to financial responsibility;

~~((18))~~ (17) RCW 46.44.180 relating to operation of mobile home pilot vehicles;

~~((19))~~ (18) RCW 46.48.175 relating to the transportation of dangerous articles;

~~((20))~~ (19) RCW 46.52.010 relating to duty on striking an unattended car or other property;

~~((21))~~ (20) RCW 46.52.020 relating to duty in case of injury to or death of a person or damage to an attended vehicle;

~~((22))~~ (21) RCW 46.52.090 relating to reports by repairmen, storagemen, and appraisers;

~~((23))~~ (22) RCW 46.52.100 relating to driving under the influence of liquor or drugs;

~~((24))~~ (23) 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;

~~((25))~~ (24) RCW 46.55.020 relating to engaging in the activities of a registered tow truck operator without a registration certificate;

~~((26))~~ (25) RCW 46.61.015 relating to obedience to police officers, flagmen, or fire fighters;

~~((27))~~ (26) RCW 46.61.020 relating to refusal to give information to or cooperate with an officer;

~~((28))~~ (27) RCW 46.61.022 relating to failure to stop and give identification to an officer;

~~((29))~~ (28) RCW 46.61.024 relating to attempting to elude pursuing police vehicles;

~~((30))~~ (29) RCW 46.61.500 relating to reckless driving;

~~((31))~~ (30) RCW 46.61.502 and 46.61.504 relating to persons under the influence of intoxicating liquor or drugs;

~~((32))~~ (31) RCW 46.61.520 relating to vehicular homicide by motor vehicle;

~~((33))~~ (32) RCW 46.61.522 relating to vehicular assault;

~~((34))~~ (33) RCW 46.61.525 relating to negligent driving;

~~((35))~~ (34) RCW 46.61.530 relating to racing of vehicles on highways;

~~((36))~~ (35) RCW 46.61.685 relating to leaving children in an unattended vehicle with the motor running;

~~((37))~~ (36) RCW 46.64.010 relating to unlawful cancellation of or attempt to cancel a traffic citation;

~~((38))~~ (37) RCW 46.64.020 relating to nonappearance after a written promise;

~~((39))~~ (38) RCW 46.64.048 relating to attempting, aiding, abetting, coercing, and committing crimes;

~~((40))~~ (39) Chapter 46.65 RCW relating to habitual traffic offenders;

~~((41))~~ (40) 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;

~~((42))~~ (41) Chapter 46.72 RCW relating to the transportation of passengers in for hire vehicles;

~~((43))~~ (42) Chapter 46.80 RCW relating to motor vehicle wreckers;

~~((44))~~ (43) Chapter 46.82 RCW relating to driver's training schools;

~~((45))~~ (44) 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;

~~((46))~~ (45) RCW 46.87.290 relating to operation of an unregistered or unlicensed vehicle under chapter 46.87 RCW.

Sec. 60. Section 46.56.210, chapter 12, Laws of 1961 and RCW 46.64.048 are each amended to read as follows:

Every person who commits, attempts to commit, conspires to commit, or aids or abets in the commission of any act declared by this title to be a traffic infraction or a crime, whether individually or in connection with one or more other persons or as principal, agent, or accessory, shall be guilty of such offense, and every person who falsely, fraudulently, forcefully, or willfully induces, causes, coerces, requires, permits or directs others to violate any provisions of this title is likewise guilty of such offense.

Sec. 61. Section 46.64.020, chapter 12, Laws of 1961 as last amended by section 1, chapter 38, Laws of 1988 and RCW 46.64.020 are each amended to read as follows:

(1) The legislature finds that:

(a) Traffic laws are necessary for the safe and expeditious flow of motor vehicle traffic.

(b) For traffic laws to be effective, they must be judiciously and fairly enforced. This enforcement includes the issuance of notices of infraction and citations and the assessment of fines and penalties.

(c) The adjudication of notices of infraction through a written and signed promise to respond, and of citations through a written and signed promise to appear, as provided in this title is an integral and important part of the traffic law system.

(d) Approximately twenty percent of all people issued notices of infraction and citations violate their written and signed promise to respond or

appear and obtain notices of failure to respond or appear on their driving records. Through their actions, these people are destroying the effectiveness of the traffic law system and undermining the department of licensing regulatory control of drivers' licenses.

(e) Notices of failure to respond or appear accumulated on a person's driving record shall be considered if they were issued after July 25, 1987.

(2) Any person violating his or her written and signed promise to appear in court or his or her written and signed promise to respond to a notice of traffic infraction, as provided in this title, is guilty of a misdemeanor regardless of the disposition of the charge upon which he or she was originally arrested or the disposition of the notice of infraction: PROVIDED, That a written promise to appear in court or a written promise to respond to a notice of traffic infraction may be complied with by an appearance by counsel: PROVIDED FURTHER, That a person charged under RCW 46.20.021 with driving with an expired driver's license may respond by mailing to the court within fifteen days of the violation, a copy of the person's currently valid driver's license. Any person who has been issued a notice of infraction pursuant to RCW 46.63.030(3) and who fails to respond as provided in this title is guilty of a misdemeanor regardless of the disposition of the notice of infraction.

(3) Any person who drives a motor vehicle within the state and has accumulated two or more notices of failure to appear or respond on his or her driving record maintained by the department of licensing in any five-year period as a result of noncompliance with the traffic ((infraction)) laws in any jurisdiction or court within Washington, or in any jurisdiction or court within other states which are signatories with Washington in a non-resident violator compact or reciprocal agreement under chapter 46.23 RCW, shall be guilty of failure to comply, a gross misdemeanor. A person is not subject to this subsection for failure to pay a fine for any pedestrian, bicycling, or parking offense.

Probable cause for arrest under this subsection is established by the officer obtaining, orally or in writing, information from the department of licensing that two or more notices of failure to appear or respond are on the person's driving record. For purposes of this chapter, failure to satisfy any penalties imposed under this title is considered equivalent to failure to appear or respond.

Venue for prosecution shall be in the court with jurisdiction in the area of apprehension.

Sec. 62. Section 9, chapter 284, Laws of 1971 ex. sess. as amended by section 4, chapter 62, Laws of 1979 and RCW 46.65.070 are each amended to read as follows:

No license to operate motor vehicles in Washington shall be issued to an habitual offender (1) for a period of five years from the date of the license revocation except as provided in RCW 46.65.080, and (2) until the

privilege of such person to operate a motor vehicle in this state has been restored by the department of licensing as ((hereinafter)) provided in this chapter ((provided)).

Sec. 63. Section 6, chapter 241, Laws of 1986 and RCW 46.70.029 are each amended to read as follows:

Listing dealers shall transact dealer business by obtaining a ((consignment)) listing agreement for sale, and the buyer's purchase of the mobile home shall be handled as dealer inventory. All funds from the purchaser shall be placed in a trust account until the sale is completed, except that the dealer shall pay any outstanding liens against the mobile home from these funds. Where title has been delivered to the purchaser, the listing dealer shall pay the amount due a seller within ten days after the sale of a listed mobile home. A complete account of all funds received and disbursed shall be given to the seller or consignor after the sale is completed. The sale of listed mobile homes imposes the same duty under RCW 46.12.120 on the listing dealer as any other sale.

Sec. 64. Section 6, chapter 74, Laws of 1967 ex. sess. as last amended by section 8, chapter 241, Laws of 1986 and RCW 46.70.041 are each amended to read as follows:

(1) Every application for a vehicle dealer license shall contain the following information to the extent it applies to the applicant:

(a) Proof as the department may require concerning the applicant's identity, including but not limited to his fingerprints, the honesty, truthfulness, and good reputation of the applicant for the license, or of the officers of a corporation making the application;

(b) The applicant's form and place of organization including if the applicant is a corporation, proof that the corporation is licensed to do business in this state;

(c) The qualification and business history of the applicant and any partner, officer, or director;

(d) The applicant's financial condition or history including a bank reference and whether the applicant or any partner, officer, or director has ever been adjudged bankrupt or has any unsatisfied judgment in any federal or state court;

(e) Whether the applicant has been adjudged guilty of a crime which directly relates to the business for which the license is sought and the time elapsed since the conviction is less than ten years, or has suffered any judgment within the preceding five years in any civil action involving fraud, misrepresentation, or conversion and in the case of a corporation or partnership, all directors, officers, or partners;

(f) A business telephone with a listing in the local directory;

(g) The name or names of new vehicles the vehicle dealer wishes to sell;

(h) The names and addresses of each manufacturer from whom the applicant has received a franchise;

(i) Whether the applicant intends to sell used vehicles, and if so, whether he has space available for servicing and repairs;

(j) A certificate by ~~((the chief of police or his deputy, or a member of the Washington state patrol or))~~ a representative of the department, that the applicant's principal place of business and each subagency business location in the state of Washington meets the location requirements as required by this chapter. The certificate shall include proof of the applicant's ownership or lease of the real property where the applicant's principal place of business is established~~((In no event may the certificate be issued by a member of the Washington state patrol if the dealership is located in a city which has a population in excess of five thousand persons))~~;

(k) A copy of a current service agreement with a manufacturer, or distributor for a foreign manufacturer, requiring the applicant, upon demand of any customer receiving a new vehicle warranty to perform or arrange for, within a reasonable distance of his established place of business, the service repair and replacement work required of the manufacturer or distributor by such vehicle warranty. This requirement applies only to applicants seeking to sell, to exchange, to offer, to auction, to solicit, or to advertise new or current-model vehicles with factory or distributor warranties;

(l) The class of vehicles the vehicle dealer will be buying, selling, listing, exchanging, offering, brokering, leasing with an option to purchase, auctioning, soliciting, or advertising, and which classification or classifications the dealer wishes to be designated as;

(m) Any other information the department may reasonably require.

(2) If the applicant is a manufacturer the application shall contain the following information to the extent it is applicable to the applicant:

(a) The name and address of the principal place of business of the applicant and, if different, the name and address of the Washington state representative of the applicant;

(b) The name or names under which the applicant will do business in the state of Washington;

(c) Evidence that the applicant is authorized to do business in the state of Washington;

(d) The name or names of the vehicles that the licensee manufactures;

(e) The name or names and address or addresses of each and every distributor, factory branch, and factory representative;

(f) The name or names and address or addresses of resident employees or agents to provide service or repairs to vehicles located in the state of Washington only under the terms of any warranty attached to new or unused vehicles manufactured, unless such manufacturer requires warranty service to be performed by all of its dealers pursuant to a current service agreement on file with the department;

(g) Any other information the department may reasonably require.

Sec. 65. Section 13, chapter 74, Laws of 1967 ex. sess. as last amended by section 10, chapter 241, Laws of 1986 and RCW 46.70.061 are each amended to read as follows:

(1) The annual fees for original licenses issued for twelve consecutive months from the date of issuance under this chapter shall be:

(a) Vehicle dealers, principal place of business for each and every license classification: Five hundred dollars;

(b) Vehicle dealers, each subagency: Fifty dollars; temporary subagency: Twenty-five dollars;

(c) Vehicle manufacturers: Five hundred dollars.

(2) The annual fee for renewal of any license issued pursuant to this chapter shall be:

(a) Vehicle dealers, principal place of business for each and every license classification: Two hundred fifty dollars;

(b) Vehicle dealer, each and every subagency: Twenty-five dollars;

(c) Vehicle manufacturers: Two hundred fifty dollars.

If any licensee fails or neglects to apply for such renewal within thirty days after the expiration of the license, or assigned renewal date under a staggered licensing system, the license shall be declared canceled by the director, in which case the licensee will be required to apply for an original license and pay the fee required for the original license.

(3) The fee for the transfer to another location of any license classification issued pursuant to this chapter shall be twenty-five dollars.

(4) The fee for vehicle dealer license plates and manufacturer license plates shall be the amount required by law for vehicle license plates exclusive of excise tax, except those specified in RCW 82.44.030, and gross weight and tonnage fees.

(5) All fees collected under this chapter shall be deposited in the state treasury and credited to the motor vehicle fund.

(6) The fees prescribed in this section are in addition to any excise taxes imposed by chapter 82.44 RCW.

Sec. 66. Section 10, chapter 74, Laws of 1967 ex. sess. as last amended by section 12, chapter 241, Laws of 1986 and RCW 46.70.083 are each amended to read as follows:

The license of a vehicle dealer or a vehicle manufacturer expires on the date ~~((assigned by the director, and))~~ that is twelve consecutive months from the date of issuance. The license may be renewed by filing with the department prior to the expiration ~~((thereof-an))~~ of the license, a renewal application containing such information as the department may require to indicate any material change in the information contained in the original application.

~~((Before renewal,))~~ The dealer's established place of business shall be certified by a representative of the department ~~((, the chief of police or his~~

~~deputy, or a member of the Washington state patrol)) at least once every thirty-two months, or more frequently as determined necessary by the department. The certification ((~~staff~~)) will verify compliance with the requirements of this chapter for an established place of business. Failure by the dealer to comply at any time is grounds for license suspension or revocation, denial of the renewal application, or monetary assessment.~~

Sec. 67. Section 2, chapter 109, Laws of 1985 and RCW 46.70.085 are each amended to read as follows:

Notwithstanding any provision of law to the contrary, the director may extend or diminish licensing periods of dealers(~~(;)~~) and manufacturers(~~(; and salespersons)~~) for the purpose of staggering renewal periods. The extension or diminishment shall be by rule of the department adopted in accordance with chapter 34.05 RCW.

Sec. 68. Section 46.76.040, chapter 12, Laws of 1961 and RCW 46.76.040 are each amended to read as follows:

The fee for an original transporter's license ~~((~~shall be~~))~~ is twenty-five dollars. Transporter license number plates bearing an appropriate symbol and serial number shall be attached to all vehicles being delivered in the conduct of the business licensed under ~~((~~the provisions hereof. Such~~))~~ this chapter. The plates may be obtained for a fee of two dollars for each set. ~~((~~New plates must be procured with each annual renewal.~~))~~

Sec. 69. Section 1, chapter 110, Laws of 1971 ex. sess. as last amended by section 2, chapter 142, Laws of 1983 and RCW 46.79.010 are each amended to read as follows:

The definitions set forth in this section apply throughout this chapter unless the context indicates otherwise.

(1) ~~((~~"Abandoned vehicle"~~ means any vehicle left within the limits of any highway or upon the property of another without the consent of the owner of such property for a period of twenty-four hours or longer, except that a vehicle shall not be considered abandoned if its owner or operator is unable to remove it from the place where it is located and so notifies law enforcement officials and requests assistance.~~))

(2) ~~((~~"Abandoned automobile hulk"~~ means the abandoned remnant, major component part, or remains of a motor vehicle which is inoperative and cannot be made mechanically operative without the addition of parts or mechanisms and the application of a substantial amount of labor to effect repairs.~~))

(3) "Junk vehicle" means a motor vehicle certified under RCW 46.55.230 as meeting all the following requirements:

- (a) Is three years old or older;
- (b) Is extensively damaged, such damage including but not limited to any of the following: A broken window or windshield or missing wheels, tires, motor, or transmission;

(c) Is apparently inoperable;

(d) Is without a valid, current registration plate;

(e) Has a fair market value equal only to the value of the scrap in it.

(2) "Scrap processor" means a licensed establishment that maintains a hydraulic baler and shears, or a shredder for recycling salvage.

~~((4))~~ (3) "Demolish" means to destroy completely by use of a hydraulic baler and shears, or a shredder.

~~((5))~~ (4) "Hulk hauler" means any person who deals in vehicles for the sole purpose of transporting and/or selling them to a licensed motor vehicle wrecker or scrap processor in substantially the same form in which they are obtained. A hulk hauler may not sell second-hand motor vehicle parts to anyone other than a licensed vehicle wrecker or scrap processor, except for those parts specifically enumerated in RCW 46.79.020(2), as now or hereafter amended, which may be sold to a licensed motor vehicle wrecker or disposed of at a public facility for waste disposal.

~~((6))~~ (5) "Director" means the director of licensing.

~~((7))~~ (6) "Major component parts" include engines and short blocks, frames, transmissions or transfer cases, cabs, doors, front or rear differentials, front or rear clips, quarter panels or fenders, bumpers, truck beds or boxes, seats, and hoods.

Sec. 70. Section 2, chapter 110, Laws of 1971 ex. sess. as last amended by section 1, chapter 62, Laws of 1987 and RCW 46.79.020 are each amended to read as follows:

Any hulk hauler or scrap processor licensed under the provisions of this chapter may:

(1) Notwithstanding any other provision of law, transport any flattened or junk ~~((abandoned))~~ vehicle ~~((hulk))~~ whether such ~~((hulk))~~ vehicle is from in state or out of state, to a scrap processor upon obtaining the certificate of title or release of interest from the owner or an affidavit of sale from the landowner who has complied with RCW 46.55.230. The scrap processor shall forward such document(s) to the department, together with a monthly report of all vehicles acquired from other than a licensed automobile wrecker, and no further identification shall be necessary.

(2) Prepare vehicles and vehicle salvage for transportation and delivery to a scrap processor or vehicle wrecker only by removing the following vehicle parts:

- (a) Gas tanks;
- (b) Vehicle seats containing springs;
- (c) Tires;
- (d) Wheels;
- (e) Scrap batteries;
- (f) Scrap radiators.

Such parts may not be removed if they will be accepted by a scrap processor or wrecker. Such parts may be removed only at a properly zoned

location, and all preparation activity, vehicles, and vehicle parts shall be obscured from public view. Storage is limited to two vehicles or the parts thereof which are authorized by this subsection, and any such storage may take place only at a properly zoned location. Any vehicle parts removed under the authority of this subsection shall be lawfully disposed of at or through a public facility or service for waste disposal or by sale to a licensed motor vehicle wrecker.

Sec. 71. Section 7, chapter 110, Laws of 1971 ex. sess. as amended by section 5, chapter 142, Laws of 1983 and RCW 46.79.070 are each amended to read as follows:

The director may by order pursuant to the provisions of chapter 34.05 RCW, deny, suspend, or revoke the license of any hulk hauler or scrap processor or, in lieu thereof or in addition thereto, may by order assess monetary penalties of a civil nature not to exceed five hundred dollars per violation, whenever the director finds that the applicant or licensee:

(1) Removed a vehicle or vehicle major component part from property without obtaining both the written permission of the property owner and documentation approved by the department for acquiring vehicles, (~~abandoned vehicle hulks~~) junk vehicles, or major component parts thereof;

(2) Acquired, disposed of, or possessed a vehicle or major component part thereof when he or she knew that such vehicle or part had been stolen or appropriated without the consent of the owner;

(3) Sold, bought, received, concealed, had in his or her possession, or disposed of a vehicle or major component part thereof having a missing, defaced, altered, or covered manufacturer's identification number, unless approved by a law enforcement officer;

(4) Committed forgery or made any material misrepresentation on any document relating to the acquisition, disposition, registration, titling, or licensing of a vehicle pursuant to Title 46 RCW;

(5) Committed any dishonest act or omission which has caused loss or serious inconvenience as a result of the acquisition or disposition of a vehicle or any major component part thereof;

(6) Failed to comply with any of the provisions of this chapter or other applicable law relating to registration and certificates of title of vehicles and any other document releasing any interest in a vehicle;

(7) Been authorized to remove a particular vehicle or vehicles and failed to take all remnants and debris from those vehicles from that area unless requested not to do so by the person authorizing the removal;

(8) Removed parts from a vehicle at other than an approved location or removed or sold parts or vehicles beyond the scope authorized by this chapter or any rule adopted hereunder;

(9) Been adjudged guilty of a crime which directly relates to the business of a hulk hauler or scrap processor and the time elapsed since the adjudication is less than five years. For the purposes of this section adjudged

guilty means, in addition to a final conviction in either a federal, state, or municipal court, an unvacated forfeiture of bail or collateral deposited to secure a defendant's appearance in court, the payment of a fine, a plea of guilty, or a finding of guilt regardless of whether the imposition of sentence is deferred or the penalty is suspended; or

(10) Been the holder of a license issued pursuant to this chapter which was revoked for cause and never reissued by the department, or which license was suspended for cause and the terms of the suspension have not been fulfilled, or which license was assessed a civil penalty and the assessed amount has not been paid.

Sec. 72. Section 46.80.030, chapter 12, Laws of 1961 as last amended by section 193, chapter 158, Laws of 1979 and RCW 46.80.030 are each amended to read as follows:

Application for a motor vehicle wrecker's license or renewal of a vehicle wrecker's license shall be made on a form for this purpose, furnished by the department of licensing, and shall be signed by the motor vehicle wrecker or his authorized agent and shall include the following information:

(1) Name and address of the person, firm, partnership, association or corporation under which name the business is to be conducted;

(2) Names and residence address of all persons having an interest in the business or, if the owner is a corporation, the names and addresses of the officers thereof;

(3) Certificate of approval of the chief of police of any city or town having a population of over five thousand persons and in all other instances a member of the Washington state patrol certifying that:

(a) The applicant has an established place of business at the address shown on the application, and;

(b) In the case of a renewal of a vehicle wrecker's license, the applicant ~~((has been complying with the provisions of))~~ is in compliance with this chapter ~~((, as now or hereafter amended;))~~ and the provisions of Title 46 RCW, relating to registration and certificates of title: PROVIDED, That the above certifications in any instance can be made by an authorized representative of the department of licensing;

(4) Any other information that the department may require.

Sec. 73. Section 14, chapter 51, Laws of 1979 ex. sess. and RCW 46.82.410 are each amended to read as follows:

All moneys collected from driver training school licenses and instructor licenses shall be deposited in the ~~((general))~~ highway safety fund.

NEW SECTION. Sec. 74. A new section is added to chapter 46.87 RCW to read as follows:

Owners of rental trailers and semitrailers over six thousand pounds gross vehicle weight, and converter gears used solely in pool fleets shall fully register a portion of the pool fleet in this state. To determine the percentage

of total fleet vehicles that must be registered in this state, divide the gross revenue received in the preceding year for the use of the rental vehicles arising from rental transactions occurring in this state by the total revenue received in the preceding year for the use of the rental vehicles arising from rental transactions in all jurisdictions in which the vehicles are operated. Apply the resulting percentage to the total number of vehicles that shall be registered in this state. Vehicles registered in this state shall be representative of the vehicles in the fleet according to age, size, and value.

Sec. 75. Section 17, chapter 244, Laws of 1987 and RCW 46.87.025 are each amended to read as follows:

All vehicles being added to an existing Washington-based fleet or those vehicles that make up a new Washington-based fleet shall be titled in the name of the ((fleet)) owner at time of registration, or evidence of filing application for title for such vehicles in the name of the owner shall accompany the application for proportional registration.

*Sec. 76. Section 25, chapter 244, Laws of 1987 and RCW 46.87.120 are each amended to read as follows:

(1) The initial application for proportional registration of a fleet shall state the mileage data with respect to the fleet for the preceding year in this and other jurisdictions. If no operations were conducted with the fleet during the preceding year, the application shall contain a full statement of the proposed method of operation and estimates of annual mileage in each of the jurisdictions in which operation is contemplated. The registrant shall determine the in-jurisdiction and total miles to be used in computing the fees and taxes due for the fleet. The department may evaluate and adjust the estimate in the application if it is not satisfied as to its correctness.

(2) When the nonmotor vehicles of a fleet are operated in jurisdictions in addition to those in which the motor vehicles of the fleet are operated, or when the nonmotor vehicles of a fleet are operated with motor vehicles that are not part of the fleet, the registrant shall place such nonmotor vehicles in a separate fleet.

(3) In instances where the use of mileage accumulated by a nonmotor vehicle fleet is impractical, for the purpose of calculating prorate percentages, the registrant may request another method or unit of measure, or both, to be used in determining the prorate percentages. Upon receiving the request, the department may prescribe another method or unit of measure, or both, to be used in lieu of mileage that will ensure each jurisdiction that requires the registration of nonmotor vehicles its fair share of vehicle licensing fees and taxes.

(4) When operations of a Washington-based fleet is materially changed through merger, acquisition, or extended authority, the registrant shall notify the department, which shall then require the filing of an amended application setting forth the proposed operation by use of estimated mileage for all jurisdictions. The department may adjust the estimated mileage by audit or

otherwise to an actual travel basis to insure proper fee payment. The actual travel basis may be used for determination of fee payments until such time as a normal mileage year is available under the new operation. Under the provisions of the Western Compact, this subsection applies to any fleet proportionally registered in Washington irrespective of the fleet's base jurisdiction.

*Sec. 76 was vetoed, see message at end of chapter.

Sec. 77. Section 40, chapter 244, Laws of 1987 and RCW 46.87.270 are each amended to read as follows:

Every Washington-based motor vehicle registered under this chapter shall have the maximum gross weight or maximum combined gross weight for which the vehicle is licensed in this state, painted or stenciled in letters or numbers of contrasting color not less than two inches in height in a conspicuous place on the right and left sides of the vehicle. It is unlawful for the owner or operator of any motor vehicle to display a maximum gross weight or maximum combined gross weight other than that shown on the current cab card of the vehicle.

Sec. 78. Section 1, chapter 19, Laws of 1985 as last amended by section 1, chapter 24, Laws of 1988 and RCW 46.90.300 are each amended to read as follows:

The following sections of the Revised Code of Washington as now or hereafter amended are hereby adopted by reference as a part of this chapter in all respects as though such sections were set forth herein in full: RCW 46.12.070, 46.12.080, 46.12.101, 46.12.102, 46.12.260, 46.12.300, 46.12.310, 46.12.320, 46.12.330, 46.12.340, 46.12.350, 46.12.380, 46.16.010, 46.16.011, 46.16.025, 46.16.028, 46.16.030, 46.16.088, 46.16.135, 46.16.140, 46.16.145, 46.16.170, 46.16.180, 46.16.240, 46.16.260, 46.16.290, 46.16.381, 46.16.390, 46.16.500, 46.16.505, 46.16.710, 46.20.021, 46.20.022, 46.20.025, 46.20.027, 46.20.031, 46.20.041, 46.20.045, 46.20.190, 46.20.220, 46.20.308, 46.20.336, 46.20.342, 46.20.343, 46.20.344, 46.20.391, 46.20.394, 46.20.410, ((46.20.416,)) 46.20.420, 46.20.430, 46.20.435, 46.20.440, 46.20.500, 46.20.510, 46.20.550, ((46.20.599,)) 46.20.750, 46.29.605, 46.29.625, 46.32.060, 46.32.070, 46.37.010, 46.37.020, 46.37.030, 46.37.040, 46.37.050, 46.37.060, 46.37.070, 46.37.080, 46.37.090, 46.37.100, 46.37.110, 46.37.120, 46.37.130, 46.37.140, 46.37.150, 46.37.160, 46.37.170, 46.37.180, 46.37.184, 46.37.185, 46.37.186, 46.37.187, 46.37.188, 46.37.190, 46.37.196, 46.37.200, 46.37.210, 46.37.215, 46.37.220, 46.37.230, 46.37.240, 46.37.260, 46.37.270, 46.37.280, 46.37.290, 46.37.300, 46.37.310, 46.37.340, 46.37.351, 46.37.360, 46.37.365, 46.37.369, 46.37.375, 46.37.380, 46.37.390, 46.37.400, 46.37.410, 46.37.420, 46.37.425, 46.37.430, 46.37.440, 46.37.450, 46.37.460, 46.37.465, 46.37.467, 46.37.480, 46.37.490, 46.37.500, 46.37.510, 46.37.513, 46.37.517, 46.37.520, 46.37.522, 46.37.523, 46.37.524, 46.37.525, 46.37.527, 46.37.528, 46.37.529, 46.37.530, 46.37.535, 46.37.537, 46.37.539, 46.37.540, 46.37.550, 46.37.560, 46.37.570, 46.37.590, 46.37.600, 46.37.610, 46.44.010, 46.44.020, 46.44.030, 46.44.034,

46.44.036, 46.44.037, 46.44.041, 46.44.042, 46.44.047, 46.44.050, 46.44-.060, 46.44.070, 46.44.090, 46.44.091, 46.44.092, 46.44.093, 46.44.095, 46-.44.096, 46.44.100, 46.44.120, 46.44.130, 46.44.140, 46.44.170, 46.44.173, 46.44.175, 46.44.180, 46.48.170, 46.52.010, 46.52.020, 46.52.030, 46.52-.040, 46.52.070, 46.52.080, 46.52.088, 46.52.090, 46.52.100, 46.65.090, 46-.79.120, and 46.80.010.

Sec. 79. Section 82.36.010, chapter 15, Laws of 1961 as last amended by section 1, chapter 174, Laws of 1987 and RCW 82.36.010 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;

(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) "Alcohol" means alcohol that is produced from renewable resources (~~and is produced in this state or in a state that extends a tax exemption or credit for the sale of alcohol produced in this state for use in motor vehicle fuel that is at least equal to a tax exemption or credit for the sale of alcohol produced in the other state for use in motor vehicle fuel~~);

(21) "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. 80. Section 82.36.190, chapter 15, Laws of 1961 and RCW 82.36.190 are each amended to read as follows:

The ~~((director))~~ department shall revoke the license of any distributor refusing or neglecting to comply with any provision of this chapter. The ~~((director))~~ department shall mail by registered mail addressed to such distributor at his last known address a notice of intention to cancel, which notice shall give the reason for cancellation. The cancellation shall become effective without further notice if within ten days from the mailing of the notice the distributor has not made good his default or delinquency.

The ~~((director))~~ department may cancel any license issued to any distributor, such cancellation to become effective sixty days from the date of receipt of the written request of such distributor for cancellation thereof, and the ~~((director))~~ department may cancel the license of any distributor upon investigation and sixty days notice mailed to the last known address of such distributor if ~~((he))~~ the department ascertains and finds that the person to whom the license was issued is no longer engaged in the business of a distributor, and has not been so engaged for the period of six months prior to such cancellation. No license shall be canceled upon the request of any distributor unless the distributor, prior to the date of such cancellation, pays to the state all taxes imposed by the provisions of this chapter, together with all penalties accruing by reason of any failure on the part of the distributor to make accurate reports or pay said taxes and penalties.

In the event the license of any distributor is canceled ~~((by the director))~~, and in the further event that the distributor pays to the state all excise taxes due and payable by him upon the receipt, sale, or use of motor vehicle fuel, together with any and all penalties accruing by reason of any failure on the part of the distributor to make accurate reports or pay said taxes and penalties, the ~~((director))~~ department shall cancel the bond filed by the distributor.

Sec. 81. Section 5, chapter 175, Laws of 1971 ex. sess. as amended by section 2, chapter 156, Laws of 1973 1st ex. sess. and RCW 82.38.040 are each amended to read as follows:

~~((The department may issue written authorization to a special fuel user to purchase fuel from a bonded special fuel dealer designated by the special fuel user without payment of the tax to the bonded special fuel dealer when the department finds (1) that the special fuel user consistently is using the fuel in vehicles which are operated partly without this state or off the highways of this state; (2) that to require collection of the tax from the special fuel user by the bonded special fuel dealer would cause consistently recurring overpayments of the tax; and (3) that the revenue of the state with respect to the tax liability of such a special fuel user is adequately secured. Such authorization may be revoked when any one of the above conditions~~

~~no longer obtains.))~~ The delivery of special fuel may be made without collecting the tax otherwise imposed when deliveries are made into vehicle refrigeration units, mixing units, or other equipment powered by separate motors from separate fuel tanks, on invoices showing the vehicle unit or license number and such other information as may be prescribed by the department.

Sec. 82. Section 6, chapter 175, Laws of 1971 ex. sess. as amended by section 1, chapter 242, Laws of 1983 and RCW 82.38.050 are each amended to read as follows:

Except as otherwise provided in this chapter, every special fuel user shall be liable for the tax on special fuel used in motor vehicles leased to ~~((him))~~ the user for ~~((more than))~~ thirty days or more and operated on the highways of this state to the same extent and in the same manner as special fuel used in his own motor vehicles and operated on the highways of this state: PROVIDED, That a lessor who is engaged regularly in the business of leasing or renting for compensation motor vehicles and equipment he owns without drivers to carriers or other lessees for interstate operation, may be deemed to be the special fuel user when he supplies or pays for the special fuel consumed in such vehicles, and such lessor may be issued a license as a special fuel user when application and bond have been properly filed with and approved by the department for such license. Any lessee may exclude motor vehicles of which he or she is the lessee from ~~((his))~~ reports and liabilities pursuant to this chapter, but only if the motor vehicles in question have been leased from a lessor holding a valid special fuel user's license.

Every such lessor shall file with ~~((his))~~ the application for a special fuel user's license one copy of the lease form or service contract ~~((he))~~ the lessor enters into with the various lessees of ~~((his))~~ the lessor's motor vehicles. When the special fuel user's license has been secured, such lessor shall make and assign to each motor vehicle ~~((he leases))~~ leased for interstate operation a photocopy of such license to be carried in the cab compartment of ~~((said))~~ the motor vehicle and on which shall be typed or printed on the back the unit or motor number of the motor vehicle to which it is assigned and the name of the lessee. Such lessor shall be responsible for the proper use of such photocopy of ~~((said))~~ the license issued and its return to ~~((him))~~ the lessor with the motor vehicle to which it is assigned.

The lessor shall be responsible for fuel tax licensing and reporting, as required by this chapter, on the operation of all motor vehicles leased to others for less than thirty days ~~((or less))~~.

Sec. 83. Section 8, chapter 175, Laws of 1971 ex. sess. and RCW 82.38.070 are each amended to read as follows:

A special fuel dealer shall be entitled, under rules and regulations prescribed by the department, to a credit of the tax paid over to the department on those sales of special fuel for which the dealer has received no

consideration from or on behalf of the purchaser, which have been declared by the dealer to be worthless accounts receivable, and which have been claimed as bad debts for federal income tax purposes. The amount of the tax refunded shall not exceed the amount of tax imposed by this chapter on such sales (~~(, less an amount computed by applying the current state retail sales tax rate to the difference between the total purchase price of such sales and the amount of tax imposed on such sales by this chapter)~~). If a refund has been granted under this section, any amounts collected for application against the accounts on which such a refund is based shall be reported with the first return filed after such collection, and the amount of refund received by the dealer based upon the collected amount shall be returned to the department. In the event the refund has not been paid, the amount of the refund requested by the dealer shall be adjusted by the department to reflect the decrease in the amount on which the claim is based. The department may require the dealer to submit periodical reports listing accounts which are delinquent for ninety days or more.

Sec. 84. Section 10, chapter 175, Laws of 1971 ex. sess. as last amended by section 2, chapter 29, Laws of 1986 and RCW 82.38.090 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 purchaser has specific written authorization from the~~

~~department as provided in RCW 82.38.040 or~~) the purchase is made from an unattended keylock metered pump, cardtrol, or such similar dispensing devices. Persons utilizing special fuel for heating purposes only are not required to be licensed.

Sec. 85. Section 13, chapter 175, Laws of 1971 ex. sess. as last amended by section 8, chapter 40, Laws of 1979 and RCW 82.38.120 are each amended to read as follows:

Upon receipt and approval of an application and bond (if required), the department shall issue to the applicant a license to act as a special fuel dealer, a special fuel supplier, or a special fuel user: **PROVIDED**, That the department may refuse to issue a special fuel dealer's license, special fuel supplier's license, or a special fuel user's license to any person (1) who formerly held either type of license which, prior to the time of filing for application, has been revoked for cause; or (2) who is a subterfuge for the real party in interest whose license prior to the time of filing for application, has been revoked for cause; or (3) who, as an individual licensee, or officer, director, owner, or managing employee of a nonindividual licensee, has had a special fuel license revoked for cause; or (4) who has an unsatisfied debt to the state assessed under either chapter 82.36, 82.37, 82.38, or ~~((46.85))~~ 46.87 RCW; or (5) upon other sufficient cause being shown. Before such refusal, the department shall grant the applicant a hearing and shall grant him at least five days written notice of the time and place thereof.

The department shall determine from the information shown in the application or other investigation the kind and class of license to be issued.

All licenses shall be posted in a conspicuous place or kept available for inspection at the principal place of business of the owner thereof. License holders shall reproduce the license by photostat or other method and keep a copy on display for ready inspection at each additional place of business or other place of storage from which special fuel is sold, delivered or used and in each motor vehicle used by the license holder to transport special fuel purchased by him for resale, delivery or use. Every licensed special fuel user operating a motor vehicle registered in a jurisdiction other than this state shall reproduce the license and carry a photocopy thereof with each motor vehicle being operated upon the highways of this state.

A special fuel dealer or a special fuel supplier may use special fuel in motor vehicles owned or operated by them without securing a license as a special fuel user but they shall be subject to all other conditions, requirements and liabilities imposed herein upon a special fuel user.

The department shall furnish to each licensed special fuel supplier a list showing the name and address of each bonded special fuel dealer as of the beginning of each fiscal year, and shall thereafter during each year supplement such list monthly.

Each special fuel dealer's license, special fuel supplier's license, and special fuel user's license shall be valid until the expiration date if shown on the license, or until suspended or revoked for cause or otherwise canceled.

No special fuel dealer's license, special fuel supplier's license, or special fuel user's license shall be transferable.

NEW SECTION. Sec. 86. The following acts or parts of acts are each repealed:

(1) Section 19, chapter 121, Laws of 1965 ex. sess., section 55, chapter 136, Laws of 1979 ex. sess. and RCW 46.20.171;

(2) Section 3, chapter 29, Laws of 1975-'76 2nd ex. sess., section 4, chapter 302, Laws of 1985 and RCW 46.20.416;

(3) Section 4, chapter 29, Laws of 1975-'76 2nd ex. sess. and RCW 46.20.418; and

(4) Section 2, chapter 219, Laws of 1984, section 2, chapter 352, Laws of 1985 and RCW 46.20.599.

***Sec. 87. Section 1, chapter 22, Laws of 1987 as amended by section 8, chapter 337, Laws of 1989 and RCW 46.20.308 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) 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; 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. 87 was vetoed, see message at end of chapter.

Sec. 88. Section 31, chapter 155, Laws of 1965 ex. sess. and RCW 46-.61.205 are each amended to read as follows:

The driver of a vehicle about to enter or cross a highway from a private road or driveway shall yield the right of way to all vehicles lawfully approaching on said highway.

Sec. 89. Section 12, chapter 380, Laws of 1985 as last amended by section 1, chapter 12, Laws of 1988 and RCW 46.01.140 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 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 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 is entitled to an additional service charge of two dollars(~~(-PROVIDED FURTHER, That)~~).

(3) If the fee is collected by the state patrol (~~(or the department of transportation;)~~) 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 (~~(filing)~~) 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. 90. A new section is added to chapter 88.02 RCW to read as follows:

(1) The department may exempt from compliance with the vessel dealer requirements of this chapter, any person who is engaged in the business of selling in this state at wholesale or retail, human-powered watercraft which is: (a) Under sixteen feet in length; (b) unable to be powered by propulsion machinery or wind propulsion as designed by the manufacturer; and (c) not designed for use on commonly-used navigable waters.

(2) Any person engaged in the business of selling at wholesale or retail, exempt and nonexempt watercraft under this section shall only be required to comply with the provisions of this chapter in regard to the sale of nonexempt watercraft.

Sec. 91. Section 1, chapter 98, Laws of 1987 and RCW 73.04.115 are each amended to read as follows:

The department shall issue to the surviving spouse of any deceased former prisoner of war described in RCW 73.04.110(2), one set of regular or special license plates for use on a personal passenger vehicle registered to that person.

~~((In order to qualify under this section the surviving spouse must have been married to the deceased former prisoner of war during the period of his or her incarceration:))~~ The plates shall be issued without the payment of any license fees or excise tax on the vehicle. Whenever any person who has been issued license plates under this section applies to the department for transfer of the plates to a subsequently acquired motor vehicle, a transfer fee of five dollars shall be charged in addition to all other appropriate fees. If the surviving spouse remarries, he or she shall return the special plates to the department within fifteen days and apply for regular license plates.

NEW SECTION. Sec. 92. 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. 93. Sections 1 through 9, and 11 through 13 of this act shall take effect on January 1, 1991. Section 10 of this act shall take effect on July 1, 1990.

Passed the Senate March 8, 1990.

Passed the House March 8, 1990.

Approved by the Governor March 28, 1990, with the exception of certain items which were vetoed.

Filed in Office of Secretary of State March 28, 1990.

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

"I am returning herewith, without my approval as to sections 48, 55, 76, and 87, Substitute Senate Bill No. 6663 entitled:

"AN ACT Relating to Special License Plates and technical revisions to the department of licensing statutes."

Section 55 duplicates an amendment in Senate Bill No. 6190 and section 76 duplicates an amendment in Senate Bill No. 6358. To avoid these duplications, I have vetoed these two sections.

Section 48 allows those who refuse the alcohol breath test to obtain an occupational driver's license. An occupational driver's license is granted to a person who provides proof of requiring driving privileges for employment reasons. Section 87 requires rescission of the revocation, for failure to take the breath test, of a person's driving privilege if that person is found not guilty of the underlying offense and the person's impaired driving was caused by a medical condition. These two sections serve to erode the implied consent law. That law is the state's most effective tool to combat drunken driving.

Nearly 800 people die on Washington's roadways each year. Nearly half of those deaths are alcohol related. I have indicated a strong commitment to a policy of no tolerance and strict deterrence. I remain convinced that the public message of no tolerance for drunken driving, with swift and sure consequences, is an effective deterrent.

Although the Legislature declined to take the issue of drivers' license revocation out of the criminal process, now is not the time to erode tough sanctions against drunken drivers. Instead, I challenge the Legislature to join me in the endeavor to save lives in the upcoming years and improve safety on Washington roads by promoting tougher laws against drunken drivers.

For these reasons, I have vetoed sections 48, 55, 76, and 87 of Substitute Senate Bill No. 6663.

With the exception of sections 48, 55, 76, and 87, Substitute Senate Bill No. 6663 is approved."

CHAPTER 251

[Substitute House Bill No. 2584]

PUBLIC UTILITY DISTRICT CONTRACTS

AN ACT Relating to contracts for work or material by public utility districts; and amending RCW 54.04.070.

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

Sec. 1. Section 2, chapter 124, Laws of 1955 as amended by section 4, chapter 220, Laws of 1971 ex. sess. and RCW 54.04.070 are each amended to read as follows:

Any item, or items of the same kind of materials, equipment, or supplies purchased, the estimated cost of which is in excess of five thousand dollars, exclusive of sales tax shall be by contract: PROVIDED, That a district may make purchases of the same kind of items of materials, equipment and supplies not exceeding five thousand dollars in any calendar month without a contract, purchasing any excess thereof over five thousand dollars by contract. Any work ordered by a district commission, the estimated cost of which is in excess of ten thousand dollars exclusive of sales tax, shall be by contract, except that a district commission may have its own regularly employed personnel perform work which is an accepted industry practice under prudent utility management without a contract. Prudent utility management means performing work with regularly employed personnel utilizing material of a worth not exceeding ((thirty)) fifty thousand dollars in value without a contract: PROVIDED, That such limit on the value of material being utilized in work being performed by regularly employed personnel shall not include the value of individual items of equipment purchased or acquired and used as one unit of a project. Before awarding such a contract, the commission shall publish a notice once or more in a newspaper of general circulation in the district at least twenty days before the letting of the contract, inviting sealed proposals for the work or materials; plans and specifications of which shall at the time of the publication be on file at the office of the district subject to public inspection: PROVIDED, That any published notice ordering work to be performed for the district shall be mailed at the time of publication to any established trade association which files a written request with the district to receive such notices. The commission may at the same time and as part of the same notice, invite tenders for the work or materials upon plans and specifications to be submitted by the bidders.

Notwithstanding any other provisions herein, all contract projects, the estimated cost of which is less than one hundred thousand dollars, may be awarded to a contractor on the small works roster. The small works roster shall be comprised of all responsible contractors who have requested to be on the list. The commission shall authorize by resolution a procedure for securing telephone and/or written quotations from the contractors on the small works roster to assure establishment of a competitive price and for awarding contracts to the lowest responsible bidder. Such procedure shall require that a good-faith effort be made to request quotations from all contractors on the small works roster. Immediately after an award is made, the bid quotations obtained shall be recorded, open to public inspection, and available by telephone inquiry. The small works roster shall be revised once a year. All contract projects equal to or in excess of one hundred thousand dollars shall be let by competitive bidding.

Whenever equipment or materials required by a district are held by a governmental agency and are available for sale but such agency is unwilling to submit a proposal, the commission may ascertain the price of such items and file a statement of such price supported by the sworn affidavit of one member of the commission and may consider such price as a bid without a deposit or bond(~~(-PROVIDED, That where an emergency arises endangering the public safety, or threatening property damage, the commission may purchase materials or order work performed by others in addition to regularly employed personnel in any amount necessary without calling for bids after having taken precautions to secure the lowest price practicable under the circumstances))~~). In the event of an emergency when the public interest or property of the district would suffer material injury or damage by delay, upon resolution of the commission, or proclamation of an official designated by the board to act for the board during such emergencies, declaring the existence of such emergency and reciting the facts constituting the same, the board, or the official acting for the board, may waive the requirements of this chapter with reference to any purchase or contract, after having taken precautions to secure the lowest price practicable under the circumstances.

After determination by the commission during a public meeting that a particular purchase is available clearly and legitimately only from a single source of supply, the bidding requirements of this section may be waived by the commission.

Passed the House February 9, 1990.

Passed the Senate March 1, 1990.

Approved by the Governor March 28, 1990.

Filed in Office of Secretary of State March 28, 1990.

CHAPTER 252

[House Bill No. 2859]

COUNTY COMMISSIONERS—FIVE MEMBER BOARDS

AN ACT Relating to counties; amending RCW 36.32.010, 36.32.070, and 36.16.030; adding new sections to chapter 36.32 RCW; and providing an effective date.

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

Sec. 1. Section 36.32.010, chapter 4, Laws of 1963 and RCW 36.32-.010 are each amended to read as follows:

There is established in each (~~organized~~) county in this state a board of county commissioners(~~(-to)~~). Except as provided in sections 2 and 3 of this act, each board of county commissioners shall consist of three qualified electors, (~~and~~) two of (~~said board of commissioners~~) whom shall constitute a quorum to do business.

NEW SECTION. Sec. 2. A new section is added to chapter 36.32 RCW to read as follows:

(1) The board of commissioners of any noncharter county with a population of three hundred thousand or more may cause a ballot proposition to be submitted at a general election to the voters of the county authorizing the board of commissioners to be increased to five members.

(2) As an alternative procedure, a ballot proposition shall be submitted to the voters of a noncharter county authorizing the board of commissioners to be increased to five members, upon petition of the county voters equal to at least ten percent of the voters voting at the last county general election. At least twenty percent of the signatures on the petition shall come from each of the existing commissioner districts.

Any petition requesting that such an election be held shall be submitted to the county auditor for verification of the signatures thereon. Within no more than thirty days after the submission of the petition, the auditor shall determine if the petition contains the requisite number of valid signatures. The auditor shall certify whether or not the petition has been signed by the requisite number of county voters and forward such petition to the board of county commissioners. If the petition has been signed by the requisite number of county voters, the board of county commissioners shall submit such a proposition to the voters for their approval or rejection at the next general election held at least sixty days after the proposition has been certified by the auditor.

NEW SECTION. Sec. 3. A new section is added to chapter 36.32 RCW to read as follows:

If the ballot proposition receives majority voter approval, the size of the board of county commissioners shall be increased to five members as provided in this section.

The two newly-created positions shall be filled at elections to be held in the next year. The county shall, as provided in this section, be divided into five commissioner districts, so that each district shall comprise as nearly as possible one-fifth of the population of the county. No two members of the existing board of county commissioners may, at the time of the designation of such districts, permanently reside in one of the five districts. The division of the county into five districts shall be accomplished as follows:

(1) The board of county commissioners shall, by the second Monday of March of the year following the election, adopt a resolution creating the districts;

(2) If by the second Tuesday of March of the year following the election the board of county commissioners has failed to create the districts, the prosecuting attorney of the county shall petition the superior court of the county to appoint a referee to designate the five commissioner districts. The referee shall designate such districts by no later than June 1st of the year following the election. The two commissioner districts within which no existing member of the board of county commissioners permanently resides shall be designated as districts four and five.

NEW SECTION. Sec. 4. A new section is added to chapter 36.32 RCW to read as follows:

The terms of the persons who are initially elected to positions four and five under section 3 of this act shall be as follows:

(1) If the year in which the primary and general elections are held is an even-numbered year, the person elected to position four shall be elected for a two-year term, and the person elected to position five shall be elected for a four-year term; or

(2) If the year in which the primary and general elections are held is an odd-numbered year, the person elected to position four shall be elected for a one-year term, and the person elected to position five shall be elected for a three-year term.

The length of the terms shall be calculated from the first day of January in the year following the election. Each person elected pursuant to subsection (1) or (2) of this section shall take office immediately upon the issuance of a certificate of his or her election.

Thereafter, persons elected to commissioner positions four and five shall be elected for four-year terms and shall take office at the same time the other members of the board of county commissioners take office.

NEW SECTION. Sec. 5. A new section is added to chapter 36.32 RCW to read as follows:

The commissioners in a five-member board of county commissioners shall be elected to four-year staggered terms. Each commissioner shall reside in a separate commissioner district. Each commissioner shall be nominated from a separate commissioner district by the voters of that district. Each shall be elected by the voters of the entire county. Three members of a

five-member board of commissioners shall constitute a quorum to do business.

NEW SECTION. Sec. 6. A new section is added to chapter 36.32 RCW to read as follows:

Vacancies on a board of county commissioners consisting of five members shall be filled as provided in RCW 36.32.070, except that:

(1) Whenever there are three or more vacancies, the governor shall appoint one or more commissioners until there are a total of three commissioners;

(2) Whenever there are two vacancies, the three commissioners shall fill one of the vacancies; and

(3) Whenever there is one vacancy, the four commissioners shall fill the single vacancy.

Sec. 7. Section 36.32.070, chapter 4, Laws of 1963 and RCW 36.32-.070 are each amended to read as follows:

Whenever there is a vacancy in the board of county commissioners, except as provided in section 6 of this act, it shall be filled as follows:

(1) If there are three vacancies, the governor of the state shall appoint two of the officers. The two commissioners thus appointed shall then meet and select the third commissioner. If the two appointed commissioners fail to agree upon selection of the third after the expiration of five days from the day they were appointed, the governor shall appoint the remaining commissioner.

(2) Whenever there are two vacancies in the office of county commissioner, the governor shall appoint one commissioner, and the two commissioners then in office shall appoint the third commissioner. If they fail to agree upon a selection after the expiration of five days from the day of the governor's appointment, the governor shall appoint the third commissioner.

(3) Whenever there is one vacancy in the office of county commissioner, the two remaining commissioners shall fill the vacancy. If the two commissioners fail to agree upon a selection after the expiration of five days from the day the vacancy occurred, the governor shall appoint the third commissioner.

Sec. 8. Section 36.16.030, chapter 4, Laws of 1963 and RCW 36.16-.030 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 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. A noncharter county may have five county commissioners as provided in RCW 36.32.010 and sections 2 through 6 of this act.

NEW SECTION. Sec. 9. This act shall take effect January 1, 1993.

Passed the House February 13, 1990.

Passed the Senate February 27, 1990.

Approved by the Governor March 28, 1990.

Filed in Office of Secretary of State March 28, 1990.

CHAPTER 253

[Second Substitute Senate Bill No. 6780]

FARMWORKER HOUSING AND INSPECTION STANDARDS

AN ACT Relating to farmworker housing inspection and standards; amending RCW 70.54.110; adding new sections to chapter 43.70 RCW; adding new sections to chapter 43.63A RCW; adding a new section to chapter 36.34 RCW; and making an appropriation.

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

NEW SECTION. Sec. 1. A new section is added to chapter 43.70 RCW to read as follows:

The legislature finds that the demand for housing for migrant and seasonal farmworkers far exceeds the supply of adequate housing in the state of Washington. In addition, increasing numbers of these housing units are in deteriorated condition because they cannot be economically maintained and repaired.

The legislature further finds that the lack of a clear program for the regulation and inspection of farmworker housing has impeded the construction and renovation of housing units in this state.

It is the purpose of this act for the various agencies involved in the regulation of farmworker housing to coordinate and consolidate their activities to provide for efficient and effective monitoring of farmworker housing. It is intended that this action will provide greater responsiveness in dealing with public concerns over farmworker housing, and allow greater numbers of housing units to be built.

NEW SECTION. Sec. 2. A new section is added to chapter 43.70 RCW to read as follows:

(1) The department of health shall be the primary inspector of labor camps and farmworker housing for the state of Washington: PROVIDED, That the department of labor and industries shall be the inspector for all farmworker housing not covered by the authority of the state board of health.

(2) The department of health, the department of labor and industries, the department of community development, the state board of health, and

the employment security department shall develop an interagency agreement defining the rules and responsibilities for the inspection of farmworker housing. This agreement shall recognize the department of health as the primary inspector of labor camps for the state, and shall further be designed to provide a central information center for public information and education regarding farmworker housing. The agencies shall provide the legislature with a report on the results of this agreement by January 1, 1991.

NEW SECTION. Sec. 3. A new section is added to chapter 43.70 RCW to read as follows:

(1) The farmworker housing inspection fund is established in the custody of the state treasury. The department of health shall deposit all funds received under subsection (2) of this section and from the legislature to administer a labor camp inspection program conducted by the department of health. Disbursement from the fund shall be on authorization of the secretary of health or the secretary's designee. The fund is subject to the allotment procedure provided under chapter 43.88 RCW, but no appropriation is required for disbursements.

(2) There is imposed a fee on each operating license issued by the department of health to every operator of a labor camp that is regulated by the state board of health. The fee paid under this subsection shall include all necessary inspection of the units to ensure compliance with applicable state board of health rules on labor camps.

(a) Fifty dollars shall be charged for each labor camp containing six or less units.

(b) Seventy-five dollars shall be charged for each labor camp containing more than six units.

(3) The term of the operating license and the application procedures shall be established, by rule, by the department of health.

Sec. 4. Section 1, chapter 231, Laws of 1969 ex. sess. and RCW 70.54.110 are each amended to read as follows:

The state board of health shall develop rules for labor camps, which shall include as a minimum the standards developed under the Washington industrial safety and health act in chapter 49.17 RCW as relates to sanitation and temporary labor camps.

All new housing and new construction together with the land areas appurtenant thereto which shall be started on and after May 3, 1969, and is to be provided by employers, growers, management, or any other persons, for occupancy by workers or by workers and their dependents, in agriculture, shall comply with the rules and regulations of the state board of health pertaining to labor camps(~~(, filed with the office of the code reviser on November 20, 1968 and future amendments and revisions thereof)~~).

NEW SECTION. Sec. 5. A new section is added to chapter 43.63A RCW to read as follows:

The department shall develop, and make available to the public, model or prototype construction plans and manuals for several types of farmworker housing, including but not limited to seasonal housing for individuals and families, campgrounds, and recreational vehicle parks. Any person or organization intending to construct farmworker housing may adopt one or more of these models as the plan for the proposed housing.

NEW SECTION. Sec. 6. A new section is added to chapter 43.63A RCW to read as follows:

The department shall work with the departments of natural resources, transportation, and general administration to identify and catalog underutilized, state-owned land and property for possible lease. The department shall provide an inventory of real property that is owned or administered by each agency and is available for lease. The inventories shall be provided to the department by November 1, 1990, with inventory revisions provided each November 1 thereafter. The department shall assist local governments, public housing authorities, public nonprofit organizations, and private nonprofit organizations in obtaining long-term leases of suitable and available sites. The leases shall be for the purpose of providing sites to be used for affordable housing for farmworkers.

NEW SECTION. Sec. 7. A new section is added to chapter 36.34 RCW to read as follows:

If a county owns property that is located anywhere within the county, including within the limits of a city or town, and that is suitable for seasonal or migrant farmworker housing, the legislative authority of the county may, by negotiation, lease the property for seasonal or migrant farmworker housing for a term not to exceed seventy-five years to any public housing authority or nonprofit organization that has demonstrated its ability to construct or operate housing for seasonal or migrant farmworkers. Leases for housing for migrant and seasonal farmworkers shall not be subject to any requirement of periodic rental adjustments, as provided in RCW 36.34.180, but shall provide for such fixed annual rents as appear reasonable considering the public, social, and health benefits to be derived by providing an adequate supply of safe and sanitary housing for migrant and seasonal farmworkers.

NEW SECTION. Sec. 8. To carry out this act, the sum of one hundred twenty-five thousand dollars, or as much thereof as may be necessary, is appropriated from the state general fund for the biennium ending June 30, 1991. The appropriation is subject to the following limitations and conditions:

(1) Not less than sixty-five thousand dollars, to the department of community development, for the purposes of section 5 of this act; and

(2) Not less than sixty thousand dollars, to the department of health, for the purposes of section 3 of this act.

Passed the Senate March 6, 1990.

Passed the House March 1, 1990.

Approved by the Governor March 28, 1990.

Filed in Office of Secretary of State March 28, 1990.

CHAPTER 254

[Substitute House Bill No. 2726]

PORT DISTRICT INDEBTEDNESS

AN ACT Relating to debt funding flexibility for port districts; amending RCW 53.36.030; and declaring an emergency.

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

Sec. 1. Section 12, chapter 65, Laws of 1955 as last amended by section 41, chapter 186, Laws of 1984 and RCW 53.36.030 are each amended to read as follows:

A 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, 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 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 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. Any district may issue general district bonds evidencing any indebtedness, payable at any time not exceeding fifty years from the date of the bonds. Such elections shall be held as provided in RCW 39.36.050.

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. 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 February 12, 1990.

Passed the Senate March 7, 1990.

Approved by the Governor March 28, 1990.

Filed in Office of Secretary of State March 28, 1990.

CHAPTER 255

[Substitute Senate Bill No. 6859]

COMPUTER SOFTWARE—TAX ASSESSMENT

AN ACT Relating to the tax status of computer software; 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 development is a rapidly changing and complex field;
- (b) There are substantial public policy questions regarding valuation and taxation of computer software;
- (c) Fairness and equity require consistent tax treatment of computer software by all county assessors;
- (d) Thorough study of computer software taxation is necessary before a permanent tax policy can be adopted; and
- (e) Any inequities that might result from temporarily restricting the ability of county assessors to list and assess computer software are more than offset by avoidance of unfair and inconsistent tax treatment of computer software.

(2) The intent of this act is to delay any significant change in the manner or extent of taxation of computer software until uniform definitions and standards of taxation can be developed and enacted by the legislature.

NEW SECTION. Sec. 2. 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.

NEW SECTION. Sec. 3. (1) The department of revenue shall conduct a study of the taxation of computer software. The study shall focus primarily on the policy implications involved in developing clear definitions of software that should be taxable and software that should be exempt. The study shall include an examination of:

(a) The implementation of section 1 of this act by assessors in each county;

(b) Definitions of computer software and its meaning in property taxation;

(c) The appropriate application of property taxation to computer software;

(d) Taxation of computer software by other states;

(e) Alternatives to property taxation of computer software; and

(f) The advantages or disadvantages of any change, revision, or alternative to tax treatment of computer software.

(2) To perform the study, the department shall form a study committee with balanced representation from different segments of government and industry. The study committee may include, but need not be limited to, persons representing the department, computer software development companies, computer hardware development companies, tax law specialists, county assessors, small businesses that use computer software, and large businesses that use computer software.

(3) The department shall provide staff for the study committee.

(4) 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, 1990.

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 March 6, 1990.

Passed the House February 27, 1990.

Approved by the Governor March 28, 1990.

Filed in Office of Secretary of State March 28, 1990.

CHAPTER 256

[Substitute Senate Bill No. 6880]

BUSINESS AND RESIDENTIAL ADDRESSES—DISCLOSURE BY STATE AGENCIES

AN ACT Relating to the disclosure of business and residential locations by state agencies and local agencies; amending RCW 42.17.311; and reenacting and amending RCW 42.17.310.

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

Sec. 1. Section 12, chapter 11, Laws of 1989, section 3, chapter 189, Laws of 1989, section 20, chapter 205, Laws of 1989, section 1, chapter 238, Laws of 1989, section 23, chapter 279, Laws of 1989, section 7, chapter 352, Laws of 1989, and section 407, chapter 9, Laws of 1989 1st ex. sess. and RCW 42.17.310 are each reenacted and amended to read as follows:

(1) The following are exempt from public inspection and copying:

(a) Personal information in any files maintained for students in public schools, patients or clients of public institutions or public health agencies, or welfare recipients.

(b) Personal information in files maintained for employees, appointees, or elected officials of any public agency to the extent that disclosure would violate their right to privacy.

(c) Information required of any taxpayer in connection with the assessment or collection of any tax if the disclosure of the information to other persons would (i) be prohibited to such persons by RCW 82.32.330 or (ii) violate the taxpayer's right to privacy or result in unfair competitive disadvantage to the taxpayer.

(d) Specific intelligence information and specific investigative records compiled by investigative, law enforcement, and penology agencies, and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy.

(e) Information revealing the identity of persons who file complaints with investigative, law enforcement, or penology agencies, other than the public disclosure commission, if disclosure would endanger any person's life, physical safety, or property. If at the time the complaint is filed the complainant indicates a desire for disclosure or nondisclosure, such desire shall govern. However, all complaints filed with the public disclosure commission about any elected official or candidate for public office must be made in writing and signed by the complainant under oath.

(f) Test questions, scoring keys, and other examination data used to administer a license, employment, or academic examination.

(g) Except as provided by chapter 8.26 RCW, the contents of real estate appraisals, made for or by any agency relative to the acquisition or sale

of property, until the project or prospective sale is abandoned or until such time as all of the property has been acquired or the property to which the sale appraisal relates is sold, but in no event shall disclosure be denied for more than three years after the appraisal.

(h) Valuable formulae, designs, drawings, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss.

(i) Preliminary drafts, notes, recommendations, and intra-agency memorandums in which opinions are expressed or policies formulated or recommended except that a specific record shall not be exempt when publicly cited by an agency in connection with any agency action.

(j) Records which are relevant to a controversy to which an agency is a party but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts.

(k) Records, maps, or other information identifying the location of archaeological sites in order to avoid the looting or depredation of such sites.

(l) Any library record, the primary purpose of which is to maintain control of library materials, or to gain access to information, which discloses or could be used to disclose the identity of a library user.

(m) Financial information supplied by or on behalf of a person, firm, or corporation for the purpose of qualifying to submit a bid or proposal for (a) a ferry system construction or repair contract as required by RCW 47.60.680 through 47.60.750 or (b) highway construction or improvement as required by RCW 47.28.070.

(n) Railroad company contracts filed with the utilities and transportation commission under RCW 81.34.070, except that the summaries of the contracts are open to public inspection and copying as otherwise provided by this chapter.

(o) Financial and commercial information and records supplied by private persons pertaining to export services provided pursuant to chapter 43.163 RCW and chapter 53.31 RCW.

(p) Financial disclosures filed by private vocational schools under chapter 28C.10 RCW.

(q) Records filed with the utilities and transportation commission or attorney general under RCW 80.04.095 that a court has determined are confidential under RCW 80.04.095.

(r) Financial and commercial information and records supplied by businesses during application for loans or program services provided by chapter 43.163 RCW and chapters 43.31, 43.63A, and 43.168 RCW.

(s) Membership lists or lists of members or owners of interests of units in timeshare projects, subdivisions, camping resorts, condominiums, land

developments, or common-interest communities affiliated with such projects, regulated by the department of licensing, in the files or possession of the department.

(t) All applications for public employment, including the names of applicants, resumes, and other related materials submitted with respect to an applicant.

(u) The residential addresses and residential telephone numbers of employees or volunteers of a public agency which are held by the agency in personnel records, employment or volunteer rosters, or mailing lists of employees or volunteers.

(v) The residential addresses and residential telephone numbers of the customers of a public utility contained in the records or lists held by the public utility of which they are customers.

(w) Information obtained by the board of pharmacy as provided in RCW 69.45.090.

(x) Information obtained by the board of pharmacy and its representatives as provided in RCW 69.41.044 and 69.41.280.

(y) Financial information, business plans, examination reports, and any information produced or obtained in evaluating or examining a business and industrial development corporation organized or seeking certification under chapter 31.24 RCW.

(z) Financial and commercial information supplied to the state investment board by any person when the information relates to the investment of public trust or retirement funds and when disclosure would result in loss to such funds or in private loss to the providers of this information.

(aa) Financial and valuable trade information under RCW 51.36.120.

(bb) The work and home addresses, other than the city of residence, of a person shall remain undisclosed or be omitted from all documents made available for public review if that person requests in writing, under oath, that these addresses be kept private because disclosure would endanger his or her life, physical safety, or property. This provision does not in any way restrict the sharing or collection of information by state and local governmental agencies required for the daily administration of their duties. The secretary of state shall administer this provision and establish the procedures and rules that are necessary for its operation. An agency that has not been furnished with a request for confidentiality of address information is not liable for damages resulting from its disclosure of the information. For purpose of service of process, the secretary of state shall serve as agent for each person who submits a request under this subsection. A request shall be of no force or effect if the requester does not include a statement, along with or part of the request, designating the secretary of state as agent of the requester for purposes of service of process.

(2) Except for information described in subsection (1)(c)(i) of this section and confidential income data exempted from public inspection pursuant to RCW 84.40.020, the exemptions of this section are inapplicable to the extent that information, the disclosure of which would violate personal privacy or vital governmental interests, can be deleted from the specific records sought. No exemption may be construed to permit the nondisclosure of statistical information not descriptive of any readily identifiable person or persons.

(3) Inspection or copying of any specific records exempt under the provisions of this section may be permitted if the superior court in the county in which the record is maintained finds, after a hearing with notice thereof to every person in interest and the agency, that the exemption of such records is clearly unnecessary to protect any individual's right of privacy or any vital governmental function.

(4) Agency responses refusing, in whole or in part, inspection of any public record shall include a statement of the specific exemption authorizing the withholding of the record (or part) and a brief explanation of how the exemption applies to the record withheld.

Sec. 2. Section 3, chapter 404, Laws of 1987 and RCW 42.17.311 are each amended to read as follows:

Nothing in RCW 42.17.310(1) ~~((t))~~ (t) through ~~((v))~~ (v) and ~~((bb))~~ shall affect a positive duty of an agency to disclose or a positive duty to withhold information which duty to disclose or withhold is contained in any other law.

Passed the Senate March 6, 1990.

Passed the House March 2, 1990.

Approved by the Governor March 28, 1990.

Filed in Office of Secretary of State March 28, 1990.

CHAPTER 257

[Substitute House Bill No. 2709]

DISTRICT COURT ELECTORAL DISTRICTS

AN ACT Relating to district court electoral districts; amending RCW 3.38.070 and 3.34.010; creating a new section; and declaring an emergency.

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

Sec. 1. Section 2, chapter 227, Laws of 1989 and RCW 3.38.070 are each amended to read as follows:

A county legislative authority for a county that has a single district but has multiple locations for courtrooms may establish separate electoral districts to provide for election of district court judges by subcounty local districts. ~~((As nearly as possible, the electoral districts shall follow precinct~~

lines, follow neighborhood and community boundaries, and include approximately equal population:)) In any county containing a city of more than four hundred thousand population, the legislative authority of such a county shall establish such separate electoral districts. The procedures in chapter 3.38 RCW for the establishment of district court districts apply to the establishment of separate electoral districts authorized by this section.

NEW SECTION. Sec. 2. In any county in which separate electoral districts have been established pursuant to RCW 3.38.070, the term "district" also means "electoral district" for purposes of RCW 3.38.022, 3.38.050, and 3.38.060.

***Sec. 3. Section 10, chapter 299, Laws of 1961 as last amended by section 6, chapter 227, Laws of 1989 and RCW 3.34.010 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)) 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.***

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

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 House March 5, 1990.

Passed the Senate February 28, 1990.

Approved by the Governor March 28, 1990, with the exception of certain items which were vetoed.

Filed in Office of Secretary of State March 28, 1990.

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

"I am returning herewith, without my approval as to section 3, Engrossed Substitute House Bill No. 2709 entitled:

"AN ACT Relating to district court electoral districts."

Engrossed Substitute House Bill No. 2709 deals with two subjects. Sections 1 and 2 resolve a problem in King County relating to the creation of subdistrict electoral units within a consolidated district court. The resolution of this sensitive issue involved extensive negotiations between the county and the district court judges, which resulted in an agreement.

Section 3, on the other hand, deals with a separate subject of equal sensitivity, but one which was not the result of agreement between affected parties. It mandates the election of an additional district court judge in Spokane County.

I am not convinced that section 3 represents good public policy for the state or for Spokane County. No one disputes the fact that there is a demonstrated need for additional judicial personnel in the Spokane County District Court. However, the mandatory nature of section 3 deprives the County Commission of the flexibility to resolve the caseload problem through other, and possibly less costly, means. To statutorily require the election of a new judge at this time seems premature and would second-guess the study that is now being conducted by the county.

Finally, there should be agreement between the county legislative authority and the court that adding judges is a reasonable solution to the caseload problem.

With the exception of section 3, Engrossed Substitute House Bill No. 2709 is approved.*

CHAPTER 258

[Substitute Senate Bill No. 6649]
ADOPT-A-HIGHWAY SIGNS

AN ACT Relating to adopt-a-highway signs; amending RCW 47.42.020 and 47.42.040; adding a new section to chapter 47.40 RCW; and creating new sections.

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

Sec. 1. Section 2, chapter 96, Laws of 1961 as last amended by section 2, chapter 469, Laws of 1987 and RCW 47.42.020 are each amended to read as follows:

The definitions set forth in this section apply throughout this chapter.

(1) "Department" means the Washington state department of transportation.

(2) "Erect" means to construct, build, raise, assemble, place, affix, attach, create, paint, draw, or in any other way bring into being or establish.

(3) "Interstate system" means any state highway which is or does become part of the national system of interstate and defense highways as described in section 103(d) of title 23, United States Code.

(4) "Maintain" means to allow to exist.

(5) "Person" means this state or any public or private corporation, firm, partnership, association, as well as any individual or individuals.

(6) "Primary system" means any state highway which is or does become part of the federal-aid primary system as described in section 103(b) of title 23, United States Code.

(7) "Scenic system" means (a) any state highway within any public park, federal forest area, public beach, public recreation area, or national monument, (b) any state highway or portion thereof outside the boundaries of any incorporated city or town designated by the legislature as a part of the scenic system, or (c) any state highway or portion thereof outside the boundaries of any incorporated city or town designated by the legislature as

a part of the scenic and recreational highway system except for the sections of highways specifically excluded in RCW 47.42.025.

(8) "Sign" means any outdoor sign, display, device, figure, painting, drawing, message, placard, poster, billboard, or other thing that is designed, intended, or used to advertise or inform, any part of the advertising or informative contents of which is visible from any place on the main-traveled way of the interstate system or other state highway.

(9) "Commercial and industrial areas" means any area zoned commercial or industrial by a county or municipal code, or if unzoned by a county or municipal code, that area occupied by three or more separate and distinct commercial or industrial activities, or any combination thereof, within a space of five hundred feet and the area within five hundred feet of such activities on both sides of the highway. The area shall be measured from the outer edges of the regularly used buildings, parking lots, or storage or processing areas of the commercial or industrial activity and not from the property lines of the parcels upon which the activities are located. Measurements shall be along or parallel to the edge of the main traveled way of the highway. The following shall not be considered commercial or industrial activities:

(a) Agricultural, forestry, grazing, farming, and related activities, including, but not limited to, wayside fresh produce stands;

(b) Transient or temporary activities;

(c) Railroad tracks and minor sidings;

(d) Signs;

(e) Activities more than six hundred and sixty feet from the nearest edge of the right of way;

(f) Activities conducted in a building principally used as a residence.

If any commercial or industrial activity that has been used in defining or delineating an unzoned area ceases to operate for a period of six continuous months, any signs located within the former unzoned area become nonconforming and shall not be maintained by any person.

(10) "Specific information panel" means a panel, rectangular in shape, located in the same manner as other official traffic signs readable from the main traveled ways, and consisting of:

(a) The words "GAS," "FOOD," or "LODGING" and directional information; and

(b) One or more individual business signs mounted on the panel.

(11) "Business sign" means a separately attached sign mounted on the specific information panel or roadside area information panel to show the brand or trademark and name, or both, of the motorist service available on the crossroad at or near the interchange. Nationally, regionally, or locally known commercial symbols or trademarks for service stations, restaurants, and motels shall be used when applicable. The brand or trademark identification symbol used on the business sign shall be reproduced with the colors

and general shape consistent with customary use. Any messages, trademarks, or brand symbols which interfere with, imitate, or resemble any official warning or regulatory traffic sign, signal, or device are prohibited.

(12) "Roadside area information panel or display" means a panel or display located so as not to be readable from the main traveled way, erected in a safety rest area, scenic overlook, or similar roadside area, for providing motorists with information in the specific interest of the traveling public.

(13) "Tourist-oriented directional sign" means a sign on a specific information panel on the state highway system to provide directional information to a qualified tourist-oriented business, service, or activity.

(14) "Qualified tourist-oriented business" means any lawful cultural, historical, recreational, educational, or entertaining activity or a unique or unusual commercial or nonprofit activity, the major portion of whose income or visitors are derived during its normal business season from motorists not residing in the immediate area of the activity.

(15) "Temporary agricultural directional sign" means a sign on private property adjacent to state highway right of way to provide directional information to places of business offering for sale seasonal agricultural products on the property where the sale is taking place.

(16) "Adopt-a-highway sign" means a sign on state highway right of way referring to the department's adopt-a-highway litter control program.

Sec. 2. Section 4, chapter 96, Laws of 1961 as last amended by section 3, chapter 376, Laws of 1985 and RCW 47.42.040 are each amended to read as follows:

It is declared to be the policy of the state that no signs which are visible from the main traveled way of the interstate system, primary system, or scenic system shall be erected or maintained except the following types:

(1) Directional or other official signs or notices that are required or authorized by law;

(2) Signs advertising the sale or lease of the property upon which they are located;

(3) Signs advertising activities conducted on the property on which they are located;

(4) Signs, not inconsistent with the policy of this chapter and the national policy set forth in section 131 of title 23, United States Code as codified and enacted by Public Law 85-767 and amended only by section 106, Public Law 86-342, and the national standards promulgated thereunder by the secretary of commerce or the secretary of transportation, advertising activities being conducted at a location within twelve miles of the point at which such signs are located: PROVIDED, That no sign lawfully erected pursuant to this subsection adjacent to the interstate system and outside commercial and industrial areas shall be maintained by any person after three years from May 10, 1971;

(5) Signs, not inconsistent with the policy of this chapter and the national policy set forth in section 131 of title 23, United States Code as codified and enacted by Public Law 85-767 and amended only by section 106, Public Law 86-342, and the regulations promulgated thereunder by the secretary of commerce or the secretary of transportation, designed to give information in the specific interest of the traveling public: PROVIDED, That no sign lawfully erected pursuant to this subsection adjacent to the interstate system and outside commercial and industrial areas shall be maintained by any person after three years from May 10, 1971;

(6) Signs lawfully in existence on October 22, 1965, determined by the commission, subject to the approval of the United States secretary of transportation, to be landmark signs, including signs on farm structures or natural surfaces, of historic or artistic significance the preservation of which would be consistent with the purposes of chapter 47.42 RCW;

(7) Public service signs, located on school bus stop shelters, which:

(a) Identify the donor, sponsor, or contributor of said shelters;

(b) Contain safety slogans or messages which occupy not less than sixty percent of the area of the sign;

(c) Contain no other message;

(d) Are located on school bus shelters which are authorized or approved by city, county, or state law, regulation, or ordinance, and at places approved by the city, county, or state agency controlling the highway involved; and

(e) Do not exceed thirty-two square feet in area. Not more than one sign on each shelter may face in any one direction.

Subsection (7) of this section notwithstanding, the department of transportation shall adopt regulations relating to the appearance of school bus shelters, the placement, size, and public service content of public service signs located thereon, and the prominence of the identification of the donors, sponsors, or contributors of the shelters.

(8) Temporary agricultural directional signs, with the following restrictions:

(a) Signs shall be posted only during the period of time the seasonal agricultural product is being sold;

(b) Signs shall not be placed adjacent to the interstate highway system unless the sign qualifies as an on-premise sign;

(c) Signs shall not be placed within an incorporated city or town;

(d) Premises on which the seasonal agricultural products are sold must be within fifteen miles of the state highway, and necessary supplemental signing on local roads must be provided before the installation of the signs on the state highway;

(e) Signs must be located so as not to restrict sight distances on approaches to intersections;

(f) The department shall establish a permit system and fee schedule and rules for the manufacturing, installation, and maintenance of these signs in accordance with the policy of this chapter;

(g) Signs in violation of these provisions shall be removed in accordance with the procedures in RCW 47.42.080;

(9) Adopt-a-highway signs, with the following restrictions:

(a) Signs shall be designed by the department and may only include the words "adopt-a-highway litter control next XX miles" and the name of the litter control area sponsor. The sponsor's name shall not be displayed more predominantly than the remainder of the sign message. No trademarks or business logos may be displayed;

(b) Signs may be placed along interstate, primary and scenic system highways;

(c) For each litter control area designated by the department, one sign may be placed visible to traffic approaching from each direction;

(d) Signs shall be located so as not to detract from official traffic control signs installed pursuant to the manual on uniform traffic control devices adopted by the department;

(e) Signs shall be located so as not to restrict sight distance on approaches to intersections or interchanges;

(f) The department may charge reasonable fees to defray the cost of manufacture, installation, and maintenance of adopt-a-highway signs.

Only signs of types 1, 2, 3, 7, ((and)) 8, and 9 may be erected or maintained within view of the scenic system. Signs of types 7 ((and)), 8, and 9 may also be erected or maintained within view of the federal aid primary system.

NEW SECTION. Sec. 3. Local government legislative authorities may enact local "adopt-a-highway sign" programs which are not inconsistent with state or federal law.

NEW SECTION. Sec. 4. The legislature finds that despite the efforts of the department of transportation, the department of ecology, and the ecology youth corps to pick up litter along state highways, roadside litter in Washington state has increased by thirty-six percent since 1983. The legislature further finds that in twenty-seven states, volunteer organizations are able to give of their time and energy, demonstrate commitment to a clean environment, and discourage would-be litterers by keeping sections of highway litter free because those states have established programs to encourage and recognize such voluntary efforts. Therefore, it is the legislature's intent to establish an "adopt-a-highway" litter control program as a partnership between citizen volunteers and the state to reduce roadside litter and build civic pride in a litter-free Washington.

NEW SECTION. Sec. 5. A new section is added to chapter 47.40 RCW to read as follows:

(1) The department of transportation shall establish a state-wide adopt-a-highway litter control program whereby volunteer organizations may contribute to a cleaner environment and a more attractive state by adopting sections of state highway and picking up litter along those sections.

An organization whose name: (a) Endorses or opposes a particular candidate for public office, (b) advocates a position on a specific political issue, initiative, referendum, or piece of legislation, or (c) includes a reference to a political party shall not be eligible to participate in the adopt-a-highway program.

(2) In administering the adopt-a-highway, the department shall:

(a) Provide a standardized application form, registration form, and contractual agreement for all volunteer groups. Such forms shall notify the prospective participants of the risks and responsibilities to be assumed by either the department and/or the volunteer groups;

(b) Require all volunteers to be at least fifteen years of age;

(c) Require parental consent for all minors;

(d) Require at least one volunteer adult supervisor for every eight minors;

(e) Require one designated leader for each volunteer organization;

(f) Assign each volunteer organization a section of state highway for a specified period of time;

(g) Recognize the efforts of a participating organization by erecting and maintaining signs with the organization's name on both ends of the organization's section of highway;

(h) Provide appropriate safety equipment and "Volunteer Litter Crew Ahead" signs. Safety equipment, other than hardhats, issued to volunteer organizations must be returned to the department after each use for reuse by other volunteer groups;

(i) Provide safety training for all volunteers;

(j) Pay any and all premiums or assessments required under RCW 51.12.035 to secure medical aid benefits under chapter 51.36 RCW for all volunteers participating in the program;

(k) Maintain records of all injuries and accidents that occur;

(l) Adopt rules which establish a process to resolve any question of an organization's eligibility to participate in the adopt-a-highway program;

(m) Obtain permission from property owners who lease right of way before allowing a volunteer organization to adopt a section of highway on such leased property; and

(n) Establish procedures and guidelines for the adopt-a-highway program.

(3) Nothing in this section affects the rights or activities of, or agreements with, adjacent landowners, including the use of rights of way and crossings, nor impairs these rights and uses by the placement of signs.

Passed the Senate March 8, 1990.

Passed the House March 8, 1990.

Approved by the Governor March 28, 1990.

Filed in Office of Secretary of State March 28, 1990.

CHAPTER 259

[Substitute House Bill No. 2935]

LOCAL GOVERNMENT ELECTIONS

AN ACT Relating to local government elections; amending RCW 27.12.040, 35A.02.020, 35A.02.060, 35A.06.040, 35A.07.020, 35A.07.050, 35A.08.040, 35A.09.020, 35A.09.040, 35A.10.030, 35A.15.010, 52.02.030, 52.06.020, 52.14.015, 53.04.020, 53.04.080, 53.04.085, 53.04.110, 53.12.060, 53.46.020, 56.04.030, 56.04.050, 56.12.015, 56.12.030, 56.24.070, 56.24.200, 57.04.030, 57.04.050, 57.12.015, 57.12.020, 57.24.010, 57.24.190, 68.52.220, 68.52.250, 68.54.010, 68.54.020, 68.54.030, 70.44.020, and 70.44.040; and repealing RCW 68.52.230.

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

Sec. 1. Section 4, chapter 59, Laws of 1955 and RCW 27.12.040 are each amended to read as follows:

The procedure for the establishment of a rural county library district shall be as follows:

(1) Petitions signed by at least ten percent of the registered voters of the county who voted in the last general election, outside of the area of incorporated cities and towns, asking that the question, "Shall a rural county library district be established?" be submitted to a vote of the people, shall be filed with the ~~((board of))~~ county ~~((commissioners))~~ legislative authority.

(2) The ~~((board of))~~ county ~~((commissioners))~~ legislative authority, after having determined that the petitions were signed by the requisite number of ~~((qualified petitioners))~~ registered voters, shall place the proposition for the establishment of a rural county library district on the ballot for the vote of the people of the county, outside incorporated cities and towns, at the next succeeding general or special election.

(3) If a majority of those voting on the proposition vote in favor of the establishment of the rural county library district, the ~~((board of))~~ county ~~((commissioners))~~ legislative authority shall forthwith declare it established.

Sec. 2. Section 35A.02.020, chapter 119, Laws of 1967 ex. sess. as amended by section 3, chapter 18, Laws of 1979 ex. sess. and RCW 35A.02.020 are each amended to read as follows:

When a petition is filed, signed by ~~((qualified electors))~~ registered voters of an incorporated city or town, in number equal to not less than fifty percent of the votes cast at the last general municipal election, seeking the adoption by the city or town of the classification of noncharter code city,

either under its existing authorized plan of government or naming one of the plans of government authorized for noncharter code cities, the ~~((city or town clerk))~~ county auditor shall promptly proceed to determine the sufficiency of the petition under the rules set forth in RCW 35A.01.040. If the petition is found to be sufficient, the ~~((clerk))~~ county auditor shall file with the legislative body a certificate of sufficiency of the petition. Thereupon the legislative body of such city or town shall, by resolution, declare that the inhabitants of the city or town have decided to adopt the classification of noncharter code city and to be governed under the provisions of this title. If a prayer for reorganization is included in the petition such resolution shall also declare that the inhabitants of the city or town have decided to reorganize under the plan of government specified in the petition. The legislative body shall cause such resolution to be published at least once in a newspaper of general circulation within the city or town not later than ten days after the passage of the resolution. Upon the expiration of the ninetieth day from, but excluding the date of, first publication of the resolution, if no timely and sufficient referendum petition has been filed pursuant to RCW 35A.02.025, as now or hereafter amended, as determined by RCW 35A.29.170, the legislative body at its next regular meeting shall effect the decision of the inhabitants, as expressed in the petition, by passage of an ordinance adopting for the city the classification of noncharter code city, and if the petition also sought governmental reorganization by adoption of one of the plans of government authorized for noncharter code cities involving a different general plan of government from that under which the city is operating, then the legislative body shall provide at that time for such reorganization by ordinance and for election of all new officers pursuant to RCW 35A.02.050, as now or hereafter amended.

Sec. 3. Section 35A.02.060, chapter 119, Laws of 1967 ex. sess. and RCW 35A.02.060 are each amended to read as follows:

When a petition which is sufficient under the rules set forth in RCW 35A.01.040 is filed with the legislative body of an incorporated city or town, signed by qualified electors of such municipality in number equal to not less than ten percent of the votes cast at the last general municipal election, seeking adoption by the city or town of the classification of noncharter code city and the reorganization of the city or town under one of the plans of government authorized in this title, the ~~((clerk of the city or town))~~ county auditor shall file with the legislative body thereof a certificate of sufficiency of such petition. Thereupon, the legislative body shall cause such proposal to be submitted to the voters at the next general municipal election if one is to be held within one hundred eighty days after certification of the sufficiency of the petition, or at a special election to be held for that purpose not less than ninety days nor more than one hundred and eighty days from such certification of sufficiency. Ballot titles for elections under this chapter shall be prepared by the city attorney as provided in RCW 35A.29.120.

Sec. 4. Section 35A.06.040, chapter 119, Laws of 1967 ex. sess. and RCW 35A.06.040 are each amended to read as follows:

Upon the passage of a resolution of the legislative body of a noncharter code city, or upon the filing of a sufficient petition with the ~~((city clerk))~~ county auditor signed by ~~((qualified electors))~~ registered voters in number equal to not less than ten percent of the votes cast at the last general municipal election therein, proposing abandonment by the city of the plan of government under which it is then operating and adoption of another plan, naming such plan, the sufficiency of the petition for abandonment shall be determined, an election ordered and conducted, and the results declared generally as provided in chapter 35A.02 RCW insofar as such provisions are applicable. If the resolution or petition proposes a plan of government other than those authorized in chapters 35A.12 RCW and 35A.13 RCW of this title, the resolution or petition shall specify the class under which such city will be classified upon adoption of such plan.

Sec. 5. Section 35A.07.020, chapter 119, Laws of 1967 ex. sess. and RCW 35A.07.020 are each amended to read as follows:

When a petition is filed, signed by ~~((qualified electors))~~ registered voters of a charter city in number equal to not less than fifty percent of the votes cast at the last general municipal election, seeking the adoption by the charter city of the classification of charter code city the legislative body of such city shall direct the ~~((city clerk))~~ county auditor to determine the sufficiency of the petition under the rules set forth in RCW 35A.01.040. If the petition is found to be sufficient, the ~~((clerk))~~ county auditor shall file with the legislative body a certificate of sufficiency of the petition. Thereupon the legislative body of the charter city shall, by resolution, declare that the inhabitants of such city have decided to adopt the classification of charter code city and to be governed under this title. The legislative body shall cause such resolution to be published at least once in a newspaper of general circulation within the city not later than ten days after the passage of the resolution. Upon the expiration of the ninetieth day from, but excluding the date of first publication of the resolution, if no timely and sufficient referendum petition has been filed, as determined by RCW 35A.29.170, the legislative body shall effect the decision of the inhabitants, as expressed in the petition, by passage of an ordinance adopting for the city the classification of charter code city.

Sec. 6. Section 35A.07.050, chapter 119, Laws of 1967 ex. sess. and RCW 35A.07.050 are each amended to read as follows:

When a petition which is sufficient under the rules set forth in RCW 35A.01.040 is filed with the legislative body of a charter city, signed by ~~((qualified electors))~~ registered voters of such city in number equal to not less than ten percent of the votes cast at the last general municipal election, seeking adoption by the city of the classification of charter code city, the ~~((city clerk))~~ county auditor shall file with the legislative body thereof a

certificate of sufficiency of such petition. Thereupon the legislative body shall cause such proposal to be submitted to the voters at the next general municipal election if one is to be held within one hundred eighty days, or at a special election to be held for that purpose not less than ninety days nor more than one hundred and eighty days after the filing of such petition. Ballot titles for such election shall be prepared by the city attorney as provided in RCW 35A.29.120.

Sec. 7. Section 35A.08.040, chapter 119, Laws of 1967 ex. sess. and RCW 35A.08.040 are each amended to read as follows:

The election on the question whether to adopt a charter and become a charter code city and the nomination and election of the members of the charter commission shall be conducted, and the result declared, according to the laws regulating and controlling elections in the city. Candidates for election to the charter commission must be nominated by petition signed by ten (~~((qualified electors))~~) registered voters of the city and residents therein for a period of at least two years preceding the election. A nominating petition shall be filed within the time allowed for filing declarations of candidacy and shall be verified by an affidavit of one or more of the signers to the effect that the affiant believes that the candidate and all of the signers are (~~((qualified electors))~~) registered voters of the city and he signed the petition in good faith for the purpose of endorsing the person named therein for election to the charter commission. A written acceptance of the nomination by the nominee shall be affixed to the petition when filed with the (~~((city clerk))~~) county auditor. Nominating petitions need not be in the form prescribed in RCW 35A.01.040. Any nominee may withdraw his nomination by a written statement of withdrawal filed at any time not later than five days before the last day allowed for filing nominations. The positions on the charter commission shall be designated by consecutive numbers one through fifteen, and the positions so designated shall be considered as separate offices for all election purposes. A nomination shall be made for a specific numbered position.

Sec. 8. Section 35A.09.020, chapter 119, Laws of 1967 ex. sess. and RCW 35A.09.020 are each amended to read as follows:

Upon the filing with the (~~((city clerk))~~) county auditor of a sufficient petition signed by (~~((qualified electors))~~) registered voters of a charter code city, in number equal to at least ten percent of the votes cast at the last general municipal election, seeking the adoption of a specified charter amendment set forth in the petition, providing for any matter within the realm of local affairs, or municipal business, or structure of municipal government, offices, and departments, said amendment shall be submitted to the voters at the next general municipal election if one is to be held within one hundred and eighty days, or at a special election to be held for that purpose not less than ninety days, nor more than one hundred and eighty

days after the filing of the certificate of sufficiency of the petition. The proposed charter amendment shall be published as provided in RCW 35A.09-.050. Upon approval by a majority of the ~~((qualified electors))~~ registered voters voting thereon, such amendment shall become a part of the charter organic law governing such charter code city.

Sec. 9. Section 35A.09.040, chapter 119, Laws of 1967 ex. sess. and RCW 35A.09.040 are each amended to read as follows:

Within ten days after the results of the election authorized by RCW 35A.09.030 have been determined, if a majority of the votes cast favor the proposition, the members of the charter commission elected thereat shall convene and prepare a new or revised charter by altering, revising, adding to, or repealing the existing charter including all amendments thereto and within one hundred and eighty days thereafter file it with the ~~((city clerk))~~ county auditor. The charter commission shall be organized, vacancies filled, alternative plans of government considered, and a public hearing held all in the manner provided in sections of chapter 35A.08 RCW relating to charter commissions, and the commission members shall be reimbursed for their expenses and may obtain technical and clerical assistance in the manner provided in chapter 35A.08 RCW. Upon the filing of the proposed new, altered, changed, or revised charter with the ~~((city clerk))~~ county auditor, it shall be submitted to the ~~((qualified electors))~~ registered voters of the charter code city at an election conducted as provided in RCW 35A.09.060.

Sec. 10. Section 35A.10.030, chapter 119, Laws of 1967 ex. sess. and RCW 35A.10.030 are each amended to read as follows:

Upon the passage of a resolution of the legislative body of a charter code city, or upon the filing with the ~~((city clerk))~~ county auditor of a sufficient petition signed by ~~((qualified electors))~~ registered voters of a charter code city in number equal to not less than ten percent of the votes cast at the last general municipal election therein, proposing abandonment of the classification of charter code city and that the city be governed under its charter and the general law relating to cities of the classification named in the petition or resolution, the legislative body thereof shall cause the propositions to be submitted to the voters at the next general municipal election if one is to be held within one hundred and eighty days or at a special election to be held for that purpose not less than ninety days nor more than one hundred and eighty days after the passage of the resolution or the filing of the certificate of sufficiency of the petition. Notice of election shall be given, the election conducted, and results declared generally as provided in chapter 35A.02 RCW, insofar as such provisions are applicable. If a majority of the votes cast upon such proposition are in favor of abandonment of the classification of charter code city, upon the certification of the record of election to the office of the secretary of state, such charter city shall be classified as a city of the class selected and shall be governed by the laws relating thereto.

Sec. 11. Section 35A.15.010, chapter 119, Laws of 1967 ex. sess. and RCW 35A.15.010 are each amended to read as follows:

Any noncharter code city may be disincorporated. Proceedings may be initiated by the filing with the ~~((city clerk))~~ county auditor of a petition for disincorporation signed by a majority of the ~~((qualified))~~ registered voters resident in such city, or the legislative body of the city may provide by resolution for an election on the proposition of disincorporation.

Sec. 12. Section 2, chapter 34, Laws of 1939 as last amended by section 1, chapter 63, Laws of 1989 and RCW 52.02.030 are each amended to read as follows:

(1) For the purpose of the formation of a fire protection district, a petition designating the boundaries of the proposed district, by metes and bounds, or by describing the lands to be included in the proposed district by United States townships, ranges and legal subdivisions, signed by not less than ~~((fifteen))~~ ten percent of the ~~((qualified))~~ registered ~~((electors))~~ voters who reside within the boundaries of the proposed district who voted in the last general municipal election, and setting forth the object for the creation of the proposed district and alleging that the establishment of the proposed district will be conducive to the public safety, welfare, and convenience, and will be a benefit to the property included in the proposed district, shall be filed with the county auditor of the county in which all, or the largest portion of, the proposed district is located, accompanied by an obligation signed by two or more petitioners, agreeing to pay the cost of the publication of the notice required by this title. The organization of any fire protection district previously formed is hereby approved and confirmed as a legally organized fire protection district in the state of Washington.

(2) The county auditor shall, within thirty days from the date of filing the petition, examine the signatures and certify to the sufficiency or insufficiency of the signatures. If the proposed fire protection district is located in more than one county, the auditor of the county in which the largest portion of the proposed fire protection district is located shall be the lead auditor and shall transmit a copy of the petition to the auditor or auditors of the other county or counties within which the proposed fire protection district is located. Each of these other auditors shall certify to the lead auditor both the total number of registered voters residing in that portion of the proposed fire protection district that is located in the county and the number of valid signatures of such voters who have signed the petition. The lead auditor shall certify the sufficiency or insufficiency of the signatures. The books and records of the auditor shall be prima facie evidence of the truth of the certificate. No person having signed the petition is allowed to withdraw his or her name after the filing of the petition with the county auditor.

(3) If the petition is found to contain a sufficient number of signatures of registered ~~((electors))~~ voters residing within the proposed district, the

county auditor shall transmit the petition, together with the auditor's certificate of sufficiency, to the county legislative authority or authorities of the county or counties in which the proposed fire protection district is located.

Sec. 13. Section 13, chapter 254, Laws of 1947 as amended by section 58, chapter 230, Laws of 1984 and RCW 52.06.020 are each amended to read as follows:

To effect such a merger, a petition to merge shall be filed with the board of the merger district by the commissioners of the merging district. The commissioners of the merging district may sign and file the petition on their own initiative, and they shall file a petition when it is signed by ~~((fifteen))~~ ten percent of the ~~((qualified electors))~~ registered voters resident in the merging district who voted in the last general municipal election and presented to the board of commissioners. The petition shall state the reasons for the merger, state the terms and conditions under which the merger is proposed, and request the merger.

Sec. 14. Section 85, chapter 230, Laws of 1984 as amended by section 20, chapter 63, Laws of 1989 and RCW 52.14.015 are each amended to read as follows:

In the event a three member board of commissioners of any fire protection district determines by resolution and approves by unanimous vote of the board that it would be in the best interest of the district to increase the number of commissioners from three to five, or in the event the board is presented with a petition signed by ~~((fifteen))~~ ten percent of the ~~((qualified electors))~~ registered voters resident within the district who voted in the last general municipal election calling for such an increase in the number of commissioners of the district, the board shall submit a resolution to the county legislative authority or authorities of the county or counties in which the district is located requesting that an election be held. Upon receipt of the resolution, the legislative authority or authorities of the county or counties shall call a special election to be held within the fire protection district at which election the following proposition shall be submitted to the voters substantially as follows:

Shall the board of commissioners of _____ county fire protection district no. _____ be increased from three members to five members?

Yes _____

No _____

If the fire protection district is located in more than a single county, this proposition shall indicate the name of the district.

If the proposition receives a majority approval at the election, the board of commissioners of the fire protection district shall be increased to five members. The two additional members shall be appointed in the same manner as provided in RCW 52.14.020.

Sec. 15. Section 2, chapter 92, Laws of 1911 as last amended by section 1, chapter 262, Laws of 1986 and RCW 53.04.020 are each amended to read as follows:

At any general election or at any special election which may be called for that purpose, the ~~((board of))~~ county ~~((commissioners))~~ legislative authority of any county in this state may, or on petition of ten percent of the ~~((qualified electors))~~ registered voters of such county based on the total vote cast in the last general county election, shall, by resolution submit to the voters of such county the proposition of creating a port district which may: (1) Be coextensive with the limits of such county as now or hereafter established; or (2) be under the provisions of RCW 53.04.022. Such petition shall be filed with the county auditor, who shall within fifteen days examine the signatures thereof and certify to the sufficiency or insufficiency thereof, and for such purpose the county auditor shall have access to all registration books in the possession of the officers of any incorporated city or town in such proposed port district. If such petition be found to be insufficient, it shall be returned to the persons filing the same, who may amend or add names thereto for ten days, when the same shall be returned to the county auditor, who shall have an additional fifteen days to examine the same and attach his or her certificate thereto. No person having signed such petition shall be allowed to withdraw his or her name therefrom after the filing of the same with the county auditor. Whenever such petition shall be certified to as sufficient, the county auditor shall forthwith transmit the same, together with his or her certificate of sufficiency attached thereto, to the legislative authority of the county, who shall submit such proposition at the next general election or, if such petition so requests, the ~~((board of))~~ county ~~((commissioners))~~ legislative authority shall, at their first meeting after the date of such certificate, by resolution, call a special election to be held ~~((not less than thirty days nor more than sixty days from the date of such certificate))~~ in accordance with RCW 29.13.010 and 29.13.020. The notice of election shall state the boundaries of the proposed port district and the object of such election. In submitting the ~~((said))~~ question to the voters for their approval or rejection, the proposition shall be expressed on ~~((said))~~ the ballot substantially in the following terms:

"Port of, Yes." (giving the name of the principal seaport city within such proposed port district, or if there be more than one city of the same class within such district, such name as may be determined by the legislative authority of the county).

"Port of, No." (giving the name of the principal seaport city within such port district, or if there be more than one city of the same class within such district, such name as may be determined by the legislative authority of the county).

Sec. 16. Section 1, chapter 130, Laws of 1921 as amended by section 1, chapter 16, Laws of 1935 and RCW 53.04.080 are each amended to read as follows:

At any general election or at any special election which may be called for that purpose the ~~((board-of))~~ county ~~((commissioners))~~ legislative authority of any county in this state in which there exists a port district which is not coextensive with the limits of the county, shall on petition of the commissioners of such port district, by resolution, submit to the voters residing within the limits of any territory which the existing port district desires to annex or include in its enlarged port district, the proposition of enlarging the limits of such existing port districts so as to include therein the whole of the territory embraced within the boundaries of such county, or such territory as may be described in ~~((said))~~ the petition by legal subdivisions. Such petition shall be filed with the county auditor, who shall forthwith transmit the same to the ~~((board-of))~~ county ~~((commissioners))~~ legislative authority, who shall submit such proposition at the next general election, or, if such petition so request, the ~~((board-of))~~ county ~~((commissioners))~~ legislative authority, shall at their first meeting after the date of filing such petition, by resolution, call a special election to be held ~~((not less than thirty days nor more than sixty days from the date of filing said petition))~~ in accordance with RCW 29.13.010 and 29.13.020. The notice of election shall state the boundaries of the proposed enlarged port district and the object of the special election. In submitting ~~((said))~~ the question to the voters of the territory proposed to be annexed or included for their approval or rejection, the proposition shall be expressed on the ballots substantially in the following terms:

"Enlargement of the port of, yes." (Giving then name of the port district which it is proposed to enlarge);

"Enlargement of the port of, no." (Giving the name of the port district which it is proposed to enlarge).

Such election, whether general or special, shall be held in each precinct wholly or partially embraced within the limits of the territory proposed to be annexed or included and shall be conducted and the votes cast thereat counted, canvassed, and the returns thereof made in the manner provided by law for holding general or special county elections.

Sec. 17. Section 2, chapter 157, Laws of 1971 ex. sess. and RCW 53.04.085 are each amended to read as follows:

If an area, not currently part of an existing port district desires to be annexed to a port district in the same county, upon receipt of a petition bearing the names of ten percent of the ~~((qualified electors))~~ registered voters residing within the proposed boundaries of the area desiring to be annexed who voted in the last general municipal election, the commissioners of such port district shall petition the ~~((board-of))~~ county ~~((commissioners))~~ legislative authority to annex such territory, as provided in RCW 53.04.080.

Sec. 18. Section 1, chapter 140, Laws of 1929 and RCW 53.04.110 are each amended to read as follows:

Any port district now existing or which may hereafter be organized under the laws of the state of Washington is hereby authorized to change its corporate name under the following conditions and in the following manner:

(1) On presentation, at least ~~((thirty))~~ forty-five days before any general port election to be held in ~~((said))~~ the port district, of a petition to the commissioners of any port district now existing or which may hereafter be established under the laws of the state of Washington, signed by not less than two hundred fifty ~~((electors))~~ registered voters residing within ~~((said))~~ the port district and asking that the corporate name of ~~((said))~~ the port district be changed, it shall be the duty of ~~((said))~~ the commissioners to submit to the ~~((electors))~~ voters of ~~((said))~~ the port district at the next general port election held in ~~((said))~~ the port district in accordance with RCW 29.13.010 and 29.13.020 the proposition as to whether the corporate name of ~~((said))~~ the port shall be changed.

(2) ~~((said))~~ The petition shall contain the present corporate name of ~~((said))~~ the port district and the corporate name which is proposed to be given to ~~((said))~~ the port district.

(3) On submitting ~~((said))~~ the proposition to the ~~((electors))~~ voters of ~~((said))~~ the port district it shall be the duty of ~~((said))~~ the port commissioners to cause to be printed on the official ballot used at ~~((said))~~ the election the following proposition:

"Shall the corporate name, 'Port of
.....' be changed to 'Port of
.....' YES
"Shall the corporate name, 'Port of
.....' be changed to 'Port of
.....' NO"

(4) At the time when the returns of ~~((said))~~ the general election shall be canvassed by the commissioners of the ~~((said))~~ port district, it shall be the duty of ~~((said))~~ the commissioners to canvass the vote upon ~~((said))~~ the proposition so submitted, recording in their record the result of ~~((said))~~ the canvass.

(5) Should a majority of the ~~((electors))~~ registered voters of ~~((said))~~ the port district voting at ~~((said))~~ the general port election vote in favor of ~~((said))~~ the proposition it shall be the duty of ~~((said))~~ the port commissioners to certify ~~((said))~~ the fact to the auditor of the county in which ~~((said))~~ the port district shall be situated and to the secretary of state of the state of Washington, under the seal of ~~((said))~~ the port district. On and after the filing of ~~((said))~~ the certificate with the county auditor as aforesaid and with the secretary of state of the state of Washington, the corporate name

of ~~((said))~~ the port district shall be changed, and thenceforth ~~((said))~~ the port district shall be known and designated in accordance therewith.

Sec. 19. Section 3, chapter 62, Laws of 1913 as last amended by section 6, chapter 175, Laws of 1959 and RCW 53.12.060 are each amended to read as follows:

A general election shall be held in conjunction with county elections for the election of a port commissioner or commissioners and for the submission of propositions, and special elections shall be held at such times and for such propositions as the port commission may by resolution prescribe, subject to the limitations and pursuant to the requirements of ~~((this act~~:

~~There shall be not less than one polling place in each of the various wards of any incorporated city within such port district, and one polling place within each precinct of each port district not within the limits of any incorporated city. PROVIDED, That the commissioners of any port district having a population of less than two hundred and fifty registered voters, may, by resolution, provide that all elections of said district be held at one central polling place to be designated by them. It shall be the duty of the county commissioners in the formation of a port district, and of the port commission in all subsequent elections, to, at least twenty days before each election, designate the polling places and appoint three election officers for each place of voting. At all elections the vote shall be by ballot. The polls shall be open between such hours of the day as the commission shall designate, but in every case the polls shall be open between one o'clock p.m. and eight o'clock p.m. All electors who are, at the time of such election, duly qualified to vote within their respective precincts under the general election laws for state and county officers shall be entitled to vote at any election held in such port district.~~

~~Officers of the city and county having charge of the registration books of any city or precinct in a port district shall deliver the same for the use of the election officers at all port elections. In the event of such registration books being required by law to be used by any school district or other public corporation at the same time as the use thereof will be necessary by the port district, such books shall be delivered to the port commission and school district or other public corporation jointly, and the same polling places and registration books may be used jointly in such cases, and the same individuals may serve as election officers for all such joint elections, and in such cases the compensation of such election officers and other expense shall be so divided that the port district shall bear only its proportionate share thereof)) Title 29 RCW.~~

The manner of conducting and voting at elections under this act, opening and closing of polls, keeping of poll lists, canvassing the votes, declaring the result, and certifying the returns, shall be the same as provided by the general election laws governing the election of state and county officers(~~(, except as otherwise provided in this act))~~).

Sec. 20. Section 2, chapter 26, Laws of 1961 as amended by section 3, chapter 102, Laws of 1965 and RCW 53.46.020 are each amended to read as follows:

The special election to consider such consolidation and to fill such offices shall be conducted in accordance with the general election laws of the state. ~~((Each candidate for the port commission of the port district resulting from the consolidation shall, not more than forty-five nor less than thirty days prior to the election, file with the county auditor a declaration of candidacy for port commissioner from the port commissioner district in which he is a qualified voter. If the proposed consolidated district will lie in two or more counties, candidates shall file with the principal county auditor. The principal county auditor in such case shall be election officer, and the county auditors of other counties having area within such proposed port district shall cooperate by providing such books and records and assisting as may be required in carrying out such election and all subsequent elections in any such consolidated port district. Any candidate may withdraw his declaration at any time within five days after the last day allowed for filing declaration of candidacy. There shall be no fee charged for filing a declaration of candidacy for port commissioner at this election. All names of candidates to be voted upon shall be printed upon the ballot alphabetically by port commissioner districts. Names of candidates printed upon the ballot need not be rotated.))~~

Sec. 21. Section 2, chapter 210, Laws of 1941 as last amended by section 1, chapter 33, Laws of 1987 and RCW 56.04.030 are each amended to read as follows:

For the purpose of formation or reorganization of ~~((such))~~ sewer districts, a petition shall be presented to the ~~((board of))~~ county ~~((commissioners))~~ legislative authority of the county in which ~~((said))~~ the proposed sewer district is located, which petition shall set forth the object for the creation or reorganization of the ~~((said))~~ district, shall designate the boundaries thereof and set forth the further fact that the establishment or reorganization of ~~((said))~~ the district will be conducive to the public health, convenience and welfare and will be of benefit to the property included therein. The petition shall specify the proposed property tax levy assessment, if any, which shall not exceed one dollar and twenty-five cents per thousand dollars of assessed value, for general preliminary expenses of the district. ~~((Said))~~ The petition shall be signed by at least ~~((twenty-five))~~ ten percent of the ~~((qualified electors))~~ registered voters residing within the district described in the ~~((said))~~ petition who voted in the last general municipal election; PROVIDED, If in the opinion of the county health officer the existing sewerage disposal facilities are inadequate in the district to be created only, and it is for the public welfare, then the ~~((board of))~~ county ~~((commissioners))~~ legislative authority of ~~((such))~~ the county may declare a

sewerage disposal district a necessity, and ~~((such))~~ the district shall be organized under the provisions of this title, and all amendments thereto. The ~~((said))~~ petition or resolution shall be filed with the county auditor, who shall, within ten days examine the signatures thereof and certify to the sufficiency or insufficiency. For such purpose the county auditor shall have access to all registration books in the possession of the officers of any political subdivision in such proposed district. No person having signed such a petition shall be allowed to withdraw his or her name therefrom after the filing of the same with the county auditor. If ~~((such))~~ the petition shall be found to contain a sufficient number of signatures, the county auditor shall transmit the same, together with his certificate of sufficiency attached thereto to the ~~((board of))~~ county ~~((commissioners))~~ legislative authority. If ~~((such))~~ the petition or resolution is certified to contain a sufficient number of signatures, or if in the opinion of the county health officer the existing sewerage disposal facilities are a menace to the health and convenience of the public, the ~~((board of))~~ county ~~((commissioners))~~ legislative authority may, by resolution, and not otherwise, declare a sewerage disposal district a necessity, then at a regular or special meeting of the ~~((board of))~~ county ~~((commissioners))~~ legislative authority of such county, the ~~((said))~~ county ~~((commissioners))~~ legislative authority shall cause to be published for at least once a week for two successive weeks in some newspaper ~~((printed and published in said county, and in case no such newspaper be printed or published in such county, then at least once a week for two successive weeks in some newspaper))~~ of general circulation ~~((therein))~~ in the county, giving notice that such a petition has been presented, stating the time of the meeting at which the same shall be presented, and setting forth the boundaries of ~~((said))~~ the proposed district.

Sec. 22. Section 4, chapter 210, Laws of 1941 as last amended by section 2, chapter 33, Laws of 1987 and RCW 56.04.050 are each amended to read as follows:

Upon entry of the findings of the final hearing on the petition, if the commissioners find the proposed sewer system will be conducive to the public health, welfare, and convenience and be of special benefit to the land within the boundaries of the ~~((said))~~ proposed or reorganized district, they shall ~~((by resolution))~~ call a special election ~~((to be held not less than thirty days and not more than sixty days from the date thereof, and))~~ by presenting a resolution to the county auditor at least forty-five days prior to the proposed election date. A special election will be held on a date decided by the commissioners in accordance with RCW 29.13.010 and 29.13.020. The commissioners shall cause to be published a notice of such election at least once a week for four successive weeks in a newspaper of general circulation in the county, setting forth the hours during which the polls will be open, the boundaries of the proposed or reorganized district as finally adopted, and the object of the election, and the notice shall also be posted for ten

days in ten public places in the proposed or reorganized district. The proposition shall be expressed on the ballots in the following terms:

- Sewer District YES
- Sewer District NO

or in the reorganization of a district, the proposition shall be expressed on the ballot in the following terms:

- Sewer District Reorganization YES
- Sewer District Reorganization NO

giving in each instance the name of the district as decided by the board.

At the same election the county (~~commissioners~~) legislative authority shall submit a proposition to the voters, for their approval or rejection, authorizing the sewer district, if formed, to levy at the earliest time permitted by law on all property located in the district a general tax for one year, in excess of the tax limitations provided by law, in the amount specified in the petition to create the district, not to exceed one dollar and twenty-five cents per thousand dollars of assessed value, for general preliminary expenses of the district, (~~said~~) the proposition to be expressed on the ballots in the following terms:

- One year dollars and cents per thousand dollars of assessed value tax YES
- One year dollars and cents per thousand dollars of assessed value tax NO

Such proposition to be effective must be approved by a majority of at least three-fifths of the (~~electors~~) registered voters thereof voting on the proposition in the manner set forth in Article VII, section 2(a) of the Constitution of this state, as amended by Amendment 59 and as thereafter amended.

Sec. 23. Section 3, chapter 449, Laws of 1987 and RCW 56.12.015 are each amended to read as follows:

If a three-member board of commissioners of any sewer district determines by resolution and approves by unanimous vote of the board that it would be in the best interest of the district to increase the number of commissioners from three to five, or if the board is presented with a petition signed by ten percent of the (~~qualified electors~~) registered voters resident within the district who voted in the last general municipal election calling for an increase in the number of commissioners of the district, the board shall submit a resolution to the (~~legislative authority of the~~) county auditor requesting that an election be held. Upon receipt of the resolution, the (~~legislative authority of the~~) county auditor shall call a special election to be held within the sewer district in accordance with RCW 29.13.010 and 29.13.020, at which election a proposition in substantially the following language shall be submitted to the voters:

Shall the Board of Commissioners of (Name and/or No. of sewer district) be increased from three to five members?

Yes _____

No _____

If the proposition receives a majority approval at the election the board of commissioners of the sewer district shall be increased to five members. In any sewer district with more than ten thousand customers, if a three-member board of commissioners determines by resolution and approves by unanimous vote of the board that it would be in the best interest of the district to increase the number of commissioners from three to five, the number of commissioners shall be so increased, without an election, unless within ninety days of adoption of that resolution, a petition requesting an election and signed by at least ten percent of the ~~((electors))~~ registered voters who voted in the last general municipal election is filed with the board. If such a petition is received, the board shall submit the resolution and the petition to the ~~((legislative authority of the))~~ county auditor, ~~((which))~~ who shall call a special election in the manner described in this section and in accordance with the provisions of RCW 29.13.010 and 29.13.020.

The two positions created on boards of sewer commissioners by this section shall be filled initially as for a vacancy, except that the appointees shall draw lots, one appointee to serve until the next general sewer district election after the appointment, at which two commissioners shall be elected for six-year terms, and the other appointee to serve until the second general sewer district election after the appointment, at which two commissioners shall be elected for six-year terms.

Sec. 24. Section 8, chapter 210, Laws of 1941 as last amended by section 1, chapter 41, Laws of 1986 and RCW 56.12.030 are each amended to read as follows:

(1) Nominations for the first board of commissioners to be elected at the election for the formation of the sewer district shall be by petition of fifty ~~((qualified electors))~~ registered voters or ten percent of the ~~((qualified electors))~~ registered voters of the district who voted in the last general municipal election, whichever is the smaller. The petition shall be filed in the auditor's office of the county in which the district is located at least ~~((thirty))~~ forty-five days before the election. Thereafter candidates for the office of sewer commissioner shall file declarations of candidacy and their election shall be conducted as provided by the general elections laws. A vacancy or vacancies shall be filled by appointment by the remaining commissioner or commissioners until the next regular election for commissioners: PROVIDED, That if there are two vacancies on the board, one vacancy shall be filled by appointment by the remaining commissioner and the one remaining vacancy shall be filled by appointment by the then two commissioners and

~~((said))~~ the appointed commissioners shall serve until the next regular election for commissioners. If the vacancy or vacancies remain unfilled within six months of its or their occurrence, the county legislative authority in which the district is located shall make the necessary appointment or appointments. If there is a vacancy of the entire board a new board may be appointed by the ~~((board of))~~ county ~~((commissioners))~~ legislative authority. Any person residing in the district who is at the time of election a ~~((qualified))~~ registered voter may vote at any election held in the sewer district.

(2) Subsection (1) of this section notwithstanding, the board of commissioners may provide by majority vote that subsequent commissioners be elected from commissioner districts within the district. If the board exercises this option, it shall divide the district into three commissioner districts of approximately equal population following current precinct and district boundaries. Thereafter, candidates shall be nominated and one candidate shall be elected from each commissioner district by the ~~((electors))~~ registered voters of the commissioner district.

(3) All expense of elections for the formation or reorganization of a sewer district shall be paid by the county in which the election is held and the expenditure is hereby declared to be for a county purpose, and the money paid for that purpose shall be repaid to the county by the district if formed or reorganized.

Sec. 25. Section 1, chapter 11, Laws of 1967 ex. sess. as last amended by section 3, chapter 308, Laws of 1989 and RCW 56.24.070 are each amended to read as follows:

Territory within the county or counties in which a district is located, or territory adjoining or in close proximity to a district but which is located in another county, may be annexed to and become a part of the district. All annexations shall be accomplished in the following manner: ~~((Twenty))~~ Ten percent of the number of registered voters residing in the territory proposed to be annexed who voted ~~((at the last))~~ in the last general municipal election may file a petition with the district commissioners and cause the question to be submitted to the ~~((electors))~~ voters of the territory whether the territory will be annexed and become a part of the district. If the commissioners concur in the petition, they shall file it with the county ~~((election officer))~~ auditor, who shall, within ten days, examine the signatures thereon and certify to the sufficiency or insufficiency thereof; and for such purpose the county ~~((election officer))~~ auditor shall have access to all registration books in the possession of the officers of any city or town in the proposed district. If the petition contains a sufficient number of signatures, the ~~((election officer))~~ county auditor shall transmit it, together with a certificate of sufficiency attached thereto to the sewer commissioners of the district. If there are no ~~((electors))~~ registered voters residing in the territory to be annexed, the petition may be signed by such a number as appear of

record to own at least a majority of the acreage in the territory, and the petition shall disclose the total number of acres of land in the territory and the names of all record owners of land therein. If the commissioners are satisfied as to the sufficiency of the petition and concur therein, they shall send it, together with their certificate of concurrence attached thereto to the county legislative authority.

The county legislative authority, upon receipt of a petition certified to contain a sufficient number of signatures of ~~((electors))~~ registered voters, or upon receipt of a petition signed by such a number as own at least a majority of the acreage, together with a certificate of concurrence signed by the sewer commissioners, at a regular or special meeting shall cause to be published once a week for at least two weeks in a newspaper in general circulation throughout the territory proposed to be annexed a notice that the petition has been filed, stating the time of the meeting at which it shall be presented, and setting forth the boundaries of the territory proposed to be annexed.

Sec. 26. Section 3, chapter 146, Laws of 1982 and RCW 56.24.200 are each amended to read as follows:

Such annexation resolution under RCW 56.24.190 shall be subject to referendum for forty-five days after the passage thereof. Upon the filing of a timely and sufficient referendum petition with the board of commissioners, signed by ~~((qualified electors))~~ registered voters in number equal to not less than ten percent of the ~~((votes cast in the last general state election))~~ registered voters in the area to be annexed who voted in the last general municipal election, the question of annexation shall be submitted to the voters of such area in a general election if one is to be held within ninety days or at a special election called for that purpose ~~((not less than forty-five days nor more than ninety days after the filing of the referendum petition))~~ by the board of commissioners in accordance with RCW 29.13.010 and 29.13.020. Notice of such election shall be given under RCW 56.24.080 and the election shall be conducted under RCW 56.24.090. The annexation shall be deemed approved by the voters unless a majority of the votes cast on the proposition are in opposition thereto.

After the expiration of the forty-fifth day from but excluding the date of passage of the annexation resolution, if no timely and sufficient referendum petition has been filed, the area annexed shall become a part of the sewer district upon the date fixed in the resolution of annexation upon transmitting the resolution to the county legislative authority.

Sec. 27. Section 2, chapter 114, Laws of 1929 as last amended by section 3, chapter 33, Laws of 1987 and RCW 57.04.030 are each amended to read as follows:

For the purpose of formation of water districts, a petition shall be presented to the county legislative authority of each county in which the proposed water district is located, which petition shall set forth the object for

the creation of the district, shall designate the boundaries thereof and set forth the further fact that establishment of the district will be conducive to the public health, convenience and welfare and will be of benefit to the property included in the district. The petition shall specify the proposed property tax levy assessment, if any, which shall not exceed one dollar and twenty-five cents per thousand dollars of assessed value, for general preliminary expenses of the district. The petition shall be signed by at least ~~((twenty-five))~~ ten percent of the ~~((qualified electors))~~ registered voters who voted in the last general municipal election, who shall be qualified electors on the date of filing the petition, residing within the district described in the petition. The petition shall be filed with the county ~~((election officer))~~ auditor of each county in which the proposed district is located, who shall, within ten days examine and verify the signatures of the signers residing in the county; and for such purpose the county election official shall have access to all registration books in the possession of the officers of any incorporated city or town in such proposed district. No person having signed such a petition shall be allowed to withdraw his name from the petition after the filing of the petition with the county election officer. The petition shall be transmitted to the election officer of the county in which the largest land area of the district is located who shall certify to the sufficiency or insufficiency of the number of signatures. If the petition shall be found to contain a sufficient number of signatures, the county election officer shall then transmit the same, together with a certificate of sufficiency attached thereto to the county legislative authority of each county in which the proposed district is located. Following receipt of a petition certified to contain a sufficient number of signatures, at a regular or special meeting the county legislative authority shall cause to be published once a week for at least two weeks in one or more newspapers of general circulation in the proposed district, a notice that such a petition has been presented, stating the time of the meeting at which the petition shall be considered, and setting forth the boundaries of the proposed district. When such a petition is presented for hearing, each county legislative authority shall hear the petition or may adjourn the hearing from time to time not exceeding one month in all. Any person, firm, or corporation may appear before the county legislative authority and make objections to the establishment of the district or the proposed boundary lines thereof. Upon a final hearing each county legislative authority shall make such changes in the proposed boundary lines within the county as it deems to be proper and shall establish and define the boundaries and shall find whether the proposed water district will be conducive to the public health, welfare and convenience and be of special benefit to the land included within the boundaries of the proposed district. No lands which will not, in the judgment of the county legislative authority, be benefited by inclusion therein, shall be included within the boundaries of the district. No change shall be made by the county legislative authority in the

boundary lines to include any territory outside of the boundaries described in the petition, except that the boundaries of any proposed district may be extended by the county legislative authority to include other lands in the county upon a petition signed by the owners of all of the land within the proposed extension.

Sec. 28. Section 3, chapter 114, Laws of 1929 as last amended by section 4, chapter 33, Laws of 1987 and RCW 57.04.050 are each amended to read as follows:

Upon entry of the findings of the final hearing on the petition if one or more county legislative authorities find that the proposed district will be conducive to the public health, welfare, and convenience and be of special benefit to the land therein, they shall ~~((by resolution))~~ call a special election ~~((to be held not less than thirty days from the date of the resolution, and))~~ by presenting a resolution to the county auditor at least forty-five days prior to the proposed election date. A special election will be held on a date decided by the commissioners in accordance with RCW 29.13.010 and 29.13.020. The commissioners shall cause to be published a notice of the election for four successive weeks in a newspaper of general circulation in the proposed district, which notice shall state the hours during which the polls will be open, the boundaries of the district as finally adopted and the object of the election, and the notice shall also be posted for ten days in ten public places in the proposed district. In submitting the proposition to the voters, it shall be expressed on the ballots in the following terms:

- Water District YES
- Water District NO

giving the name of the district as provided in the petition.

At the same election a proposition shall be submitted to the voters, for their approval or rejection, authorizing the water district, if formed, to levy at the earliest time permitted by law on all property located in the district a general tax for one year, in excess of the limitations provided by law, in the amount specified in the petition to create the district, not to exceed one dollar and twenty-five cents per thousand dollars of assessed value, for general preliminary expenses of the district, ~~((said))~~ the proposition to be expressed on the ballots in the following terms:

- One year dollars and
..... cents per thousand dol-
lars of assessed value tax YES
- One year dollars and
..... cents per thousand dol-
lars of assessed value tax NO

Such proposition to be effective must be approved by a majority of at least three-fifths of the ~~((electors))~~ registered voters thereof voting on the proposition in the manner set forth in Article VII, section 2(a) of the Constitution of this state, as amended by Amendment 59 and as thereafter amended.

Sec. 29. Section 12, chapter 449, Laws of 1987 and RCW 57.12.015 are each amended to read as follows:

In the event a three-member board of commissioners of any water district determines by resolution and approves by unanimous vote of the board that it would be in the best interest of the district to increase the number of commissioners from three to five, or in the event the board is presented with a petition signed by ten percent of the ~~((qualified electors))~~ registered voters resident within the district who voted in the last general municipal election calling for an increase in the number of commissioners of the district, the board shall submit a resolution to the ~~((legislative body of the))~~ county auditor requesting that an election be held. Upon receipt of the resolution, the ~~((legislative authority of the))~~ county auditor shall call a special election to be held within the water district in accordance with RCW 29.13.010 and 29.13.020, at which election a proposition in substantially the following language shall be submitted to the voters:

Shall the Board of Commissioners of (Name and/or No. of water district) be increased from three to five members?

Yes _____

No _____

If the proposition receives a majority approval at the election the board of commissioners of the water district shall be increased to five members. In any water district with more than ten thousand customers, if a three-member board of commissioners determines by resolution and approves by unanimous vote of the board that it would be in the best interest of the district to increase the number of commissioners from three to five, the number of commissioners shall be so increased, without an election, unless within ninety days of adoption of that resolution a petition requesting an election and signed by at least ten percent of the ~~((electors))~~ registered voters who voted in the last general municipal election is filed with the board. If such a petition is received, the board shall submit the resolution and the petition to the ~~((legislative authority of the))~~ county auditor, ~~((which))~~ who shall call a special election in the manner described in this section and in accordance with the provisions of RCW 29.13.010 and 29.13.020.

The two positions created on boards of water commissioners by this section shall be filled initially as for a vacancy, except that the appointees shall draw lots, one appointee to serve until the next general water district election after the appointment, at which two commissioners shall be elected for six-year terms, and the other appointee to serve until the second general

water district election after the appointment, at which two commissioners shall be elected for six-year terms.

Sec. 30. Section 3, chapter 18, Laws of 1959 as last amended by section 7, chapter 141, Laws of 1985 and RCW 57.12.020 are each amended to read as follows:

Nominations for the first board of commissioners to be elected at the election for the formation of the water district shall be by petition of at least ~~((twenty-five))~~ ten percent of the ~~((qualified electors))~~ registered voters of the district who voted in the last general municipal election, ((or twenty-five of the qualified electors of the district, whichever is lesser,)) filed in the auditor's office of the county in which the district is located, at least ~~((thirty))~~ forty-five days prior to the election. Thereafter, candidates for the office of water commissioners shall file declarations of candidacy and their election shall be conducted as provided by the general election laws. A vacancy or vacancies on the board shall be filled by appointment by the remaining commissioner or commissioners until the next regular election for commissioners: PROVIDED, That if there are two vacancies on the board, one vacancy shall be filled by appointment by the remaining commissioner and the one remaining vacancy shall be filled by appointment by the then two commissioners and ~~((said))~~ the appointed commissioners shall serve until the next regular election for commissioners. If the vacancy or vacancies remain unfilled within six months of its or their occurrence, the county legislative authority in which the district is located shall make the necessary appointment or appointments. If there is a vacancy of the entire board a new board may be appointed by the ~~((board of))~~ county ~~((commissioners))~~ legislative authority.

Any person residing in the district who is a ~~((qualified))~~ registered voter under the laws of the state may vote at any district election.

Sec. 31. Section 15, chapter 18, Laws of 1959 as last amended by section 4, chapter 308, Laws of 1989 and RCW 57.24.010 are each amended to read as follows:

Territory within the county or counties in which a district is located, or territory adjoining or in close proximity to a district but which is located in another county, may be annexed to and become a part of the district. All annexations shall be accomplished in the following manner: ~~((Twenty))~~ Ten percent of the number of registered voters residing in the territory proposed to be annexed who voted ~~((at the last))~~ in the last general municipal election may file a petition with the district commissioners and cause the question to be submitted to the ~~((electors))~~ voters of the territory whether such territory will be annexed and become a part of the district. If the commissioners concur in the petition, they shall file it with the county ~~((election officer))~~ auditor of each county in which the real property proposed to be annexed is located, who shall, within ten days, examine and validate the signatures thereon and certify to the sufficiency or insufficiency thereof; and

for such purpose the county (~~(election officer)~~) auditor shall have access to all registration books in the possession of the officers of any city or town in the proposed district. If the petition contains a sufficient number of signatures, the county (~~(election officer)~~) auditor of the county in which the real property proposed to be annexed is located shall transmit it, together with a certificate of sufficiency attached thereto to the water commissioners of the district. If there are no (~~(electors)~~) registered voters residing in the territory to be annexed, the petition may be signed by such a number as appear of record to own at least a majority of the acreage in the territory, and the petition shall disclose the total number of acres of land in the territory and the names of all record owners of land therein. If the commissioners are satisfied as to the sufficiency of the petition and concur therein, they shall send it, together with their certificate of concurrence attached thereto to the county legislative authority of each county in which the territory proposed to be annexed is located.

The county legislative authority, upon receipt of a petition certified to contain a sufficient number of signatures of (~~(electors)~~) registered voters, or upon receipt of a petition signed by such a number as own at least a majority of the acreage, together with a certificate of concurrence signed by the water commissioners, at a regular or special meeting shall cause to be published once a week for at least two weeks in a newspaper in general circulation throughout the territory proposed to be annexed a notice that the petition has been filed, stating the time of the meeting at which it shall be presented, and setting forth the boundaries of the territory proposed to be annexed.

Sec. 32. Section 6, chapter 146, Laws of 1982 and RCW 57.24.190 are each amended to read as follows:

Such annexation resolution under RCW 57.24.180 shall be subject to referendum for forty-five days after the passage thereof. Upon the filing of a timely and sufficient referendum petition with the board of commissioners, signed by (~~(qualified electors)~~) registered voters in number equal to not less than ten percent of the (~~(votes cast in the last general state election)~~) registered voters in the area to be annexed who voted in the last general municipal election, the question of annexation shall be submitted to the voters of such area in a general election if one is to be held within ninety days or at a special election called for that purpose (~~(not less than forty-five days nor more than ninety days after the filing of the referendum petition)~~) by the board of commissioners in accordance with RCW 29.13.010 and 29.13.020. Notice of such election shall be given under RCW 57.24.020 and the election shall be conducted under RCW 57.24.040. The annexation shall be deemed approved by the voters unless a majority of the votes cast on the proposition are in opposition thereto.

After the expiration of the forty-fifth day from but excluding the date of passage of the annexation resolution, if no timely and sufficient referendum petition has been filed, the area annexed shall become a part of the water district upon the date fixed in the resolution of annexation upon transmitting the resolution to the county legislative authority.

Sec. 33. Section 14, chapter 6, Laws of 1947 as last amended by section 3, chapter 60, Laws of 1982 and RCW 68.52.220 are each amended to read as follows:

The affairs of the district shall be managed by a board of cemetery district commissioners composed of three qualified ((electors)) registered voters of the district. Members of the board shall receive no compensation for their services, but shall receive expenses necessarily incurred in attending meetings of the board or when otherwise engaged in district business. The board shall fix the compensation to be paid the secretary and other employees of the district. The first three cemetery district commissioners shall serve only until the first day in January following the next general election, provided such election occurs thirty or more days after the formation of the district, and until their successors have been elected and qualified and have assumed office in accordance with RCW 29.04.170. At the next general district election, as provided in RCW 29.13.020, provided it occurs thirty or more days after the formation of the district, three members of the board of cemetery commissioners shall be chosen. They and all subsequently elected cemetery commissioners shall have the same qualifications as required of the first three cemetery commissioners and are exempt from the requirements of chapter 42.17 RCW. The candidate receiving the highest number of votes shall serve for a term of six years beginning on the first day in January following; the candidate receiving the next higher number of votes shall serve for a term of four years from ((said)) the date; and the candidate receiving the next higher number of votes shall serve for a term of two years from ((said)) the date. Upon the expiration of their respective terms, all cemetery commissioners shall be elected for terms of six years to begin on the first day in January next succeeding the day of election and shall serve until their successors have been elected and qualified and assume office in accordance with RCW 29.04.170. Elections shall be called, noticed, conducted and canvassed and in the same manner and by the same officials as provided for general county elections. The polling places for a cemetery district election shall be those of the county voting precincts which include any of the territory within the cemetery district, and may be located outside the boundaries of the district, and no such election shall be held irregular or void on that account.

Sec. 34. Section 17, chapter 6, Laws of 1947 and RCW 68.52.250 are each amended to read as follows:

Special elections submitting propositions to the ~~((qualified))~~ registered voters of the district may be called at any time by resolution of the cemetery commissioners in accordance with RCW 29.13.010 and 29.13.020, and shall be called, noticed, held, conducted and canvassed in the same manner and by the same officials as provided for the election to determine whether the district shall be created. ~~((The qualifications of electors at all district elections shall be the same as for general state and county elections.))~~

Sec. 35. Section 1, chapter 78, Laws of 1969 ex. sess. as amended by section 74, chapter 331, Laws of 1987 and RCW 68.54.010 are each amended to read as follows:

Any territory contiguous to a cemetery district and not within the boundaries of a city or town other than as set forth in RCW 68.52.210 or other cemetery district may be annexed to such cemetery district by petition of ~~((fifteen))~~ ten percent of the ~~((qualified))~~ registered ~~((electors))~~ voters residing within the territory proposed to be annexed who voted in the last general municipal election. Such petition shall be filed with the cemetery commissioners of the cemetery district and if the ~~((said))~~ cemetery commissioners shall concur in the ~~((said))~~ petition they shall then file such petition with the county auditor who shall within thirty days from the date of filing such petition examine the signatures thereof and certify to the sufficiency or insufficiency thereof. After the county auditor shall have certified to the sufficiency of the petition, the proceedings thereafter by the ~~((board of))~~ county ~~((commissioners))~~ legislative authority, and the rights and powers and duties of the ~~((board of))~~ county ~~((commissioners))~~ legislative authority, petitioners and objectors and the election and canvass thereof shall be the same as in the original proceedings to form a cemetery district: PROVIDED, That the ~~((board of))~~ county ~~((commissioners))~~ legislative authority shall have authority and it shall be its duty to determine on an equitable basis, the amount of obligation which the territory to be annexed to the district shall assume, if any, to place the taxpayers of the existing district on a fair and equitable relationship with the taxpayers of the territory to be annexed by reason of the benefits of coming into a going district previously supported by the taxpayers of the existing district, and such obligation may be paid to the district in yearly installments to be fixed by the county ~~((board))~~ legislative authority if within the limits as outlined in RCW 68.52.310 and included in the annual tax levies against the property in such annexed territory until fully paid. The amount of the obligation and the plan of payment thereof filed by the county ~~((board))~~ legislative authority shall be set out in general terms in the notice of election for annexation: PROVIDED, That the special election shall be held only within the boundaries of the territory proposed to be annexed to ~~((said))~~ the cemetery district. Upon the entry of the order of the ~~((board of))~~ county ~~((commissioners))~~ legislative authority incorporating such contiguous territory within such existing cemetery district, ~~((said))~~ the territory shall become subject to

the indebtedness, bonded or otherwise, of ~~((said))~~ the existing district in like manner as the territory of ~~((said))~~ the district. Should such petition be signed by sixty percent of the ~~((qualified))~~ registered ~~((electors))~~ voters residing within the territory proposed to be annexed, and should the cemetery commissioners concur therein, an election in such territory and a hearing on such petition shall be dispensed with and the ~~((board-of))~~ county ~~((commissioners))~~ legislative authority shall enter its order incorporating such territory within the ~~((said))~~ existing cemetery district.

Sec. 36. Section 2, chapter 78, Laws of 1969 ex. sess. and RCW 68-.54.020 are each amended to read as follows:

A cemetery district organized under chapter ~~((68-16))~~ 68.52 RCW may merge with another such district lying adjacent thereto, upon such terms and conditions as they agree upon, in the manner hereinafter provided. The district desiring to merge with another district shall hereinafter be called the "merging district", and the district into which the merger is to be made shall be called the "merger district".

Sec. 37. Section 3, chapter 78, Laws of 1969 ex. sess. and RCW 68-.54.030 are each amended to read as follows:

To effect such a merger, a petition therefor shall be filed with the board of the merger district by the commissioners of the merging district. The commissioners of the merging district may sign and file the petition upon their own initiative, and they shall file such a petition when it is signed by ~~((fifteen))~~ ten percent of the ~~((qualified-electors))~~ registered voters resident in the merging district who voted in the last general municipal election and presented to them. The petition shall state the reasons for the merger; give a detailed statement of the district's finances, listing its assets and liabilities; state the terms and conditions under which the merger is proposed; and pray for the merger.

Sec. 38. Section 3, chapter 264, Laws of 1945 as amended by section 1, chapter 135, Laws of 1955 and RCW 70.44.020 are each amended to read as follows:

At any general election or at any special election which may be called for that purpose the ~~((board-of))~~ county ~~((commissioners))~~ legislative authority of a county may, or on petition of ten percent of the ~~((electors))~~ registered voters of the county based on the total vote cast in the last general county election, shall, by resolution, submit to the voters of the county the proposition of creating a public hospital district coextensive with the limits of the county. The petition shall be filed with the county auditor, who shall within fifteen days examine the signatures thereon and certify to the sufficiency thereof, and for that purpose ~~((he))~~ the auditor shall have access to all registration books in the possession of election officers in the county. If the petition is found to be insufficient, it shall be returned to the persons filing it, who may amend or add names thereto for ten days, when it shall be

returned to the auditor, who shall have an additional fifteen days to examine it and attach ~~((his))~~ the certificate thereto. No person signing the petition may withdraw his or her name therefrom after filing. When the petition is certified as sufficient, the auditor shall forthwith transmit it, together with ~~((his))~~ the certificate of sufficiency attached thereto, to the ~~((commissioners))~~ county legislative authority, who shall immediately transmit the proposition to the supervisor of elections or other election officer of the county, and he shall submit the proposition to the voters at the next general election or if such petition so requests, ~~((he))~~ shall call a special election on such proposition ~~((not less than thirty nor more than ninety days from the date of said certificate))~~ in accordance with RCW 29.13.010 and 29.13.020. The notice of the election shall state the boundaries of the proposed district and the object of the election, and shall in other respects conform to the requirements of law governing the time and manner of holding elections. In submitting the question to the voters, the proposition shall be expressed on the ballot substantially in the following terms:

For public hospital district No.

Against public hospital district No.

Sec. 39. Section 5, chapter 264, Laws of 1945 as last amended by section 41, chapter 126, Laws of 1979 ex. sess. and RCW 70.44.040 are each amended to read as follows:

The provisions of Title ~~((54))~~ 29 RCW relating to elections ~~((and procedure of the commission and boundaries and consolidation of public utility districts))~~ shall govern public hospital districts, except that: (1) ~~((Vacancies in hospital commissions shall be governed by chapter 70.44 RCW as now or hereafter amended; (2) elections in hospital districts shall be in odd-numbered years as provided in RCW 29.13.020; (3)))~~ The total vote cast upon the proposition to form a hospital district shall exceed forty percent of the total number of votes cast in the precincts comprising the proposed district at the preceding general and county election; and ~~((4))~~ (2) hospital district commissioners shall hold office for the term of six years and until their successors are elected and qualified, each term to commence on the first day in January following the election. At the election at which the proposition is submitted to the voters as to whether a district shall be formed, three commissioners shall be elected to hold office, respectively, for the terms of two, four, and six years. All candidates shall be voted upon by the entire district, and the candidate residing in commissioner district No. 1 receiving the highest number of votes in the hospital district shall hold office for the term of six years; the candidate residing in commissioner district No. 2 receiving the highest number of votes in the hospital district shall hold office for the term of four years; and the candidate residing in commissioner district No. 3 receiving the highest number of votes in the hospital district shall hold office for the term of two years. The first commissioners to be elected shall take office immediately when qualified in accordance with RCW 29.01.135.

Each term of the initial commissioners shall date from the time above specified following the organizational election, but shall also include the period intervening between the organizational election and the first day of January following the next district general election: PROVIDED, That in public hospital districts encompassing portions of more than one county, the total vote cast upon the proposition to form the district shall exceed forty percent of the total number of votes cast in each portion of each county lying within the proposed district at the next preceding general county election. The portion of ~~((said))~~ the proposed district located within each county shall constitute a separate commissioner district. There shall be three district commissioners whose terms shall be six years. Each district shall be designated by the name of the county in which it is located. All candidates for commissioners shall be voted upon by the entire district. Not more than one commissioner shall reside in any one district: PROVIDED FURTHER, That in the event there are only two districts then two commissioners may reside in one district. The term of each commissioner shall commence on the first day in January in each year following his election. At the election at which the proposition is submitted to the voters as to whether a district shall be formed, three commissioners shall be elected to hold office, respectively, for the terms of two, four, and six years. The candidate receiving the highest number of votes within the district, as constituted by ~~((said))~~ the election, shall serve a term of six years; the candidate receiving the next highest number of votes shall hold office for a term of four years; and the candidate receiving the next highest number of votes shall hold office for a term of two years: PROVIDED FURTHER, That the holding of each such term of office shall be subject to the residential requirements for district commissioners hereinbefore set forth in this section.

NEW SECTION. Sec. 40. Section 15, chapter 6, Laws of 1947 and RCW 68.52.230 are each repealed.

Passed the House February 9, 1990.

Passed the Senate March 2, 1990.

Approved by the Governor March 28, 1990.

Filed in Office of Secretary of State March 28, 1990.

CHAPTER 260

[Substitute Senate Bill No. 6827]

STATE-WIDE 911 SYSTEM STUDY

AN ACT Relating to state-wide 911; creating new sections; and making an appropriation.

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

NEW SECTION. Sec. 1. The legislature finds that a state-wide emergency communications network of enhanced 911 service, allowing an immediate visual display of a caller's location, would serve to further the

safety, health, and welfare of the state's citizens, and would save lives. The legislature further finds that additional information on the development of an efficient and workable state-wide enhanced 911 service is needed before a state-wide program is mandated.

NEW SECTION. Sec. 2. The utilities and transportation commission shall study, by December 15, 1990, the feasibility of developing a state-wide system of enhanced 911 emergency service allowing an immediate visual display of the location of the caller. In conducting the study, the commission shall consider the ideal number of locations within the state for the purpose of routing emergency calls, the most efficient way to transfer emergency information to emergency response entities, cost estimates for the continuation of enhanced 911 in counties where the system is operable, cost estimates for the development of enhanced 911 in counties where a system has yet to be established, recommendations for the structure of a state-administered program of enhanced 911, alternatives to an enhanced 911 system in areas where cost or other factors preclude enhanced 911, specific recommendations for legislative action for developing a system of enhanced 911 throughout the state, and any other topics deemed appropriate by the commission. In conducting the study, the commission shall consult with, and to the extent possible, work with any other studies of the emergency communications network in the state. The commission shall report to the energy and utilities committees of the senate and the house of representatives by January 18, 1991, on the results of this study.

NEW SECTION. Sec. 3. In conducting the study under section 2 of this act the commission shall appoint an advisory committee to provide advice and information related to enhanced 911 service throughout the state. Members of the advisory committee shall represent diverse geographical areas of the state, and to the extent possible, shall include, but not be limited to representatives from the national emergency number association, the associated public communications officers northwest chapter, the Washington state fire chiefs association, the state fire policy board, the Washington fire commissioners association, the Washington state patrol, the association of Washington cities, the Washington state association of counties, and representatives of local exchange telephone companies.

NEW SECTION. Sec. 4. The sum of fifty thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the public service revolving fund to the utilities and transportation commission for the purposes of this act.

Passed the Senate March 6, 1990.

Passed the House March 1, 1990.

Approved by the Governor March 28, 1990.

Filed in Office of Secretary of State March 28, 1990.

CHAPTER 261

[House Bill No. 2832]

HORTICULTURAL PLANTS AND FACILITIES

AN ACT Relating to horticultural plants and facilities; amending RCW 15.13.250, 15.13.260, 15.13.270, 15.13.310, 15.13.320, 15.13.335, 15.13.350, 15.13.370, 15.13.380, 15.13.410, 15.13.420, 15.13.440, 15.13.470, and 15.13.490; and prescribing penalties.

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

Sec. 1. Section 1, chapter 33, Laws of 1971 ex. sess. as last amended by section 1, chapter 36, Laws of 1985 and RCW 15.13.250 are each amended to read as follows:

For the purpose of this chapter:

(1) "Department" means the department of agriculture of the state of Washington.

(2) "Director" means the director of the department or ~~((his))~~ the director's duly appointed representative.

(3) "Person" means a natural person, individual, firm, partnership, corporation, company, society and association, and every officer, agent or employee thereof.

(4) "Horticultural plant" includes, but is not limited to, any horticultural, floricultural, and viticultural plant, for planting, propagation or ornamentation growing or otherwise. The term does not apply to cut plant material or to olericultural plants.

(5) "Horticultural facilities" means, but is not limited to, the premises where horticultural plants are grown, stored, handled or delivered for sale or transportation, and all vehicles and equipment, whether aerial or surface, used to transport such horticultural plants.

(6) "Plant pests" means, but is not limited to any living stage of any insects, mites, nematodes, slugs, snails, protozoa, or other invertebrate animals, bacteria, fungi, other parasitic plants, weeds, or reproductive parts thereof, viruses or any organisms similar to or allied with any of the foregoing, or any infectious substance, which can directly or indirectly injure or cause disease or damage in any plant or parts thereof, or any processed, manufactured, or other products of plants.

(7) "Inspection and/or certification" means, but is not limited to, the inspection of any horticultural plants at any time prior to, during, or subsequent to harvest, or sale, by the director, and the issuance by ~~((him))~~ the director of a written certificate stating the grades, classifications, and if such horticultural plants are free of plant pests and in compliance with all the provisions of this chapter and rules adopted hereunder.

(8) "Nursery dealer" means any person who sells, holds for sale, or offers for sale, or plants, grows, receives, or handles horticultural plants, including turf for sale or for planting, including lawns, for another person.

(9) "Sell" means to sell, hold for sale, offer for sale, handle, or to use as an inducement for the sale of another article or product.

(10) "Master license system" means the mechanism established by chapter 19.02 RCW by which master licenses, endorsed for individual state-issued licenses, are issued and renewed utilizing a master application and a master license expiration date common to each renewable license endorsement.

Sec. 2. Section 2, chapter 33, Laws of 1971 ex. sess. as amended by section 2, chapter 36, Laws of 1985 and RCW 15.13.260 are each amended to read as follows:

The director shall enforce the provisions of this chapter and ~~((he))~~ may adopt any rule necessary to carry out its purpose and provisions including but not limited to the following:

(1) The director may adopt rules establishing grades and/or classifications for any horticultural plant and standards for such grades and/or classifications.

(2) The director may adopt rules for the inspection and/or certification of any horticultural plant as to variety, quality, size and freedom from plant pests.

(3) The director shall adopt rules establishing fees for inspection of horticultural plants and methods of collection thereof.

(4) The director shall when adopting rules or regulations under the provisions of this chapter, hold a public hearing and satisfy all the requirements of chapter 34.05 RCW (administrative procedure act) as enacted or hereafter amended, concerning the adoption of rules and regulations.

Sec. 3. Section 3, chapter 33, Laws of 1971 ex. sess. as last amended by section 3, chapter 36, Laws of 1985 and RCW 15.13.270 are each amended to read as follows:

The provisions of this chapter relating to licensing do not apply to: (1) Persons making casual or isolated sales that do not exceed one hundred dollars annually; (2) any garden club, conservation district, or charitable nonprofit association conducting not more than three sales per year for not more than four consecutive days each of horticultural plants as defined in RCW 15.13.250 and which are grown by or donated to its members; (3) educational organizations associated with private or public secondary schools. However, such a club, conservation district, association, or organization shall apply to the director for a permit to conduct such sales. ~~((A two dollar fee shall be assessed))~~ The director shall adopt rules establishing a fee for the permit.

All horticultural plants sold under such a permit issued by the director shall be subject to all the other provisions of this chapter except licensing as set forth herein.

Sec. 4. Section 7, chapter 33, Laws of 1971 ex. sess. as last amended by section 2, chapter 35, Laws of 1987 and RCW 15.13.310 are each amended to read as follows:

(1) There is hereby levied an annual assessment on the gross sale price of the wholesale market value for all fruit trees, fruit tree (~~((seedlings))~~) related ornamental trees, and fruit tree rootstock(~~((, and all other rootstock used for fruit tree propagation))~~) produced in Washington, and sold within the state or shipped from the state of Washington by any licensed nursery dealer during any license period, as set forth in this chapter. Fruit tree related ornamental tree nursery stock shall be limited to the genera, Chaenomeles, Cydonia, Crataegus, Malus, Prunus, Pyrus, and Sorbus. This annual assessment is based on the first sale price of such nursery stock except for rootstocks which are replanted and/or grafted and planted for growing-on in the nursery. The director shall by rule subsequent to a hearing determine the rate of an assessment conforming with the costs necessary to carry out the fruit tree certification and nursery improvement programs specified in RCW 15.13.470.

Such wholesale market price may be determined by the wholesale catalogue price of the seller of such fruit trees, fruit tree (~~((seedlings))~~) related ornamental trees, or fruit tree rootstock or of the shipper moving such fruit trees, fruit tree (~~((seedlings))~~) related ornamentals, or fruit tree rootstock out of the state. If the seller or shipper do not have a catalogue, then such wholesale market price may be based on the actual selling price or an average wholesale market price. The director in determining such average wholesale market price may use catalogues of various businesses licensed under the provisions of this chapter or any other reasonable method.

(2) Such assessment shall be due and payable on the first day of July of each year.

(3) The gross sale period shall be from July 1 to June 30 of the previous license period.

(4) The department may audit the records of licensees during normal business hours to determine that the appropriate assessment has been paid.

Sec. 5. Section 8, chapter 33, Laws of 1971 ex. sess. as amended by section 5, chapter 73, Laws of 1983 1st ex. sess. and RCW 15.13.320 are each amended to read as follows:

An advisory committee is hereby established to advise the director in the administration of the fruit tree and fruit tree related ornamental tree certification and nursery improvement program.

(1) The committee shall consist of five fruit tree (~~((nurserymen))~~) nursery dealers and the director or (~~((his))~~) the director's designated appointee.

(2) The director shall appoint this committee from names submitted by the Washington state nurserymen's association.

(3) The terms of the members of the committee shall be staggered and the members shall serve a term of three years and until their successor has been appointed and qualified.

In the event a committee member resigns, is disqualified, or vacates ~~((his))~~ a position on the committee for any other reason the vacancy shall be filled by the director under the provisions of this section governing appointments.

Sec. 6. Section 6, chapter 73, Laws of 1983 1st ex. sess. and RCW 15.13.335 are each amended to read as follows:

An advisory committee is hereby established to advise the director in the administration of this chapter.

(1) The committee shall consist of not less than four members, representing the interests of licensed nursery dealers and the nursery industry, appointed by the director in consultation with the following ~~((members))~~ persons: The president ~~((, or an appointee designated by the president,))~~ of (a) the Washington state floricultural association, (b) the Washington state bulb association, and (c) the Washington state nursery and landscape association; and the director or ~~((his))~~ the director's designated appointee.

(2) The terms of the members of the committee shall be ~~((the same as the terms of the officers for the association set forth in subsection (1) of this section))~~ staggered and the members shall serve a term of three years and until their successors have been appointed and qualified.

In the event a committee member resigns, is disqualified, or vacates a position on the committee for any other reason, the vacancy shall be filled by the director under the provisions of this section governing appointments.

Sec. 7. Section 11, chapter 33, Laws of 1971 ex. sess. as amended by section 43, chapter 175, Laws of 1989 and RCW 15.13.350 are each amended to read as follows:

The director may, ~~((whenever he determines))~~ after determining that an applicant or licensee has violated any provisions of this chapter, and complying with the notice and hearing requirement and all other provisions of chapter 34.05 RCW concerning adjudicative proceedings, deny, suspend, or revoke any license issued or which may be issued under the provisions of this chapter.

Sec. 8. Section 13, chapter 33, Laws of 1971 ex. sess. and RCW 15.13.370 are each amended to read as follows:

Any person licensed under the provisions of this chapter may request, upon the payment of actual costs to the department as prescribed by the director, the services of a horticultural inspector at such licensee's place of business or point of shipment during the shipping season. Subsequent to inspection such horticultural inspector shall issue to such licensee a certificate of inspection ~~((in triplicate))~~ signed by ~~((him))~~ the inspector covering any horticultural plants which ~~((he))~~ the inspector finds not to be infected with

plant pests and in compliance with the provisions of this chapter and rules adopted hereunder.

Sec. 9. Section 14, chapter 33, Laws of 1971 ex. sess. and RCW 15-13.380 are each amended to read as follows:

The director shall prescribe, in addition to those costs provided for in RCW 15.13.370, any other necessary fees to be charged the owner or ~~((his))~~ the owner's agent for the inspection and certification of any horticultural plant subject to the provisions of this chapter or rules adopted hereunder, and for the inspection and certification when such inspection and certification is performed at the request of any person financially interested in any horticultural plants which are, or are not subject to the provisions of this chapter or rules adopted hereunder, produced in or imported into this state. The inspection fees provided for in this chapter shall become due and payable ~~((by the end of the next business day and if such are not paid within the prescribed time, the director may withdraw inspection or refuse to perform any inspection or certification service for the person in arrears: PROVIDED, That in such instances the director may demand and collect inspection and certification fees prior to inspecting and certifying any horticultural plants for such person))~~ upon billing by the department. A late charge of one and one-half percent per month shall be assessed on the unpaid balance against persons more than thirty days in arrears. In addition to any other penalties, the director may refuse to perform any inspection or certification service for any person in arrears unless the person makes payment in full prior to such inspection or certification service.

Sec. 10. Section 17, chapter 33, Laws of 1971 ex. sess. and RCW 15-13.410 are each amended to read as follows:

Each shipment of horticultural plants transported or shipped into the state and/or offered for retail sale within the state shall be legibly marked or tagged in a conspicuous manner, and shall include the following:

(1) The ~~((kind of horticultural plant(s)))~~ common name; botanical name; and variety or color picture.

(2) When plants, other than floricultural products are on display for retail sale, ~~((one plant per block))~~ each unit of sale shall be tagged as prescribed above. On mixed lots or blocks, each plant shall be tagged as prescribed above.

(3) Any other necessary information prescribed, by rule, by the director. The director may, whenever ~~((he))~~ the director finds that any horticultural plant is not properly marked, order it off sale until it is properly marked, or order that it be returned to the consignor for proper marking.

(4) If the plant is a patented plant or is produced under a grower agreement, that fact shall be noted on the label or tag.

Sec. 11. Section 18, chapter 33, Laws of 1971 ex. sess. and RCW 15-13.420 are each amended to read as follows:

It shall be unlawful for any person:

(1) To falsely represent that ((he)) the person is the agent or representative of any nursery dealer in horticultural plants;

(2) To deceive or defraud another in the sale of horticultural plants by substituting inferior or different grades from those ordered;

(3) To bring into this state any horticultural plants infested with plant pests, or to sell, offer for sale, hold for sale, distribute, ship or deliver any horticultural plants infested with plant pests;

(4) To sell, offer for sale, hold for sale, solicit orders for or distribute horticultural plants by any method which has the capacity and tendency or effect of deceiving any purchaser or prospective purchaser as to the quantity, size, grade, kind, species, age, maturity, condition, vigor, hardiness, number of times transplanted, growth ability, growth characteristics, rate of growth or time required before flowering or fruiting, price, origin or place where grown, or in any other material respect;

(5) To advertise the price of horticultural plants without denoting the size of the plant material;

(6) To make the following representations directly or indirectly, without limiting the effects of this section:

(a) That any horticultural plant has been propagated by grafting or budding methods, when such is not the fact;

(b) That any horticultural plant is healthy and will grow anywhere without the use of fertilizer, or will survive and produce without special care, when such is not a fact;

(c) That any horticultural plant blooms the year around, or will bear an extraordinary number of blooms of unusual size or quality, when such is not a fact;

(d) That any horticultural plant is a new variety, when in fact it is a standard variety to which the person who is selling or holding such horticultural plant for sale has given a new name;

(e) That any horticultural plant cannot be purchased through usual outlets, or that limited stocks are available, when such is not the fact;

(f) That any horticultural plant offered for sale will be delivered in time for the next, or any specified, seasonal planting when the seller is aware of factors which make such delivery improbable;

(g) That the appearance of any horticultural plant is normal or usual when the appearance so represented is in fact abnormal or unusual;

(h) That the root system of any horticultural plant is appreciably larger than that which actually exists, whether accomplished by means of packaging, balling or otherwise;

(i) That bulblets are bulbs;

(j) That any horticultural plant is rare or an unusual item, when such is not the fact;

(7) To sell, offer for sale or hold for sale, or plant for another person any horticultural plants on the basis of grade, unless such horticultural plants have been graded and/or classified and meet the standards prescribed by the director for such grades and/or classifications;

(8) To substitute any other horticultural plant for a horticultural plant covered by an inspection certificate;

(9) To sell, offer for sale, or hold for sale, or plant for another person, any horticultural plant which is dead, in a dying condition, seriously broken, frozen, or damaged, or abnormally potbound;

(10) To sell, offer for sale, or hold for sale, or plant for another person as other than collected horticultural plant any such collected horticultural plant within one year after its collection in its natural habitat unless it is conspicuously marked or labeled as a collected horticultural plant.

No publisher, radio and television broadcast licensee, advertising agency, or agency or medium for the dissemination of an advertisement, except the grower, packer, distributor, or seller of the article to which the advertisement relates, shall be subject to the penalties of RCW 15.13.490 by reason of ~~((his))~~ dissemination of any false advertisement, unless ~~((he))~~ the person has refused on the request of the director to furnish the name and address of the grower, packer, distributor, seller, or advertising agency in the state of Washington, who caused ~~((him to disseminate))~~ dissemination of such false advertisement.

Sec. 12. Section 20, chapter 33, Laws of 1971 ex. sess. and RCW 15.13.440 are each amended to read as follows:

The director shall condemn any or all horticultural plants in a shipment or when any such horticultural plants are held for sale, or offered for sale and they are found to be dead, in a dying condition, seriously broken, diseased, infested with harmful insects, damaged or frozen or abnormally potbound and shall order such horticultural plants to be destroyed or returned at shipper's option. The director's order shall be final fifteen days after the date of issuance, unless within such time the superior court of the county where the condemnation occurred shall issue an order requiring the director to show cause why ~~((his))~~ the order should not be stayed.

Sec. 13. Section 25, chapter 33, Laws of 1971 ex. sess. as last amended by section 3, chapter 35, Laws of 1987 and RCW 15.13.470 are each amended to read as follows:

All moneys collected under this chapter shall be paid to the director, deposited in an account within the agricultural local fund, and used solely for carrying out this chapter and rules adopted under this chapter. No appropriation is required for the disbursement of moneys from the account by the director. Any residual balance of funds remaining in the nursery inspection fund on July 26, 1987, shall be transferred to that account within the agricultural local fund: **PROVIDED**, That all fees collected for fruit tree, fruit tree ~~((seedling))~~ related ornamental tree, and fruit tree rootstock

assessments as set forth in this chapter shall be deposited in the northwest nursery fund to be used only for the Washington fruit tree and fruit tree related ornamental tree certification and nursery improvement programs as set forth in this chapter and chapter 15.14 RCW. For the purpose of testing and improvement of fruit trees, fruit tree (seedlings) related ornamental trees, fruit tree rootstock, or other plant material used for the propagation of (fruit trees) such stock, the director may, with advice from the advisory committee under RCW 15.13.320, expend up to fifty percent of the money collected from assessments during each fiscal year ending June 30. At no time may such contribution allow the balance of the northwest nursery fund to fall below the combined program cost of the two previous fiscal years. The amount of this minimum balance shall be determined by the director on June 30 of each year.

Sec. 14. Section 27, chapter 33, Laws of 1971 ex. sess. as amended by section 6, chapter 36, Laws of 1985 and RCW 15.13.490 are each amended to read as follows:

~~((1) Any person violating the provisions of this chapter or rules adopted hereunder is guilty of a misdemeanor and guilty of a gross misdemeanor for any subsequent offense, however, any offense committed more than five years after a previous conviction shall be considered a first offense.~~

~~(2) In lieu of any other penalty imposed under this section,)) A person who ((acts as a nursery dealer without the license required by RCW 15.13.280 or the permit required by RCW 15.13.270 is subject to a civil penalty of up to two hundred dollars for each violation. The director may impose the penalty and the penalty shall be subject to appeal in accordance with chapter 34.04 RCW. Penalties collected under this subsection shall be deposited in the state general fund)) fails to comply with this chapter or the rules adopted under it may be subjected to a civil penalty, as determined by the director, in an amount of not more than one thousand dollars for each violation. Each violation shall be a separate and distinct offense. Every person who, through an act of commission or omission, procures, aids, or abets in the violation shall be considered to have violated this section and may be subject to the civil penalty provided in this section.~~

Passed the House March 5, 1990.

Passed the Senate March 2, 1990.

Approved by the Governor March 28, 1990.

Filed in Office of Secretary of State March 28, 1990.

CHAPTER 262

[Second Substitute Senate Bill No. 6731]

ABSENTEE BALLOTS—INCLUSION IN VOTER ABSTRACTS

AN ACT Relating to including absentee ballots in voter abstracts; and amending RCW 29.62.090 and 29.36.070.

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

Sec. 1. Section 29.62.090, chapter 9, Laws of 1965 as amended by section 96, chapter 361, Laws of 1977 ex. sess. and RCW 29.62.090 are each amended to read as follows:

(1) Immediately after the official results of a state primary or general election in ~~((his))~~ a county are ascertained, the county auditor or other election officer shall make an abstract of the number of registered voters in each precinct and of all the votes cast in ~~((his))~~ the county at such state primary or general election for and against state measures and for each candidate for federal, state, and legislative office or for any other office which the secretary of state is required by law to canvass. The abstract shall be entered on blanks furnished by the secretary of state or on compatible computer printouts approved by the secretary of state, and transmitted to the secretary of state no later than the next business day following the certification by the county canvassing board.

(2) After each general election in an even-numbered year, the county auditor or other election officer shall provide to the secretary of state a report of the number of absentee ballots cast in each precinct for and against state measures and for each candidate for federal, state, and legislative office or for any other office which the secretary of state is required by law to canvass. The report may be included in the abstract required by this section or may be transmitted to the secretary of state separately, but in no event later than March 31 of the year following the election. Absentee ballot results may be incorporated into votes cast at the polls for each precinct or may be reported separately on a precinct by precinct basis.

(3) If absentee ballot results are not incorporated into votes cast at the polls, the county auditor or other election official may aggregate results from more than one precinct if the auditor, pursuant to rules adopted by the secretary of state, finds that reporting a single precinct's absentee ballot results would jeopardize the secrecy of a person's ballot. To the extent practicable, precincts for which absentee results are aggregated shall be contiguous.

Sec. 2. Section 29.36.070, chapter 9, Laws of 1965 as last amended by section 15, chapter 346, Laws of 1987 and RCW 29.36.070 are each amended to read as follows:

The absentee ballots shall be grouped and counted by congressional and legislative district without regard to precinct, except as required under RCW 29.62.090(2).

These returns shall be added to the total of the votes cast at ~~((at))~~ the polling places.

Passed the Senate February 10, 1990.

Passed the House March 2, 1990.

Approved by the Governor March 28, 1990.

Filed in Office of Secretary of State March 28, 1990.

CHAPTER 263

[House Bill No. 2714]

DEATH SENTENCES—EXECUTION DATES

AN ACT Relating to execution dates; and amending RCW 10.95.160 and 10.95.200.

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

Sec. 1. Section 16, chapter 138, Laws of 1981 and RCW 10.95.160 are each amended to read as follows:

(1) If a death sentence is affirmed and the case remanded to the trial court as provided in RCW 10.95.140(2), a death warrant shall forthwith be issued by the clerk of the trial court, which shall be signed by a judge of the trial court and attested by the clerk thereof under the seal of the court. The warrant shall be directed to the superintendent of the state penitentiary and shall state the conviction of the person named therein and the judgment and sentence of the court, and shall appoint a day on which the judgment and sentence of the court shall be executed by the superintendent, which day shall not be less than thirty nor more than ninety days from the date the trial court receives the remand from the supreme court of Washington.

(2) If the date set for execution under subsection (1) of this section is stayed by a court of competent jurisdiction for any reason, the new execution date is automatically set at thirty judicial days after the entry of an order of termination or vacation of the stay by such court unless the court invalidates the conviction, sentence, or remands for further judicial proceedings. The presence of the inmate under sentence of death shall not be required for the court to vacate or terminate the stay according to this section.

Sec. 2. Section 20, chapter 138, Laws of 1981 as amended by section 1, chapter 286, Laws of 1987 and RCW 10.95.200 are each amended to read as follows:

Whenever the day appointed for the execution of a defendant shall have passed, from any cause (~~whatever~~), other than the issuance of a stay by a court of competent jurisdiction, without the execution of such defendant having occurred, the trial court which issued the original death warrant shall issue a new death warrant in accordance with RCW 10.95.160. The defendant's presence before the court is not required. However, nothing in this section shall be construed as restricting the defendant's right to be represented by counsel in connection with issuance of a new death warrant.

Passed the House February 6, 1990.

Passed the Senate March 2, 1990.

Approved by the Governor March 28, 1990.

Filed in Office of Secretary of State March 28, 1990.

CHAPTER 264

[Substitute Senate Bill No. 6664]

BUSINESS LICENSE CENTER ACT AMENDMENTS

AN ACT Relating to the business license center act; amending RCW 19.02.070; adding a new section to chapter 19.02 RCW; creating a new section; repealing RCW 19.02.038 and 19.02.110; and providing an effective date.

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

Sec. 1. Section 7, chapter 319, Laws of 1977 ex. sess. as last amended by section 6, chapter 182, Laws of 1982 and RCW 19.02.070 are each amended to read as follows:

(1) Any person requiring licenses which have been incorporated into the system shall submit a master application to the department requesting the issuance of the licenses. The master application form shall contain in consolidated form information necessary for the issuance of the licenses.

(2) The applicant shall include with the application the sum of all fees and deposits required for the requested individual license endorsements as well as the handling fee established under section 2 of this act.

(3) Irrespective of any authority delegated to the department of licensing to implement the provisions of this chapter, the authority for approving issuance and renewal of any requested license that requires a preclicensing or renewal investigation, inspection, testing, or other judgmental review by the regulatory agency otherwise legally authorized to issue the license shall remain with that agency. The business license center has the authority to issue those licenses for which proper fee payment and a completed application form have been received and for which no preclicensing or renewal approval action is required by the regulatory agency.

(4) Upon receipt of the application and proper fee payment for any license for which issuance is subject to regulatory agency action under subsection (3) of this section, the department shall immediately notify the regulatory agency with authority to approve issuance or renewal of the license requested by the applicant. Each regulatory agency shall advise the department within a reasonable time after receiving the notice: (a) That the agency approves the issuance of the requested license and will advise the applicant of any specific conditions required for issuing the license; (b) that the agency denies the issuance of the license and gives the applicant reasons for the denial; or (c) that the application is pending.

(5) The department shall issue a master license endorsed for all the approved licenses to the applicant and advise the applicant of the status of other requested licenses. It is the responsibility of the applicant to contest the decision regarding conditions imposed or licenses denied through the normal process established by statute or by the agency with the authority for approving issuance of the license.

(6) Regulatory agencies shall be provided information from the master application for their licensing and regulatory functions.

NEW SECTION. Sec. 2. A new section is added to chapter 19.02 RCW to read as follows:

The department shall collect a handling fee of twelve dollars on each original master license issued. The handling fees collected under this section shall be deposited in the general fund.

NEW SECTION. Sec. 3. The legislative budget committee shall conduct a performance audit of the master licensing program and report to the senate economic development and labor committee and the house of representatives trade and economic development committee. At a minimum, this study should include an examination of the program cost and effectiveness.

***NEW SECTION.** Sec. 4. *The following acts or parts of acts are each repealed:*

(1) Section 13, chapter 182, Laws of 1982 and RCW 19.02.038; and

(2) Section 11, chapter 182, Laws of 1982, section 3, chapter 5, Laws of 1988 and RCW 19.02.110.

*Sec. 4 was vetoed, see message at end of chapter.

NEW SECTION. Sec. 5. This act shall take effect July 1, 1990. The director of licensing may immediately take such steps as are necessary to ensure that sections 1 and 2 of this act are implemented on their effective date.

Passed the Senate March 8, 1990.

Passed the House March 8, 1990.

Approved by the Governor March 28, 1990, with the exception of certain items which were vetoed.

Filed in Office of Secretary of State March 28, 1990.

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. 6664 entitled:

"AN ACT Relating to the business license center act."

Section 4 repeals the provisions which established the Business License Center and added licenses to the Master License System. Although technically these provisions are no longer applicable since the time frames and requirements have been met, they provide useful historical information regarding the program. It is normal practice to retain such historical information in statute to minimize confusion regarding programs. I have, therefore, vetoed section 4 of this bill.

With the exception of section 4, Substitute Senate Bill No. 6664 is approved."

CHAPTER 265

[House Bill No. 2882]

DEPARTMENT OF TRANSPORTATION—AWARD OF EMERGENCY HIGHWAY
REPAIR CONTRACTS

AN ACT Relating to transportation; and amending RCW 47.28.170.

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

Sec. 1. Section 1, chapter 89, Laws of 1971 ex. sess. as amended by section 175, chapter 7, Laws of 1984 and RCW 47.28.170 are each amended to read as follows:

(1) Whenever the ~~((commission))~~ department finds that as a consequence of accident, natural disaster, or other emergency, an existing state highway is in jeopardy or is rendered impassible in one or both directions and the ~~((commission))~~ department further finds that prompt reconstruction, repair, or other work is needed to preserve or restore the highway for public travel, the ~~((commission may authorize the))~~ department ~~((to))~~ may obtain at least three written bids for the work without publishing a call for bids, and the secretary of transportation may award a contract forthwith to the lowest responsible bidder.

The department shall notify any association or organization of contractors filing a request to regularly receive notification. Notification to an association or organization of contractors shall include: (a) The location of the work to be done; (b) the general anticipated nature of the work to be done; and (c) the date determined by the department as reasonable in view of the nature of the work and emergent nature of the problem after which the department will not receive bids.

(2) Whenever the ~~((commission))~~ department finds it necessary to protect a highway facility from imminent damage or to perform emergency work to reopen a highway facility, the ~~((commission may authorize the))~~ department ~~((to))~~ may contract for such work on a negotiated basis not to exceed force account rates for a period not to exceed thirty working days.

(3) ~~((When the engineer's estimate of the cost of work authorized in either subsections (1) or (2) of this section is less than one hundred thousand dollars, the secretary may make findings as provided hereinabove, and pursuant thereto the department may award contracts as authorized by this section:))~~ The secretary shall review any contract exceeding two hundred thousand dollars awarded under subsection (1) or (2) of this section with the transportation commission at its next regularly scheduled meeting.

(4) Any person, firm, or corporation awarded a contract for work must be prequalified pursuant to RCW 47.28.070 and may be required to furnish a bid deposit or performance bond.

Passed the House February 12, 1990.

Passed the Senate March 1, 1990.

Approved by the Governor March 28, 1990.

Filed in Office of Secretary of State March 28, 1990.

CHAPTER 266

[House Bill No. 2840]

COUNTY ROAD ADMINISTRATION BOARD EXECUTIVE DIRECTOR

AN ACT Relating to the county road administration board; and amending RCW 36.78-.060, 36.78.070, 36.78.110, 47.26.121, and 47.01.250.

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

Sec. 1. Section 6, chapter 120, Laws of 1965 ex. sess. and RCW 36-78.060 are each amended to read as follows:

The county road administration board shall appoint (~~the county road administration engineer~~) an executive director who shall be the chief administrative officer of the board and shall be responsible for carrying out the policies adopted by the board. The (~~county road administration engineer shall be a licensed professional engineer with experience as a county engineer or as a chief assistant to a county engineer in Washington. He~~) executive director is exempt from the provisions of state civil service law, chapter 41.06 RCW, and shall serve at the pleasure of the county road administration board. The executive director's salary shall be set by the board.

Sec. 2. Section 7, chapter 120, Laws of 1965 ex. sess. as last amended by section 19, chapter 505, Laws of 1987 and RCW 36.78.070 are each amended to read as follows:

The county road administration board shall:

(1) Establish by rule, standards of good practice for county road administration;

(2) Establish reporting requirements for counties with respect to the standards of good practice adopted by the board;

(3) Receive and review reports from counties and reports (~~of the county road administration engineer~~) from its executive director to determine compliance with legislative directives and the standards of good practice adopted by the board;

(4) Report annually on the first day of July to the state department of transportation and to the chairs of the legislative transportation committee and the house and senate transportation committees on the status of county road administration in each county, including one copy to the staff of each

of the committees. The annual report shall contain recommendations for improving administration of the county road programs;

(5) Administer the rural arterial program established by chapter 36.79 RCW as well as any other programs provided for in law.

Sec. 3. Section 11, chapter 120, Laws of 1965 ex. sess. as amended by section 42, chapter 151, Laws of 1979 and RCW 36.78.110 are each amended to read as follows:

All expenses incurred by the board including salaries of employees shall be paid upon voucher forms provided by the office of financial management or pursuant to a regular payroll signed by the chairman and the executive director of the board (~~(and by the county road administration engineer)~~). All expenses of the board shall be paid out of that portion of the motor vehicle fund allocated to the counties and withheld for use by the department of transportation and the county road administration board under the provisions of RCW 46.68.120(1), as now or hereafter amended.

Sec. 4. Section 1, chapter 167, Laws of 1988 and RCW 47.26.121 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; one member shall be a county engineer from a county of the second class or smaller; one member shall be (~~(an engineer occupying the position)~~) the executive director of the county road administration ((engineer)) 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 ((engineer)) 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. 5. Section 26, chapter 151, Laws of 1977 ex. sess. as amended by section 204, chapter 158, Laws of 1979 and RCW 47.01.250 are each amended to read as follows:

The chief of the Washington state patrol, the director of the traffic safety commission, the ~~((administration engineer))~~ executive director of the county road administration board, and the director of licensing are designated as official consultants to the transportation commission so that the goals and activities of their respective agencies which relate to transportation are fully coordinated with other related responsibilities of the department of transportation. In this capacity, the chief of the Washington state patrol, the director of the traffic safety commission, the ~~((administration engineer))~~ executive director of the county road administration board, and the director of licensing shall consult with the transportation commission and the secretary of transportation on the implications and impacts on the transportation related functions and duties of their respective agencies of any proposed comprehensive transportation plan, program, or policy.

In order to develop fully integrated, balanced, and coordinated transportation plans, programs, and budgets the chief of the Washington state patrol, the director of the traffic safety commission, the ~~((administration engineer))~~ executive director of the county road administration board, and

the director of licensing shall consult with the secretary of transportation on the matter of relative priorities during the development of their respective agencies' plans, programs, and budgets as they pertain to transportation activities. The secretary of transportation shall provide written comments to the governor and the legislature on the extent to which the state patrol's, the traffic safety commission's, the county road administration board's, and the department of licensing's final plans, programs, and budgets are compatible with the priorities established in the department of transportation's final plans, programs, and budgets.

Passed the House February 12, 1990.

Passed the Senate March 1, 1990.

Approved by the Governor March 28, 1990.

Filed in Office of Secretary of State March 28, 1990.

CHAPTER 267

[Senate Bill No. 6652]

UNSTAMPED CIGARETTES

AN ACT Relating to cigarettes without stamps; amending RCW 82.24.120 and 82.24-.180; and providing an effective date.

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

Sec. 1. Section 82.24.120, chapter 15, Laws of 1961 as amended by section 64, chapter 278, Laws of 1975 1st ex. sess. and RCW 82.24.120 are each amended to read as follows:

If any person, subject to the provisions of this chapter or any rules and regulations promulgated by the department of revenue under authority hereof, is found to have failed to affix the stamps required, or to have them affixed as herein provided, or to pay any tax due hereunder, or to have violated any of the provisions of this chapter or rules and regulations promulgated by the department of revenue in the administration hereof, there shall be assessed and collected from such person, in addition to any tax that may be found due, a penalty equal to the ~~((amount of any tax found to be due))~~ greater of ten dollars per package of unstamped cigarettes or two hundred fifty dollars, plus interest thereon at the rate of one percent for each thirty days or portions thereof from the date the tax became due, and upon notice mailed to the last known address of the ~~((taxpayer))~~ person said amount shall become due and payable in ten days, at which time the department or its duly authorized agent may make immediate demand upon such person for the payment of all such taxes and penalties. The department, for good reason shown, may remit all or any part of penalties imposed, but the taxpayer must pay all taxes due and interest thereon, at the rate of one percent

for each thirty days or portion thereof. The keeping of any unstamped articles coming within the provisions of this chapter shall be prima facie evidence of intent to violate the provisions of this chapter.

Sec. 2. Section 82.24.180, chapter 15, Laws of 1961 as amended by section 66, chapter 278, Laws of 1975 1st ex. sess. and RCW 82.24.180 are each amended to read as follows:

The department of revenue may return any property seized under the provisions of this chapter when it is shown that there was no intention to violate the provisions thereof.

When any property is (~~seized, under the provisions of this chapter~~) returned under this section, the department may return such goods to the parties from whom they were seized if and when such parties affix the proper amount of stamps thereto, and pay to the department as penalty an amount equal to (~~twenty-five percent of the amount of tax due~~) the greater of ten dollars per package of unstamped cigarettes or two hundred fifty dollars, and interest thereon at the rate of one percent for each thirty days or portion thereof from the date the tax became due, and in such cases, no advertisement shall be made or notices posted in connection with said seizure.

NEW SECTION. Sec. 3. This act shall take effect January 1, 1991.

Passed the Senate March 6, 1990.

Passed the House March 2, 1990.

Approved by the Governor March 28, 1990.

Filed in Office of Secretary of State March 28, 1990.

CHAPTER 268

[Substitute Senate Bill No. 6306]

COMMUNITY COLLEGES—FACULTY TENURE

AN ACT Relating to tenure modification at community colleges; amending RCW 28B.50.852; creating new sections; and providing an effective date.

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

****NEW SECTION. Sec. 1. Improving the quality of instruction at our state institutions of higher education is a priority of the legislature. Recently, many efforts have been made by the legislature, the colleges, and the higher education coordinating board to assess and improve the quality of instruction received by students at our state institutions. It is the intent of the legislature that, in conjunction with these various efforts, the process for the award of faculty tenure at community colleges should allow for a thorough review of the performance of faculty appointees prior to the granting of tenure.***

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

****Sec. 2. Section 34, chapter 283, Laws of 1969 ex. sess. and RCW 28B.50.852 are each amended to read as follows:***

The appointing authority shall promulgate rules and regulations implementing RCW 28B.50.850 through 28B.50.869 and shall provide for the award of faculty tenure following a probationary period not to exceed ~~((three consecutive regular college years))~~ nine consecutive college quarters, excluding summer quarter and approved leaves of absence: PROVIDED, That tenure may be awarded at any time as may be determined by the appointing authority after it has given reasonable consideration to the recommendations of the review committee. At the recommendation of the review committee and with the consent of the probationary faculty member and the appointing authority, the probationary period may be extended up to three additional college quarters.

*Sec. 2 was vetoed, see message at end of chapter.

NEW SECTION. Sec. 3. The state board for community college education, in consultation with appropriate faculty organizations, labor representatives, and the governing boards and administrations of local community college districts, shall conduct a thorough review and study of salaries for full and part-time faculty and administrators at community colleges. The state board shall report to the legislature by January 1, 1991, on the results of this study, including specific recommendations on salary levels, payments for increments and advancements, bargaining, and allocation of salary funds.

***NEW SECTION.** Sec. 4. *Nothing contained in this act shall be construed to alter any existing collective bargaining unit or the provisions of any existing collective bargaining agreement.*

*Sec. 4 was vetoed, see message at end of chapter.

***NEW SECTION.** Sec. 5. *Sections 1 and 2 of this act shall take effect July 1, 1990, and shall apply to all faculty appointments made by community colleges after June 30, 1990, but shall not apply to employees of community colleges who hold faculty appointments prior to July 1, 1990.*

*Sec. 5 was vetoed, see message at end of chapter.

***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.*

*Sec. 6 was vetoed, see message at end of chapter.

Passed the Senate March 8, 1990.

Passed the House March 8, 1990.

Approved by the Governor March 28, 1990, with the exception of certain items which were vetoed.

Filed in Office of Secretary of State March 28, 1990.

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

"I am returning herewith, without my approval as to sections 1, 2, 4, 5, and 6, Substitute Senate Bill No. 6306 entitled:

"AN ACT Relating to tenure modification at community colleges."

Section 2 of this bill amends the community college faculty tenure review process by changing the maximum probationary period language from "three consecutive college years, excluding summer quarters" to "nine consecutive college quarters, excluding summer quarters and approved leaves of absence". In addition, section 2 provides that the probationary period could be extended up to three additional college quarters upon the recommendation of the review committee, and with the consent of the probationary faculty member and the appointing authority. Both the institution and the probationer would benefit by these changes.

I am supportive of an initiative which clarifies, and possibly lengthens, the performance review of faculty appointees prior to the granting of tenure, as long as the initiative improves the review process. I do not believe, however, that this proposed legislation adequately corrects the problems associated with the award of faculty tenure following a probationary period.

Under current law, the appointing authority, upon deciding not to renew a probationary faculty appointment, is required to notify the probationer of its decision by no later than the last day of the winter quarter in the third consecutive college year. Since this requirement was not eliminated in conjunction with the probationary period changes, virtually no improvement is made to the current review process. With the removal of section 2, sections 1, 4, 5 and 6 are superfluous. For these reasons, I have vetoed sections 1, 2, 4, 5 and 6 of Substitute Senate Bill No. 6306.

Section 3 of this bill requires the State Board of Community College Education to conduct a study of salaries for faculty and administrators at Community Colleges. That study, which I support, is already underway. This provision has the benefit of formalizing that study and setting a reporting date.

With the exception of sections 1, 2, 4, 5, and 6, Substitute Senate Bill No. 6306 is approved."

CHAPTER 269

[Substitute Senate Bill No. 6191]

WASHINGTON STATE TRAUMA CARE SYSTEM

AN ACT Relating to the Washington state trauma care system; amending RCW 70.168.010, 70.168.020, 18.73.040, 18.73.050, 70.170.100, 18.73.060, 18.73.073, 18.73.085, 70.168.040, 18.71.205, 18.71.212, 18.71.215, 18.76.050, 18.73.010, 18.73.030, 18.73.081, and 18.73.130; adding new sections to chapter 70.168 RCW; recodifying RCW 18.73.060, 18.73.073, and 18.73.085; creating a new section; repealing RCW 18.73.070; and declaring an emergency.

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

Sec. 1. Section 1, chapter 183, Laws of 1988 and RCW 70.168.010 are each amended to read as follows:

The legislature finds and declares that:

(1) Trauma is a severe health problem in the state of Washington and a major cause of death;

(2) Presently, trauma care is very limited in many parts of the state, and ((~~rural area~~)) health care in rural areas is in transition with the danger that some communities will be without emergency medical care; ((~~and~~))

(3) It is in the best interest of the citizens of Washington state to establish ((~~a~~)) an efficient and well-coordinated state-wide emergency medical services and trauma care system to reduce costs and incidence of inappropriate and inadequate trauma care and emergency medical service

and minimize the human suffering and costs associated with preventable mortality and morbidity;

(4) The goals and objectives of an emergency medical services and trauma care system are to: (a) Pursue trauma prevention activities to decrease the incidence of trauma; (b) provide optimal care for the trauma victim; (c) prevent unnecessary death and disability from trauma and emergency illness; and (d) contain costs of trauma care and trauma system implementation; and

(5) In other parts of the United States where trauma care systems have failed and trauma care centers have closed, there is a direct relationship between such failures and closures and a lack of commitment to fair and equitable reimbursement for trauma care participating providers and system overhead costs.

NEW SECTION. Sec. 2. This chapter shall be known and cited as the "state-wide emergency medical services and trauma care system act."

NEW SECTION. Sec. 3. (1) The department, in consultation with, and having solicited the advice of, the emergency medical services and trauma care steering committee, shall establish the Washington state emergency medical services and trauma care system.

(2) 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 facilities and other participants. The department shall assure an opportunity for consultation, review, and comment by the public and providers of emergency medical services and trauma care before adoption of rules. When developing rules to implement this chapter the department shall consider the report of the Washington state trauma project established under chapter 183, Laws of 1988. Nothing in this chapter requires the department to follow any specific recommendation in that report except as it may also be included in this chapter.

(3) The department 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 any activities related to the design, maintenance, or enhancements of the emergency medical services and trauma care system in the state. The department shall make available upon request to the appropriate legislative committees information concerning the source, amount, and use of such gifts or payments.

NEW SECTION. Sec. 4. As used in this chapter, the following terms have the meanings indicated unless the context clearly requires otherwise.

(1) "Communications system" means a radio and landline network which provides rapid public access, coordinated central dispatching of services, and coordination of personnel, equipment, and facilities in an emergency medical services and trauma care system.

(2) "Emergency medical service" means medical treatment and care that may be rendered at the scene of any medical emergency or while transporting any patient in an ambulance to an appropriate medical facility, including ambulance transportation between medical facilities.

(3) "Emergency medical services medical program director" means a person who is an approved program director as defined by RCW 18.71.205(4).

(4) "Department" means the department of health.

(5) "Designation" means a formal determination by the department that hospitals or health care facilities are capable of providing designated trauma care services as authorized in section 9 of this act.

(6) "Designated trauma care service" means a level I, II, III, IV, or V trauma care service or level I, II, or III, pediatric trauma care service or level I, I-pediatric, II, or III trauma-related rehabilitative service.

(7) "Emergency medical services and trauma care system plan" means a state-wide plan that identifies state-wide emergency medical services and trauma care objectives and priorities and identifies equipment, facility, personnel, training, and other needs required to create and maintain a state-wide emergency medical services and trauma care system. The plan also includes a plan of implementation that identifies the state, regional, and local activities that will create, operate, maintain, and enhance the system. The plan is formulated by incorporating the regional emergency medical services and trauma care plans required under this chapter. The plan shall be updated every two years and shall be made available to the state board of health in sufficient time to be considered in preparation of the biennial state health report required in RCW 43.20.050.

(8) "Emergency medical services and trauma care planning and service regions" means geographic areas established by the department under this chapter.

(9) "Facility patient care protocols" means the written procedures adopted by the medical staff that direct the care of the patient. These procedures shall be based upon the assessment of the patients' medical needs. The procedures shall follow minimum state-wide standards for trauma care services.

(10) "Hospital" means a facility licensed under chapter 70.41 RCW, or comparable health care facility operated by the federal government or located and licensed in another state.

(11) "Level I pediatric trauma care services" means pediatric trauma care services as established in section 8 of this act. Hospitals providing level

I services shall provide definitive, comprehensive, specialized care for pediatric trauma patients and shall also provide ongoing research and health care professional education in pediatric trauma care.

(12) "Level II pediatric trauma care services" means pediatric trauma care services as established in section 8 of this act. Hospitals providing level II services shall provide initial stabilization and evaluation of pediatric trauma patients and provide comprehensive general medicine and surgical care to pediatric patients who can be maintained in a stable or improving condition without the specialized care available in the level I hospital. Complex surgeries and research and health care professional education in pediatric trauma care activities are not required.

(13) "Level III pediatric trauma care services" means pediatric trauma care services as established in section 8 of this act. Hospitals providing level III services shall provide initial evaluation and stabilization of patients. The range of pediatric trauma care services provided in level III hospitals are not as comprehensive as level I and II hospitals.

(14) "Level I rehabilitative services" means rehabilitative services as established in section 8 of this act. Facilities providing level I rehabilitative services provide rehabilitative treatment to patients with traumatic brain injuries, spinal cord injuries, complicated amputations, and other diagnoses resulting in functional impairment, with moderate to severe impairment or complexity. These facilities serve as referral facilities for facilities authorized to provide level II and III rehabilitative services.

(15) "Level I—pediatric rehabilitative services" means rehabilitative services as established in section 8 of this act. Facilities providing level I—pediatric rehabilitative services provide the same services as facilities authorized to provide level I rehabilitative services except these services are exclusively for children under the age of fifteen years.

(16) "Level II rehabilitative services" means rehabilitative services as established in section 8 of this act. Facilities providing Level II rehabilitative services treat individuals with musculoskeletal trauma, peripheral nerve lesions, lower extremity amputations, and other diagnoses resulting in functional impairment in more than one functional area, with moderate to severe impairment or complexity.

(17) "Level III rehabilitative services" means rehabilitative services as established in section 8 of this act. Facilities providing level III rehabilitative services provide treatment to individuals with musculoskeletal injuries, peripheral nerve injuries, uncomplicated lower extremity amputations, and other diagnoses resulting in functional impairment in more than one functional area but with minimal to moderate impairment or complexity.

(18) "Level I trauma care services" means trauma care services as established in section 8 of this act. Hospitals providing level I services shall have specialized trauma care teams and provide ongoing research and health care professional education in trauma care.

(19) "Level II trauma care services" means trauma care services as established in section 8 of this act. Hospitals providing level II services shall be similar to those provided by level I hospitals, although complex surgeries and research and health care professional education activities are not required to be provided.

(20) "Level III trauma care services" means trauma care services as established in section 8 of this act. The range of trauma care services provided by level III hospitals are not as comprehensive as level I and II hospitals.

(21) "Level IV trauma care services" means trauma care services as established in section 8 of this act.

(22) "Level V trauma care services" means trauma care services as established in section 8 of this act. Facilities providing level V services shall provide stabilization and transfer of all patients with potentially life-threatening injuries.

(23) "Patient care procedures" means written operating guidelines adopted by the regional emergency medical services and trauma care council, in consultation with local emergency medical services and trauma care councils, emergency communication centers, and the emergency medical services medical program director, in accordance with minimum state-wide standards. The patient care procedures shall identify the level of medical care personnel to be dispatched to an emergency scene, procedures for triage of patients, the level of trauma care facility to first receive the patient, and the name and location of other trauma care facilities to receive the patient should an interfacility transfer be necessary. Procedures on interfacility transfer of patients shall be consistent with the transfer procedures required in chapter 70.170 RCW.

(24) "Pediatric trauma patient" means trauma patients known or estimated to be less than fifteen years of age.

(25) "Prehospital" means emergency medical care or transportation rendered to patients prior to hospital admission or during interfacility transfer by licensed ambulance or aid service under chapter 18.73 RCW, by personnel certified to provide emergency medical care under chapters 18.71 and 18.73 RCW, or by facilities providing level V trauma care services as provided for in this chapter.

(26) "Prehospital patient care protocols" means the written procedures adopted by the emergency medical services medical program director that direct the out-of-hospital emergency care of the emergency patient which includes the trauma patient. These procedures shall be based upon the assessment of the patients' medical needs and the treatment to be provided for serious conditions. The procedures shall meet or exceed state-wide minimum standards for trauma and other prehospital care services.

(27) "Rehabilitative services" means a formal program of multidisciplinary, coordinated, and integrated services for evaluation, treatment, education, and training to help individuals with disabling impairments achieve and maintain optimal functional independence in physical, psychosocial, social, vocational, and avocational realms. Rehabilitation is indicated for the trauma patient who has sustained neurologic or musculoskeletal injury and who needs physical or cognitive intervention to return to home, work, or society.

(28) "Secretary" means the secretary of the department of health.

(29) "Trauma" means a major single or multisystem injury requiring immediate medical or surgical intervention or treatment to prevent death or permanent disability.

(30) "Trauma care system" means an organized approach to providing care to trauma patients that provides personnel, facilities, and equipment for effective and coordinated trauma care. The trauma care system shall: identify facilities with specific capabilities to provide care, triage trauma victims at the scene, and require that all trauma victims be sent to an appropriate trauma facility. The trauma care system includes prevention, pre-hospital care, hospital care, and rehabilitation.

(31) "Triage" means the sorting of patients in terms of disposition, destination, or priority. Triage of prehospital trauma victims requires identifying injury severity so that the appropriate care level can be readily assessed according to patient care guidelines.

(32) "Verification" means the identification of prehospital providers who are capable of providing verified trauma care services and shall be a part of the licensure process required in chapter 18.73 RCW.

(33) "Verified trauma care service" means prehospital service as provided for in section 10 of this act, and identified in the regional emergency medical services and trauma care plan as required by section 13 of this act.

Sec. 5. Section 2, chapter 183, Laws of 1988 and RCW 70.168.020 are each amended to read as follows:

(1) There is hereby created ((a)) an emergency medical services and trauma care steering committee composed of representatives of individuals knowledgeable in emergency medical services and trauma care, including emergency medical providers such as physicians, nurses, hospital personnel, emergency medical technicians, paramedics, ((and)) ambulance operators, ((and)) a member of the emergency medical services licensing and certification advisory committee, local government officials, state officials, consumers, and persons affiliated professionally with health science schools. The governor shall appoint members of the steering committee. Members shall be appointed for a period of three years. The department shall provide administrative support to the committee. All appointive members of the committee, in the performance of their duties, may be entitled to receive travel expenses as provided in RCW 43.03.050 and 43.03.060. The governor may

remove members from the committee who have three unexcused absences from committee meetings. The governor shall fill any vacancies of the committee in a timely manner. The terms of those members representing the same field shall not expire at the same time.

The committee shall elect a chair and a vice-chair whose terms of office shall be for one year each. The chair shall be ineligible for reelection after serving four consecutive terms.

The committee shall meet on call by the governor, the secretary, or the chair.

(2) The emergency medical services and trauma care steering committee shall:

(a) Advise the department regarding emergency medical services and trauma care needs throughout the state.

(b) Review the regional emergency medical services and trauma care plans and recommend changes to the department before the department adopts the plans.

(c) Review proposed departmental rules for emergency medical services and trauma care.

(d) Recommend modifications in rules regarding emergency medical services and trauma care.

Sec. 6. Section 4, chapter 208, Laws of 1973 1st ex. sess. as last amended by section 55, chapter 279, Laws of 1984 and RCW 18.73.040 are each amended to read as follows:

There is created an emergency medical services licensing and certification advisory committee of ((nine)) eleven members to be appointed by the ((governor)) department. Members of the committee shall be composed of a balance of physicians, one of whom is an emergency medical services medical program director, and individuals regulated under RCW 18.71.205 and 18.73.081, an administrator from a city or county emergency medical services system, a member of the emergency medical services and trauma care steering committee, and one consumer. All members except the consumer shall be ((persons)) knowledgeable in specific and general aspects of emergency medical services. Members shall be appointed for a period of three years((; except, that the first appointees shall serve for terms as follows: Five for three years, two for two years, and two for one year. Further,)). The terms of those members representing the same field shall not expire at the same time.

The committee shall elect a chairman and a vice chairman whose terms of office shall be for one year each. The chairman shall be ineligible for reelection after serving ((two)) four consecutive terms.

The committee shall meet on call by ((the governor,)) the secretary or the chairman.

~~((In addition to the members specified in this section, the governor shall appoint a consumer member of the board, who shall serve for a term of three years.))~~

All appointive members of the committee, in the performance of their duties, may be entitled to receive travel expenses as provided in RCW 43.03.050 and 43.03.060 as now existing or hereafter amended.

Sec. 7. Section 5, chapter 208, Laws of 1973 1st ex. sess. as last amended by section 3, chapter 214, Laws of 1987 and RCW 18.73.050 are each amended to read as follows:

The emergency medical services licensing and certification advisory committee shall:

~~(1) ((Advise the secretary regarding emergency medical care needs throughout the state:~~

~~(2) Review regional emergency medical services plans and recommend changes to the secretary before adoption of the plans:~~

~~(3)) Review all administrative rules pertaining to licensing and certification of emergency medical services proposed for adoption by the ((sec-
retary)) department under this chapter or under RCW 18.71.205((The
secretary shall submit all such rules to the committee in writing. The com-
mittee shall, within forty-five days of receiving the proposed rules,)) and
advise the ((secretary)) department of its recommendations. ((If the com-
mittee fails to notify the secretary within forty-five days of receipt of a
proposed rule it shall be deemed to be approved by the committee:~~

~~(4)) (2) Assist the ((secretary)) department, at the ((secretary's)) de-
partment's request, to fulfill any duty or exercise any power under this
chapter pertaining to emergency medical services licensing and certification.~~

NEW SECTION. Sec. 8. The department, in consultation with and having solicited the advice of the emergency medical services and trauma care steering committee, shall:

(1) Establish the following on a state-wide basis:

(a) By September 1990, minimum standards for facility, equipment, and personnel for level I, II, III, IV, and V trauma care services;

(b) By September 1990, minimum standards for facility, equipment, and personnel for level I, I-pediatric, II, and III trauma-related rehabilitative services;

(c) By September 1990, minimum standards for facility, equipment, and personnel for level I, II, and III pediatric trauma care services;

(d) By September 1990, minimum standards required for verified pre-hospital trauma care services, including equipment and personnel;

(e) Personnel training requirements and programs for providers of trauma care. The department shall design programs which are accessible to rural providers including on-site training;

(f) State-wide emergency medical services and trauma care system objectives and priorities;

(g) Minimum standards for the development of facility patient care protocols and prehospital patient care protocols and patient care procedures;

(h) By July 1991, minimum standards for an effective emergency medical communication system;

(i) Minimum standards for an effective emergency medical services transportation system; and

(j) By July 1991, establish a program for emergency medical services and trauma care research and development;

(2) Establish state-wide standards, personnel training requirements and programs, system objectives and priorities, protocols and guidelines as required in subsection (1) of this section, by utilizing those standards adopted in the report of the Washington trauma advisory committee as authorized by chapter 183, Laws of 1988. In establishing standards for level IV or V trauma care services the department may adopt similar standards adopted for services provided in rural health care facilities authorized in chapter 70.175 RCW. The department may modify standards, personnel training requirements and programs, system objectives and priorities, and guidelines in rule if the department determines that such modifications are necessary to meet federal and other state requirements or are essential to allow the department and others to establish the system or should it determine that public health considerations or efficiencies in the delivery of emergency medical services and trauma care warrant such modifications;

(3) Designate emergency medical services and trauma care planning and service regions as provided for in this chapter;

(4) By July 1, 1992, establish the minimum and maximum number of hospitals and health care facilities in the state and within each emergency medical services and trauma care planning and service region that may provide designated trauma care services based upon approved regional emergency medical services and trauma care plans;

(5) By July 1, 1991, establish the minimum and maximum number of prehospital providers in the state and within each emergency medical services and trauma care planning and service region that may provide verified trauma care services based upon approved regional emergency medical services and trauma care plans;

(6) By July 1993, begin the designation of hospitals and health care facilities to provide designated trauma care services in accordance with needs identified in the state-wide emergency medical services and trauma care plan;

(7) By July 1990, adopt a format for submission of the regional plans to the department;

(8) By July 1991, begin the review and approval of regional emergency medical services and trauma care plans;

(9) By July 1992, prepare regional plans for those regions that do not submit a regional plan to the department that meets the requirements of this chapter;

(10) By October 1992, prepare and implement the state-wide emergency medical services and trauma care system plan incorporating the regional plans;

(11) Coordinate the state-wide emergency medical services and trauma care system to assure integration and smooth operation between the regions;

(12) Facilitate coordination between the emergency medical services and trauma care steering committee and the emergency medical services licensing and certification advisory committee;

(13) Monitor the state-wide emergency medical services and trauma care system;

(14) Conduct a study of all costs, charges, expenses, and levels of reimbursement associated with providers of trauma care services, and provide its findings and any recommendations regarding adequate and equitable reimbursement to trauma care providers to the legislature by July 1, 1991;

(15) Monitor the level of public and private payments made on behalf of trauma care patients to determine whether health care providers have been adequately reimbursed for the costs of care rendered such persons;

(16) By July 1991, design and establish the state-wide trauma care registry as authorized in section 11 of this act to (a) assess the effectiveness of emergency medical services and trauma care delivery, and (b) modify standards and other system requirements to improve the provision of emergency medical services and trauma care;

(17) By July 1991, develop patient outcome measures to assess the effectiveness of emergency medical services and trauma care in the system;

(18) By July 1993, develop standards for regional emergency medical services and trauma care quality assurance programs required in section 11 of this act;

(19) Administer funding allocated to the department for the purpose of creating, maintaining, or enhancing the state-wide emergency medical services and trauma care system; and

(20) By October 1990, begin coordination and development of trauma prevention and education programs.

NEW SECTION. Sec. 9. Any hospital or health care facility that desires to be authorized to provide a designated trauma care service shall request designation from the department. Designation involves a contractual relationship between the state and a hospital or health care facility whereby each agrees to maintain a level of commitment and resources sufficient to meet responsibilities and standards required by the state-wide emergency medical services and trauma care system plan. By January 1992, the department shall determine by rule the manner and form of such requests.

Upon receiving a request, the department shall review the request to determine whether the hospital or health care facility is in compliance with standards for the trauma care service or services for which designation is desired. If requests are received from more than one hospital or health care facility within the same emergency medical planning and trauma care planning and service region, the department shall select the most qualified applicant or applicants to be selected through a competitive process. Any applicant not designated may request a hearing to review the decision.

Designations are valid for a period of three years and are renewable upon receipt of a request for renewal prior to expiration from the hospital or health care facility. When an authorization for designation is due for renewal other hospitals and health care facilities in the area may also apply and compete for designation. Regional emergency medical and trauma care councils shall be notified promptly of designated hospitals and health care facilities in their region so they may incorporate them into the regional plan as required by this chapter. The department may revoke or suspend the designation should it determine that the hospital or health care facility is substantially out of compliance with the standards and has refused or been unable to comply after a reasonable period of time has elapsed. The department shall promptly notify the regional emergency medical and trauma care planning and service region of suspensions or revocations. Any facility whose designation has been revoked or suspended may request a hearing to review the action by the department as provided for in chapter 34.05 RCW.

As a part of the process to designate and renew the designation of hospitals authorized to provide level I, II, or III trauma care services or level I, II, and III pediatric trauma care services, the department shall contract for on site reviews of such hospitals to determine compliance with required standards. The department may contract for on-site reviews of hospitals and health care facilities authorized to provide level IV or V trauma care services or level I, I-pediatric, II, or III trauma-related rehabilitative services to determine compliance with required standards. Members of on-site review teams and staff included in site visits are exempt from RCW 42.17.250 through 42.17.450. They may not divulge and cannot be subpoenaed to divulge information obtained or reports written pursuant to this section in any civil action, except, after in camera review, pursuant to a court order which provides for the protection of sensitive information of interested parties including the department: (1) In actions arising out of the department's designation of a hospital or health care facility pursuant to section 9 of this act; (2) in actions arising out of the department's revocation or suspension of designation status of a hospital or health care facility under section 9 of this act; or (3) in actions arising out of the restriction or revocation of the clinical or staff privileges of a health care provider as defined in RCW 70.70.020 (1) and (2), subject to any further restrictions on

disclosure in RCW 4.24.250 that may apply. Information that identifies individual patients shall not be publicly disclosed without the patient's consent. When a facility requests designation for more than one service, the department may coordinate the joint consideration of such requests.

The department may establish fees to help defray the costs of this section, though such fees shall not be assessed to health care facilities authorized to provide level IV and V trauma care services.

This section shall not restrict the authority of a hospital or a health care provider licensed under Title 18 RCW to provide services which it has been authorized to provide by state law.

NEW SECTION. Sec. 10. (1) Any provider desiring to provide a verified prehospital trauma care service shall indicate on the licensing application how they meet the standards required for verification as a provider of this service. The department shall notify the regional emergency medical services and trauma care councils of the providers of verified trauma care services in their regions. The department may conduct on-site reviews of prehospital providers to assess compliance with the applicable standards.

(2) Should the department determine that a prehospital provider is substantially out of compliance with the standards, the department shall notify the regional emergency medical services and trauma care council. If the failure of a prehospital provider to comply with the applicable standards results in the region being out of compliance with its regional plan, the council shall take such steps necessary to assure the region is brought into compliance within a reasonable period of time. The council may seek assistance and funding from the department and others to provide training or grants necessary to bring a prehospital provider into compliance. The council may appeal to the department for modification of the regional plan if it is unable to assure continued compliance with the regional plan. The department may authorize modification of the plan if such modifications meet the requirements of this chapter. The department may suspend or revoke the authorization of a prehospital provider to provide a verified prehospital service if the provider has refused or been unable to comply after a reasonable period of time has elapsed. The council shall be notified promptly of any revocations or suspensions. Any prehospital provider whose verification has been suspended or revoked may request a hearing to review the action by the department as provided for in chapter 34.05 RCW.

(3) The department may grant a variance from provisions of this section if the department determines: (a) That no detriment to public health and safety will result from the variance, and (b) compliance with provisions of this section will cause a reduction or loss of existing prehospital services. Variances may be granted for a period not to exceed one year. A variance may be renewed by the department. If a renewal is granted, a plan of compliance shall be prepared specifying steps necessary to bring a provider or region into compliance and expected date of compliance.

(4) This section shall not restrict the authority of a provider licensed under Title 18 RCW to provide services which it has been authorized to provide by state law.

NEW SECTION. Sec. 11. (1) By July 1991, the department shall establish a state-wide data registry to collect and analyze data on the incidence, severity, and causes of trauma, including traumatic brain injury. The department shall collect additional data on traumatic brain injury should additional data requirements be enacted by the legislature. The registry shall be used to improve the availability and delivery of prehospital and hospital trauma care services. Specific data elements of the registry shall be defined by rule by the department. To the extent possible, the department shall coordinate data collection from hospitals for the trauma registry with the state-wide hospital data system authorized in chapter 70.170 RCW. Every hospital, facility, or health care provider authorized to provide level I, II, III, IV, or V trauma care services, level I, II, or III pediatric trauma care services, level I, level I-pediatric, II, or III trauma-related rehabilitative services, and prehospital trauma-related services in the state shall furnish data to the registry. All other hospitals and prehospital providers shall furnish trauma data as required by the department by rule.

The department may respond to requests for data and other information from the registry for special studies and analysis consistent with requirements for confidentiality of patient and quality assurance records. The department may require requestors to pay any or all of the reasonable costs associated with such requests that might be approved.

(2) By January 1994, in each emergency medical services and trauma care planning and service region, a regional emergency medical services and trauma care systems quality assurance program shall be established by those facilities authorized to provide levels I, II, and III trauma care services. The systems quality assurance program shall evaluate trauma care delivery, patient care outcomes, and compliance with the requirements of this chapter. The emergency medical services medical program director and all other health care providers and facilities who provide trauma care services within the region shall be invited to participate in the regional emergency medical services and trauma care quality assurance program.

(3) Data elements related to the identification of individual patient's, provider's and facility's care outcomes shall be confidential, shall be exempt from RCW 42.17.250 through 42.17.450, and shall not be subject to discovery by subpoena or admissible as evidence.

(4) Patient care quality assurance proceedings, records, and reports developed pursuant to this section are confidential, exempt from RCW 42.17.250 through 42.17.450, and are not subject to discovery by subpoena or admissible as evidence. In any civil action, except, after in camera review, pursuant to a court order which provides for the protection of sensitive information of interested parties including the department: (a) In actions

arising out of the department's designation of a hospital or health care facility pursuant to section 9 of this act; (b) in actions arising out of the department's revocation or suspension of designation status of a hospital or health care facility under section 9 of this act; or (c) in actions arising out of the restriction or revocation of the clinical or staff privileges of a health care provider as defined in RCW 7.70.020 (1) and (2), subject to any further restrictions on disclosure in RCW 4.24.250 that may apply. Information that identifies individual patients shall not be publicly disclosed without the patient's consent.

Sec. 12. Section 510, chapter 9, Laws of 1989 1st ex. sess. and RCW 70.170.100 are each amended to read as follows:

(1) The department is responsible for the development, implementation, and custody of a state-wide hospital data system. As part of the design stage for development of the system, the department shall undertake a needs assessment of the types of, and format for, hospital data needed by consumers, purchasers, payers, hospitals, and state government as consistent with the intent of this chapter. The department shall identify a set of hospital data elements and report specifications which satisfy these needs. The council shall review the design of the data system and may direct the department to contract with a private vendor for assistance in the design of the data system. The data elements, specifications, and other design features of this data system shall be made available for public review and comment and shall be published, with comments, as the department's first data plan by January 1, 1990.

(2) Subsequent to the initial development of the data system as published as the department's first data plan, revisions to the data system shall be considered through the department's development of a biennial data plan, as proposed to, and funded by, the legislature through the biennial appropriations process. Costs of data activities outside of these data plans except for special studies shall be funded through legislative appropriations.

(3) In designing the state-wide hospital data system and any data plans, the department shall identify hospital data elements relating to both hospital finances and the use of services by patients. Data elements relating to hospital finances shall be reported by hospitals in conformance with a uniform system of reporting as specified by the department and shall include data elements identifying each hospital's revenues, expenses, contractual allowances, charity care, bad debt, other income, total units of inpatient and outpatient services, and other financial information reasonably necessary to fulfill the purposes of this chapter, for hospital activities as a whole and, as feasible and appropriate, for specified classes of hospital purchasers and payers. Data elements relating to use of hospital services by patients shall, at least initially, be the same as those currently compiled by hospitals through inpatient discharge abstracts and reported to the Washington state hospital commission.

(4) The state-wide hospital data system shall be uniform in its identification of reporting requirements for hospitals across the state to the extent that such uniformity is necessary to fulfill the purposes of this chapter. Data reporting requirements may reflect differences in hospital size; urban or rural location; scope, type, and method of providing service; financial structure; or other pertinent distinguishing factors. So far as possible, the data system shall be coordinated with any requirements of the trauma care data registry as authorized in section 11 of this act, the federal department of health and human services in its administration of the medicare program, and the state in its role of gathering public health statistics, so as to minimize any unduly burdensome reporting requirements imposed on hospitals.

(5) In identifying financial reporting requirements under the state-wide hospital data system, the department may require both annual reports and condensed quarterly reports, so as to achieve both accuracy and timeliness in reporting.

(6) In designing the initial state-wide hospital data system as published in the department's first data plan, the department shall review all existing systems of hospital financial and utilization reporting used in this state to determine their usefulness for the purposes of this chapter, including their potential usefulness as revised or simplified.

(7) Until such time as the state-wide hospital data system and first data plan are developed and implemented and hospitals are able to comply with reporting requirements, the department shall require hospitals to continue to submit the hospital financial and patient discharge information previously required to be submitted to the Washington state hospital commission. Upon publication of the first data plan, hospitals shall have a reasonable period of time to comply with any new reporting requirements and, even in the event that new reporting requirements differ greatly from past requirements, shall comply within two years of July 1, 1989.

(8) The hospital data collected and maintained by the department shall be available for retrieval in original or processed form to public and private requestors within a reasonable period of time after the date of request. The cost of retrieving data for state officials and agencies shall be funded through the state general appropriation. The cost of retrieving data for individuals and organizations engaged in research or private use of data shall be funded by a fee schedule developed by the department which reflects the direct cost of retrieving the data in the requested form.

NEW SECTION. Sec. 13. Regional emergency medical services and trauma care councils are established. The councils shall:

(1) By June 1990, begin the development of regional emergency medical services and trauma care plans to:

(a) Assess and analyze regional emergency medical services and trauma care needs;

(b) Identify personnel, agencies, facilities, equipment, training, and education to meet regional and local needs;

(c) Identify specific activities necessary to meet state-wide standards and patient care outcomes and develop a plan of implementation for regional compliance;

(d) Establish and review agreements with regional providers necessary to meet state standards;

(e) Establish agreements with providers outside the region to facilitate patient transfer;

(f) Include a regional budget;

(g) Establish the number and level of facilities to be designated which are consistent with state standards and based upon availability of resources and the distribution of trauma within the region;

(h) Identify the need for and recommend distribution and level of care of prehospital services to assure adequate availability and avoid inefficient duplication and lack of coordination of prehospital services within the region; and

(i) Include other specific elements defined by the department;

(2) By June 1991, begin the submission of the regional emergency services and trauma care plan to the department;

(3) Advise the department on matters relating to the delivery of emergency medical services and trauma care within the region;

(4) Provide data required by the department to assess the effectiveness of the emergency medical services and trauma care system;

(5) 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 any activities related to the design, maintenance, or enhancements of the emergency medical services and trauma care system in the region. The councils shall report in the regional budget the amount, source, and purpose of all gifts and payments.

Sec. 14. Section 6, chapter 208, Laws of 1973 1st ex. sess. as amended by section 4, chapter 214, Laws of 1987 and RCW 18.73.060 are each amended to read as follows:

~~((1))~~ The ~~((secretary))~~ department shall designate at least eight emergency medical services and trauma care planning and service regions so that all parts of the state are within such an area. These regional designations are to be made on the basis of ~~((convenience and))~~ efficiency of delivery of needed emergency medical services and trauma care.

~~((2))~~ ~~The secretary shall conduct a regional emergency medical services advisory council meeting in a major city of each planning and service region at least sixty days prior to the formulation of a plan for prehospital emergency medical services. Such meetings shall (a) afford an opportunity for participation by those interested in the determination of the need for;~~

~~and the location of ambulances and first aid vehicles and (b) provide a public forum that affords a full opportunity for presenting views on any relevant aspect of prehospital emergency medical services:))~~

Sec. 15. Section 8, chapter 112, Laws of 1983 as amended by section 6, chapter 214, Laws of 1987 and RCW 18.73.073 are each amended to read as follows:

(1) A county or group of counties may create a local emergency medical services ~~((advisory))~~ and trauma care council composed of ~~((persons representing health services providers))~~ representatives of hospital and pre-hospital trauma care and emergency medical services providers, local elected officials, consumers, local law enforcement officials, and local government agencies involved in the delivery of emergency medical services and trauma care.

(2) ~~((Regional emergency medical services advisory councils shall be created by the department with representatives from))~~ The department shall establish regional emergency medical services and trauma care councils and shall appoint members to be comprised of a balance of hospital and pre-hospital trauma care and emergency medical services providers, local elected officials, consumers, local law enforcement representatives, and local government agencies involved in the delivery of trauma care and emergency medical services recommended by the local emergency medical services and trauma care councils within the region ((and whose representation is determined by the local councils)).

(3) ~~((Power and duties of the councils are as follows:~~

~~(a))~~ Local emergency medical services ((advisory)) and trauma care councils shall review, evaluate, and provide recommendations to the ((de-
partment)) regional emergency medical services and trauma care council regarding the provision of emergency medical services and trauma care in the ((community/system service area)) region, and provide recommendations to the regional emergency medical services ((advisory)) and trauma care councils on the plan for emergency medical services and trauma care.

~~((b) Regional emergency medical services advisory councils shall make recommendations to the department on components of the regional plan needed to improve emergency medical services systems:))~~

Sec. 16. Section 8, chapter 261, Laws of 1979 ex. sess. as amended by section 8, chapter 214, Laws of 1987 and RCW 18.73.085 are each amended to read as follows:

(1) The ~~((secretary))~~ department, with the assistance of the ~~((state))~~ emergency medical services ((advisory)) and trauma care steering committee, shall adopt a program for the disbursement of funds for the development, implementation, and enhancement of the emergency medical services and trauma care system. Under the program, the ~~((secretary))~~ department shall disburse funds to each emergency medical services and trauma care regional council, or their chosen fiscal agent or agents, which shall be city or

county governments, stipulating the purpose for which the funds shall be expended. The regional emergency medical services and trauma care council shall use such funds to make available matching grants in an amount not to exceed fifty percent of the cost of the proposal for which the grant is made; provided, the department may waive or modify the matching requirement if it determines insufficient local funding exists and the public health and safety would be jeopardized if the proposal were not funded. Grants shall be made to any public or private nonprofit agency which, in the judgment of the regional emergency medical services and trauma care council, will best fulfill the purpose of the grant.

(2) Grants may be awarded for any of the following purposes:

(a) Establishment and initial development of an emergency medical services and trauma care system;

(b) Expansion and improvement of an emergency medical services and trauma care system;

(c) Purchase of equipment for the operation of an emergency medical services and trauma care system; ~~((and))~~

(d) Training and continuing education of emergency medical and trauma care personnel; and

(e) Department approved research and development activities pertaining to emergency medical services and trauma care.

(3) Any emergency medical services agency or trauma care provider which receives a grant shall stipulate that it will:

(a) Operate in accordance with ~~((patient care protocols adopted by the medical program directors))~~ applicable provisions and standards required under this chapter; ~~((and))~~

(b) Provide, without prior inquiry as to ability to pay, emergency medical and trauma care to all patients requiring such care; and

(c) Be consistent with applicable provisions of the regional emergency medical services and trauma care plan and the state-wide emergency medical services and trauma care system plan.

Sec. 17. Section 4, chapter 183, Laws of 1988 and RCW 70.168.040 are each amended to read as follows:

~~((†))~~ The emergency medical services and trauma care system trust account is hereby created in the state treasury. Moneys shall be transferred to the emergency medical services and trauma care system trust account from the public safety education account or other sources as appropriated. Disbursements shall be made by the ~~((office of financial management))~~ department subject to legislative appropriation.

~~((2) If a state-wide trauma care system is not established by June 30, 1992, funds in the account shall transfer to the highway safety fund and the account shall terminate.))~~

Sec. 18. Section 3, chapter 55, Laws of 1977 as last amended by section 1, chapter 68, Laws of 1986 and RCW 18.71.205 are each amended to read as follows:

(1) The secretary of the department of ~~((social and health services))~~ health, in conjunction with the advice and assistance of the emergency medical services licensing and certification advisory committee as prescribed in RCW 18.73.050, and the board of medical examiners, shall prescribe:

(a) Minimum standards and performance requirements for the certification and recertification of physician's trained intravenous therapy technicians, airway management technicians, and mobile intensive care paramedics; and

(b) Procedures for certification, recertification, and decertification of physician's trained intravenous therapy technicians, airway management technicians, and mobile intensive care paramedics.

(2) Initial certification shall be for a period of two years.

(3) Recertification shall be granted upon proof of continuing satisfactory performance and education, and shall be for a period of two years.

(4) As used in chapters 18.71 and 18.73 RCW, "approved medical program director" means a person who:

(a) Is licensed to practice medicine and surgery pursuant to chapter 18.71 RCW or osteopathy and surgery pursuant to chapter 18.57 RCW; and

(b) Is qualified and knowledgeable in the administration and management of emergency care and services; and

(c) Is so certified by the department of ~~((social and health services))~~ health for a county ~~((or))~~, group of counties, or cities with populations over four hundred thousand in coordination with the recommendations of the local medical community and local emergency medical services and trauma care council.

Sec. 19. Section 2, chapter 68, Laws of 1986 and RCW 18.71.212 are each amended to read as follows:

The secretary of the department of ~~((social and health services))~~ health, in conjunction with the state emergency medical services and trauma care committee, shall evaluate, certify and terminate certification of medical program directors, and prescribe minimum standards defining duties and responsibilities and performance of duties and responsibilities.

Sec. 20. Section 4, chapter 112, Laws of 1983 as amended by section 5, chapter 68, Laws of 1986 and RCW 18.71.215 are each amended to read as follows:

The department of ~~((social and health services))~~ health shall defend and hold harmless approved medical program directors, delegates, or agents for any act or omission committed or omitted in good faith in the performance of his or her duties.

Sec. 21. Section 20, chapter 214, Laws of 1987 and RCW 18.76.050 are each amended to read as follows:

The secretary with the advice of the emergency medical services and trauma care steering committee established under RCW 18.73.050 shall adopt rules, under chapter 34.05 RCW, prescribing:

- (1) Standards for the operation of a poison information center;
- (2) Standards and procedures for certification, recertification and decertification of poison center medical directors and poison information specialists; and
- (3) Standards and procedures for reciprocity with other states or national certifying agencies.

Sec. 22. Section 1, chapter 208, Laws of 1973 1st ex. sess. as last amended by section 2, chapter 104, Laws of 1988 and RCW 18.73.010 are each amended to read as follows:

The legislature finds that a state-wide program of emergency medical care is necessary to promote the health, safety, and welfare of the citizens of this state. The intent of the legislature is ~~((that the secretary of the department of social and health services develop and implement a system to promote immediate treatment for victims of motor vehicle accidents, suspected coronary illnesses, and other acute illness or trauma.~~

The legislature further recognizes that emergency medical care and transportation methods are constantly changing and conditions in the various regions of the state vary markedly. The legislature, therefore, seeks to establish a flexible method of implementation and regulation to meet those conditions)) to assure minimum standards and training for first responders and emergency medical technicians, and minimum standards for ambulance services, ambulances, aid vehicles, aid services, and emergency medical equipment.

Sec. 23. Section 3, chapter 208, Laws of 1973 1st ex. sess. as last amended by section 3, chapter 104, Laws of 1988 and RCW 18.73.030 are each amended to read as follows:

Unless a different meaning is plainly required by the context, the following words and phrases as used in this chapter shall have the meanings indicated.

(1) "Secretary" means the secretary of the department of ~~((social and health services))~~ health.

(2) "Department" means the department of ~~((social and health services))~~ health.

(3) "Committee" means the emergency medical services licensing and certification advisory committee.

(4) "Ambulance" means a ground or air vehicle designed and used to transport the ill and injured and to provide personnel, facilities, and equipment to treat patients before and during transportation.

(5) "Aid vehicle" means a vehicle used to carry aid equipment and individuals trained in first aid or emergency medical procedure.

(6) "Emergency medical technician" means a person who is authorized by the secretary to render emergency medical care pursuant to RCW 18.73.081.

(7) "Ambulance operator" means a person who owns one or more ambulances and operates them as a private business.

(8) "Ambulance director" means a person who is a director of a service which operates one or more ambulances provided by a volunteer organization or governmental agency.

(9) "Aid vehicle operator" means a person who owns one or more aid vehicles and operates them as a private business.

(10) "Aid director" means a person who is a director of a service which operates one or more aid vehicles provided by a volunteer organization or governmental agency.

(11) "Emergency (~~medical care~~ or ~~emergency~~) medical service" means (~~such~~) medical treatment and care which may be rendered at the scene of any medical emergency or while transporting any patient in an ambulance to an appropriate medical facility, including ambulance transportation between medical facilities.

(12) "Communications system" means a radio and landline network which provides rapid public access, coordinated central dispatching of services, and coordination of personnel, equipment, and facilities in an emergency medical services and trauma care system.

(13) (~~"Emergency medical services region" means a region established by the secretary of the department of social and health services pursuant to RCW 18.73.060, as now or hereafter amended.~~

~~(14))~~ "Prehospital patient care protocols" means the written procedure adopted by the emergency medical services medical program director which direct the out-of-hospital emergency care of the emergency patient which includes the trauma care patient. These procedures shall be based upon the assessment of the patient's medical needs and what treatment will be provided for ((serious)) emergency conditions. The protocols shall meet or exceed state-wide minimum standards developed by the department in rule as authorized in chapter 70.168 RCW.

~~((15))~~ (14) "Patient care (guidelines) procedures" means written operating (~~procedures~~) guidelines adopted by the (~~local or~~) regional emergency medical services and trauma care council, in consultation with the local emergency medical services and trauma care councils, emergency communication centers, and the emergency medical services medical program director (~~and may include which level of medical care personnel will be dispatched to an emergency scene, which hospital will first receive the patient and which hospitals are appropriate for transfer if necessary~~), in

accordance with state-wide minimum standards. The patient care procedures shall identify the level of medical care personnel to be dispatched to an emergency scene, procedures for triage of patients, the level of trauma care facility to first receive the patient, and the name and location of other trauma care facilities to receive the patient should an interfacility transfer be necessary. Procedures on interfacility transfer of patients shall be consistent with the transfer procedures in chapter 70.170 RCW.

~~((+6))~~ (15) "Emergency medical services medical program director" means a person who is an approved medical program director as defined by RCW 18.71.205(4).

~~((+7))~~ (16) "Council" means the local or regional emergency medical services ~~((advisory))~~ and trauma care council as authorized under chapter 70.168 RCW.

~~((+8))~~ (17) "Basic life support" means noninvasive emergency medical services requiring basic medical treatment skills as defined in chapter 18.73 RCW.

~~((+9))~~ (18) "Advanced life support" means invasive emergency medical services requiring advanced medical treatment skills as defined by chapter 18.71 RCW.

~~((20))~~ "System service area" means an emergency medical service area that develops because of trade, patient catchment, market, or other factors and may include county or multicounty boundaries.

~~((21))~~ (19) "First responder" means a person who is authorized by the secretary to render emergency medical care as defined by RCW 18.73.081.

Sec. 24. Section 7, chapter 214, Laws of 1987 as amended by section 1, chapter 111, Laws of 1988 and RCW 18.73.081 are each amended to read as follows:

In addition to other duties prescribed by law, the secretary shall:

(1) Prescribe minimum requirements for:

(a) Ambulance, air ambulance, and aid vehicles and equipment;

(b) Ambulance and aid services; and

(c) ~~((Emergency medical communication systems))~~ Minimum emergency communication equipment;

(2) Adopt procedures for services that fail to perform in accordance with minimum requirements;

(3) Prescribe minimum standards for first responder and emergency medical technician training including:

(a) Adoption of curriculum and period of certification;

(b) Procedures for certification, recertification, decertification, or modification of certificates: PROVIDED, That there shall be no practical examination for recertification if the applicant received a passing grade on the state written examination and completed a program of ongoing training and evaluation, approved in rule by the county medical program director and the secretary;

(c) Procedures for reciprocity with other states or national certifying agencies;

(d) Review and approval or disapproval of training programs; and

(e) Adoption of standards for numbers and qualifications of instructional personnel required for first responder and emergency medical technician training programs;

~~((3) Prescribe minimum standards for evaluating the effectiveness of emergency medical systems in the state;~~

~~(4) Adopt a format for submission of regional plans;~~

~~(5))~~ (4) Prescribe minimum requirements for liability insurance to be carried by licensed services except that this requirement shall not apply to public bodies; and

~~((6))~~ (5) Certify emergency medical program directors.

Sec. 25. Section 13, chapter 208, Laws of 1973 1st ex. sess. as last amended by section 10, chapter 214, Laws of 1987 and RCW 18.73.130 are each amended to read as follows:

An ambulance operator, ambulance director, aid vehicle operator or aid director may not operate a service in the state of Washington without holding a license for such operation, issued by the secretary when such operation is consistent with the ~~((comprehensive))~~ state-wide and regional emergency medical services and trauma care plans established pursuant to chapter 70.168 RCW ~~((18.73.070))~~, indicating the general area to be served and the number of vehicles to be used, with the following exceptions:

(1) The United States government;

(2) Ambulance operators and ambulance directors providing service in other states when bringing patients into this state;

(3) Owners of businesses in which ambulance or aid vehicles are used exclusively on company property but occasionally in emergencies may ~~((bring))~~ transport patients to hospitals not on company property; and

(4) Operators of vehicles pressed into service for transportation of patients in emergencies when licensed ambulances are not available or cannot meet overwhelming demand.

The license shall be valid for a period of three years and shall be renewed on request provided the holder has consistently complied with the regulations of the department and the department of licensing and provided also that the needs of the area served have been met satisfactorily. The license shall not be transferable.

NEW SECTION. Sec. 26. (1) No act or omission of any prehospital provider done or omitted in good faith while rendering emergency medical services in accordance with the approved regional plan shall impose any liability upon that provider.

(2) This section does not apply to the commission or omission of an act which is not within the field of the medical expertise of the provider.

(3) This section does not relieve a provider of any duty otherwise imposed by law.

(4) This section does not apply to any act or omission which constitutes gross negligence or willful or wanton misconduct.

(5) This section applies in addition to provisions already established in RCW 18.71.210.

NEW SECTION. Sec. 27. RCW 18.73.060, 18.73.073, and 18.73.085 are each recodified as sections in chapter 70.168 RCW.

NEW SECTION. Sec. 28. Section 7, chapter 208, Laws of 1973 1st ex. sess., section 5, chapter 261, Laws of 1979 ex. sess., section 5, chapter 214, Laws of 1987 and RCW 18.73.070 are each repealed.

NEW SECTION. Sec. 29. Sections 2 through 4, 8 through 11, 13, and 26 of this act are each added to chapter 70.168 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. 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. 32. If specific funding for the purposes of this act, referencing this act by bill number, is not provided by June 30, 1990, in the omnibus appropriations act, this act shall be null and void.

Passed the Senate March 3, 1990.

Passed the House March 1, 1990.

Approved by the Governor March 29, 1990.

Filed in Office of Secretary of State March 29, 1990.

CHAPTER 270

[Substitute Senate Bill No. 6190]

HEAD INJURY PREVENTION

AN ACT Relating to prevention of head injuries; amending RCW 46.37.535; reenacting and amending RCW 46.37.530; adding new sections to chapter 43.70 RCW; and making an appropriation.

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

NEW SECTION. Sec. 1. This act shall be known and cited as the Head Injury Prevention Act of 1990.

NEW SECTION. Sec. 2. The legislature finds that head injury is a major cause of death and disability for Washington citizens. The costs of

head injury treatment and rehabilitation are extensive and resultant disabilities are long and indeterminate. These costs are often borne by public programs such as medicaid. The legislature finds further that many such injuries are preventable. The legislature intends to reduce the occurrence of head injury by educating persons whose behavior may place them at risk and by regulating certain activities.

NEW SECTION. Sec. 3. As used in sections 1 through 6 of this act, the term "head injury" means traumatic brain injury.

A head injury prevention program is created in the department of health. The program's functions may be integrated with those of similar programs to promote comprehensive, integrated, and effective health promotion and disease prevention.

In consultation with the traffic safety commission, the department shall, directly or by contract, identify and coordinate public education efforts currently underway within state government and among private groups to prevent traumatic brain injury, including, but not limited to, bicycle safety, pedestrian safety, bicycle passenger seat safety, motorcycle safety, motor vehicle safety, and sports safety. If the department finds that programs are not available or not in use, it may, within funds appropriated for the purpose, provide grants to promote public education efforts. Grants may be awarded only after recipients have demonstrated coordination with relevant and knowledgeable groups within their communities, including at least schools, brain injury support organizations, hospitals, physicians, traffic safety specialists, police, and the public. The department may accept grants, gifts, and donations from public or private sources to use to carry out the head injury prevention program.

The department may assess or contract for the assessment of the effectiveness of public education efforts coordinated or initiated by any agency of state government. Agencies are directed to cooperate with assessment efforts by providing access to data and program records as reasonably required. The department may seek and receive additional funds from the federal government or private sources for assessments. Assessments shall contain findings and recommendations that will improve the effectiveness of public education efforts. These findings shall be distributed among public and private groups concerned with traumatic brain injury prevention.

NEW SECTION. Sec. 4. The department of health, the department of licensing, and the traffic safety commission shall jointly prepare information for driver license manuals, driver education programs, and driving tests to increase driver awareness of pedestrian safety, to increase driver skills in avoiding pedestrian and motor vehicle accidents, and to determine drivers' abilities to avoid pedestrian motor vehicle accidents.

***NEW SECTION.** Sec. 5. *The department shall establish a state-wide trauma registry to collect information on the incidence, severity, and causes*

of traumatic brain injury. The state-wide trauma registry shall identify and track major brain injury cases from injury through rehabilitation or recovery. The registry shall keep specific statistics on helmet and nonhelmet, motorcycle-related head and neck injuries. Specific data elements of the registry, sources for collecting the data, and data collection procedures shall be determined by the department by rule. Information obtained shall be used to design prevention and treatment programs. By January 1, 1991, the department shall report to the legislature on the feasibility, cost, and benefits of expanding the registry requirements of this section to include information on minor brain injuries.

*Sec. 5 was vetoed, see message at end of chapter.

NEW SECTION. Sec. 6. The department shall prepare guidelines on relevant training and education regarding traumatic brain injury for health and education professionals, and relevant public safety and law enforcement officials. The department shall distribute such guidelines and any recommendations for training or educational requirements for health professionals or educators to the disciplinary authorities governed by chapter 18.130 RCW and to educational service districts established under chapter 28A.21 RCW. Specifically, all emergency medical personnel shall be trained in proper helmet removal.

Sec. 7. Section 4, chapter 232, Laws of 1967 as last amended by section 732, chapter 330, Laws of 1987 and by section 1, chapter 454, Laws of 1987 and RCW 46.37.530 are each reenacted and amended to read as follows:

(1) It is unlawful:

(a) For any person to operate a motorcycle or motor-driven cycle not equipped with mirrors on the left and right sides of the motorcycle which shall be so located as to give the driver a complete view of the highway for a distance of at least two hundred feet to the rear of the motorcycle or motor-driven cycle: PROVIDED, That mirrors shall not be required on any motorcycle or motor-driven cycle over twenty-five years old originally manufactured without mirrors and which has been restored to its original condition and which is being ridden to or from or otherwise in conjunction with an antique or classic motorcycle contest, show, or other such assemblage: PROVIDED FURTHER, That no mirror is required on any motorcycle manufactured prior to January 1, 1931;

(b) For any person to operate a motorcycle or motor-driven cycle which does not have a windshield unless wearing glasses, goggles, or a face shield of a type conforming to rules adopted by the state patrol;

(c) For any person (~~((under the age of eighteen years))~~) to operate or ride upon a motorcycle (~~((or))~~), motor-driven cycle, or moped on a state highway, county road, or city street unless wearing upon his or her head a

protective helmet of a type conforming to rules adopted by the (~~commission on equipment~~) state patrol except when the vehicle is an antique motor-driven cycle or automobile that is licensed as a motorcycle or when the vehicle is equipped with seat belts and roll bars approved by the state patrol. The helmet must be equipped with either a neck or chin strap which shall be fastened securely while the motorcycle or motor-driven cycle is in motion;

(d) For any person to transport a child under the age of five on a motorcycle or motor-driven cycle;

(e) For any person to sell or offer for sale a motorcycle helmet which does not meet the requirements established by the state patrol.

(2) The state patrol is hereby authorized and empowered to adopt and amend rules, pursuant to the administrative procedure act, concerning the standards and procedures for conformance of rules adopted for glasses, goggles, face shields, and protective helmets.

Sec. 8. Section 10, chapter 232, Laws of 1967 as last amended by section 733, chapter 330, Laws of 1987 and RCW 46.37.535 are each amended to read as follows:

It is unlawful for any person to rent out motorcycles, motor-driven cycles, or mopeds unless ((he)) the person also has on hand for rent helmets of a type conforming to rules adopted by the state patrol.

It shall be unlawful for any person to rent a motorcycle, motor-driven cycle, or moped unless the person has in his or her possession a helmet of a type approved by the state patrol, regardless of from whom the helmet is obtained.

NEW SECTION. Sec. 9. Sections 1 through 6 of this act are each added to chapter 43.70 RCW.

NEW SECTION. Sec. 10. The sum of forty-nine thousand dollars, or as much thereof as may be necessary, is appropriated from the public safety and education account to the department of health for the biennium ending June 30, 1991, to carry out the purposes of this act.

Passed the Senate March 3, 1990.

Passed the House March 1, 1990.

Approved by the Governor March 29, 1990, with the exception of certain items which were vetoed.

Filed in Office of Secretary of State March 29, 1990.

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

"I am returning herewith, without my approval as to section 5, Substitute Senate Bill No. 6190, as amended by the House, entitled:

"AN ACT Relating to prevention of head injuries."

Section 5 requires the Department of Health to establish a state-wide trauma registry to collect information on the incidence, severity, and causes of traumatic brain injury. This registry is to identify and track major brain injury cases from onset through rehabilitation or recovery, and is to keep specific statistics on helmet and

non-helmet, motorcycle-related head and neck injuries. This section would also require the Department of Health to report to the Legislature on the feasibility of expanding the registry to include information on minor brain injuries.

This bill contains an appropriation of \$49,000 to the Department of Health for all the purposes of this act. The Department's estimate of the fiscal impact of section 5 alone is nearly \$500,000. I cannot in good conscience sign into law a program which will put the Department of Health at such a fiscal risk.

However, I am signing into law Substitute Senate Bill No. 6191, as amended by the House. Substitute Senate Bill 6191 requires the Department of Health to establish a state-wide data registry to collect and analyze data on the incidence, severity, and causes of trauma, including traumatic brain injury. That provision is more comprehensive than section 5 of Substitute Senate Bill No. 6190. It is very likely that if adequately funded, the Department could collect the information required by section 5 of Substitute Senate Bill No. 6190 in the overall trauma registry of Substitute Senate Bill No. 6191.

For these reasons, I have vetoed section 5 of Substitute Senate Bill No. 6190.

With the exception of Section 5, Substitute Senate Bill No. 6190 is approved.*

CHAPTER 271

[Second Substitute Senate Bill No. 6418]

RURAL HEALTH CARE

AN ACT Relating to rural health care; adding a new section to Title 28B RCW; adding a new section to chapter 70.175 RCW; adding a new chapter to Title 70 RCW; adding a new chapter to Title 48 RCW; creating new sections; making an appropriation; and declaring an emergency.

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

PART I

NEW SECTION. Sec. 1. 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 rural 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. 2. The department shall establish the health professional temporary substitute resource pool. The purpose of the pool is

to provide short-term physician, physician assistant, pharmacist, and advanced registered nurse practitioner personnel to rural communities where these health care providers:

- (1) Are unavailable due to provider shortages;
- (2) Need time off from practice to attend continuing education and other training programs; and
- (3) Need time off from practice to attend to personal matters or recover from illness.

The health professional temporary substitute resource pool is intended to provide short-term assistance and should complement active health provider recruitment efforts by rural communities where shortages exist.

NEW SECTION. Sec. 3. (1) The department, in cooperation with University of Washington school of medicine, the state's registered nursing programs, the state's pharmacy programs, and other appropriate public and private agencies and associations, shall develop and keep current a register of physicians, physician assistants, pharmacists, and advanced registered nurse practitioners who are available to practice on a short-term basis in rural communities of the state. The department shall periodically screen individuals on the registry for violations of the uniform disciplinary act as authorized in chapter 18.130 RCW. If a finding of unprofessional conduct has been made by the appropriate disciplinary authority against any individual on the registry, the name of that individual shall be removed from the registry and that person shall be made ineligible for the program. The department shall include a list of back-up physicians and hospitals who can provide support to health care providers in the pool. The register shall be compiled, published, and made available to all rural hospitals, public health departments and districts, rural pharmacies, and other appropriate public and private agencies and associations. The department shall coordinate with existing entities involved in health professional recruitment when developing the registry for the health professional temporary substitute resource pool.

(2) Eligible health care professionals are those licensed under chapters 18.57, 18.57A, 18.64, 18.71, and 18.71A RCW and advanced registered nurse practitioners licensed under chapter 18.88 RCW.

(3) Participating health care professionals shall receive:

(a) Reimbursement for travel to and from the rural community and for lodging at a rate determined under RCW 43.03.050 and 43.03.060;

(b) Medical malpractice insurance purchased by the department, or the department may reimburse participants for medical malpractice insurance premium costs for medical liability while providing health care services in the program, if the services provided are not covered by the participant's or local provider's existing medical malpractice insurance; and

(c) Information on back-up support from other physicians and hospitals in the area to the extent necessary and available.

(4) The department may require rural communities to participate in health professional recruitment programs as a condition for providing a temporary substitute health care professional if the community does not have adequate permanent health care personnel. To the extent deemed appropriate and subject to funding, the department may also require communities to participate in other programs or projects, such as the rural health system project authorized in chapter 70.175 RCW, that are designed to assist communities to reorganize the delivery of rural health care services.

(5) The department may require a community match for assistance provided in subsection (3) of this section if it determines that adequate community resources exist.

(6) The maximum continuous period of time a participating health professional may serve in a community is ninety days. The department may modify or waive this limitation should it determine that the health and safety of the community warrants a waiver or modification. The community shall be responsible for all salary expenses of participating health professionals.

NEW SECTION. Sec. 4. (1) Requests for a temporary substitute health care professional may be made to the department by the local rural hospital, public health department or district, community health clinic, local practicing physician, physician assistant, pharmacist, or advanced registered nurse practitioner, or local city or county government.

(2) The department shall:

(a) Establish a manner and form for receiving requests;

(b) Minimize paperwork and compliance requirements for participant health care professionals and entities requesting assistance; and

(c) Respond promptly to all requests for assistance.

(3) The department may apply for, receive, and accept gifts and other payments, including property and services, from any governmental or other public or private entity or person, and may make arrangements as to the use of these receipts to operate the pool. The department shall make available upon request to the appropriate legislative committees information concerning the source, amount, and use of such gifts or payments.

PART II

NEW SECTION. Sec. 5. The legislature finds that the lack of primary care physicians in some rural areas of the state and the critical shortage of maternity care services adversely affect access to basic health care services. Rural areas often require more services because the health care needs are greater due to poverty or because these areas are difficult to service due to geographic circumstances. The legislature further finds that encouraging primary care physicians to serve in rural areas of the state and midwives to serve in midwife shortage areas is essential to assure continued access to basic health care services. Studies suggest that physicians recruited from

rural areas or physicians who have resident and intern experience in a rural setting tend to make a long-term commitment as rural physicians. The legislature declares that whenever possible rural communities should take an active part in identifying prospective medical students from the local rural community or other rural areas. In this way the community and the prospective physician can form a mutual commitment prior to the individual acquiring a medical education.

The legislature further finds that midwives serve as an important provider of prenatal, interpartum, and postpartum care. Training individuals to become midwives can serve to address the current shortage of providers. The legislature declares that it is in the best interest of the people in this state to promote the availability of midwife services through activities that lead to the recruitment and training of midwives. The legislature further finds that the availability of pharmacy services in rural areas is important to assure that rural people have access to needed medications to support good health.

NEW SECTION. Sec. 6. 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 department of health.

(3) "Eligible expenses" means legitimate expenses associated with the costs of acquiring an education such as tuition, books, equipment, fees, room and board, and other expenses determined by the department.

(4) "Eligible student" means a student who has been accepted into: (a) A program leading to eligibility for licensure as a physician under chapter 18.71 RCW or osteopathic physician or surgeon under chapter 18.57 RCW, and has a declared intention to serve as a primary care physician in a rural area in the state of Washington upon completion of the educational program; (b) a program leading to eligibility for licensure as a midwife under chapter 18.50 RCW, or certification by a graduate nurse training program as an advanced registered nurse practitioner certified nurse midwife, licensed as a registered nurse under chapter 18.88 RCW and has a declared intention to serve as a midwife in a midwife shortage area in the state of Washington upon completion of the education program; or (c) a program leading to eligibility for licensure under chapter 18.64 RCW and has declared an intention to serve as a pharmacist in a pharmacist shortage area of the state.

(5) "Forgiven" or "to forgive" or "forgiveness" means to render physician services in a rural area, pharmacy services in a pharmacist shortage area, or midwifery services in a midwife shortage area in the state of Washington in lieu of monetary repayment.

(6) "Medical school" means a medical school or school of osteopathic medicine and surgery accredited by an accrediting association recognized as such in rule by the department.

(7) "Midwife shortage area" means a geographic area of the state of Washington where: (a) Maternity services are in short supply to the extent to jeopardize favorable birth outcomes for babies born in the area, and (b) midwifery services could help alleviate the shortage. The department shall identify midwife shortage areas consistent with the state-wide midwife access plan provided for in section 16 of this act.

(8) "Midwife training program" means a training program that leads to licensure as a midwife in the state of Washington or certification as a nurse-midwife who is qualified to practice as an advanced registered nurse practitioner under chapter 18.88 RCW. The department shall approve training programs by rule under chapter 34.05 RCW.

(9) "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.

(10) "Participant" means an eligible student who has received a scholarship under this chapter.

(11) "Pharmacy school" means a pharmacy school accredited by an accrediting association recognized as such in rule by the department.

(12) "Pharmacist shortage area" means a rural area where pharmacists are in short supply and where their limited numbers jeopardize the public health and safety.

(13) "Program" means the rural physician, pharmacist, and midwife scholarship program.

(14) "Prospective medical student" means an individual identified by a sponsoring community who is seeking admission to a school of medicine or osteopathic school of medicine.

(15) "Rural areas" means a rural area in the state of Washington as identified by the department.

(16) "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.

(17) "Satisfied" means paid-in-full.

(18) "Scholarship" means a loan that is forgiven in whole or in part if the recipient renders: (a) Physician service as a primary care physician in a rural area of the state; (b) midwifery services as a licensed midwife or certified nurse midwife in a midwife shortage area; or (c) pharmacy services as a pharmacist in a pharmacist shortage area.

(19) "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.

NEW SECTION. Sec. 7. The rural physician, pharmacist, and midwife scholarship program is established for students pursuing medical and midwifery training. The program shall be administered by the board in consultation with the department, the school of medicine at the University of Washington and other appropriate private and public entities. In administering the program, the board shall have the following powers and duties:

(1) Select students to receive scholarships to attend schools of medicine, schools of osteopathic medicine, schools of pharmacy, or training programs in midwifery with the assistance of a screening committee;

(2) Adopt rules and guidelines to implement this chapter;

(3) Publicize the program, particularly emphasizing individuals residing in rural shortage areas, pharmacist shortage areas, and midwifery shortage rural areas of the state;

(4) Collect and manage repayments from students who do not meet their services obligations under this chapter;

(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 five-year service where appropriate, that may be a combination of service and payment.

NEW SECTION. Sec. 8. (1) The board shall establish a planning committee to develop criteria for the screening and selection of recipients of the scholarships. The planning committee shall be comprised of at least representatives from the following entities: Rural physicians and hospitals, health care clinics, local health districts and departments, agencies involved in physician recruitment, the department, the University of Washington school of medicine, licensed and certified nurse midwives, pharmacists, and other entities involved in rural health and midwifery issues.

(2) 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 rural areas of the state prior to admission to the medical training program. 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.

(3) For prospective midwives, the selection criteria shall include requirements that the recipient declare an interest in serving in midwife shortage areas of the state of Washington.

(4) For prospective pharmacists, the selection shall include requirements that recipients declare an interest in serving in pharmacist shortage areas of the state of Washington.

NEW SECTION. Sec. 9. A new section is added to Title 28B RCW 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 section 7 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.

NEW SECTION. Sec. 10. The board may award scholarships to eligible students from the funds appropriated to the board for this purpose, or from any private donations, or any other funds given to the board for this program. Scholarships for physicians may be awarded contingent upon acceptance to a medical school. The amount of the scholarship awarded an individual shall not exceed fifteen thousand dollars per academic year for physicians and four thousand dollars per academic year for midwives and pharmacists. Scholarship awards are intended to meet the eligible financial expenses of eligible students. Students are eligible to receive scholarships for a maximum of five years for physicians and three years for pharmacists and midwives while continually enrolled in an approved medical school, pharmacy school, or midwifery training program. 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.

NEW SECTION. Sec. 11. The department may provide technical assistance to rural communities desiring to become sponsoring communities. Such assistance should include, but not be limited to: The identification of prospective students, assisting prospective students to apply to medical school, pharmacy school, and midwifery training programs, making formal agreements with prospective medical students to provide future primary care physician services in the community, forming agreements between rural communities in a service area to share physician, pharmacy, and midwifery services, and fulfilling any matching requirements.

NEW SECTION. Sec. 12. 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 including 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 or the department in violation of this section shall be declared ineligible for receiving assistance under the program authorized by this chapter.

NEW SECTION. Sec. 13. (1) Participants in the program incur an obligation to repay the scholarship, with interest set by state law, unless they serve for five years in rural areas, pharmacist shortage areas, or midwife shortage areas of the state of Washington.

(2) The terms of the repayment, including deferral of the interest, shall be consistent with the terms of the federal guaranteed loan program.

(3) The period for repayment shall be three years, with payments accruing quarterly commencing 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 rural area, pharmacist shortage area, or midwife shortage area until the entire repayment obligation is satisfied or the borrower ceases to so serve. Should the participant cease to serve in a rural area, pharmacist shortage area, or midwife 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 five years shall be obliged to repay to the program an amount equal to twice the total amount paid by the program on their behalf in addition to the unsatisfied portion of principal and interest required by this section.

(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 minimum of five years 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.

NEW SECTION. Sec. 14. The legislature finds that a shortage of physicians, nurses, pharmacists, and physician assistants exists in rural areas of the state. In addition, many education programs to train these health care providers do not include options for practical training experience in rural settings. As a result, many health care providers find their current training does not prepare them for the unique demands of rural practice.

The legislature declares that the availability of rural training opportunities as a part of professional medical, nursing, pharmacist, and physician assistant education would provide needed practical experience, serve to attract providers to rural areas, and help address the current shortage of these providers in rural Washington.

NEW SECTION. Sec. 15. (1) The department, in consultation with at least the higher education coordinating board, the state board for community college education, the superintendent of public instruction, and state-supported education programs in medicine, pharmacy, and nursing, shall develop a plan for increasing rural training opportunities for students in medicine, pharmacy, and nursing. The plan shall provide for direct exposure to rural health professional practice conditions for students planning careers in medicine, pharmacy, and nursing.

(2) The department and the medical, pharmacy, and nurse education programs shall:

(a) Inventory existing rural-based clinical experience programs, including internships, clerkships, residencies, and other training opportunities available to students pursuing degrees in nursing, pharmacy, and medicine;

(b) Identify where training opportunities do not currently exist and are needed;

(c) Develop recommendations for improving the availability of rural training opportunities;

(d) Develop recommendations on establishing agreements between education programs to assure that all students in medical, pharmacist, and nurse education programs in the state have access to rural training opportunities; and

(e) Review private and public funding sources to finance rural-based training opportunities.

(3) The department shall report to the house of representatives and senate standing committees on health care by December 1, 1990, with their findings and recommendations including needed legislative changes.

NEW SECTION. Sec. 16. The department, in consultation with training programs that lead to licensure in midwifery and certification as a certified nurse midwife, and other appropriate private and public groups, shall develop a state-wide plan to address access to midwifery services.

The plan shall include at least the following: (1) Identification of maternity service shortage areas in the state where midwives could reduce the shortage of services; (2) an inventory of current training programs and preceptorship activities available to train licensed and certified nurse midwives; (3) identification of gaps in the availability of training due to such factors as geographic or economic conditions that prevent individuals from seeking training; (4) identification of other barriers to utilizing midwives; (5) identification of strategies to train future midwives such as developing training programs at community colleges and universities, using innovative telecommunications for training in rural areas, and establishing preceptorship programs accessible to prospective midwives in shortage areas; (6) development of recruitment strategies; and (7) estimates of expected costs associated in recruitment and training.

The plan shall identify the most expeditious and cost-efficient manner to recruit and train midwives to meet the current shortages. Plan development and implementation shall be coordinated with other state policy efforts directed toward, but not limited to, maternity care access, rural health care system organization, and provider recruitment for shortage and medically underserved areas of the state.

The department shall submit a copy of the plan to the senate and house of representatives health care committees by December 1, 1990.

NEW SECTION. Sec. 17. By September 1, 1995, the department shall review the continuing need for the program and recommend the need for its continuation. It shall report its findings to the senate and house of representatives committees on health care by December 1, 1995.

NEW SECTION. Sec. 18. A new section is added to chapter 70.175 RCW to read as follows:

The department may develop and implement a rural health care plan and may approve hospital and rural health care facility requests to be designated as essential access community hospitals or rural primary care hospitals so that such facilities may form rural health networks to preserve health care services in rural areas and thereby be eligible for federal program funding and enhanced medicare reimbursement.

NEW SECTION. Sec. 19. After consulting with the higher education coordinating board, the governor may transfer the administration of the rural physician, pharmacist, and midwife scholarship program to another agency with an appropriate educational mission.

PART III

NEW SECTION. Sec. 20. The legislature finds that the residents of rural communities are having difficulties in locating and purchasing affordable health insurance. The legislature further finds that many rural communities have sufficient funds to pay for needed services, but those funds are being expended elsewhere causing insufficient funding of local health services. As part of the solution to this problem, rural communities need to be able to structure the financing of local health services to better serve local residents. The legislature further finds that as rural communities need well financed and organized health care, it is in the interest of residents of rural communities that existing unauthorized entities comply with appropriate fiscal solvency standards and consumer safeguards, and that those entities be given an opportunity to come into compliance with existing state laws.

NEW SECTION. Sec. 21. The insurance commissioner shall establish a committee to recommend to the governor and legislature methods to improve the availability of affordable health insurance or coverage in rural communities. The recommendations shall consider (1) the unique and varied nature of rural communities, (2) methods to maximize the retention of local health expenditures in rural communities, (3) the need of rural communities to have sufficient control over the health services in their communities so that they may improve the quality and have the appropriate quantity of those health services, (4) financial stability and consumer protection issues, and (5) the feasibility of such recommendations. The committee shall examine methods of improving the way currently authorized carriers address rural health issues and shall examine the use of alternative arrangements specifically adapted to rural communities including, but not limited to, the use of local service contractors in combination with other entities authorized under Title 48 RCW.

The committee shall include the insurance commissioner or the commissioner's designee and representatives of rural communities, rural health providers, entities authorized under title 48 RCW, the department of health, and other individuals, as appointed by the insurance commissioner.

These recommendations shall be submitted to the governor and legislature no later than November 1, 1990.

The committee established under this section shall dissolve on January 1, 1991.

NEW SECTION. Sec. 22. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Rural community" means any grouping of consumers, seventy-five percent of whom reside in areas outside of a standard metropolitan statistical area as defined by the United States bureau of census.

(2) "Consumer" means any person enrolled and eligible to receive benefits in the rural health care arrangement.

(3) "Rural health care service arrangement" or "arrangement" means any arrangement which is established or maintained for the purpose of offering or providing through the purchase of insurance or otherwise, medical, surgical, or hospital care or benefits in the event of sickness, accident, or disability in a rural community, as defined in this section, that is subject to the jurisdiction of the insurance commissioner but is not now a currently authorized carrier.

NEW SECTION. Sec. 23. Rural health care service arrangements existing on the effective date of this act may continue in full operation only so long as they comply with all of the following:

(1) Within ten days following the effective date of this act, all rural health care service arrangements shall inform the insurance commissioner of their intent to apply for approval to operate as an entity authorized under chapter 48.44 RCW or intend to merge with an entity authorized under Title 48 RCW or merge with an entity defined in this section;

(2) The arrangement submits an application for approval as an entity authorized under chapter 48.44 RCW by May 1, 1990;

(3) The arrangement has one hundred thousand dollars on deposit with the insurance commissioner by July 1, 1990;

(4) The arrangement has one hundred fifty thousand dollars on deposit with the insurance commissioner by September 1, 1990; and

(5) The arrangement complies with all reasonable requirements of the insurance commissioner excluding the deposit requirement, except as outlined in this section.

If such rural health care service arrangements fail to comply with any of the above requirements, or if during the application process an entity engages in any activities which the insurance commissioner reasonably determines may cause imminent harm to consumers, the entity may be subject to appropriate legal action by the insurance commissioner pursuant to the authority provided in Title 48 RCW.

A rural health care service arrangement which comes into compliance with Title 48 RCW through the method outlined in this chapter shall be subject to all applicable requirements of Title 48 RCW except that the deposit requirements shall not be increased until May 1, 1991.

NEW SECTION. Sec. 24. The insurance commissioner, pursuant to chapter 34.05 RCW, may promulgate rules to implement sections 22 and 23 of this act.

NEW SECTION. Sec. 25. The sum of forty-nine thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the general fund to the insurance commissioner for the purposes of section 21 of this act.

NEW SECTION. Sec. 26. 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. 27. Sections 20 through 24 of this act shall constitute a new chapter in Title 48 RCW.

NEW SECTION. Sec. 28. Any additional expenditures incurred by the University of Washington from provisions of this act shall be funded from existing financial resources.

NEW SECTION. Sec. 29. Sections 1 through 8, 10 through 17, 19 and 28 of this act shall constitute a new chapter in Title 70 RCW.

NEW SECTION. Sec. 30. If specific funding for the purposes of sections 1 through 19 of this act, referencing this act by bill number, is not provided by June 30, 1990, in the omnibus appropriations act, sections 1 through 19 of this act shall be null and void.

Passed the Senate March 8, 1990.

Passed the House March 8, 1990.

Approved by the Governor March 29, 1990.

Filed in Office of Secretary of State March 29, 1990.

CHAPTER 272

[Senate Bill No. 6411]

INVESTMENT IN HUMAN CAPITAL

AN ACT Relating to investment in human capital; creating new sections; 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 demographic and economic changes are causing an increasing shortage of well trained workers within Washington. The working age population is growing at a decreasing rate due to the aging of the post World War II baby boom generation and due to a lower rate of birth. The current economic boom in the state is aggravating this long-term trend by lowering the rate of unemployed individuals seeking work. Because of the developing labor shortage, Washington businesses increasingly need to employ individuals from demographic groups which have been traditionally underrepresented among the employed population. Many of these and other individuals need training in order to have the skills required by employers. Despite economic growth,

significant unemployment remains a serious and persistent problem in many areas of the state. By making first rate training available to individuals who lack suitable skills for employment in well-paying careers, the state will enhance employment opportunities for low-income individuals, unemployed persons, dislocated workers, and others enabling more citizens of the state to enjoy our economic prosperity.

The legislature further finds that our state's businesses have a growing need for highly trained workers because of the increasing technological complexity of occupations and due to increasing world market competition. Because of these technical and economic changes, businesses in the future will need to fully utilize the capacities of their workers for skilled, flexible, and intelligent work.

The legislature further finds that the vast majority of the work force for the year 2000 and beyond is already of the age eighteen years or older. For the work force of the future to be well trained will require a first-rate adult training system. This system will need to train those individuals who are entering and reentering the labor market and those individuals already employed who need new or updated skills to meet changing technological and economic conditions. For the training system to be first rate will require a system that is well coordinated between service providers, is accountable for its performance, and is responsive to the needs of businesses and the work force. The legislature recognizes the importance of designing a system of vocational education that can accommodate change and includes program evaluation and coordination. The training system must emphasize training in broad-based skills with long-term career potential. For the state to have a first rate training system requires a thorough study of our present and future training needs; experimentation in new ways of providing training; and leadership and recommendations from representatives of business, workers, and training providers.

The legislature further finds that adults without the basic skills needed for training in job skills are more likely to need unemployment compensation and welfare payments, and to fill our state's correctional institutions. The legislature intends to assess adult educational opportunities in the state for adults lacking basic literacy skills, for adults who have not received a high school diploma, and for adults who have received a high school diploma but whose level of achievement, based on standard measures, indicates that additional basic skills are necessary in order to enter a job training program.

The legislature recognizes that successful implementation of the study recommendations called for in section 4 of this act is directly related to resolving the issue of vocational education governance. Therefore, it is the intent of the legislature that the governance of the first two years of postsecondary education not under the jurisdiction of a four-year institution of higher education be the responsibility of one state agency to provide high

quality education, to avoid duplication of programs, and to assure increased access to vocational programs for all students including youth and adults.

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

(1) "Basic literacy" means achievement at a tenth grade educational level as measured by standardized tests.

(2) "Council" means the advisory council on investment in human capital.

(3) "Training" means any education, literacy, or skill training or re-training activity that is needed by an individual to begin or continue full participation in the Washington work force.

(4) "Training system" means the network of public and private providers of training, and includes secondary vocational education programs for gainful employment upon completion of a designated program sequence, but not other programs of primary or secondary education.

(5) "Training providers" includes agencies and institutions of secondary vocational education programs for gainful employment upon completion of a designated program sequence, adult education, vocational technical institutes, community colleges, apprenticeship programs, private and public nonprofit organizations that are representative of communities or significant segments of communities and provide job training services, and private for-profit organizations that provide training as their primary service.

(6) "Work force" means all persons of working age including those who are currently gainfully employed and those who are not.

NEW SECTION. Sec. 3. (1) There is created the advisory council on investment in human capital. The council shall consist of six voting members, thirteen nonvoting members, and a nonvoting chairperson. The governor shall appoint the members of the council except for the legislative members. Three of the voting members shall be representatives of business, and three of the voting members shall be representatives of labor. The thirteen nonvoting members shall be a member from each of the two major caucuses in the house of representatives appointed by the speaker of the house, a member from each of the two major caucuses in the senate appointed by the president of the senate, the state superintendent of public instruction or the superintendent's designee, the executive director of the state board for community college education or the director's designee, the commissioner of the department of employment security or the commissioner's designee, the director of the department of labor and industries or the director's designee, a representative of the council of vocational technical institutes, a representative of the general public, a representative of a broad-based coalition of groups providing literacy services, a representative of private or public nonprofit organizations that are representative of communities or significant segments of communities and provide job training

services, and a representative of private for-profit organizations which provide job training services as their primary service. The representative of the council of vocational technical institutes shall consult with vocational technical institute directors, instructors, and advisory council members to prepare policies and plans to implement the recommendations called for in section 4(11) of this act. The governor or the governor's designee shall serve as the nonvoting chairperson of the council.

(2) The council shall advise the office of financial management concerning the study of training authorized under section 4 of this act.

(3) The council shall advise the office of financial management and other appropriate state agencies concerning the pilot programs established under section 5 of this act.

(4) The council shall make recommendations on changes necessary in state policies for training to the office of financial management and to the governor by December 1, 1990.

(5) The office of financial management and the office of the governor shall provide staff to the council as necessary to carry out the purposes of this act.

(6) The council shall meet as necessary to carry out the purposes of this act, and council members shall be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060, or 44.04.120.

NEW SECTION. Sec. 4. (1) The office of financial management shall, with the advice of the council, administer a study of the training needs of the state's work force, businesses, and the economy, including an evaluation of the training system. The office of financial management shall complete the study by December 1, 1990, and present the study to the council and governor. For purposes of the study, the office of financial management shall use already existing data whenever appropriate. As necessary, the labor market and economic analysis unit of the department of employment security shall assist the office of financial management with labor market and economic data, and state agencies that provide training shall assist the office of financial management with data on their training programs. The director of the office of financial management may contract for services necessary for the completion of the study, and shall contract for services as necessary to ensure objectivity in evaluating the training system. The study shall include:

(2) An assessment of the employment competency needs of the present Washington work force, including regional and demographic subgroups of the state work force, and projections of these competencies to the year 2010. Employment competency needs shall include, but not be limited to, literacy, basic skills, and vocational skills;

(3) An assessment of the current work force skill needs of Washington businesses and public employers, including subgroups by region, industry, and firm size, and projections of these needs to the year 2010. Work force

skill needs shall include, but not be limited to, literacy, basic skills, and vocational skills;

(4) An assessment of the gaps which may exist between the competencies of the work force and the work force skill needs of Washington businesses between now and the year 2010 given current training policies;

(5) An assessment of the characteristics, size, and geographic distribution of Washington population groups which are in need of training between now and the year 2010;

(6) An inventory and analysis of alternative training programs, policies, and funding mechanisms including, but not limited to, financial contributions from businesses, workers, and trainees, which have been proposed or are in use in other states or other nations;

(7) An assessment of current data, information, monitoring, and evaluation systems so that training needs and training providers may be assessed on an ongoing, systematic, objective, and comprehensive basis. This assessment shall include integrating an evaluation component into each of the pilot programs authorized under section 5 of this act;

(8) An inventory and analysis of the current training system in terms of organization, including the governance of vocational technical institutes, coordination, responsiveness, accountability, effectiveness, resources, support services for trainees, including but not limited to child care, and access, including access for subgroups of the population, including but not limited to subgroups by gender, race, ethnicity, and income level, and including an analysis of the job readiness of students graduating from the state's K-12 system who have completed a vocational education designated program sequence for gainful employment, and an inventory of training provided by employers whose primary product is not training;

(9) An analysis of current training programs to enable women and minorities to enter occupations and industries in which women and minorities have traditionally been underrepresented, and ways of improving such training;

(10) Recommendations for reducing the percentage of the adult population lacking basic literacy skills to five percent by the year 2010. The recommendations shall provide a framework for interagency collaboration and include:

(a) Recommendations on state policies and objectives to guide the adult literacy activities of the state;

(b) Recommendations on strategies and criteria for coordinating and enhancing adult literacy activities, programs, and services to achieve recommended state policies and objectives, meet the basic skill needs of the adult population, and maximize available state and local resources and expertise devoted to literacy training;

(c) Recommendations on methods to identify and recruit adults lacking basic literacy skills for placement in literacy training programs; and

(d) Recommendations on evaluation criteria to be used to assess literacy program successes and monitor compliance with recommended state policies and objectives;

(11) Recommendations on improving the overall governance of vocational education in this state, including but not limited to:

(a) Recommendations regarding establishing new state agencies or designating existing agencies to be responsible for coordinating vocational education;

(b) A specific recommendation identifying one agency as the governing body for all postsecondary vocational education and the first two years of postsecondary education not under the jurisdiction of a four-year institution of higher education, including identification of the elements necessary to implement this recommendation;

(c) Recommendations on who should be assigned responsibility for those duties assigned by statute and delegated by executive order to the coordinating council for occupational education, the commission for vocational education, the state board for vocational education, the job training councils of the employment security department, and the council on vocational education; and

(d) Determination of ways to effectively develop a comprehensive state plan for vocational education and coordinate vocational education programs;

(12) Recommendations for accountability at the state level for the Washington institute of applied technology and alternative methods for governance; and

(13) Recommendations on changes in the training system, including but not limited to ways of improving coordination and integration to meet the present and future needs of the work force, businesses, and the economy.

NEW SECTION. Sec. 5. (1) The office of financial management and the office of the governor, with the advice of the council, shall oversee the pilot programs for job training. The pilot programs shall test means of integrating delivery systems and improving the responsiveness of training providers to the needs of businesses and the work force. Each pilot program shall integrate an evaluation component in conjunction with the study conducted under section 4 of this act.

(2) The state board for community college education shall, in cooperation with the office of financial management, administer pilot programs which provide additional community college training programs incorporating new means of responding to the needs of businesses and the work force. The state board for community college education shall, as appropriate, coordinate these projects with the economic development services provided by the department of trade and economic development and the employment security department. The state board for community college education may

hire up to thirteen and one-half full time equivalent employees to carry out the pilot programs under this subsection.

(3) The employment security department shall conduct a pilot program for the provision of training and access to related services for workers in timber or wood products industries who have been dislocated from rural firms, or for workers dislocated from rural firms, employing fifty or fewer persons on a full-time basis.

(4) The employment security department shall, in cooperation with the office of financial management and other appropriate state agencies, administer a pilot program on integrating training services with programs for substance abuse prevention and or treatment for youth.

(5) The superintendent of public instruction shall administer a pilot program on integrating adult education instruction within vocational technical institutes. Under this pilot program the vocational technical institutes shall provide two hundred thousand additional hours of adult education instruction.

(6) If all the pilot programs in subsections (2) through (5) of this section are not funded in the 1990 supplemental omnibus appropriations act, the advisory council shall recommend to the governor how to prioritize the pilot projects under this section, and shall also recommend the level of funding for each pilot project.

NEW SECTION. Sec. 6. (1) The legislature finds that school districts may provide vocational education programs for students more effectively through cooperatives using existing district facilities, facilities at work sites, and facilities including but not limited to mobile instructional units, distance learning, and computers, without the need to construct separate facilities. It is the intent of the legislature to encourage such cooperatives among school districts on a demonstration basis.

(2) The superintendent of public instruction may establish a grant award program to establish demonstration vocational cooperatives for the purposes of subsections (1) through (7) of this section. Grants may be awarded for not more than three projects. The cooperatives approved should include projects in urban and rural areas and districts of varying characteristics and size.

(3) Initial applications to participate in the demonstration vocational cooperative program shall be submitted to the superintendent of public instruction not later than June 30, 1990. Each application shall contain a proposed plan that:

- (a) Explains how the plan meets the criteria;
- (b) Describes specific activities to be carried out;
- (c) Identifies the evaluation processes to be used; and
- (d) Includes a copy of the agreement for joint cooperative action pursuant to chapter 39.34 RCW.

(4) The superintendent of public instruction shall administer subsections (1) through (7) of this section subject to legislative appropriation for this purpose. The superintendent shall approve requests based on criteria established by the superintendent and notify districts of grant awards on or before August 1, 1990. The demonstration vocational cooperative projects shall begin with the 1990-91 school year. The grant awards may be continued for up to five years if the funds are so provided.

(5) The grant awards for such demonstration vocational cooperatives shall be based on an allocation which includes:

(a) The same amount as would be calculated pursuant to RCW 28A-.41.140 for a skill center with the same full time equivalent enrollment; and

(b) An amount to compensate the serving districts for costs to administer the cooperatives pursuant to standards established by the superintendent of public instruction.

(6) Following the completion of each year of operation, each demonstration vocational cooperative shall submit an evaluation of the cooperative program to the superintendent of public instruction in accordance with requirements of the superintendent. On or before July 1, 1992, the superintendent of public instruction shall submit a report to the education committees and the economic development committees of the house of representatives and the senate including the cooperative evaluations and recommendations concerning the continuation of this program.

(7) The superintendent of public instruction shall adopt rules under chapter 34.05 RCW if necessary to implement the superintendent's duties under subsections (1) through (6) of this section.

NEW SECTION. Sec. 7. 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. 8. This act shall expire on July 1, 1991.

NEW SECTION. Sec. 9. (1) If funding for the purposes of section 4 of this act, referencing this act by bill number, is not provided by June 30, 1990, in the supplemental omnibus appropriations act, section 4 of this act shall be null and void.

(2) If funding is not provided for the purposes of section 5 of this act, referencing this act by bill number, is not provided by June 30, 1990, in the supplemental omnibus appropriations act, section 5 of this act shall be null and void.

(3) If specific funding for the purposes of section 6 of this act, referencing this act by bill number, is not provided by June 30, 1990, in the supplemental omnibus appropriations act, section 6 of this act shall be null and void.

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 Senate March 8, 1990.

Passed the House March 8, 1990.

Approved by the Governor March 29, 1990.

Filed in Office of Secretary of State March 29, 1990.

CHAPTER 273

[Senate Bill No. 6189]

BOUNDARY REVIEW BOARDS

AN ACT Relating to boundary review boards; amending RCW 36.93.150; adding a new section to chapter 36.93 RCW; and declaring an emergency.

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

Sec. 1. Section 15, chapter 189, Laws of 1967 as last amended by section 7, chapter 477, Laws of 1987 and RCW 36.93.150 are each amended to read as follows:

The board, upon review of any proposed action, shall take such of the following actions as it deems necessary to best carry out the intent of this chapter:

(1) Approval of the proposal as submitted;

(2) Subject to RCW 35.02.170, modification of the proposal by adjusting boundaries to add or delete territory: **PROVIDED**, That any proposal for annexation by the board shall be subject to RCW 35.21.010 and shall not add additional territory, the amount of which is greater than that included in the original proposal: **PROVIDED FURTHER**, That such modifications shall not interfere with the authority of a city, town, or special purpose district to require or not require preannexation agreements, covenants, or petitions: **AND PROVIDED FURTHER**, That a board shall not modify the proposed incorporation of a city with an estimated population of seven thousand five hundred or more by removing territory from the proposal, or adding territory to the proposal, that constitutes ten percent or more of the total area included within the proposal before the board, but shall not reduce the territory in such a manner as to reduce the population below seven thousand five hundred;

(3) Determination of a division of assets and liabilities between two or more governmental units where relevant;

(4) Determination whether, or the extent to which, functions of a special purpose district are to be assumed by an incorporated city or town, metropolitan municipal corporation, or another existing special purpose district; or

(5) Disapproval of the proposal except that the board shall not have jurisdiction: (a) To disapprove the dissolution or disincorporation of a special purpose district which is not providing services but shall have jurisdiction over the determination of a division of the assets and liabilities of a dissolved or disincorporated special purpose district~~((-PROVIDED, That a board shall not have jurisdiction))~~; (b) over the division of assets and liabilities of a special purpose district that is dissolved or disincorporated pursuant to chapter 36.96 RCW; nor (c) to disapprove the incorporation of a city with an estimated population of seven thousand five hundred or more, but the board may recommend against the proposed incorporation of a city with such an estimated population.

Unless the board shall disapprove a proposal, it shall be presented under the appropriate statute for approval of a public body and, if required, a vote of the people. A proposal that has been modified shall be presented under the appropriate statute for approval of a public body and if required, a vote of the people. If a proposal, other than that for a city, town, or special purpose district annexation, after modification does not contain enough signatures of persons within the modified area, as are required by law, then the initiating party, parties or governmental unit has thirty days after the modification decision to secure enough signatures to satisfy the legal requirement. If the signatures cannot be secured then the proposal may be submitted to a vote of the people, as required by law.

The addition or deletion of property by the board shall not invalidate a petition which had previously satisfied the sufficiency of signature provisions of RCW 35.13.130 or 35A.14.120. When the board, after due proceedings held, disapproves a proposed action, such proposed action shall be unavailable, the proposing agency shall be without power to initiate the same or substantially the same as determined by the board, and any succeeding acts intended to or tending to effectuate that action shall be void, but such action may be reinitiated after a period of twelve months from date of disapproval and shall again be subject to the same consideration.

The board shall not modify or deny a proposed action unless there is evidence on the record to support a conclusion that the action is inconsistent with one or more of the objectives under RCW 36.93.180. Every such determination to modify or deny a proposed action shall be made in writing pursuant to a motion, and shall be supported by appropriate written findings and conclusions, based on the record.

NEW SECTION. Sec. 2. A new section is added to chapter 36.93 RCW to read as follows:

The action of a boundary review board to disapprove the proposed incorporation of a city with a population of seven thousand five hundred or more, that had the notice of proposed action under RCW 36.93.090 filed with the boundary review board after July 1, 1989, shall be deemed to be a

recommendation against the proposed incorporation, and a ballot proposition to authorize the incorporation shall be submitted to voters at the next November general election date specified under RCW 29.13.020 occurring after the effective date of this section.

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 February 12, 1990.

Passed the House February 28, 1990.

Approved by the Governor March 29, 1990.

Filed in Office of Secretary of State March 29, 1990.

CHAPTER 274

[Substitute House Bill No. 2644]

STATE RETIREMENT SYSTEMS—DETERMINATION OF BENEFITS

AN ACT Relating to determination of benefits under state retirement systems; amending RCW 41.32.010, 41.40.450, 41.04.445, 41.32.350, 41.32.403, 41.32.775, 41.40.120, 41.40.690, 41.26.500, 41.32.800, 2.10.155, and 41.32.780; reenacting and amending RCW 41.40.010 and 41.32.005; adding a new section to chapter 41.32 RCW; creating new sections; repealing section 3, chapter 289, Laws of 1989 (uncodified); and providing an effective date.

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

NEW SECTION. Sec. 1. (1) The current system for calculating service credit for school district employees is difficult and costly to administer. By changing from the current hours per month calculation to an hours per year calculation, the accumulation of service credit by school district employees will be easier to understand and to administer.

(2) The current system for granting service credit for substitute teachers is difficult and costly to administer. By notifying substitute teachers of their eligibility for service credit and allowing the substitute teacher to apply for service credit, the accumulation of service credit by substitute teachers will be easier to understand and to administer.

(3) Currently, temporary employees in eligible positions in the public employees' retirement system are exempted from membership in the system for up to six months. If the position lasts for longer than six months the employee is made a member retroactively. This conditional exemption causes tracking problems for the department of retirement systems and places a heavy financial burden for back contributions on a temporary employee who crosses the six-month barrier. Under the provisions of this act

all persons, other than retirees, who are hired in an eligible position will become members immediately, thereby alleviating the problems described in this section.

(4) The legislature finds that retirees from the plan II systems of the law enforcement officers and fire fighters retirement system, the teachers retirement system, and the public employees retirement system, may not work for a nonfederal public employer without suffering a suspension of their retirement benefits. This fails to recognize the current and projected demographics indicating the decreasing work force and that the expertise possessed by retired workers can provide a substantial benefit to the state. At the same time, the legislature recognizes that a person who is working full time should have his or her pension delayed until he or she enters full or partial retirement. By allowing plan II retirees to work in ineligible positions, the competing concerns listed above are both properly addressed.

Sec. 2. Section 6, chapter 13, Laws of 1985 as amended by section 1, chapter 265, Laws of 1987 and RCW 41.32.010 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 one month's service credit 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 one month's service credit 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 (~~((for ninety or more hours per calendar month. Members))~~) subject to the following conditions:

(i) A member employed in an eligible position or as a substitute shall receive (~~((twelve months of))~~) service (~~((for each contract year or school year of employment))~~) credit 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;

(ii) If a member in an eligible position does not meet the requirements of (b)(i) of this subsection, he or she will receive service credit only for those calendar months during which he or she has received compensation for ninety or more 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 service credit for the time spent 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) "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) "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) "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 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) "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.

(32) "Department" means the department of retirement systems created in chapter 41.50 RCW.

(33) "Director" means the director of the department.

(34) "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) "State actuary" or "actuary" means the person appointed pursuant to RCW 44.44.010(2).

(36) "Retirement board" means the director of retirement systems.

(37) "Substitute teacher" means:

(a) A teacher who is hired by a school district to work as a temporary teacher, except for teachers who are contract employees of a school district and are guaranteed a minimum number of hours; or

(b) Persons who work in ineligible positions in more than one school district.

(38) "Eligible position" in plan II means a position which normally requires two or more uninterrupted months of creditable service during September through August of the following year.

Sec. 3. Section 1, chapter 274, Laws of 1947 as last amended by section 1, chapter 289, Laws of 1989 and by section 1, chapter 309, Laws of 1989 and RCW 41.40.010 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 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, means periods of employment rendered to any employer for which compensation is paid, and includes time spent in office as an elected or appointed official of an employer. Full time work for seventy hours or more in any given calendar month shall constitute one month of service except as provided in RCW 41.40.450. Only months of service 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 months of service credit during any calendar year: PROVIDED FURTHER, That where an individual is employed by two or more employers the individual shall only receive one months service credit during any calendar month in which multiple service for seventy or more hours is rendered. (~~Members employed by school districts, the state school for the blind, the state school for the deaf, institutions of higher education, and community colleges may receive up to twelve months of service credit for each school year of employment, subject to RCW 41.40.450.~~)

(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 compensation earnable is earned for ninety or more hours per calendar month except as provided in RCW 41.40.450.

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. (~~Members employed by school districts, the state school for the blind, the state school for the deaf, institutions of higher education, and community colleges may receive up to twelve months of service credit for each school year of employment, subject to RCW 41.40.450.~~)

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 months of service for such calendar year: PROVIDED, That 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.

(10) "Prior service" means all service of an original member rendered to any employer prior to October 1, 1947.

(11) "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.

(12) (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.

(13) "Regular interest" means such rate as the director may determine.

(14) "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.

(15) (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 for which service credit is allowed; or if the member has less than two years of service 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 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) "Final compensation" means the annual rate of compensation earnable by a member at the time of termination of employment.

(17) "Annuity" means payments for life derived from accumulated contributions of a member. All annuities shall be paid in monthly installments.

(18) "Pension" means payments for life derived from contributions made by the employer. All pensions shall be paid in monthly installments.

(19) "Retirement allowance" means the sum of the annuity and the pension.

(20) "Employee" means any person who may become eligible for membership under this chapter, as set forth in RCW 41.40.120.

(21) "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) "Retirement" means withdrawal from active service with a retirement allowance as provided by this chapter.

(23) "Eligible position" means:

(a) Any position which normally requires five or more (~~uninterrupted~~) months of service a year for which regular compensation is paid to the occupant thereof. For purposes of this chapter an employer shall not define "position" in such a manner that an employee's 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) "Ineligible position" means any position which does not conform with the requirements set forth in subdivision (23).

(25) "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) "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) "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.

(28) "Department" means the department of retirement systems created in chapter 41.50 RCW.

(29) "Director" means the director of the department.

(30) "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) "State actuary" or "actuary" means the person appointed pursuant to RCW 44.44.010(2).

Sec. 4 Section 1, chapter 23, Laws of 1973 as last amended by section 2, chapter 289, Laws of 1989 and RCW 41.40.450 are each amended to read as follows:

(1) (~~During the regular contract year or school year of employment, members employed by school districts shall receive service credit in any month in which the school is closed for a vacation period of five calendar days or more. For members who established membership in the retirement system on or before September 30, 1977, the member shall have been employed or on paid leave of absence for at least three and one-half hours each day the school was open or shall have received compensation for service averaging at least three and one-half hours for each such day. For members who established membership in the retirement system on or after October 1, 1977, the member shall have been employed or on paid leave of absence for at least four and one-half hours each day the school was open or shall have received compensation for service averaging at least four and one-half hours for each such day.~~)

(2) ~~Notwithstanding any other law, or rule or regulation of the director, any members))~~ A plan I member who is employed by a school district or districts, an educational school district, the state school for the deaf, the state school for the blind, institutions of higher education, or community colleges:

(a) Shall receive service credit 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 service credit only for those calendar months during which he or she received compensation for seventy or more hours.

(2) A plan II member who is employed by a school district or districts, an educational school district, the state school for the blind, the state school for the deaf, institutions of higher education, or community colleges (~~who are actually employed on a continuous nine month basis and who earn at least nine months of service credit under RCW 41.40.010(9) during the contract year or school year of employment shall receive credit for twelve months of service.~~)

(3) The provisions of subsection (2) of this section shall be effective on a retroactive basis for all members who retire after July 23, 1989);

(a) Shall receive service credit 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 does not meet the requirements of (a) of this subsection, the member is entitled to service credit only for those calendar months during which he or she received compensation for ninety or more hours.

(3) The department shall adopt rules implementing this section.

NEW SECTION. Sec. 5. A new section is added to chapter 41.32 RCW to read as follows:

Substitute teachers may apply to the department to receive service credit 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.01.020, 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 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.

Sec. 6. Section 2, chapter 227, Laws of 1984 as last amended by section 24, chapter 109, Laws of 1988 and RCW 41.04.445 are each amended to read as follows:

(1) This section applies to all members (~~(without exception)~~) who are:

(a) Judges under the retirement system established under chapter 2.10, 2.12, or 2.14 RCW;

(b) Employees of the state under the retirement system established by chapter 41.32, 41.40, or 43.43 RCW;

(c) Employees of school districts under the retirement system established by chapter 41.32 or 41.40 RCW, except for substitute teachers as defined by RCW 41.32.010(37);

(d) Employees of educational service districts under the retirement system established by chapter 41.32 or 41.40 RCW; or

(e) Employees of community college districts under the retirement system established by chapter 41.32 or 41.40 RCW.

(2) Only for compensation earned after the effective date of the implementation of this section and as provided by section 414(h) of the federal internal revenue code, the employer of all the members specified in subsection (1) of this section shall pick up only those member contributions as required under:

(a) RCW 2.10.090(1);

(b) RCW 2.12.060;

(c) RCW 2.14.090;

(d) RCW 41.32.260(2);

(e) RCW 41.32.350;

(f) RCW 41.32.775;

(g) RCW 41.40.330 (1) and (3);

(h) RCW 41.40.650; and

(i) RCW 43.43.300.

(3) Only for the purposes of federal income taxation, the gross income of the member shall be reduced by the amount of the contribution to the respective retirement system picked up by the employer.

(4) All member contributions to the respective retirement system picked up by the employer as provided by this section, plus the accrued interest earned thereon, shall be paid to the member upon the withdrawal of funds or lump-sum payment of accumulated contributions as provided under the provisions of the retirement systems.

(5) At least forty-five days prior to implementing this section, the employer shall provide:

(a) A complete explanation of the effects of this section to all members; and

(b) Notification of such implementation to the director of the department of retirement systems.

Sec. 7. Section 35, chapter 80, Laws of 1947 as last amended by section 6, chapter 189, Laws of 1973 1st ex. sess. and RCW 41.32.350 are each amended to read as follows:

~~((Each year during which he is employed each member shall contribute five percent of his earnable compensation. These))~~ Member contributions shall be placed in the annuity fund, the disability reserve fund and the death benefit fund. A member may make an additional lump sum payment at date of retirement, not to exceed his accumulated contributions, to purchase additional annuity~~((: PROVIDED, That effective July 1, 1974, the amount of))~~. A contribution ((required from each member by this section shall be increased to)) of six percent of ((his)) earnable compensation is required from each member, except as provided under section 5 of this 1990 act.

Sec. 8. Section 3, chapter 236, Laws of 1984 as amended by section 18, chapter 273, Laws of 1989 and RCW 41.32.403 are each amended to read as follows:

The amount paid by each employer shall be computed by applying the rates established under chapter 41.45 RCW to the total earnable compensation of the employer's members as shown on the current payrolls of the employer. The employer's contribution shall be paid at the end of each month in the amount due for that month, except as provided in section 5 of this 1990 act.

Sec. 9. Section 6, chapter 293, Laws of 1977 ex. sess. as last amended by section 19, chapter 273, Laws of 1989 and RCW 41.32.775 are each amended to read as follows:

The required contribution rates to the retirement system for both members and employers shall be established by the director from time to time as may be necessary upon the advice of the state actuary: PROVIDED, That the employer contribution shall be contributed as provided in RCW 41.32.403. The state actuary shall use the aggregate actuarial cost method to calculate contribution rates. The employer contribution rate calculated under this section shall be used only for the purpose of determining

the amount of employer contributions to be deposited in the plan II fund from the total employer contributions collected under RCW 41.32.403.

Contribution rates required to fund the costs of the retirement system shall always be equal for members and employers, except as herein provided. Effective January 1, 1987, however, no member or employer contributions are required for any calendar month in which the member is not granted service credit. Any adjustments in contribution rates required from time to time for future costs shall likewise be shared equally by the members and employers.

Any increase in the contribution rate required as the result of a failure of an employer to make any contribution required by this section shall be borne in full by the employer not making the contribution.

The director shall notify all employers of any pending adjustment in the required contribution rate and such increase shall be announced at least thirty days prior to the effective date of the change.

Members contributions required by this section shall be deducted from the members earnable compensation each payroll period, except as provided in section 5 of this 1990 act. The members contribution shall be remitted directly to the department within fifteen days following the end of the calendar month during which the payroll period ends and the employers contribution shall be remitted as provided by law.

Sec. 10. Section 13, chapter 274, Laws of 1947 as last amended by section 25, chapter 109, Laws of 1988 and RCW 41.40.120 are each amended to read as follows:

Membership in the retirement system shall consist of all regularly compensated employees and appointive and elective officials of employers, as defined in this chapter, with the following exceptions:

(1) Persons in ineligible positions;

(2) Employees of the legislature except the officers thereof elected by the members of the senate and the house and legislative committees, unless membership of such employees be authorized by the said committee;

(3) (a) Persons holding elective offices or persons appointed directly by the governor: PROVIDED, That such persons shall have the option of applying for membership during such periods of employment: AND PROVIDED FURTHER, That any persons holding or who have held elective offices or persons appointed by the governor who are members in the retirement system and who have, prior to becoming such members, previously held an elective office, and did not at the start of such initial or successive terms of office exercise their option to become members, may apply for membership to be effective during such term or terms of office, and shall be allowed to establish the service credit applicable to such term or terms of office upon payment of the employee contributions therefor by the employee with interest as determined by the director and employer contributions therefor by the employer or employee with interest as determined by the

director: AND PROVIDED FURTHER, That all contributions with interest submitted by the employee under this subsection shall be placed in the employee's individual account in the employee's savings fund and be treated as any other contribution made by the employee, with the exception that any 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 not be considered part of the member's annuity for any purpose except withdrawal of contributions;

(b) A member holding elective office in a town or city who has elected to apply for membership pursuant to (a) of this subsection and who later wishes to be eligible for a retirement allowance shall have the option of ending his or her membership in the retirement system. A member wishing to end his or her membership under this subsection must file, on a form supplied by the department, a statement indicating that the member agrees to irrevocably abandon any claim for service for future periods served as an elected official of a town or city. A member who receives more than ten thousand dollars per year in compensation for his or her elective service is not eligible for the option provided by this subsection (3)(b);

(4) Employees holding membership in, or receiving pension benefits under, any retirement plan operated wholly or in part by an agency of the state or political subdivision thereof, or who are by reason of their current employment contributing to or otherwise establishing the right to receive benefits from any such retirement plan: PROVIDED, HOWEVER, In any case where the retirement system has in existence an agreement with another retirement system in connection with exchange of service credit or an agreement whereby members can retain service credit in more than one system, such an employee shall be allowed membership rights should the agreement so provide: AND PROVIDED FURTHER, That an employee shall be allowed membership if otherwise eligible while receiving survivor's benefits: AND PROVIDED FURTHER, That an employee shall not either before or after June 7, 1984, be excluded from membership or denied service credit pursuant to this subsection solely on account of: (a) Membership in the plan created under chapter 2.14 RCW; or (b) enrollment under the relief and compensation provisions or the pension provisions of the volunteer ((firemen's)) fire fighters' relief and pension fund under chapter 41.24 RCW;

(5) Patient and inmate help in state charitable, penal, and correctional institutions;

(6) "Members" of a state veterans' home or state soldiers' home;

(7) Persons employed by an institution of higher learning or community college, primarily as an incident to and in furtherance of their education or training, or the education or training of a spouse;

(8) Employees of an institution of higher learning or community college during the period of service necessary to establish eligibility for membership in the retirement plans operated by such institutions;

(9) Persons rendering professional services to an employer on a fee, retainer, or contract basis or when the income from these services is less than fifty percent of the gross income received from the person's practice of a profession;

(10) Persons appointed after April 1, 1963, by the liquor control board as agency vendors;

(11) Employees of a labor guild, association, or organization: PROVIDED, That elective officials and employees of a labor guild, association, or organization which qualifies as an employer within this chapter shall have the option of applying for membership;

(12) (~~Persons hired~~) Plan I retirees employed in eligible positions on a temporary basis for a period not to exceed (~~six~~) five months in a calendar year: PROVIDED, That if such employees are employed for more than (~~six~~) five months in a calendar year in an eligible position they shall become members of the system prospectively;

(13) Persons employed by or appointed or elected as an official of a first class city that has its own retirement system: PROVIDED, That any member elected or appointed to an elective office on or after April 1, 1971, shall have the option of continuing as a member of this system in lieu of becoming a member of the city system. A member who elects to continue as a member of this system shall pay the appropriate member contributions and the city shall pay the employer contributions at the rates prescribed by this chapter. The city shall also transfer to this system all of such member's accumulated contributions together with such further amounts as necessary to equal all employee and employer contributions which would have been paid into this system on account of such service with the city and thereupon the member shall be granted credit for all such service. Any city that becomes an employer as defined in RCW 41.40.010(4) as the result of an individual's election under the first proviso of this subsection shall not be required to have all employees covered for retirement under the provisions of this chapter. Nothing in this subsection shall prohibit a city of the first class with its own retirement system from transferring all of its current employees to the retirement system established under this chapter. Notwithstanding any other provision of this chapter, persons transferring from employment with a first class city of over four hundred thousand population that has its own retirement system to employment with the state department of agriculture may elect to remain within the retirement system of such city and the state shall pay the employer contributions for such persons at like rates as prescribed for employers of other members of such system;

(14) Employees who (a) are not citizens of the United States, (b) do not reside in the United States, and (c) perform duties outside of the United States;

(15) Employees who (a) are not citizens of the United States, (b) are not covered by chapter 41.48 RCW, (c) are not excluded from membership under this chapter or chapter 41.04 RCW, (d) are residents of this state, and (e) make an irrevocable election to be excluded from membership, in writing, which is submitted to the director within thirty days after employment in an eligible position;

(16) Employees who are citizens of the United States and who reside and perform duties for an employer outside of the United States: PROVIDED, That unless otherwise excluded under this chapter or chapter 41.04 RCW, the employee may apply for membership (a) within thirty days after employment in an eligible position and membership service credit shall be granted from the first day of membership service, and (b) after this thirty-day period, but membership service credit shall be granted only from the date of application;

(17) The city manager or chief administrative officer of a city or town who serves at the pleasure of an appointing authority: PROVIDED, That such persons shall have the option of applying for membership within thirty days from date of their appointment to such positions. Persons serving in such positions as of April 4, 1986, shall continue to be members in the retirement system unless they notify the director in writing prior to December 31, 1986, of their desire to withdraw from membership in the retirement system. A member who withdraws from membership in the system under this section shall receive a refund of the member's accumulated contributions.

Sec. 11. Section 10, chapter 295, Laws of 1977 ex. sess. as last amended by section 11, chapter 109, Laws of 1988 and RCW 41.40.690 are each amended to read as follows:

(1) No retiree under the provisions of ((RCW 41.40.610 through 41.40.740)) plan II shall be eligible to receive such retiree's monthly retirement allowance if ((such retiree is performing service for any nonfederal public employer in this state.)) he or she is employed in an eligible position as defined in RCW 41.40.010 or 41.32.010, or as a law enforcement officer or fire fighter as defined in RCW 41.26.030, except that:

(a) A retiree who ends his or her membership in the retirement system pursuant to RCW 41.40.120(3)(b) is not subject to this section if the retiree's only employment is as an elective official of a city or town((-However, a retired judge may render up to ninety days of pro tempore service per year as a judge of a court of record before the judge's allowance shall be reduced on a pro rata basis pursuant to this section.

Upon cessation of service for any nonfederal public employer in this state such retiree shall have)); and

(b) A plan II retiree may work in eligible positions on a temporary basis for up to five months in a calendar year.

(2) If a retiree's benefits have been suspended under this section, his or her benefits shall be reinstated when the retiree terminates the employment that caused his or her benefits to be suspended. Upon reinstatement, the retiree's benefits shall be actuarially recomputed pursuant to the rules adopted by the department.

(3) The department shall adopt rules implementing this section.

Sec. 12. Section 11, chapter 294, Laws of 1977 ex. sess. and RCW 41-26.500 are each amended to read as follows:

(1) No retiree under the provisions of ((RCW 41.26.410 through 41-26.550)) plan II shall be eligible to receive such retiree's monthly retirement allowance if ((such retiree is performing service for any nonfederal public employer in this state:

Upon cessation of service for any nonfederal public employer in this state such retiree shall have)) he or she is employed in an eligible position as defined in RCW 41.40.010 or 41.32.010, or as a law enforcement officer or fire fighter as defined in RCW 41.26.030. If a retiree's benefits have been suspended under this section, his or her benefits shall be reinstated when the retiree terminates the employment that caused his or her benefits to be suspended. Upon reinstatement, the retiree's benefits shall be actuarially recomputed pursuant to the rules adopted by the department.

(2) The department shall adopt rules implementing this section.

Sec. 13. Section 11, chapter 293, Laws of 1977 ex. sess. and RCW 41-32.800 are each amended to read as follows:

(1) No retiree under the provisions of ((RCW 41.32.755 through 41-32.825)) plan II shall be eligible to receive such retiree's monthly retirement allowance if ((such retiree is performing service for any nonfederal public employer in this state:

Upon cessation of service for any nonfederal public employer in this state such retiree shall have)) he or she is employed in an eligible position as defined in RCW 41.40.010 or 41.32.010, or as a law enforcement officer or fire fighter as defined in RCW 41.26.030.

If a retiree's benefits have been suspended under this section, his or her benefits shall be reinstated when the retiree terminates the employment that caused his or her benefits to be suspended. Upon reinstatement, the retiree's benefits shall be actuarially recomputed pursuant to the rules adopted by the department.

(2) The department shall adopt rules implementing this section.

Sec. 14. Section 10, chapter 109, Laws of 1988 and RCW 2.10.155 are each amended to read as follows:

(1) No judge shall be eligible to receive the judge's monthly service or disability retirement allowance if the retired judge ((is performing service

~~for any nonfederal public employer in this state. However, a retired judge may render up to ninety days of pro tempore service per year as a judge of a court of record before the judge's allowance shall be reduced on a pro rata basis pursuant to this section:~~

~~Upon cessation of service for any nonfederal public employer in this state such retiree shall have)) is employed:~~

~~(a) For more than eight hundred ten hours in a calendar year as a pro tempore judge; or~~

~~(b) In an eligible position as defined in RCW 41.40.010 or 41.32.010, or as a law enforcement officer or fire fighter as defined in RCW 41.26.030.~~

~~(2) Subsection (1) of this section notwithstanding, a previously elected judge of the superior court who retired before the effective date of this 1990 act leaving a pending case in which the judge had made discretionary rulings may hear the pending case as a judge pro tempore without having his or her retirement allowance suspended.~~

~~(3) If a retired judge's benefits have been suspended under this section, his or her benefits shall be reinstated when the retiree terminates the employment that caused his or her benefits to be suspended. Upon reinstatement, the retired judge's benefits shall be actuarially recomputed pursuant to the rules adopted by the department.~~

~~(4) The department shall adopt rules implementing this section.~~

Sec. 15. Section 7, chapter 293, Laws of 1977 ex. sess. as amended by section 5, chapter 45, Laws of 1979 ex. sess. and RCW 41.32.780 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, all teachers who become employed by an employer in an eligible position on or after October 1, 1977, shall be members of the retirement system and shall be governed by the provisions of RCW 41.32.755 through 41.32.825.

(2) No teacher who commences a period of employment on or after July 1, 1979, as a participant under the federal comprehensive employment and training act of 1973 (CETA) (29 U.S.C. Sec. 801 et seq.), as amended, shall be a member of this system during the period of such participation unless, at the commencement of the participation under CETA, the teacher either:

(a) Has at least five years of service and the full amount of the employee's contributions for such service remains on deposit in the system; or

(b) Has previously been retired from this system.

Sec. 16. Section 19, chapter 293, Laws of 1977 ex. sess. as amended by section 4, chapter 272, Laws of 1989 and by section 15, chapter 273, Laws of 1989 and RCW 41.32.005 are each reenacted and amended to read as follows:

(1) "Teachers' retirement system plan I" or "plan I" means the benefits and funding provisions covering persons who first became members of

the teachers' retirement system prior to July 1, 1977. The provisions of the following sections of this chapter shall apply only to members of plan I: RCW 41.32.240, 41.32.250, 41.32.260, 41.32.270, 41.32.280, 41.32.290, 41.32.300, 41.32.310, 41.32.320, 41.32.330, 41.32.340, 41.32.350, 41.32.360, 41.32.365, 41.32.366, 41.32.380, 41.32.390, 41.32.430, 41.32.440, 41.32.470, 41.32.480, 41.32.491, 41.32.492, 41.32.493, 41.32.4931, 41.32.4932, 41.32.494, 41.32.4943, 41.32.4944, 41.32.4945, 41.32.497, 41.32.498, 41.32.499, 41.32.500, 41.32.510, 41.32.520, 41.32.522, 41.32.523, 41.32.530, 41.32.540, 41.32.550, 41.32.560, 41.32.561, 41.32.565, 41.32.567, 41.32.570, 41.32.575, and 41.32.583.

(2) "Teachers' retirement system plan II" or "plan II" means the benefits and funding provisions covering persons who first became members of the teachers' retirement system on or after July 1, 1977. The provisions of RCW 41.32.760 through 41.32.830 shall apply only to the members of plan II.

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. The 1990 amendments to RCW 41.32.010(27)(b) and 41.40.450 are intended by the legislature to effect administrative, rather than substantive, changes to the affected retirement plan. The legislature therefore reserves the right to revoke or amend the 1990 amendments to RCW 41.32.010(27)(b) and 41.40.450. No member is entitled to have his or her service credit calculated under the 1990 amendments to RCW 41.32.010(27)(b) and 41.40.450 as a matter of contractual right.

NEW SECTION. Sec. 19. Beginning on the effective date of this section, the 1990 amendments to RCW 41.40.690, 41.26.500, 41.32.780, and 2.10.155 regarding postretirement employment are available prospectively to all members of the retirement systems defined in RCW 2.10.040, 41.26.005(2), 41.32.005(2), and 41.40.005(2), regardless of the member's date of retirement. The legislature reserves the right to revoke or amend the 1990 amendments to RCW 41.40.690, 41.26.500, 41.32.780, and 2.10.155. The 1990 amendments to RCW 41.40.690, 41.26.500, 41.32.780, and 2.10.155 do not grant a contractual right to the members or retirees of the affected systems.

NEW SECTION. Sec. 20. If specific funding for the purposes of this act, referencing this act by bill number, is not provided by June 30, 1990, in the omnibus appropriations act, this act shall be null and void.

NEW SECTION. Sec. 21. Sections 1 through 8 of this act shall take effect September 1, 1990.

NEW SECTION. Sec. 22. Section 3, chapter 289, Laws of 1989 (uncodified) is hereby repealed.

Passed the House March 3, 1990.

Passed the Senate March 1, 1990.

Approved by the Governor March 29, 1990.

Filed in Office of Secretary of State March 29, 1990.

CHAPTER 275

[Second Substitute House Bill No. 2986]

ALCOHOL AND CONTROLLED SUBSTANCES ABUSE ACT AMENDMENTS

AN ACT Relating to minor adjustments to chapter 271, Laws of 1989, the alcohol and controlled substances abuse act; amending RCW 69.50.520; amending section 408, chapter 271, Laws of 1989 (uncodified); amending section 411, chapter 271, Laws of 1989 (uncodified); amending section 420, chapter 271, Laws of 1989 (uncodified); amending section 603, chapter 271, Laws of 1989 (uncodified); and repealing RCW 44.28.170.

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

***Sec. 1. Section 401, chapter 271, Laws of 1989 and RCW 69.50.520 are each amended to read as follows:**

The drug enforcement and education account is created in the state treasury. All designated receipts from RCW 66.24.210(4), 66.24.290(3), 69.50.505(f)(2)(i)(C), 82.08.150(5), 82.24.020(2), 82.64.020, and section 420, chapter 271, Laws of 1989 shall be deposited into the account. Expenditures from the account may be used only for funding services and programs under ((this act)) chapter 271, Laws of 1989. Expenditures shall be used for funding new programs or new levels of existing program activities and may not be used to supplant funds provided for programs funded from other sources on or after July 1, 1989. Any funds received from federal sources that could be applied to programs established by this act shall be used to replace expenditures from the drug enforcement and education account to the maximum extent feasible. The office of financial management shall notify the fiscal committees of the house of representatives and senate on a regular basis of unanticipated funds that could be applied to programs established in chapter 271, Laws of 1989.

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

Sec. 2. Section 408, chapter 271, Laws of 1989 (uncodified) is amended to read as follows:

The sum of ten million dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the drug enforcement and education account to the superintendent of public instruction to support school district substance abuse awareness programs provided under ((sections 310 through 313 of this act)) RCW 28A.120.080 through 28A.120.086. The superintendent of public instruction shall require that any grants provided to school districts or educational service districts under this

section be used to increase prevention and intervention services related to drug and alcohol abuse above the level of services provided by the district for the 1988-89 school year. Furthermore, except as provided in this section, no portion of this appropriation expended for state administrative costs may be used to supplant administrative moneys previously used by the superintendent of public instruction for state level activities related to drug and alcohol education or prevention and intervention programs. A reasonable portion of this appropriation, but no more than is necessary, may be used to evaluate and monitor the programs funded by this section.

It is the intent of the legislature that one-time grants provided to school districts from appropriations under this section do not meet the criteria for levy reduction funds under RCW 84.52.0531 and shall not be deemed to be levy reduction funds.

Sec. 3. Section 411, chapter 271, Laws of 1989 (uncodified) is amended to read as follows:

The sum of three million dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the drug enforcement and education account to the superintendent of public instruction for matching grants to enhance security in secondary schools. School districts which apply for such grants shall ensure that no more than seventy-five percent of the district's total expenditures for school security in any school year are supported by the grant amounts. 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 appropriated in this section, a minimum of two million seven hundred fifty thousand dollars is provided for grants to districts that, during the 1988-89 school year, employed or contracted for security monitors in schools during school hours. However, the grants may be used only for increases in school district expenditures for school security over expenditure levels for the 1988-89 school year.

It is the intent of the legislature that grants provided to school districts from appropriations under this section do not meet the criteria for levy reduction funds under RCW 84.52.0531 and shall not be deemed to be levy reduction funds.

Sec. 4. Section 420, chapter 271, Laws of 1989 (uncodified) is amended to read as follows:

The sum of one million eight hundred thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the drug enforcement and education account to the office of the administrator for the courts for the treatment alternatives to street crime program. These funds shall be used for providing services in domestic cases to children and to parents or others having custody of children under chapter 26.09, 26.10, 26.26, 26.44, or 26.50 RCW. These funds shall not be

available for expenditure until January 1, 1990. The office of the administrator for the courts shall establish standards for the courts to recover the expenses of the program specified in this section from the participants, based upon the individual participant's ability to pay. All fees collected shall be remitted to the state treasurer for deposit in the drug enforcement and education account under (~~(section 401 of this act)~~) RCW 69.50.520.

Sec. 5. Section 603, chapter 271, Laws of 1989 (uncodified) is amended to read as follows:

(1) In order to determine the effectiveness of (~~(this act)~~) chapter 271, Laws of 1989, it is necessary to have an independent evaluation of those programs that have the most potential for useful program review.

(2) (~~The legislative budget committee shall prepare a plan to conduct studies of the effectiveness of programs initiated in this act. A plan for study shall include:~~

(a) ~~Institution-based drug testing;~~

(b) ~~The juvenile offenders structured residential program;~~

(c) ~~The state-wide drug prosecution assistance program;~~

(d) ~~Community mobilization;~~

(e) ~~Drug and alcohol abuse prevention and early intervention in schools; and~~

(f) ~~Maternity care support services for alcohol and drug-abusing pregnant women.~~

(3) ~~The plan for conducting studies, including start and completion dates, general research approaches, potential research problems, data requirements, necessary implementation authority, and cost estimates are to be provided to the appropriate policy and fiscal committees of the house and senate by December 1, 1989. The plan may include proposals to use contract evaluators and shall identify ways to measure program progress and outcomes.~~

(4) In order to establish a beginning point for any future studies of the effectiveness of programs initiated in this act, all programs proposed for analysis in this section shall submit a plan detailing expenditures related to goals and objectives of the program being initiated, to the legislative budget committee by ~~October 1, 1989~~) The department of social and health services shall conduct an assessment of the effectiveness of the juvenile offenders structured residential program, and the superintendent of public instruction shall contract with an independent entity for an assessment of the effectiveness of the drug and alcohol abuse prevention and early intervention in schools program. The legislative budget committee shall review and monitor the studies of program effectiveness required by this subsection.

(3) The department of social and health services and the superintendent of public instruction shall submit a plan and cost estimate for carrying out the provisions of this section to the appropriate policy and fiscal committees of the house and senate before January 1, 1991.

NEW SECTION. Sec. 6. Section 604, chapter 271, Laws of 1989 and RCW 44.28.170 are each repealed.

Passed the House February 12, 1990.

Passed the Senate March 2, 1990.

Approved by the Governor March 29, 1990, with the exception of certain items which were vetoed.

Filed in Office of Secretary of State March 29, 1990.

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

"I am returning herewith, without my approval as to section 1, Second Substitute House Bill No. 2986 entitled:

"AN ACT Relating to minor adjustments to chapter 271, Laws of 1989."

Section 1 of this bill imposes an unnecessary and redundant administrative burden upon the executive in its handling of unanticipated receipts of federal funds. RCW 43.79.260 through 43.79.282 currently provides for the receipt, review, approval, and legislative notification of all unanticipated federal funds.

I recognize the intent of the Legislature to replace, where possible, state funds if unrestricted federal funds are received. It has been executive policy to replace state funds where appropriate. Current law offers adequate control and allows for individual review of all unanticipated receipts.

For this reason, I have vetoed section 1 of Second Substitute House Bill No. 2986.

With the exception of section 1, Second Substitute House Bill No. 2986 is approved."

CHAPTER 276

[Second Substitute Senate Bill No. 6610]

AT-RISK YOUTH

AN ACT Relating to at-risk youth; amending RCW 13.32A.020, 13.32A.030, 13.32A.040, 13.32A.050, 13.32A.090, 13.32A.120, 13.32A.130, 13.32A.140, 13.32A.150, and 13.32A.160; reenacting and amending RCW 13.32A.250; adding new sections to chapter 13.32A RCW; and creating new sections.

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

NEW SECTION. Sec. 1. It is the intent of the legislature to:

- (1) Preserve, strengthen, and reconcile families experiencing problems with at-risk youth;
- (2) Provide a legal process by which parents who are experiencing problems with at-risk youth can request and receive assistance from juvenile courts in providing appropriate care, treatment, and supervision to such youth; and
- (3) Assess the effectiveness of the family reconciliation services program.

The legislature does not intend by this enactment to grant any parent the right to file an at-risk youth petition or receive juvenile court assistance in dealing with an at-risk youth. The purpose of this enactment is to create a process by which a parent of an at-risk youth may request and receive

assistance subject to the availability of juvenile court services and resources. Recognizing that these services and resources are limited, the legislature intends that counties have the authority to impose reasonable limits on the utilization of juvenile court services and resources in matters related to at-risk youth. Any responsibilities imposed upon the department under this act shall be contingent upon the availability of funds specifically appropriated by the legislature for such purpose.

Sec. 2. Section 16, chapter 155, Laws of 1979 and RCW 13.32A.020 are each amended to read as follows:

This chapter shall be known and may be cited as the ~~((Procedures for Families in Conflict))~~ Family Reconciliation Act.

Sec. 3. Section 17, chapter 155, Laws of 1979 as amended by section 6, chapter 257, Laws of 1985 and RCW 13.32A.030 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 social and health services;
- (2) "Child," "juvenile," and "youth" mean any individual who is under the chronological age of eighteen years;
- (3) "Parent" means the legal custodian(s) or guardian(s) of a child;
- (4) "Semi-secure facility" means any facility, including but not limited to crisis residential centers or specialized foster family homes, operated in a manner to reasonably assure that youth placed there will not run away: **PROVIDED**, That such facility shall not be a secure institution or facility as defined by the federal juvenile justice and delinquency prevention act of 1974 (P.L. 93-415; 42 U.S.C. Sec. 5634 et seq.) and regulations and clarifying instructions promulgated thereunder. Pursuant to rules established by the department, the facility administrator shall establish reasonable hours for residents to come and go from the facility such that no residents are free to come and go at all hours of the day and night. To prevent residents from taking unreasonable actions, the facility administrator, where appropriate, may condition a resident's leaving the facility upon the resident being accompanied by the administrator or the administrator's designee and the resident may be required to notify the administrator or the administrator's designee of any intent to leave, his or her intended destination, and the probable time of his or her return to the center. The facility administrator shall notify a parent and the appropriate law enforcement agency within four hours of all unauthorized leaves;
- (5) "At-risk youth" means an individual under the chronological age of eighteen years who:
 - (a) Is absent from home for more than seventy-two consecutive hours without consent of his or her parent;

(b) Is beyond the control of his or her parent such that the child's behavior substantially endangers the health, safety, or welfare of the child or any other person; or

(c) Has a serious substance abuse problem for which there are no pending criminal charges related to the substance abuse.

Sec. 4. Section 18, chapter 155, Laws of 1979 as amended by section 1, chapter 298, Laws of 1981 and RCW 13.32A.040 are each amended to read as follows:

Families who are in conflict or who are experiencing problems with at-risk youth may request family reconciliation services from the department. Such services shall be provided to alleviate personal or family situations which present a serious and imminent threat to the health or stability of the child or family and to maintain families intact wherever possible. Family reconciliation services shall be designed to develop skills and supports within families to resolve problems related to at-risk youth or family conflicts and may include but are not limited to referral to services for suicide prevention, psychiatric or other medical care, or psychological, welfare, legal, educational, or other social services, as appropriate to the needs of the child and the family.

Sec. 5. Section 19, chapter 155, Laws of 1979 as last amended by section 1, chapter 288, Laws of 1986 and RCW 13.32A.050 are each amended to read as follows:

A law enforcement officer shall take a child into custody:

(1) If a law enforcement agency has been contacted by the parent of the child that the child is absent from parental custody without consent; or

(2) If a law enforcement officer reasonably believes, considering the child's age, the location, and the time of day, that a child is in circumstances which constitute a danger to the child's safety; or

(3) If an agency legally charged with the supervision of a child has notified a law enforcement agency that the child has run away from placement; or

(4) If a law enforcement agency has been notified by the juvenile court that the court finds probable cause exists to believe that the child has violated a court placement order issued pursuant to chapter 13.32A RCW or that the court has issued an order for law enforcement pick-up of the child under this chapter.

Law enforcement custody shall not extend beyond the amount of time reasonably necessary to transport the child to a destination authorized by law and to place the child at that destination.

An officer who takes a child into custody under this section and places the child in a designated crisis residential center shall inform the department of such placement within twenty-four hours.

(5) Nothing in this section affects the authority of any political subdivision to make regulations concerning the conduct of minors in public places by ordinance or other local law.

Sec. 6. Section 23, chapter 155, Laws of 1979 as amended by section 7, chapter 298, Laws of 1981 and RCW 13.32A.090 are each amended to read as follows:

(1) The person in charge of a designated crisis residential center or the department pursuant to RCW 13.32A.070 shall perform the duties under subsection (2) of this section:

(a) Upon admitting a child who has been brought to the center by a law enforcement officer under RCW 13.32A.060;

(b) Upon admitting a child who has run away from home or has requested admittance to the center;

(c) Upon learning from a person under RCW 13.32A.080(~~((2))~~) (3) that the person is providing shelter to a child absent from home; or

(d) Upon learning that a child has been placed with a responsible adult pursuant to RCW 13.32A.070.

(2) When any of the circumstances under subsection (1) of this section are present, the person in charge of a center shall perform the following duties:

(a) Immediately notify the child's parent of the child's whereabouts, physical and emotional condition, and the circumstances surrounding his or her placement;

(b) Initially notify the parent that it is the paramount concern of the family reconciliation service personnel to achieve a reconciliation between the parent and child to reunify the family and inform the parent as to the procedures to be followed under this chapter;

(c) Inform the parent whether a referral to children's protective services has been made and, if so, inform the parent of the standard pursuant to RCW 26.44.020(12) governing child abuse and neglect in this state;

(d) Arrange transportation for the child to the residence of the parent, as soon as practicable, at the latter's expense to the extent of his or her ability to pay, with any unmet transportation expenses to be assumed by the department, when the child and his or her parent agrees to the child's return home or when the parent produces a copy of a court order entered under this chapter requiring the child to reside in the parent's home;

(e) Arrange transportation for the child to an alternative residential placement which may include a licensed group care facility or foster family when agreed to by the child and parent at the latter's expense to the extent of his or her ability to pay, with any unmet transportation expenses assumed by the department.

Sec. 7. Section 26, chapter 155, Laws of 1979 and RCW 13.32A.120 are each amended to read as follows:

(1) Where either a child or the child's parent or the person or facility currently providing shelter to the child notifies the center that such individual or individuals cannot agree to the continuation of an alternative residential placement arrived at pursuant to RCW 13.32A.090(2)(e), the center shall immediately contact the remaining party or parties to the agreement and shall attempt to bring about the child's return home or to an alternative living arrangement agreeable to the child and the parent as soon as practicable.

(2) If a child and his or her parent cannot agree to an alternative residential placement under RCW 13.32A.090(2)(e), either the child or parent may file with the juvenile court a petition to approve an alternative residential placement or the parent may file with the juvenile court a petition in the interest of a child alleged to be an at-risk youth under this chapter.

(3) If a child and his or her parent cannot agree to the continuation of an alternative residential placement arrived at under RCW 13.32A.090(2)(e), either the child or parent may file with the juvenile court a petition to approve an alternative residential placement or the parent may file with the juvenile court a petition in the interest of a child alleged to be an at-risk youth under this chapter.

Sec. 8. Section 27, chapter 155, Laws of 1979 as last amended by section 9, chapter 257, Laws of 1985 and RCW 13.32A.130 are each amended to read as follows:

A child admitted to a crisis residential center under this chapter who is not returned to the home of his or her parent or who is not placed in an alternative residential placement under an agreement between the parent and child, shall, except as provided for by RCW 13.32A.140 and 13.32A.160(2), reside in such placement under the rules and regulations established for the center for a period not to exceed seventy-two hours, excluding Saturdays, Sundays, and holidays, from the time of intake, except as otherwise provided by this chapter. Crisis residential center staff shall make a concerted effort to achieve a reconciliation of the family. If a reconciliation and voluntary return of the child has not been achieved within forty-eight hours, excluding Saturdays, Sundays and holidays, from the time of intake, and if the person in charge of the center does not consider it likely that reconciliation will be achieved within the seventy-two hour period, then the person in charge shall inform the parent and child of (1) the availability of counseling services; (2) the right to file a petition for an alternative residential placement ~~((and))~~, the right of a parent to file an at-risk youth petition, and the right of the parent and child to obtain assistance in filing the petition; and (3) the right to request a review of ~~((such a))~~ any alternative residential placement: PROVIDED, That at no time shall information regarding a parent's or child's rights be withheld if requested: PROVIDED FURTHER, That the department shall develop and distribute

to all law enforcement agencies and to each crisis residential center administrator a written statement delineating such services and rights. Every officer taking a child into custody shall provide the child and his or her parent(s) or responsible adult with whom the child is placed with a copy of such statement. In addition, the administrator of the facility or his or her designee shall provide every resident and parent with a copy of such statement.

Sec. 9. Section 28, chapter 155, Laws of 1979 as amended by section 10, chapter 298, Laws of 1981 and RCW 13.32A.140 are each amended to read as follows:

The department shall file a petition to approve an alternative residential placement on behalf of a child under any of the following sets of circumstances:

(1) The child has been admitted to a crisis residential center or has been placed with a responsible person other than his or her parent, and:

(a) The parent has been notified that the child was so admitted or placed;

(b) Seventy-two hours, including Saturdays, Sundays, and holidays, have passed since such notification;

(c) No agreement between the parent and the child as to where the child shall live has been reached;

(d) No petition requesting approval of an alternative residential placement has been filed by either the child or parent or legal custodian; (~~and~~)

(e) The parent has not filed an at-risk youth petition; and

(f) The child has no suitable place to live other than the home of his or her parent.

(2) The child has been admitted to a crisis residential center and:

(a) Seventy-two hours, including Saturdays, Sundays, and holidays, have passed since such placement;

(b) The staff, after searching with due diligence, have been unable to contact the parent of such child; and

(c) The child has no suitable place to live other than the home of his or her parent.

(3) An agreement between parent and child made pursuant to RCW 13.32A.090(2)(e) or pursuant to RCW 13.32A.120(1) is no longer acceptable to parent or child, and:

(a) The party to whom the arrangement is no longer acceptable has so notified the department;

(b) Seventy-two hours, including Saturdays, Sundays, and holidays, have passed since such notification;

(c) No new agreement between parent and child as to where the child shall live has been reached;

(d) No petition requesting approval of an alternative residential placement has been filed by either the child or the parent; (~~and~~)

(e) The parent has not filed an at-risk youth petition; and

(f) The child has no suitable place to live other than the home of his or her parent.

Under the circumstances of subsections (1), (2), or (3) of this section, the child shall remain in a licensed child care facility, including but not limited to a crisis residential center, or in any other suitable residence to be determined by the department until an alternative residential placement petition filed by the department on behalf of the child is reviewed by the juvenile court and is resolved by such court. The department may authorize emergency medical or dental care for a child placed under this section. The state, when the department files a petition for alternative residential placement under this section, shall be represented as provided for in RCW 13.04.093.

Sec. 10. Section 29, chapter 155, Laws of 1979 as last amended by section 1, chapter 269, Laws of 1989 and RCW 13.32A.150 are each amended to read as follows:

(1) Except as otherwise provided in this section the juvenile court shall not accept the filing of an alternative residential placement petition by the child or the parents or the filing of an at-risk youth petition by the parent, unless verification is provided that a family assessment has been completed by the department. The family assessment shall be aimed at family reconciliation and avoidance of the out-of-home placement of the child. If the department is unable to complete an assessment within two working days following a request for assessment the child or the parents may proceed under subsection (2) of this section or the parent may proceed under subsection (3) of this section.

(2) A child or a child's parent may file with the juvenile court a petition to approve an alternative residential placement for the child outside the parent's home. The department shall, when requested, assist either a parent or child in the filing of the petition. The petition shall only ask that the placement of a child outside the home of his or her parent be approved. The filing of a petition to approve such placement is not dependent upon the court's having obtained any prior jurisdiction over the child or his or her parent, and confers upon the court a special jurisdiction to approve or disapprove an alternative residential placement.

(3) A child's parent may file with the juvenile court a petition in the interest of a child alleged to be an at-risk youth. The department shall, when requested, assist the parent in filing the petition. The petition shall be filed in the county where the petitioning parent resides. The petition shall set forth the name, age, and residence of the child and the names and residence of the child's parents and shall allege that:

(a) The child is an at-risk youth as defined in this chapter;

(b) The petitioning parent has the right to legal custody of the child;

(c) Court intervention and supervision are necessary to assist the parent to maintain the care, custody, and control of the child; and

(d) Alternatives to court intervention have been attempted or there is good cause why such alternatives have not been attempted.

The petition shall set forth facts that support the allegations in this subsection and shall generally request relief available under this chapter. The petition need not specify any proposed disposition following adjudication of the petition. The filing of an at-risk youth petition is not dependent upon the court's having obtained any prior jurisdiction over the child or his or her parent and confers upon the court the special jurisdiction to assist the parent in maintaining parental authority and responsibility for the child. An at-risk youth petition may not be filed if the court has approved an alternative residential placement petition regarding the child or if the child is the subject of a proceeding under chapter 13.34 RCW. A petition may be accepted for filing only if alternatives to court intervention have been attempted or if there is good cause why they were not attempted. Juvenile court personnel may screen all at-risk youth petitions and may refuse to allow the filing of any petition that lacks merit, fails to comply with the requirements of this section, or fails to allege sufficient facts in support of allegations in the petition.

Sec. 11. Section 30, chapter 155, Laws of 1979 as amended by section 2, chapter 269, Laws of 1989 and RCW 13.32A.160 are each amended to read as follows:

(1) When a proper petition to approve an alternative residential placement is filed under RCW 13.32A.120, 13.32A.140, or 13.32A.150 the juvenile court shall: (a) Schedule a date for a fact-finding hearing; notify the parent, child, and the department of such date; (b) notify the parent of the right to be represented by counsel and, if indigent, to have counsel appointed for him or her by the court; (c) appoint legal counsel for the child; (d) inform the child and his or her parent of the legal consequences of the court approving or disapproving an alternative residential placement petition; and (e) notify all parties, including the department, of their right to present evidence at the fact-finding hearing.

(2) Upon filing of an alternative residential placement petition, the child may be placed, if not already placed, by the department in a crisis residential center, foster family home, group home facility licensed under chapter 74.15 RCW, or any other suitable residence to be determined by the department.

(3) If the child has been placed in a foster family home or group care facility under chapter 74.15 RCW, the child shall remain there, or in any other suitable residence as determined by the department, pending resolution of the alternative residential placement petition by the court. Any placement may be reviewed by the court within three court days upon the request of the juvenile or the juvenile's parent.

NEW SECTION. Sec. 12. (1) When a proper at-risk youth petition is filed by a child's parent under RCW 13.32A.120 or 13.32A.150, the juvenile court shall:

(a) Schedule a fact-finding hearing and notify the parent and the child of such date;

(b) Notify the parent of the right to be represented by counsel at the parent's own expense;

(c) Appoint legal counsel for the child;

(d) Inform the child and his or her parent of the legal consequences of the court finding the child to be an at-risk youth; and

(e) Notify the parent and the child of their rights to present evidence at the fact-finding hearing.

(2) Unless out-of-home placement of the child is otherwise authorized or required by law, the child shall reside in the home of his or her parent or in an alternative residential placement approved by the parent. Upon request by the parent, the court may enter a court order requiring the child to reside in the home of his or her parent or an alternative residential placement approved by the parent.

(3) If upon sworn written or oral declaration of the petitioning parent, the court has reason to believe that a child has willfully and knowingly violated a court order issued pursuant to subsection (2) of this section, the court may issue an order directing law enforcement to take the child into custody and place the child in a juvenile detention facility or in a crisis residential center licensed by the department and established pursuant to chapter 74.13 RCW. If the child is placed in detention, a review shall be held as provided in RCW 13.32A.065.

(4) If both an alternative residential placement petition and an at-risk youth petition have been filed with regard to the same child, the proceedings shall be consolidated for purposes of fact-finding. Pending a fact-finding hearing regarding the petition, the child may be placed, if not already placed, in an alternative residential placement as provided in RCW 13.32A.160 unless the court has previously entered an order requiring the child to reside in the home of his or her parent. The child or the parent may request a review of the child's placement including a review of any court order requiring the child to reside in the parent's home. At the review the court, in its discretion, may order the child placed in the parent's home or in an alternative residential placement pending the hearing.

NEW SECTION. Sec. 13. (1) The court shall hold a fact-finding hearing to consider a proper at-risk youth petition. The court may grant the petition and enter an order finding the child to be an at-risk youth if the allegations in the petition are established by a preponderance of the evidence. The court shall not enter such an order if the court has approved an alternative residential placement petition regarding the child or if the child is the subject of a proceeding under chapter 13.34 RCW. If the petition is

granted, the court shall enter an order requiring the child to reside in the home of his or her parent or in an alternative residential placement approved by the parent.

(2) The court may order the department to submit a dispositional plan if such a plan would assist the court in ordering a suitable disposition in the case. If the court orders the department to prepare a plan, the department shall provide copies of the plan to the parent, the child, and the court. If the parties or the court desire the department to be involved in any future proceedings or case plan development, the department shall be provided timely notification of all court hearings.

(3) A dispositional hearing shall be held no later than fourteen days after the court has granted an at-risk youth petition. Each party shall be notified of the time and date of the hearing.

(4) If the court grants or denies an at-risk youth petition, a statement of the written reasons shall be entered into the records. If the court denies an at-risk youth petition, the court shall verbally advise the parties that the child is required to remain within the care, custody, and control of his or her parent.

NEW SECTION. Sec. 14. (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) 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) 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. (1) Upon making a disposition regarding an adjudicated at-risk youth, the court shall schedule the matter on the calendar for review within three months, advise the parties of the date thereof, appoint legal counsel for the child, advise the parent of the right to be represented by legal counsel at the review hearing at the parent's own expense, and notify the parties of their rights to present evidence at the hearing.

(2) At the review hearing, the court shall approve or disapprove the continuation of court supervision in accordance with the goal of assisting the parent to maintain the care, custody, and control of the child. The court shall determine whether the parent and child are complying with the dispositional plan. If court supervision is continued, the court may modify the dispositional plan.

(3) Court supervision of the child may not be continued past one hundred eighty days from the day the review hearing commenced unless the court finds, and the parent agrees, that there are compelling reasons for an extension of supervision. Any extension granted pursuant to this subsection shall not exceed ninety days.

(4) The court may dismiss an at-risk youth proceeding at any time if the court finds good cause to believe that continuation of court supervision would serve no useful purpose or that the parent is not cooperating with the court-ordered case plan. The court shall dismiss an at-risk youth proceeding if the child is the subject of a proceeding under chapter 13.34 RCW.

Sec. 16. Section 14, chapter 298, Laws of 1981 as amended by section 4, chapter 269, Laws of 1989 and by section 16, chapter 373, Laws of 1989 and RCW 13.32A.250 are each reenacted and amended to read as follows:

(1) In all alternative residential placement proceedings and at-risk youth proceedings, the court shall verbally notify the parents and the child of the possibility of a finding of contempt for failure to comply with the terms of ~~((an alternative residential placement order))~~ a court order entered pursuant to this chapter. The court shall treat the parents and the child equally for the purposes of applying contempt of court processes and penalties under this section.

(2) Failure by a party to comply with an order entered under this chapter is a contempt of court as provided in chapter 7.21 RCW, subject to the limitations of subsection (2) of this section.

(3) The court may impose a fine of up to one hundred dollars and imprisonment for up to seven days, or both for contempt of court under this section.

(4) A child imprisoned for contempt under this section shall be imprisoned only in a secure juvenile detention facility operated by or pursuant to a contract with a county.

(5) A motion for contempt may be made by a parent, a child, juvenile court personnel, or by any public agency, organization, or person having custody of the child under a court order adopted pursuant to this chapter.

NEW SECTION. Sec. 17. The department shall conduct a research study of the family reconciliation services program. The research study shall include the following information:

(1) A description of services offered in phase I and phase II and the effectiveness of these services;

(2) The number of youth and families served in family reconciliation services phase I and phase II and outcome of services provided to each youth and family;

(3) Nonclient parent and youth awareness of the family reconciliation services program and their perception of its effectiveness;

(4) The number 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 family reconciliation services;

(6) The number of youth referred again after services were terminated and outcome of services provided;

(7) The number of youth and families offered services who refused them and the reason, if known;

(8) The number of youth and families who requested services but were denied based on: (a) Ineligibility or (b) services not available, including a list of those services requested but not available; and

(9) Recommendations for improving services to at-risk youth and families.

The department shall submit a preliminary report by January 1, 1991, and the full research study report by January 1, 1992, to the senate children and family services committee, and the house of representatives human services committee.

NEW SECTION. Sec. 18. Sections 12 through 15 of this act are each added to chapter 13.32A RCW.

NEW SECTION. Sec. 19. 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. 20. 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. 21. If specific funding for the purposes of this act, referencing this act by bill number, is not provided by June 30, 1990, in the omnibus appropriations act, this act shall be null and void.

Passed the Senate March 8, 1990.

Passed the House March 8, 1990.

Approved by the Governor March 29, 1990.

Filed in Office of Secretary of State March 29, 1990.

CHAPTER 277

[Senate Bill No. 6839]

KETTLE RIVER PROTECTION

AN ACT Relating to the protection of the Kettle River; creating new sections; and making an appropriation.

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

NEW SECTION. Sec. 1. LEGISLATIVE FINDING—PURPOSE.

It is the intent of the legislature to encourage the communities of this state to join on a regional basis in order to implement the declared policy of this state that rivers of the state which, with their immediate environs, possess outstanding natural, scenic, historic, ecological, and recreational values of present and future benefit to the public shall be preserved in as natural condition as practical.

NEW SECTION. Sec. 2. KETTLE RIVER MANAGEMENT PROGRAM. In accordance with the purpose of this act and pursuant to the applicable provisions of chapter 39.34 RCW, the commissioners of the counties of Ferry and Stevens of the state of Washington, in consideration for the appropriation granted under section 3 of this act, shall agree to adopt and implement a management program for lands on that section of the Kettle River flowing through or adjacent to the counties of Ferry and Stevens of the state of Washington, which river section possesses the characteristics under section 1 of this act. To the extent requested by the counties, the state parks and recreation commission shall provide technical assistance in the development of the management program. The counties shall submit an agreed upon program to the commission no later than January 1, 1991, for review and comment. The state parks and recreation commission shall review and provide comments on the program no later than March 31, 1991. After receiving comments from the commission, the

counties shall adopt a final management program no later than June 30, 1991.

NEW SECTION. Sec. 3. DEPARTMENT OF PARKS AND RECREATION—APPROPRIATION. There is hereby appropriated from the general fund to the parks and recreation commission the sum of thirty thousand dollars, or as much thereof as may be necessary, for the biennium ending June 30, 1991, to provide for the purpose of providing the counties of Ferry and Stevens with amounts necessary to offset the costs of establishing a joint Kettle River management program. The commission may retain up to ten percent of the appropriated amount to offset administrative costs and costs associated with providing technical assistance.

NEW SECTION. Sec. 4. Captions as used in this act do not constitute any part of the law.

Passed the Senate March 6, 1990.

Passed the House February 28, 1990.

Approved by the Governor March 29, 1990.

Filed in Office of Secretary of State March 29, 1990.

CHAPTER 278

[Substitute House Bill No. 2706]

COMMUNITY DIVERSIFICATION PROGRAM

AN ACT Relating to promoting economic diversification for defense-dependent industries and communities; adding new sections to chapter 43.63A RCW; adding new sections to chapter 43.131 RCW; and creating new sections.

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

NEW SECTION. Sec. 1. The legislature finds that the industrial and manufacturing base of the Washington economy has undergone tremendous change during the past two decades. The challenge facing Washington firms is to become as productive and efficient as possible to survive in an increasingly competitive world market. Many of the state's communities are dependent on one or two industries. Many firms are heavily reliant on the defense expenditures of the federal government. It is the intent of the legislature to assist communities in planning for economic change, developing a broader economic base, and preparing for any shift in federal priorities that could cause a reduction in federal expenditures, and assist firms by providing information and technical assistance necessary for them to introduce new products or production processes.

NEW SECTION. Sec. 2. The community diversification program is created in the department of community development. The program shall include:

(1) The monitoring and forecasting of shifts in the economic prospects of major defense employers in the state. This shall include but not be limited to the monitoring of defense contract expenditures, other federal contracts, defense employment shifts, the aircraft and aerospace industry, computer products, and electronics;

(2) The identification of cities, counties, or regions within the state that are primarily dependent on defense or other federal contracting and the identification of firms dependent on federal defense contracts;

(3) Assistance to communities in broadening the local economic base through the provision of management assistance, assistance in financing, entrepreneurial training, and assistance to businesses in using off-the-shelf technology to start new production processes or introduce new products;

(4) Formulating a state plan for diversification in defense dependent communities in collaboration with the employment security department, the department of trade and economic development, and the office of financial management. The plan shall use the information made available through carrying out subsections (1) and (2) of this section; and

(5) The identification of diversification efforts conducted by other states, the federal government, and other nations, and the provision of information on these efforts, as well as information gained through carrying out subsections (1) and (2) of this section, to firms, communities, and workforces that are defense dependent.

The department shall, beginning January 1, 1992, report annually to the governor and the legislature on the activities of the community diversification program.

****NEW SECTION. Sec. 3. The advisory council on economic diversification is created to provide advice to the department of community development in carrying out its community diversification program. The governor shall appoint two members from the business community, one of whom shall be a representative of a defense dependent firm; two employee representatives of defense dependent firms, one of whom shall be from a labor union; two members from community organizations active in economic diversification efforts; two members from local governments, from communities dependent on defense expenditures; one member with expertise in economic diversification; one member representing the financial institutions of the state; and one member representing military leadership in the state. Four members of the advisory council shall be from the legislature, one from each political caucus of the senate to be appointed by the president of the senate, and one from each political caucus of the house of representatives to be appointed by the speaker of the house of representatives. The director of the department of community development or the director's designee shall serve as the nonvoting chairperson of the advisory council.***

Members of the council other than the chair shall serve for two-year terms. Vacancies shall be filled in the same manner as the original appointments. Members of the council shall receive no compensation but shall be reimbursed for travel expenses under RCW 43.03.050 and RCW 43.03.060. The department of community development shall assign staff to the council as necessary to carry out the purposes of this chapter.

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

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, 1990, in the supplemental omnibus appropriations act, this act shall be null and void.

NEW SECTION. Sec. 5. Sections 2 and 3 of this act are each added to chapter 43.63A 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.

NEW SECTION. Sec. 7. A new section is added to chapter 43.131 RCW to read as follows:

The community diversification program and the advisory council on economic diversification shall be terminated on June 30, 1996, as provided in section 8 of this act.

NEW SECTION. Sec. 8. 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 as hereafter amended, are each repealed, effective June 30, 1997:

- (1) Section 2, chapter __, Laws of 1990 and RCW 43.63A.__ (section 2 of this act); and
- (2) Section 3, chapter __, Laws of 1990 and RCW 43.63A.__ (section 3 of this act).

Passed the House March 3, 1990.

Passed the Senate March 1, 1990.

Approved by the Governor March 29, 1990, with the exception of certain items which were vetoed.

Filed in Office of Secretary of State March 29, 1990.

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. 2706 entitled:

"AN ACT Relating to promoting economic diversification for defense-dependent industries and communities."

Substitute House Bill No. 2706 establishes a timely new program in the Department of Community Development to assist local communities identify and prepare for shifts in federal defense expenditures, to monitor those changes on an ongoing basis, and to assist communities and firms in their efforts at economic diversification.

Section 3 of the bill, however, would establish a new statutory advisory committee for the program. The Department of Community Development possesses existing statutory authority to seek the involvement and advice of representatives of local communities, firms and other citizens in the development and operation of new programs. While, for this reason, I have vetoed section 3 of the bill, I direct the Department of Community Development to exercise its authority and experience to meet the objectives of section 3.

With the exception of section 3, Substitute House Bill No. 2706 is approved.*

CHAPTER 279

[Substitute House Bill No. 2854]

SOLID WASTE FACILITIES CONTRACTS

AN ACT Relating to solid waste facilities and services procurement by counties with a population over one hundred thousand; creating a new section; and declaring an emergency.

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

NEW SECTION. Sec. 1. Section 19, chapter 282, Laws of 1986, codified as RCW 36.58.090, established an alternate procedure by which a county was authorized to procure systems and plants for solid waste handling and to contract with private vendors for the design, construction, or operation thereof. Any county with a population of over one hundred thousand that, prior to the effective date of chapter 399, Laws of 1989, complied with the requirements of either (1) section 10 (3), (4), and (5), chapter 399, Laws of 1989, or (2) section 19(3), chapter 282, Laws of 1986, shall be deemed to have complied with the requirements of section 19(3), chapter 282, Laws of 1986.

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 5, 1990.

Passed the Senate March 2, 1990.

Approved by the Governor March 29, 1990.

Filed in Office of Secretary of State March 29, 1990.

CHAPTER 280

[Second Substitute House Bill No. 2077]

CANCER REGISTRY

AN ACT Relating to cancer reporting; adding new sections to chapter 70.54 RCW; and creating new sections.

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

NEW SECTION. Sec. 1. It is the intent of the legislature to establish a system to accurately monitor the incidence of cancer in the state of

Washington for the purposes of understanding, controlling, and reducing the occurrence of cancer in this state. In order to accomplish this, the legislature has determined that cancer cases shall be reported to the department of health, and that there shall be established a state-wide population-based cancer registry.

NEW SECTION. Sec. 2. The secretary of health may contract with either a recognized regional cancer research institution or regional tumor registry, or both, which shall hereinafter be called the contractor, to establish a state-wide cancer registry program and to obtain cancer reports from all or a portion of the state as required in section 3 of this act and to make available data for use in cancer research and for purposes of improving the public health.

NEW SECTION. Sec. 3. (1) The department of health shall adopt rules as to which types of cancer shall be reported, who shall report, and the form and timing of the reports.

(2) Every health care facility and independent clinical laboratory, and those physicians or others providing health care who diagnose or treat any patient with cancer who is not hospitalized within one month of diagnosis, will provide the contractor with the information required under subsection (1) of this section. The required information may be collected on a regional basis where such a system exists and forwarded to the contractor in a form suitable for the purposes of sections 2 through 6 of this act. Such reporting arrangements shall be reduced to a written agreement between the contractor and any regional reporting agency which shall detail the manner, form, and timeliness of the reporting.

NEW SECTION. Sec. 4. (1) Data obtained under section 3 of this act shall be used for statistical, scientific, medical research, and public health purposes only.

(2) The department and its contractor shall ensure that access to data contained in the registry is consistent with federal law for the protection of human subjects and consistent with chapter 42.48 RCW.

NEW SECTION. Sec. 5. Providing information required under section 3 or 4 of this act shall not create any liability on the part of the provider nor shall it constitute a breach of confidentiality. The contractor shall, at the request of the provider, but not more frequently than once a year, sign an oath of confidentiality, which reads substantially as follows:

"As a condition of conducting research concerning persons who have received services from (name of the health care provider or facility), I, agree not to divulge, publish, or otherwise make known to unauthorized persons or the public any information obtained in the

course of such research that could lead to identification of such persons receiving services, or to the identification of their health care providers. I recognize that unauthorized release of confidential information may subject me to civil liability under the provisions of state law."

NEW SECTION. Sec. 6. The department shall adopt rules to implement sections 2 through 5 of this act, including but not limited to a definition of cancer.

NEW SECTION. Sec. 7. Sections 2 through 6 of this act are each added to chapter 70.54 RCW.

NEW SECTION. Sec. 8. If specific funding for the purposes of this act, referencing this act by bill number, is not provided by June 30, 1990, in the omnibus appropriations act, this act shall be null and void.

Passed the House March 6, 1990.

Passed the Senate March 1, 1990.

Approved by the Governor March 29, 1990.

Filed in Office of Secretary of State March 29, 1990.

CHAPTER 281

[Second Substitute Senate Bill No. 5993]

HANFORD RESERVATION LEASE PROMOTION

AN ACT Relating to trade and economic development; adding new sections to chapter 43.31 RCW; creating a new section; and making an appropriation.

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

NEW SECTION. Sec. 1. The legislature finds that the one thousand acres of land leased from the federal government to the state of Washington on the Hanford reservation constitutes an unmatched resource for development of high-technology industry, nuclear medicine research, and research into new waste immobilization and reduction techniques. The legislature further finds that continued diversification of the Tri-Cities economy will help stabilize and improve the Tri-Cities economy, and that this effort can be aided by emphasizing the resources of local expertise and nearby facilities.

NEW SECTION. Sec. 2. A new section is added to chapter 43.31 RCW to read as follows:

In an effort to enhance the economy of the Tri-Cities area, the department of trade and economic development is directed to promote the existence of 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, and the opportunity of subleasing the land to entities for nuclear-related industry, in agreement with the terms of the lease.

NEW SECTION. Sec. 3. A new section is added to chapter 43.31 RCW to read as follows:

When the department implements programs intended to attract or maintain industrial or high-technology investments in the state, the department shall, to the extent possible, emphasize the following:

- (1) The highly skilled and trained work force in the Tri-Cities area;
- (2) The world-class research facilities in the area, including the fast flux test facility and the Pacific Northwest laboratories;
- (3) The existence of the one thousand acres leased by the state from the federal government for the purpose of nuclear-related industries; and
- (4) The ability for high-technology and medical industries to safely dispose of low-level radioactive waste at the Hanford commercial low-level waste disposal facility.

NEW SECTION. Sec. 4. The sum of forty thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the general fund to the department of trade and economic development for the purposes of this act.

Passed the Senate February 9, 1990.

Passed the House March 1, 1990.

Approved by the Governor March 29, 1990.

Filed in Office of Secretary of State March 29, 1990.

CHAPTER 282

[Second Substitute House Bill No. 2443]

WARREN G. MAGNUSON INSTITUTE FOR BIOMEDICAL RESEARCH AND HEALTH PROFESSIONS TRAINING

AN ACT Relating to the Warren G. Magnuson institute for biomedical research and health professions training; adding new sections to chapter 28B.20 RCW; and creating a new section.

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

NEW SECTION. Sec. 1. The Warren G. Magnuson institute for biomedical research and health professions training is established within the Warren G. Magnuson health sciences center at the University of Washington. The institute shall be administered by the university. The institute may be funded through a combination of federal, state, and private funds, including earnings on the endowment fund in section 6 of this act.

NEW SECTION. Sec. 2. The purposes of the Warren G. Magnuson institute for biomedical research and health professions training are as follows:

- (1) Supporting one or more individuals engaged in biomedical research into the causes of, the treatments for, or the management of diabetes is the primary purpose of the institute;

(2) Providing financial assistance to students in graduate or postgraduate training programs in the health professions at the university is the secondary purpose of the institute;

(3) Supporting biomedical research into the causes of, the treatment for, or the management of Parkinson's disease, osteoporosis, or any other disease or medical disorder where the achievement of a significant result in the near term is especially promising; and

(4) Enhancing the training, research, and public service missions of the health sciences schools of the University of Washington.

NEW SECTION. Sec. 3. Unless designated otherwise by donors, the earnings on the endowment fund in section 6 of this act shall be distributed as follows:

(1) Earnings on the first seven hundred fifty thousand dollars shall be expended at the direction of the dean of the school of medicine, in support of one or more individuals engaged in biomedical research into the causes of, the treatments for, or the management of diabetes;

(2) Earnings on the next two hundred fifty thousand dollars shall be expended to provide financial assistance to students in graduate or postgraduate training programs in the health professions at the university, including: Medicine, nursing, public health and community medicine, dentistry, pharmacy, and social work. At least one such student at all times shall be in a career pathway preparing for or engaged in research related to diabetes, its antecedents, or complications; and

(3) Earnings on additional funds within the endowment may be used for any purpose of the institute as outlined in section 2 of this act.

NEW SECTION. Sec. 4. 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 section 5 of this act 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.

NEW SECTION. Sec. 5. The University of Washington may apply to the treasurer for five hundred thousand dollars from the Warren G. Magnuson institute trust fund when the university can match the state funds with an amount of cash donations equal to twice the state funds provided. Private donations mean moneys from nonstate sources that include,

but are not limited to federal moneys and assessments by commodity commissions authorized to conduct research activities including but not limited to research studies authorized under RCW 15.66.030 and 15.65.040.

NEW SECTION. Sec. 6. The state matching funds and the private donations shall be deposited in the university's local endowment fund. The university is responsible for investing and maintaining all moneys within the fund. The principal of the invested endowment fund shall not be invaded. The university may augment the endowment fund with additional private donations. The earnings of the fund shall be used solely to support the purposes of the Warren G. Magnuson institute for biomedical research and health professions training as set forth in section 2 of this act.

NEW SECTION. Sec. 7. Sections 1 through 6 of this act are each added to chapter 28B.20 RCW.

***NEW SECTION.** Sec. 8. *If specific funding for this act, referencing this act by bill number, is not provided by June 30, 1990, in the supplemental omnibus appropriations act, this act shall be null and void.*

*Sec. 8 was vetoed, see message at end of chapter.

Passed the House March 6, 1990.

Passed the Senate March 2, 1990.

Approved by the Governor March 29, 1990, with the exception of certain items which were vetoed.

Filed in Office of Secretary of State March 29, 1990.

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

"I am returning herewith, without my approval as to section 8, Second Substitute House Bill No. 2443 entitled:

"AN ACT Relating to the Warren G. Magnuson institute for biomedical research and health professions training."

This bill creates the Warren G. Magnuson Institute for Biomedical Research and Health Professions Training within the Health Sciences Center at the University of Washington. The institute may be funded through a combination of federal, state, and private funds, including earnings on the University's local endowment fund. The earnings on the endowment fund would be used primarily for the purpose of supporting one or more individuals engaged in biomedical research into the causes of, the treatments for, or the management of diabetes.

Section 8 would nullify this bill, if specific funding for the purposes of this act is not provided in the omnibus appropriations act by June 30, 1990. By vetoing this section, the institute will exist in statute and private cash donations can still be raised by the University of Washington, the Washington Chapter of the American Diabetes Association, and other interested parties. The donations would be deposited into the University's local endowment fund, and the earnings on the fund would be available to support diabetes research activities. For this reason, I have vetoed section 8 of this bill.

With the exception of section 8, Second Substitute House Bill No. 2443 is approved.*

CHAPTER 283

[House Bill No. 1307]

PROPERTY TAX EQUALIZATION

AN ACT Relating to the equalization of property taxation; amending RCW 84.48.080, 84.36.043, 84.36.805, 84.36.810, 84.36.030, and 84.36.805; adding a new section to chapter 84.52 RCW; creating a new section; and providing an expiration date.

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

Sec. 1. Section 84.48.080, chapter 15, Laws of 1961 as last amended by section 24, chapter 222, Laws of 1988 and RCW 84.48.080 are each amended to read as follows:

Annually during the months of September and October, the department of revenue shall examine and compare the returns of the assessment of the property in the several counties of the state, and the assessment of the property of railroad and other companies assessed by the department, and proceed to equalize the same, so that each county in the state shall pay its due and just proportion of the taxes for state purposes for such assessment year, according to the ratio the valuation of the property in each county bears to the total valuation of all property in the state.

First. The department shall classify all property, real and personal, and shall raise and lower the valuation of any class of property in any county to a value that shall be equal, so far as possible, to the true and fair value of such class as of January 1st of the current year for the purpose of ascertaining the just amount of tax due from each county for state purposes. In equalizing personal property as of January 1st of the current year, the department shall use the assessment level of the preceding year. Such classification may be on the basis of types of property, geographical areas, or both.

Second. The department shall keep a full record of its proceedings and the same shall be published annually by the department.

The department shall levy the state taxes authorized by law: PROVIDED, That the amount levied in any one year for general state purposes shall not exceed the lawful dollar rate on the dollar of the assessed value of the property of the entire state, which assessed value shall be one hundred percent of the true and fair value of such property in money. The department shall apportion the amount of tax for state purposes levied by the department, among the several counties, in proportion to the valuation of the taxable property of the county for the year as equalized by the department: PROVIDED, That for purposes of this apportionment, the department shall recompute the previous year's levy and the apportionment thereof to correct for changes and errors in taxable values reported to the department after October 1 of the preceding year and shall adjust the apportioned amount of the current year's state levy for each county by the difference between the

apportioned amounts established by the original and revised levy computations for the previous year. For purposes of this section, changes in taxable values mean a final adjustment made by a county board of equalization, the state board of tax appeals, or a court of competent jurisdiction and shall include additions of omitted property, other additions or deletions from the assessment or tax rolls, or a change in the indicated ratio of a county. Errors in taxable values mean errors corrected by a final reviewing body.

The department shall have authority to adopt rules and regulations to enforce obedience to its orders in all matters in relation to the returns of county assessments, the equalization of values, and the apportionment of the state levy by the department.

After the completion of the duties hereinabove prescribed, the director of the department shall certify the record of the proceedings of the department under this section, the tax levies made for state purposes and the apportionment thereof among the counties, and the certification shall be available for public inspection.

Sec. 2. Section 12, chapter 55, Laws of 1983 1st ex. sess. and RCW 84.36.043 are each amended to read as follows:

(1) The real and personal property ((of)) used by a nonprofit organization ((used)) in providing nonpermanent shelter to ((indigent)) low-income homeless persons as defined in RCW 35.21.685 or 36.32.415 or victims of domestic violence who are homeless for personal safety reasons is exempt from taxation if:

(a) The charge, if any, for the shelter does not exceed the actual cost of operating and maintaining the shelter facility; and

(b) (i) The property is owned by the nonprofit organization; or

(ii) For taxes levied for collection in 1991 through 1999 only, the property is rented or leased by the nonprofit organization and the benefit of the exemption inures to the nonprofit organization.

(2) This exemption is subject to the administrative provisions contained in RCW 84.36.800 through 84.36.865.

Sec. 3. Section 7, chapter 40, Laws of 1973 2nd ex. sess. as last amended by section 4, chapter 379, Laws of 1989 and RCW 84.36.805 are each amended to read as follows:

In order to be exempt pursuant to RCW 84.36.030, 84.36.035, 84.36.037, 84.36.040, 84.36.041, 84.36.043, 84.36.045, 84.36.047, 84.36.050, 84.36.060, 84.36.350, and 84.36.480, the nonprofit organizations, associations or corporations shall satisfy the following conditions:

(1) The property is used exclusively for the actual operation of the activity for which exemption is granted, unless otherwise provided, and does not exceed an amount reasonably necessary for that purpose, except:

(a) The loan or rental of the property does not subject the property to tax if:

(i) The rents and donations received for the use of the portion of the property are reasonable and do not exceed the maintenance and operation expenses attributable to the portion of the property loaned or rented; and

(ii) Except for the exemption under RCW 84.36.037, the property would be exempt from tax if owned by the organization to which it is loaned or rented;

(b) The use of the property for fund-raising activities does not subject the property to tax if the fund-raising activities are consistent with the purposes for which the exemption is granted;

(2) The property is irrevocably dedicated to the purpose for which exemption has been granted, and on the liquidation, dissolution, or abandonment by said organization, association, or corporation, said property will not inure directly or indirectly to the benefit of any shareholder or individual, except a nonprofit organization, association, or corporation which too would be entitled to property tax exemption: PROVIDED, That the property need not be irrevocably dedicated if it is leased or rented to those qualified for exemption pursuant to RCW 84.36.040 ((or)), 84.36.041, or 84.36.043 or those qualified for exemption as an association engaged in the production or performance of musical, dance, artistic, dramatic, or literary works pursuant to RCW 84.36.060, but only if under the terms of the lease or rental agreement the nonprofit organization, association, or corporation receives the benefit of the exemption;

(3) The facilities and services are available to all regardless of race, color, national origin or ancestry;

(4) The organization, association, or corporation is duly licensed or certified where such licensing or certification is required by law or regulation;

(5) Property sold to organizations, associations, or corporations with an option to be repurchased by the seller shall not qualify for exempt status;

(6) The director of the department of revenue shall have access to its books in order to determine whether such organization, association, or corporation is exempt from taxes within the intent of RCW 84.36.030, 84.36.035, 84.36.037, 84.36.040, 84.36.041, 84.36.043, 84.36.045, 84.36.047, 84.36.050, 84.36.060, 84.36.350, and 84.36.480.

Sec. 4. Section 8, chapter 40, Laws of 1973 2nd ex. sess. as last amended by section 5, chapter 379, Laws of 1989 and RCW 84.36.810 are each amended to read as follows:

(1) Upon cessation of a use under which an exemption has been granted pursuant to RCW 84.36.030, 84.36.037, 84.36.040, 84.36.041, 84.36.043, 84.36.050, and 84.36.060, the county treasurer shall collect all taxes which would have been paid had the property not been exempt during the three years preceding, or the life of such exemption, if such be less, together with the interest at the same rate and computed in the same way as that upon delinquent property taxes: PROVIDED, That where the property

has been granted an exemption for more than ten years, taxes and interest shall not be assessed under this section.

(2) Subsection (1) of this section applies only when ownership of the property is transferred or when fifty-one percent or more of the area of the property has lost its exempt status. The additional tax under subsection (1) of this section shall not be imposed if the cessation of use resulted solely from:

(a) Transfer to a nonprofit organization, association, or corporation for a use which also qualifies and is granted exemption under the provisions of chapter 84.36 RCW;

(b) A taking through the exercise of the power of eminent domain, or sale or transfer to an entity having the power of eminent domain in anticipation of the exercise of such power;

(c) Official action by an agency of the state of Washington or by the county or city within which the property is located which disallows the present use of such property;

(d) A natural disaster such as a flood, windstorm, earthquake, or other such calamity rather than by virtue of the act of the organization, association, or corporation changing the use of such property;

(e) Relocation of the activity and use of another location or site except for undeveloped properties of camp facilities exempted under RCW 84.36.030;

(f) Cancellation of a lease on property that had been exempt under RCW 84.36.040, 84.36.041, 84.36.043, or 84.36.060;

(g) A change in the exempt portion of a home for the aging under RCW 84.36.041(2), as long as some portion of the home remains exempt;

(h) The conversion of a full exemption of a home for the aging to a partial exemption or taxable status under RCW 84.36.041(7).

NEW SECTION, Sec. 5. A new section is added to chapter 84.52 RCW to read as follows:

(1) It is the intent of this section to allow public hospital districts and metropolitan park districts to utilize levy authority approved by the voters pursuant to RCW 84.52.100 for the duration of such voter approval. It is further the intent of this section that these levies be made between the statutory tax rate limits established by RCW 84.52.043 and the applicable constitutional limits.

(2) Any increase of cumulative limitation approved by the voters of a public hospital district or metropolitan park district pursuant to RCW 84.52.100 prior to the effective date of the repeal of that provision shall remain valid and such district may levy such amount as the appropriate levy capacity may allow for the time authorized by the voters: **PROVIDED**, That no other levy, including fire district, library district, conservation futures under RCW 84.34.230, and emergency medical care or services under

RCW 84.52.069 shall be reduced as a result of the increased public hospital district or metropolitan park district levy.

Sec. 6. Section 2, chapter 40, Laws of 1973 2nd ex. sess. as last amended by section 2, chapter 433, Laws of 1987 and RCW 84.36.030 are each amended to read as follows:

The following real and personal property shall be exempt from taxation:

(1) Property owned by nonprofit organizations or associations, organized and conducted for nonsectarian purposes, which shall be used for character-building, benevolent, protective or rehabilitative social services directed at persons of all ages. The sale of donated merchandise shall not be considered a commercial use of the property under this section if the proceeds are devoted to the furtherance of the purposes of the selling organization or association as specified in this paragraph.

(2) Property owned by any nonprofit church, denomination, group of churches, or an organization or association, the membership of which is comprised solely of churches or their qualified representatives, which is utilized as a camp facility if used for organized and supervised recreational activities and church purposes as related to such camp facilities. The exemption provided by this paragraph shall apply to a maximum of two hundred acres of any such camp as selected by the church, including buildings and other improvements thereon.

(3) Property, including buildings and improvements required for the maintenance and safeguarding of such property, owned by nonprofit organizations or associations engaged in character building of boys and girls under eighteen years of age, and used for such purposes and uses, provided such purposes and uses are for the general public good: PROVIDED, That if existing charters provide that organizations or associations, which would otherwise qualify under the provisions of this paragraph, serve boys and girls up to the age of twenty-one years, then such organizations or associations shall be deemed qualified pursuant to this section.

(4) Property owned by all organizations and societies of veterans of any war of the United States, recognized as such by the department of defense, which shall have national charters, and which shall have for their general purposes and objects the preservation of the memories and associations incident to their war service and the consecration of the efforts of their members to mutual helpfulness and to patriotic and community service to state and nation. To be exempt such property must be used in such manner as may be reasonably necessary to carry out the purposes and objects of such societies.

The use of the property for pecuniary gain or to promote business activities, except fund raising activities conducted by a nonprofit organization, nullifies the exemption otherwise available for the property for the assessment year.

(5) Property owned by all corporations, incorporated under any act of congress, whose principal purposes are to furnish volunteer aid to members of the armed forces of the United States and also to carry on a system of national and international relief and to apply the same in mitigating the sufferings caused by pestilence, famine, fire, floods, and other national calamities and to devise and carry on measures for preventing the same.

(6) Property owned by nonprofit organizations exempt from federal income tax under section 501(c)(3) of the internal revenue code of 1954, as amended, that are guarantee agencies under the federal guaranteed student loan program or that issue debt to provide or acquire student loans.

(7) To be exempt under this section, the property must be used exclusively for the purposes for which exemption is granted, except as provided in RCW 84.36.805.

Sec. 7. Section 7, chapter 40, Laws of 1973 2nd ex. sess. as last amended by section 4, chapter 379, Laws of 1989 and RCW 84.36.805 are each amended to read as follows:

In order to be exempt pursuant to RCW 84.36.030, 84.36.035, 84.36.037, 84.36.040, 84.36.041, 84.36.045, 84.36.047, 84.36.050, 84.36.060, 84.36.350, and 84.36.480, the nonprofit organizations, associations or corporations shall satisfy the following conditions:

(1) The property is used exclusively for the actual operation of the activity for which exemption is granted, unless otherwise provided, and does not exceed an amount reasonably necessary for that purpose, except:

(a) The loan or rental of the property does not subject the property to tax if:

(i) The rents and donations received for the use of the portion of the property are reasonable and do not exceed the maintenance and operation expenses attributable to the portion of the property loaned or rented; and

(ii) Except for the exemptions under RCW 84.36.030(4) and 84.36.037, the property would be exempt from tax if owned by the organization to which it is loaned or rented;

(b) The use of the property for fund-raising activities does not subject the property to tax if the fund-raising activities are consistent with the purposes for which the exemption is granted;

(2) The property is irrevocably dedicated to the purpose for which exemption has been granted, and on the liquidation, dissolution, or abandonment by said organization, association, or corporation, said property will not inure directly or indirectly to the benefit of any shareholder or individual, except a nonprofit organization, association, or corporation which too would be entitled to property tax exemption: PROVIDED, That the property need not be irrevocably dedicated if it is leased or rented to those qualified for exemption pursuant to RCW 84.36.040 or 84.36.041 or those qualified for exemption as an association engaged in the production or performance of

musical, dance, artistic, dramatic, or literary works pursuant to RCW 84.36.060, but only if under the terms of the lease or rental agreement the nonprofit organization, association, or corporation receives the benefit of the exemption;

(3) The facilities and services are available to all regardless of race, color, national origin or ancestry;

(4) The organization, association, or corporation is duly licensed or certified where such licensing or certification is required by law or regulation;

(5) Property sold to organizations, associations, or corporations with an option to be repurchased by the seller shall not qualify for exempt status;

(6) The director of the department of revenue shall have access to its books in order to determine whether such organization, association, or corporation is exempt from taxes within the intent of RCW 84.36.030, 84.36.035, 84.36.037, 84.36.040, 84.36.041, 84.36.045, 84.36.047, 84.36.050, 84.36.060, 84.36.350, and 84.36.480.

NEW SECTION. Sec. 8. Sections 6 and 7 of this act shall not be construed as modifying or affecting any other existing or future exemptions.

NEW SECTION. Sec. 9. Section 5 of this act expires December 31, 1996.

Passed the House March 8, 1990.

Passed the Senate March 8, 1990.

Approved by the Governor March 29, 1990.

Filed in Office of Secretary of State March 29, 1990.

CHAPTER 284

[Second Substitute Senate Bill No. 6537]

FOSTER CARE

AN ACT Relating to dependent children; amending RCW 4.92.130, 13.34.020, 13.34.130, 13.34.190, and 13.04.033; adding new sections to chapter 74.13 RCW; adding a new section to chapter 13.32A RCW; adding a new section to chapter 13.34 RCW; creating new sections; and providing an effective date.

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

NEW SECTION. Sec. 1. The legislature finds that the foster care system plays an important role in preserving families and giving consistent and nurturing care to children placed in its care. The legislature further finds that foster parents play an integral and important role in the system and particularly in the child's chances for the earliest possible reunification with his or her family.

NEW SECTION. Sec. 2. (1) Preservice training is recognized as a valuable tool to reduce placement disruptions, the length of time children are in care, and foster parent turnover rates. Preservice training also assists

potential foster parents in making their final decisions about foster parenting and assists social service agencies in obtaining information about whether to approve potential foster parents.

(2) Foster parent preservice training shall include information about the potential impact of placement on foster children; social service agency administrative processes; the requirements, responsibilities, expectations, and skills needed to be a foster parent; attachment, separation, and loss issues faced by birth parents, foster children, and foster parents; child management and discipline; birth family relationships; and helping children leave foster care. Preservice training shall assist applicants in making informed decisions about whether they want to be foster parents. Preservice training shall be designed to enable the agency to assess the ability, readiness, and appropriateness of families to be foster parents. As a decision tool, effective preservice training provides potential foster parents with enough information to make an appropriate decision, affords potential foster parents an opportunity to discuss their decision with others and consider its implications for their family, clarifies foster family expectations, presents a realistic picture of what foster parenting involves, and allows potential foster parents to consider and explore the different types of children they might serve.

(3) Preservice training shall be completed prior to the issuance of a foster care license, except that the department may, on a case by case basis, issue a written waiver that allows the foster parent to complete the training after licensure, so long as the training is completed within ninety days following licensure.

NEW SECTION. Sec. 3. If specific funding for the purposes of section 2 of this act, referencing section 2 of this act by bill and section number, is not provided by June 30, 1990, in the omnibus appropriations act, section 2 of this act shall be null and void.

NEW SECTION. Sec. 4. Regular on-site monitoring of foster homes to assure quality care improves care provided to children in family foster care. An on-site monitoring program shall be established by the department to assure quality care and regularly identify problem areas. The department shall report to the legislature by June 1 of each year, beginning with June 1, 1991, the results of the monitoring, including identified problem areas, and make policy recommendations to improve the quality of foster care based on the results of the monitoring. Monitoring shall be done by the department on a random sample basis of no less than ten percent of the total licensed family foster homes licensed by the department on July 1 of each year.

NEW SECTION. Sec. 5. If specific funding for the purposes of section 4 of this act, referencing section 4 of this act by bill and section number, is not provided by June 30, 1990, in the omnibus appropriations act, section 4 of this act shall be null and void.

NEW SECTION. Sec. 6. The legislature finds that regular and ongoing program review of child protective services, child welfare services, and foster care is essential to agencies and the legislature in making informed recommendations and decisions regarding policy in the delivery of services to children and their families. The department of social and health services shall contract, through the request for proposal process, with an independent qualified organization for a comprehensive evaluation of these programs. The evaluation shall be based on findings secured through a generally accepted audit procedure based on a statistically significant state-wide sampling of data. The department shall cooperate with the contractor to meet the requirements of this section.

NEW SECTION. Sec. 7. If specific funding for the purposes of section 6 of this act, referencing section 6 of this act by bill and section number, is not provided by June 30, 1990, in the omnibus appropriations act, section 6 of this act shall be null and void.

NEW SECTION. Sec. 8. The legislature recognizes the need for temporary short-term relief for foster parents who care for children with emotional, mental, or physical handicaps. For purposes of this section, respite care means appropriate, temporary, short-term care for these foster children placed with licensed foster parents. The purpose of this care is to give the foster parents temporary relief from the stresses associated with the care of these foster children. The department shall design a program of respite care that will minimize disruptions to the child and will serve foster parents within these priorities, based on input from foster parents, foster parent associations, and reliable research if available.

NEW SECTION. Sec. 9. If specific funding for the purposes of section 8 of this act, referencing section 8 of this act by bill and section number, is not provided by June 30, 1990, in the omnibus appropriations act, section 8 of this act shall be null and void.

NEW SECTION. Sec. 10. (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.

(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. 11. To provide stability to children in out-of-home care, placement selection shall be made with a view toward the fewest

possible placements for each child. If possible, the initial placement shall be viewed as the only placement for the child. The use of short-term interim placements of thirty days or less to protect the child's health or safety while the placement of choice is being arranged is not a violation of this principle.

NEW SECTION. Sec. 12. (1) Whenever a child has been placed in a foster family home 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 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;

(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 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) 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.

NEW SECTION. Sec. 13. Adequate foster parent training has been identified as directly associated with increasing the length of time foster parents are willing to provide foster care and reducing the number of placement disruptions for children. Placement disruptions can be harmful to children by denying them consistent and nurturing support. Foster parents have expressed the desire to receive training in addition to the foster parent SCOPE training currently offered. Foster parents who care for more demanding children, such as children with severe emotional, mental, or physical handicaps, would especially benefit from additional training. The department shall develop additional training for foster parents that focuses on skills to assist foster parents in caring for emotionally, mentally, or physically handicapped children.

NEW SECTION. Sec. 14. 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, 1990, in the omnibus appropriations act, section 13 of this act shall be null and void.

NEW SECTION. Sec. 15. The legislature finds that during the fiscal years 1987 to 1989 the number of children in foster care has risen by 14.3

percent. At the same time there has been a 31 percent turnover rate in foster homes because many foster parents have declined to continue to care for foster children. This situation has caused a dangerously critical shortage of foster homes.

The department of social and health services shall develop and implement a project to recruit more foster homes and adoptive homes for special needs children by developing a request for proposal to licensed private foster care, licensed adoption agencies, and other organizations qualified to provide this service.

The project shall consist of one state-wide administrator of recruitment programs, and one or more licensed foster care or adoption agency contracts in each of the six departmental regions. These contracts shall enhance currently provided services and may not replace services currently funded by the agencies. No more than sixty thousand dollars may be spent annually to fund the administrator position.

The agencies shall recruit foster care homes and adoptive homes for children classified as special needs children under chapter 74.08 RCW. The agencies shall utilize their own network of contacts and shall also develop programs similar to those used effectively in other states. The department shall expand the foster-adopt program state-wide to encourage stable placements for foster children for whom permanent out-of-home placement is a likelihood. The department shall carefully consider existing programs to eliminate duplication of services.

The department shall assist the private contractors by providing printing services for informational brochures and other necessary recruitment materials. No more than fifty thousand dollars of the funds provided for this section may be expended annually for recruitment materials.

NEW SECTION. Sec. 16. (1) The department shall establish a state-wide program to manage health services for children in foster care. Services include medical and developmental services already provided subject to current statutes and available resources, and shall provide children in foster care with:

- (a) Health screening, supervision, and continuity of care;
- (b) Developmental screening;
- (c) Illness and emergency care; and
- (d) Child centered management plans designed to address specific therapeutic rehabilitative and preventative needs. Case management shall be used to ensure comprehensiveness and continuity of care.

(2) Strategies for reimbursements shall be developed which utilize prospective payment or capitation formulas.

NEW SECTION. Sec. 17. The department of social and health services shall develop and implement a survey tool to provide information to the legislature regarding the specific reasons foster parents voluntarily or involuntarily terminate their service to the foster parent system. The tool

shall be implemented by July 1, 1990. The survey shall cover a period of one year and a final report shall be made to the legislature by December 1991.

NEW SECTION. Sec. 18. If specific funding for the purposes of sections 15, 16, and 17 of this act, referencing sections 15, 16, and 17 of this act by bill and section number, is not provided by June 30, 1990, in the omnibus appropriations act, sections 15, 16, and 17 of this act shall be null and void.

NEW SECTION. Sec. 19. The average basic rate of reimbursement to foster parents for children placed in their care often does not cover the total cost of care. Studies have identified that increasing rates is directly related to increasing the number of available foster homes and positively influences the decision of foster parents to provide care.

NEW SECTION. Sec. 20. If specific funding for the purposes of section 19 of this act, referencing section 19 of this act by bill and section number, is not provided by June 30, 1990, in the omnibus appropriations act, section 19 of this act shall be null and void.

NEW SECTION. Sec. 21. Private child placement agencies offer a valuable service to the state. Caseloads are limited to no more than twenty-five per caseworker allowing the agencies to provide quality services. Child placement agencies are funded by a variety of public and private sources. Over the last several years, administration costs have risen in both public and private agencies.

NEW SECTION. Sec. 22. If specific funding for the purposes of section 21 of this act, referencing section 21 of this act by bill and section number, is not provided by June 30, 1990, in the omnibus appropriations act, section 21 of this act shall be null and void.

NEW SECTION. Sec. 23. Foster parents are responsible for the protection, care, supervision, and nurturing of the child in placement. As an integral part of the foster care team, foster parents shall, if appropriate and they desire to: Participate in the development of the service plan for the child and the child's family; assist in family visitation, including monitoring; and model effective parenting behavior for the natural family.

NEW SECTION. Sec. 24. A new section is added to chapter 13.32A RCW to read as follows:

In an attempt to minimize the inherent intrusion in the lives of families involved in the foster care system and to maintain parental authority where appropriate, the department, absent good cause, shall follow the wishes of the natural parent regarding the placement of the child. Preferences such as family constellation, ethnicity, and religion shall be given consideration when matching children to foster homes. Parental authority is appropriate

in areas that are not connected with the abuse or neglect that resulted in the dependency and should be integrated through the foster care team.

NEW SECTION. Sec. 25. A new section is added to chapter 13.34 RCW to read as follows:

In an attempt to minimize the inherent intrusion in the lives of families involved in the foster care system and to maintain parental authority where appropriate, the department, absent good cause, shall follow the wishes of the natural parent regarding the placement of the child. Preferences such as family constellation, ethnicity, and religion shall be given consideration when matching children to foster homes. Parental authority is appropriate in areas that are not connected with the abuse or neglect that resulted in the dependency and should be integrated through the foster care team.

NEW SECTION. Sec. 26. Sections 1, 2, 4, 6, 8, 10 through 13, 15, and 16 of this act are each added to chapter 74.13 RCW.

NEW SECTION. Sec. 27. This act shall take effect July 1, 1990, however the secretary may immediately take any steps necessary to ensure implementation of section 17 of this act on July 1, 1990.

NEW SECTION. Sec. 28. The legislature recognizes the unique liability risks that foster parents face in taking children into their care and that foster parents often cannot obtain liability protection through private insurance carriers. The legislature finds that some potential foster parents are unwilling to subject themselves to such liability without insurance protection. The legislature further finds that to encourage those people to serve as foster parents, it is necessary to increase the liability protection available to foster parents.

Sec. 29. Section 7, chapter 159, Laws of 1963 as last amended by section 4, chapter 419, Laws of 1989 and RCW 4.92.130 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, and foster parents licensed under chapter 74.15 RCW.

(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) 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) 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) 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) 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) 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.

NEW SECTION. Sec. 30. If specific funding for the purpose of sections 28 and 29 of this act, referencing sections 28 and 29 of this act by bill and section numbers, is not provided by June 30, 1990, in the omnibus appropriations act, sections 28 and 29 of this act shall be null and void.

Sec. 31. Section 30, chapter 291, Laws of 1977 ex. sess. as amended by section 2, chapter 524, Laws of 1987 and RCW 13.34.020 are each amended to read as follows:

The legislature declares that the family unit is a fundamental resource of American life which should be nurtured. Toward the continuance of this principle, the legislature declares that the family unit should remain intact unless a child's right to conditions of basic nurture, health, or safety is jeopardized. When the rights of basic nurture, physical and mental health, and safety of the child and the legal rights of the parents are in conflict, the rights and safety of the child should prevail. The right of a child to basic

nurturing includes the right to a safe, stable, and permanent home and a speedy resolution of any proceeding under this chapter.

Sec. 32. Section 17, chapter 17, Laws of 1989 1st ex. sess. and RCW 13.34.130 are each amended to read as follows:

If, after a fact-finding hearing pursuant to RCW 13.34.110, as now or hereafter amended, it has been proven by a preponderance of the evidence that the child is dependent within the meaning of RCW 13.34.030(2); after consideration of the predisposition report prepared pursuant to RCW 13.34.110 and after a disposition hearing has been held pursuant to RCW 13.34.110, the court shall enter an order of disposition pursuant to this section.

(1) The court shall order one of the following dispositions of the case:

(a) Order a disposition other than removal of the child from his or her home, which shall provide a program designed to alleviate the immediate danger to the child, to mitigate or cure any damage the child has already suffered, and to aid the parents so that the child will not be endangered in the future. In selecting a program, the court should choose those services that least interfere with family autonomy, provided that the services are adequate to protect the child.

(b) Order that the child be removed from his or her home and ordered into the custody, control, and care of a relative or the department of social and health services or a licensed child placing agency for placement in a foster family home or group care facility licensed pursuant to chapter 74.15 RCW or in a home not required to be licensed pursuant to chapter 74.15 RCW. Unless there is reasonable cause to believe that the safety or welfare of the child would be jeopardized or that efforts to reunite the parent and child will be hindered, such child shall be placed with a grandparent, brother, sister, stepbrother, stepsister, uncle, aunt, or first cousin with whom the child has a relationship and is comfortable, and who is willing and available to care for the child. An order for out-of-home placement may be made only if the court finds that reasonable efforts have been made to prevent or eliminate the need for removal of the child from the child's home and to make it possible for the child to return home and that:

(i) There is no parent or guardian available to care for such child;

~~(ii) ((The child is unwilling to reside in the custody of the child's parent, guardian, or legal custodian;~~

~~(iii)))~~ The parent, guardian, or legal custodian is not willing to take custody of the child;

~~((iv)))~~ ~~(iii)~~ A manifest danger exists that the child will suffer serious abuse or neglect if the child is not removed from the home and an order under RCW 26.44.063 would not protect the child from danger; or

~~((v)))~~ ~~(iv)~~ The extent of the child's disability is such that the parent, guardian, or legal custodian is unable to provide the necessary care for the child and the parent, guardian, or legal custodian has determined that the child would benefit from placement outside of the home.

(2) If the court has ordered a child removed from his or her home pursuant to RCW 13.34.130(1)(b), the court may order that a petition seeking termination of the parent and child relationship be filed if the court finds it is recommended by the supervising agency, that it is in the best interests of the child and that it is not reasonable to provide further services to reunify the family because the existence of aggravated circumstances make it unlikely that services will effectuate the return of the child to the child's parents in the near future. In determining whether aggravated circumstances exist, the court shall consider one or more of the following:

(a) Conviction of the parent of rape of the child in the first, second, or third degree as defined in RCW 9A.44.073, 9A.44.076, and 9A.44.079;

(b) Conviction of the parent of criminal mistreatment of the child in the first or second degree as defined in RCW 9A.42.020 and 9A.42.030;

(c) Conviction of the parent of assault of the child in the first or second degree as defined in RCW 9A.36.011 and 9A.36.021;

(d) Conviction of the parent of murder, manslaughter, or homicide by abuse of the child's other parent, sibling, or another child;

(e) A finding by a court that a parent is a sexually violent predator as defined in section 904, chapter —, Laws of 1990 (Engrossed Second Substitute Senate Bill No. 6259);

(f) Failure of the parent to complete available treatment ordered under this chapter or the equivalent laws of another state, where such failure has resulted in a prior termination of parental rights to another child and the parent has failed to effect significant change in the interim.

(3) Whenever a child is ordered removed from the child's home, the agency charged with his or her care shall provide the court with:

(a) A permanent plan of care that may include one of the following: Return of the child to the home of the child's parent, adoption, guardianship, or long-term placement with a relative or in foster care with a written agreement.

(b) Unless the court has ordered, pursuant to RCW 13.34.130(2), that a termination petition be filed, a specific plan as to where the child will be placed, what steps will be taken to return the child home, and what actions the agency will take to maintain parent-child ties. All aspects of the plan shall include the goal of achieving permanence for the child.

~~((a))~~ (i) The agency plan shall specify what services the parents will be offered in order to enable them to resume custody, what requirements the parents must meet in order to resume custody, and a time limit for each service plan and parental requirement.

~~((b))~~ (ii) The agency shall be required to encourage the maximum parent-child contact possible, including regular visitation and participation by the parents in the care of the child while the child is in placement.

~~((c))~~ (iii) A child shall be placed as close to the child's home as possible, preferably in the child's own neighborhood, unless the court finds that

placement at a greater distance is necessary to promote the child's or parents' well-being.

~~((4))~~ (iv) The agency charged with supervising a child in placement shall provide all reasonable services that are available within the agency, or within the community, or those services which the department of social and health services has existing contracts to purchase. It shall report to the court if it is unable to provide such services.

(c) If the court has ordered, pursuant to RCW 13.34.130(2), that a termination petition be filed, a specific plan as to where the child will be placed, what steps will be taken to achieve permanency for the child, services to be offered or provided to the child, and, if visitation would be in the best interests of the child, a recommendation to the court regarding visitation between parent and child pending a fact-finding hearing on the termination petition. The agency shall not be required to develop a plan of services for the parents or provide services to the parents.

~~((3))~~ (4) If there is insufficient information at the time of the disposition hearing upon which to base a determination regarding the suitability of a proposed placement with a relative, the child shall remain in foster care and the court shall direct the supervising agency to conduct necessary background investigations as provided in chapter 74.15 RCW and report the results of such investigation to the court within thirty days. However, if such relative appears otherwise suitable and competent to provide care and treatment, the criminal history background check need not be completed before placement, but as soon as possible after placement. Any placements with relatives, pursuant to this section, shall be contingent upon cooperation by the relative with the agency case plan and compliance with court orders related to the care and supervision of the child including, but not limited to, court orders regarding parent-child contacts and any other conditions imposed by the court. Noncompliance with the case plan or court order shall be grounds for removal of the child from the relative's home, subject to review by the court.

~~((4))~~ (5) The status of all children found to be dependent shall be reviewed by the court at least every six months from the beginning date of the placement episode or the date dependency is established, whichever is first, at a hearing in which it shall be determined whether court supervision should continue. The review shall include findings regarding the agency and parental completion of disposition plan requirements, and if necessary, revised permanency time limits.

(a) A child shall not be returned home at the review hearing unless the court finds that a reason for removal as set forth in this section no longer exists. The parents, guardian, or legal custodian shall report to the court the efforts they have made to correct the conditions which led to removal. If a child is returned, casework supervision shall continue for a period of six

months, at which time there shall be a hearing on the need for continued intervention.

(b) If the child is not returned home, the court shall establish in writing:

(i) Whether reasonable services have been provided to or offered to the parties to facilitate reunion;

(ii) Whether the child has been placed in the least-restrictive setting appropriate to the child's needs, including whether consideration has been given to placement with the child's relatives;

(iii) Whether there is a continuing need for placement and whether the placement is appropriate;

(iv) Whether there has been compliance with the case plan by the child, the child's parents, and the agency supervising the placement;

(v) Whether progress has been made toward correcting the problems that necessitated the child's placement in out-of-home care;

(vi) Whether the parents have visited the child and any reasons why visitation has not occurred or has been infrequent;

(vii) Whether additional services are needed to facilitate the return of the child to the child's parents; if so, the court shall order that reasonable services be offered; and

(viii) The projected date by which the child will be returned home or other permanent plan of care will be implemented.

(c) The court at the review hearing may order that a petition seeking termination of the parent and child relationship be filed.

Sec. 33. Section 47, chapter 291, Laws of 1977 ex. sess. as amended by section 48, chapter 155, Laws of 1979 and RCW 13.34.190 are each amended to read as follows:

After hearings pursuant to RCW 13.34.110, the court may enter an order terminating all parental rights to a child if the court finds that:

(1) ~~((a))~~ The allegations contained in the petition as provided in RCW 13.34.180 (1) through (6) are established by clear, cogent, and convincing evidence; or ~~((b))~~

(2) RCW 13.34.180 (3) and (4) may be waived because the allegations under RCW 13.34.180 (1), (2), ~~((4))~~ (5), and (6) are established beyond a reasonable doubt; or (c) the allegation under RCW 13.34.180(7) is established beyond a reasonable doubt. In determining whether RCW 13.34.180 (5) and (6) are established beyond a reasonable doubt, the court shall consider one or more of the following:

(a) Conviction of the parent of rape of the child in the first, second, or third degree as defined in RCW 9A.44.073, 9A.44.076, and 9A.44.079;

(b) Conviction of the parent of criminal mistreatment of the child in the first or second degree as defined in RCW 9A.42.020 or 9A.42.030;

(c) Conviction of the parent of assault of the child in the first or second degree as defined in RCW 9A.36.011 and 9A.36.021;

(d) Conviction of the parent of murder, manslaughter, or homicide by abuse of the child's other parent, sibling, or another child;

(e) A finding by a court that a parent is a sexually violent predator as defined in section 904, chapter —, Laws of 1990 (Engrossed Second Substitute Senate Bill No. 6259);

(f) Failure of the parent to complete available treatment ordered under this chapter or the equivalent laws of another state, where such failure has resulted in a prior termination of parental rights to another child and the parent has failed to effect significant change in the interim; and

~~((2))~~ (3) Such an order is in the best interests of the child.

NEW SECTION. Sec. 34. If specific funding for the purposes of sections 31 through 33 of this act, referencing this act by bill and section number, is not provided by June 30, 1990, in the omnibus appropriations act, sections 31 through 33 of this act shall be null and void.

Sec. 35. Section 5, chapter 291, Laws of 1977 ex. sess. as amended by section 4, chapter 155, Laws of 1979 and RCW 13.04.033 are each amended to read as follows:

(1) Any person aggrieved by a final order of the court may appeal the order as provided by this section. All appeals in matters other than those related to commission of a juvenile offense shall be taken in the same manner as in other civil cases. Except as otherwise provided in this title, all appeals in matters related to the commission of a juvenile offense shall be taken in the same manner as criminal cases and the right to collateral relief shall be the same as in criminal cases. The order of the juvenile court shall stand pending the disposition of the appeal: PROVIDED, That the court or the appellate court may upon application stay the order.

(2) If the final order from which an appeal is taken grants the custody of the child to, or withholds it from, any of the parties, or if the child is committed as provided under this chapter, the appeal shall be given priority in hearing.

(3) In the absence of a specific direction from the party seeking review to file the notice, or the court-appointed guardian ad litem, the court may dismiss the review pursuant to RAP 18.9. To the extent that this enactment conflicts with the requirements of RAP 5.3(a) or RAP 5.3(b) this enactment shall supersede the conflicting rule.

Passed the Senate March 8, 1990.

Passed the House March 8, 1990.

Approved by the Governor March 29, 1990.

Filed in Office of Secretary of State March 29, 1990.

CHAPTER 285

[House Bill No. 2602]

ADOPTION

AN ACT Relating to adoption; amending RCW 74.04.005, 26.33.020, 74.13.109, and 74.13.130; adding a new section to chapter 26.33 RCW; adding a new section to chapter 74.13 RCW; and creating new sections.

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

NEW SECTION. Sec. 1. (1) The legislature finds that each year less than five percent of pregnant teens relinquish their babies for adoption in Washington state. Nationally, fewer than eight percent of pregnant teens relinquish their babies for adoption.

(2) The legislature further finds that barriers such as lack of information about adoption, inability to voluntarily enter into adoption agreements, and current state public assistance policies act as disincentives to adoption.

(3) It is the purpose of this act to support adoption as an option for women with unintended pregnancies by removing barriers that act as disincentives to adoption.

Sec. 2. Section 816, chapter 9, Laws of 1989 1st ex. sess. and RCW 74.04.005 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 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 remain otherwise eligible and who are not eligible to receive benefits under the federal aid to families with dependent children program shall not have their benefits terminated until six weeks following the birth of the recipient's child.

(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 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, but the recipient must sign an agreement to dispose of the property and repay assistance payments made to the date of disposition of the property which would not have been made had the disposal occurred at the beginning of the period for which the payments of such assistance were made. In no event shall such amount due the state exceed the net proceeds otherwise available to the recipient from the disposition, unless after nine months from the date of the agreement the property has not been sold, or if the recipient's eligibility for financial assistance ceases for any other reason. In these two instances the entire amount of assistance paid during this period will be treated as an overpayment and a debt due the state, and may be recovered pursuant to RCW 43.20B.630.

(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.

***Sec. 3. Section 2, chapter 155, Laws of 1984 and RCW 26.33.020 are each amended to read as follows:**

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

(1) "Alleged father" means a person whose parent-child relationship has not been terminated, who is not a presumed father under chapter 26.26 RCW, and who alleges himself or whom a party alleges to be the father of the child. It includes a person whose marriage to the mother was terminated more than three hundred days before the birth of the child or who was separated from the mother more than three hundred days before the birth of the child.

(2) "Child" means a person under eighteen years of age.

(3) "Adoptee" means a person who is to be adopted or who has been adopted.

(4) "Adoptive parent" means the person or persons who seek to adopt or have adopted an adoptee.

(5) "Court" means the superior court.

(6) "Department" means the department of social and health services.

(7) "Agency" means any public or private association, corporation, or individual licensed or certified by the department as a child placing agency under chapter 74.15 RCW or as an adoption agency.

(8) "Parent" means the natural or adoptive mother or father of a child, including a presumed father under chapter 26.26 RCW. It does not include

any person whose parent-child relationship has been terminated by a court of competent jurisdiction.

(9) "Legal guardian" means the department, an agency, or a person, other than a parent or stepparent, appointed by the court to promote the child's general welfare, with the authority and duty to make decisions affecting the child's development.

(10) "Guardian ad litem" means a person, not related to a party to the action, appointed by the court to represent the best interests of a party who is under a legal disability.

(11) "Relinquish or relinquishment" means the voluntary surrender of custody of a child to the department, an agency, or prospective adoptive parents.

(12) "Birth parent" means the biological mother or father of a child, including a presumed father under chapter 26.26 RCW, if the parent-child relationship has been terminated by a court of competent jurisdiction. "Birth parent" does not include a biological mother or biological or alleged father, including a presumed father under chapter 26.26 RCW, if the parent-child relationship was terminated because of a conviction of rape of a child in the first, second, or third degree or child molestation in the first, second, or third degree as defined in chapter 9A.44 RCW.

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

NEW SECTION. Sec. 4. A new section is added to chapter 26.33 RCW to read as follows:

(1) Nothing in this chapter shall be construed to prohibit the parties to a proceeding under this chapter from entering into agreements regarding communication with or contact between child adoptees, adoptive parents, and a birth parent or parents.

(2) Agreements regarding communication with or contact between child adoptees, adoptive parents, and a birth parent or parents shall not be legally enforceable unless the terms of the agreement are set forth in a written court order entered in accordance with the provisions of this section. The court shall not enter a proposed order unless the terms of such order have been approved in writing by the prospective adoptive parents, any birth parent whose parental rights have not previously been terminated, and, if the child is in the custody of the department or a licensed child-placing agency, a representative of the department or child-placing agency. If the child is represented by an attorney or guardian ad litem in a proceeding under this chapter or in any other child-custody proceeding, the terms of the proposed order also must be approved in writing by the child's representative. An agreement under this section need not disclose the identity of the parties to be legally enforceable. The court shall not enter a proposed order unless the court finds that the communication or contact between the child adoptee, the adoptive parents, and a birth parent or parents as agreed

upon and as set forth in the proposed order, would be in the child adoptee's best interests.

(3) Failure to comply with the terms of an agreed order regarding communication or contact that has been entered by the court pursuant to this section shall not be grounds for setting aside an adoption decree or revocation of a written consent to an adoption after that consent has been approved by the court as provided in this chapter.

(4) An agreed order entered pursuant to this section may be enforced by a civil action and the prevailing party in that action may be awarded, as part of the costs of the action, a reasonable amount to be fixed by the court as attorneys' fees. The court shall not modify an agreed order under this section unless it finds that the modification is necessary to serve the best interests of the child adoptee, and that: (a) The modification is agreed to by the adoptive parent and the birth parent or parents; or (b) exceptional circumstances have arisen since the agreed order was entered that justify modification of the order.

NEW SECTION. Sec. 5. A new section is added to chapter 74.13 RCW to read as follows:

(1) The department of social and health services shall establish, within funds appropriated for the purpose, a reconsideration program to provide medical and counseling services through the adoption support program for children of families who apply for services after the adoption is final. Families requesting services through the program shall provide any information requested by the department for the purpose of processing the family's application for services.

(2) A child meeting the eligibility criteria for registration with the program is one who:

(a) Was residing in foster care funded by the department immediately prior to the adoptive placement;

(b) Had a physical or mental handicap or emotional disturbance that existed and was documented prior to the adoption; and

(c) Resides in the state of Washington with an adoptive parent who lacks the necessary financial means to care for the child's special need.

(3) If a family is accepted for registration and meets the criteria in subsection (2) of this section, the department may enter into an agreement for services. Prior to entering into an agreement for services through the program, the medical needs of the child must be reviewed and approved by the department's office of personal health services.

(4) Any services provided pursuant to an agreement between a family and the department shall be met from the department's medical program. Such services shall be limited to:

(a) Services provided after finalization of an agreement between a family and the department pursuant to this section;

(b) Services not covered by the family's insurance or other available assistance; and

(c) Services related to the eligible child's identified physical or mental handicap or emotional disturbance that existed prior to the adoption.

(5) Any payment by the department for services provided pursuant to an agreement shall be made directly to the physician or provider of services according to the department's established procedures.

(6) The total costs payable by the department for services provided pursuant to an agreement shall not exceed twenty thousand dollars per child.

NEW SECTION. Sec. 6. The department of social and health services shall report to the 1991 legislature regarding the applications for the program established under section 5 of this act. The report shall contain information regarding the requests for financial assistance, both those that qualify and those that do not, and shall include the estimated cost for providing the services requested.

Sec. 7. Section 4, chapter 63, Laws of 1971 ex. sess. as last amended by section 135, chapter 7, Laws of 1985 and RCW 74.13.109 are each amended to read as follows:

The secretary shall issue rules and regulations to assist in the administration of the program of adoption support authorized by RCW 26.33.320 and 74.13.100 through 74.13.145.

Disbursements from the appropriations available from the general fund shall be made pursuant to such rules and regulations and pursuant to agreements conforming thereto to be made by the secretary with parents for the purpose of supporting the adoption of children in, or likely to be placed in, foster homes or child caring institutions who are found by the secretary to be difficult to place in adoption because of physical or other reasons; including, but not limited to, physical or mental handicap, emotional disturbance, ethnic background, language, race, color, age, or sibling grouping.

Such agreements shall meet the following criteria:

(1) The child whose adoption is to be supported pursuant to such agreement shall be or have been a child hard to place in adoption.

(2) Such agreement must relate to a child who was or is residing in a foster home or child-caring institution or a child who, in the judgment of the secretary, is both eligible for, and likely to be placed in, either a foster home or a child-caring institution.

(3) Such agreement shall provide that adoption support shall not continue beyond the time that the adopted child reaches eighteen years of age, becomes emancipated, dies, or otherwise ceases to need support, provided that if the secretary shall find that continuing dependency of such child after such child reaches eighteen years of age warrants the continuation of support pursuant to RCW 26.33.320 and 74.13.100 through 74.13.145 the secretary may do so, subject to all the provisions of RCW 26.33.320 and

74.13.100 through 74.13.145, including annual review of the amount of such support.

(4) Any prospective parent who is to be a party to such agreement shall be a person who ~~(, while having)~~ has the character, judgment, sense of responsibility, and disposition which make him or her suitable as an adoptive parent of such child ~~(, lacks the financial means fully to care for such hard-to-place child))~~.

Sec. 8. Section 11, chapter 63, Laws of 1971 ex. sess. as last amended by section 142, chapter 7, Laws of 1985 and RCW 74.13.130 are each amended to read as follows:

~~(If the secretary determines that a prospective adoptive parent or parents cannot, because of limited financial means, pay the cost or the full cost of an adoption proceeding for the adoption of a hard to place child who would be eligible for support under RCW 26.33.320 and 74.13.100 through 74.13.145, the secretary may authorize the payment from the appropriations available from the general fund of all or part a reasonable attorney's fee to be determined by the superior court hearing the adoption and court costs. The clerk of the court shall furnish the secretary with a certified copy of the decree of adoption containing the finding as to such attorney's fee.~~

In evaluating any such prospective parent's ability to pay the secretary may use the same criteria for evaluating ability to pay which are to be used by him in waiving, reducing, or deferring fees pursuant to RCW 74.13.103 plus the burdens likely to be assumed by such parent even after adoption support is provided pursuant to RCW 26.33.320 and 74.13.100 through 74.13.145)) The secretary may authorize the payment, from the appropriations available from the general fund, of all or part of the nonrecurring adoption expenses incurred by a prospective parent. "Nonrecurring adoption expenses" means those expenses incurred by a prospective parent in connection with the adoption of a difficult to place child including, but not limited to, attorneys' fees, court costs, and agency fees. Payment shall be made in accordance with rules adopted by the department.

This section shall have retroactive application to January 1, 1987. For purposes of retroactive application, the secretary may provide reimbursement to any parent who adopted a difficult to place child between January 1, 1987, and one year following the effective date of this act, regardless of whether the parent had previously entered into an adoption support agreement with the department.

NEW SECTION. Sec. 9. If specific funding for the purposes of this act, referencing this act by bill number, is not provided by June 30, 1990, in the omnibus appropriations act, this act shall be null and void.

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.

Passed the House March 8, 1990.

Passed the Senate March 8, 1990.

Approved by the Governor March 29, 1990, with the exception of certain items which were vetoed.

Filed in Office of Secretary of State March 29, 1990.

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

"I am returning herewith, without my approval as to section 3, Engrossed House Bill No. 2602 entitled:

"AN ACT Relating to adoption."

Section 3 of Engrossed House Bill No. 2602 defines "birth parent" for the purposes of adoption statutes. This definition is in conflict with section 1 of Substitute Senate Bill No. 6494 which has already been enacted. Because the definition in that measure is more inclusive and contains additional changes to existing law, I have vetoed section 3 of this bill.

With the exception of section 3, Engrossed House Bill No. 2602 is approved."

CHAPTER 286

[House Bill No. 2413]

MATHEMATICS, ENGINEERING, AND SCIENCE—MIDDLE AND JUNIOR HIGH SCHOOL PARTICIPATION

AN ACT Relating to educational opportunities; amending RCW 28A.03.432; and creating a new section.

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

Sec. 1. Section 2, chapter 265, Laws of 1984 as amended by section 2, chapter 66, Laws of 1989 and RCW 28A.03.432 are each amended to read as follows:

A program to increase the number of people from groups underrepresented in the fields of mathematics, engineering, and the physical sciences in this state shall be established by the University of Washington. The program shall be administered through the University of Washington and designed to:

(1) Encourage students in the targeted groups in the common schools, with a particular emphasis on those students in middle and junior high schools and the ~~((ninth))~~ sixth through twelfth grades, to acquire the academic skills needed to study mathematics, engineering, or related sciences at an institution of higher education;

(2) Promote the awareness of career opportunities including the career opportunities of teaching in the fields of science and mathematics and the skills necessary to achieve those opportunities among students sufficiently early in their educational careers to permit and encourage the students to acquire the skills;

(3) Promote cooperation among institutions of higher education, the superintendent of public instruction and local school districts in working towards the goals of the program; and

(4) Solicit contributions of time and resources from public and private institutions of higher education, high schools, middle and junior high schools, and private business and industry.

NEW SECTION. Sec. 2. If specific funding for the purposes of this act, referencing this act by bill number, is not provided by June 30, 1990, in the omnibus appropriations act, this act shall be null and void.

Passed the House March 8, 1990.

Passed the Senate March 7, 1990.

Approved by the Governor March 29, 1990.

Filed in Office of Secretary of State March 29, 1990.

CHAPTER 287

[Substitute House Bill No. 2831]

AMERICAN INDIAN ENDOWED SCHOLARSHIP PROGRAM

AN ACT Relating to matching grants for higher education scholarships; adding a new chapter to Title 28B RCW; and creating a new section.

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

NEW SECTION. Sec. 1. The legislature recognizes the benefit to our state and nation of providing equal educational opportunities for all races and nationalities. The legislature finds that American Indian students are underrepresented in Washington's colleges and universities. The legislature also finds that past discriminatory practices have resulted in this underrepresentation. Creating an endowed scholarship program to help American Indian students obtain a higher education will help to rectify past discrimination by providing a means and an incentive for American Indian students to pursue a higher education. The state will benefit from contributions made by American Indians who participate in a program of higher education.

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

(1) "Institution of higher education" or "institution" means a college or university in the state of Washington which is accredited by an accrediting association recognized as such by rule of the higher education coordinating board.

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

(3) "Eligible student" or "student" means an American Indian student as defined by the board in consultation with the advisory committee described in section 4 of this act, who is a financially needy student, as defined in RCW 28B.10.802, who is a resident student, as defined by RCW

28B.15.012(2), who is a full-time student at an institution of higher education, and who promises to use his or her education to benefit other American Indians.

NEW SECTION. Sec. 3. The American Indian endowed scholarship program is created. The program shall be administered by the higher education coordinating board. In administering the program, the board's powers and duties shall include but not be limited to:

(1) Selecting students to receive scholarships, with the assistance of a screening committee composed of persons involved in helping American Indian students to obtain a higher education. The membership of the committee may include, but is not limited to representatives of: Indian tribes, urban Indians, the governor's office of Indian affairs, the Washington state Indian education association, and institutions of higher education;

(2) Adopting necessary rules and guidelines;

(3) Publicizing the program;

(4) Accepting and depositing donations into the endowment fund created in section 7 of this act;

(5) Requesting and accepting from the state treasurer moneys earned from the trust fund and the endowment fund created in sections 6 and 7 of this act;

(6) Soliciting and accepting grants and donations from public and private sources for the program; and

(7) Naming scholarships in honor of those American Indians from Washington who have acted as role models.

NEW SECTION. Sec. 4. The higher education coordinating board shall establish an advisory committee to assist in program design and to develop criteria for the screening and selection of scholarship recipients. The committee shall be composed of representatives of the same groups as the screening committee described in section 3 of this act. These criteria shall include a priority for upper-division or graduate students. The criteria may include a priority for students who are majoring in program areas in which expertise is needed by the state's American Indians.

NEW SECTION. Sec. 5. The board may award scholarships to eligible students from moneys earned from the endowment fund created in section 7 of this act, or from funds appropriated to the board for this purpose, or from any private donations, or from any other funds given to the board for this program. For an undergraduate student, the amount of the scholarship shall not exceed the student's demonstrated financial need. For a graduate student, the amount of the scholarship shall not exceed the student's demonstrated need; or the stipend of a teaching assistant, including tuition, at the University of Washington; whichever is higher. In calculating a student's need, the board shall consider the student's costs for tuition, fees, books, supplies, transportation, room, board, personal expenses, and child

care. The student's scholarship awarded under this chapter shall not exceed the amount received by a student attending a state research university. A student is eligible to receive a scholarship for a maximum of five years. However, the length of the scholarship shall be determined at the discretion of the board.

NEW SECTION. Sec. 6. 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 section 8 of this act 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.

NEW SECTION. Sec. 7. 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 section 5 of this act.

NEW SECTION. Sec. 8. The higher education coordinating board may request that the treasurer deposit five hundred thousand dollars of state matching funds into the American Indian scholarship endowment fund when the board can match the state funds with an equal amount of private cash donations. Private donations means moneys from nonstate sources that include, but are not limited to, federal moneys, tribal moneys, and assessments by commodity commissions authorized to conduct research activities, including but not limited to research studies authorized under RCW 15.66-.030 and 15.65.040.

NEW SECTION. Sec. 9. Sections 1 through 8 of this act shall constitute a new chapter in Title 28B RCW.

****NEW SECTION. Sec. 10. If specific funding for the purposes of this act, referencing this act by bill number, is not provided by June 30, 1990, in the omnibus appropriations act, this act shall be null and void.***

*Sec. 10 was vetoed, see message at end of chapter.

Passed the House March 3, 1990.

Passed the Senate February 28, 1990.

Approved by the Governor March 29, 1990, with the exception of certain items which were vetoed.

Filed in Office of Secretary of State March 29, 1990.

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

"I am returning herewith, without my approval as to section 10, Engrossed Substitute House Bill No. 2831 entitled:

"AN ACT Relating to matching grants for higher education scholarships."

This bill creates an endowed scholarship program to help American Indian students obtain a higher education. American Indians are the most under-represented ethnic minority group in higher education. Through this program, however, an educational opportunity can be made available to many American Indians who might not otherwise be able to attend and graduate from higher education institutions in the State of Washington.

Section 10 of this bill would nullify this act, if specific funding for its purposes is not provided in the 1990 Supplemental Budget. The veto of this section will allow the program to go into effect. Private cash donations could still be raised by the Higher Education Coordinating Board and members of the American Indian community should the Legislature not fund the program in the 1990 Supplemental Budget. The donations would be deposited into the American Indian Scholarship Endowment Fund, and the earnings from this fund would be available to provide scholarships for financially deserving American Indian students. For this reason, I have vetoed section 10 of this bill.

With the exception of section 10, Engrossed Substitute House Bill No. 2831 is approved."

CHAPTER 288

[Substitute Senate Bill No. 6626]

PLACEBOUND STUDENTS—EDUCATIONAL OPPORTUNITY

AN ACT Relating to higher education; adding a new section to chapter 28B.80 RCW; adding a new section to chapter 28B.10 RCW; adding a new chapter to Title 28B RCW; and repealing RCW 28B.80.530 and 28B.80.540.

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

NEW SECTION. Sec. 1. A new section is added to chapter 28B.80 RCW to read as follows:

The higher education coordinating board shall study upper division baccalaureate educational needs of placebound students, and the graduate educational needs of teachers, living in areas of the state not currently served by either existing four-year institutions or branch campuses. The study shall include recommendations on how the needs should be addressed, and which institutions should be responsible for serving specific areas.

NEW SECTION. Sec. 2. The legislature finds that many individuals in the state of Washington have attended college and received an associate of arts degree, or its equivalent, but are placebound.

The legislature intends to establish an educational opportunity grant program for placebound students who have completed an associate of arts degree, or its equivalent, in an effort to increase their participation in and completion of upper-division programs.

NEW SECTION. Sec. 3. The educational opportunity grant program is hereby created as a demonstration project to serve placebound financially needy students by assisting them to obtain a baccalaureate degree at public and private institutions of higher education which have the capacity to accommodate such students within existing educational programs and facilities.

NEW SECTION. Sec. 4. (1) For the purposes of this chapter, "placebound" means unable to relocate to complete a college program because of family or employment commitments, health concerns, monetary inability, or other similar factors.

(2) To be eligible for an educational opportunity grant, applicants must be placebound residents of the state of Washington who are needy students as defined in RCW 28B.10.802(3) and who have completed the associate of arts degree or its equivalent. A placebound resident is one who may be influenced by the receipt of an enhanced student financial aid award to attend an institution that has existing unused capacity rather than attend a branch campus established pursuant to chapter 28B.45 RCW. An eligible placebound applicant is further defined as a person whose residence is located in an area served by a branch campus who, because of family or employment commitments, health concerns, monetary need, or other similar factors, would be unable to complete an upper-division course of study but for receipt of an educational opportunity grant.

NEW SECTION. Sec. 5. The higher education coordinating board shall develop and administer the educational opportunity grant program. The board shall adopt necessary rules and guidelines and develop criteria and procedures to select eligible participants in the program. Payment shall be made directly to the eligible participant periodically upon verification of enrollment and satisfactory progress towards degree completion.

NEW SECTION. Sec. 6. Grants may be used by eligible participants to attend any public or private college or university in the state of Washington that has an existing unused capacity. Grants shall not be used to attend any branch campus or educational program established under chapter 28B.45 RCW. The participant shall not be eligible for a grant if it will be used for any programs that include religious worship, exercise, or instruction or to pursue a degree in theology. Each participating student

may receive up to two thousand five hundred dollars per academic year, not to exceed the student's demonstrated financial need for the course of study.

NEW SECTION. Sec. 7. A new section is added to chapter 28B.10 RCW to read as follows:

(1) Each institution of higher education with a commissioned police force shall report to the Washington association of sheriffs and police chiefs or its successor agency, on a monthly basis, crime statistics for the Washington state uniform crime report, in the format required by the Washington association of sheriffs and police chiefs, or its successor agency. Institutions of higher education which do not have commissioned police forces shall report crime statistics through appropriate local law enforcement agencies.

(2) Each institution of higher education shall publish and distribute a report which shall be updated annually and which shall include the crime statistics as reported under subsection (1) of this section for the most recent three-year period. Upon request, the institution shall provide the report to every person who submits an application for admission to either a main or branch campus, and to each new employee at the time of employment. In its acknowledgement of receipt of the formal application for admission, the institution shall notify the applicant of the availability of such information. The information also shall be provided on an annual basis to all students and employees. Institutions with more than one campus shall provide the required information on a campus-by-campus basis.

(3) Each institution of higher education shall provide to every new student and new employee, and upon request to other interested persons, information which follows the general categories for safety policies and procedures outlined in this section. Such categories shall, at a minimum, include campus enrollments, campus nonstudent workforce profile, the number and duties of campus security personnel, arrangements with state and local police, and policies on controlled substances. Information for the most recent academic year also shall include a description of any programs offered by an institution's student affairs or services department, and by student government organizations regarding crime prevention and counseling, including a directory of available services and appropriate telephone numbers and physical locations of these services. In addition, institutions maintaining student housing facilities shall include information detailing security policies and programs.

Institutions with a main campus and one or more branch campuses shall provide the information on a campus-by-campus basis.

In the case of community colleges, colleges shall provide such information to the main campuses only and shall provide reasonable alternative information at any off-campus centers and other affiliated college sites enrolling less than one hundred students.

(4) Each institution shall establish a task force which shall annually examine campus security and safety issues. The task force shall review the report published and distributed pursuant to this section in order to ensure the accuracy and effectiveness of the report, and make any suggestions for improvement. This task force shall include representation from the institution's administration, faculty, staff, recognized student organization, and police or security organization.

NEW SECTION. Sec. 8. Sections 2 through 6 of this act shall constitute a new chapter in Title 28B RCW.

NEW SECTION. Sec. 9. The following acts or parts of acts are each repealed:

- (1) Section 12, chapter 7, Laws of 1989 1st ex. sess. and RCW 28B-.80.530; and
- (2) Section 13, chapter 7, Laws of 1989 1st ex. sess. and RCW 28B-.80.540.

Passed the Senate March 8, 1990.

Passed the House March 8, 1990.

Approved by the Governor March 29, 1990.

Filed in Office of Secretary of State March 29, 1990.

CHAPTER 289

[Substitute Senate Bill No. 6326]

PUGET SOUND WATER QUALITY FIELD AGENTS PROGRAM

AN ACT Relating to Puget Sound water quality; adding new sections to Title 28B RCW; and creating new sections.

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

NEW SECTION. Sec. 1. DEFINITIONS. As used in this act the following definitions apply:

- (1) "Sea grant" means the Washington state sea grant program.
- (2) "Cooperative extension" means the cooperative extension service of Washington State University.

NEW SECTION. Sec. 2. LOCAL FIELD AGENTS. (1) The sea grant and cooperative extension shall jointly administer a program to provide field agents to work with local governments, property owners, and the general public to increase the propagation of shellfish, and to address Puget Sound water quality problems within Kitsap, Mason, and Jefferson counties that may limit shellfish propagation potential. The sea grant and cooperative extension shall each make available the services of no less than two agents within these counties for the purposes of this section.

(2) The responsibilities of the field agents shall include but not be limited to the following:

(a) Provide technical assistance to property owners, marine industry owners and operators, and others, regarding methods and practices to address nonpoint and point sources of pollution of Puget Sound;

(b) Provide technical assistance to address water quality problems limiting opportunities for enhancing the recreational harvest of shellfish;

(c) Provide technical assistance in the management and increased production of shellfish to facility operators or to those interested in establishing an operation;

(d) Assist local governments to develop and implement education and public involvement activities related to Puget Sound water quality;

(e) Assist in coordinating local water quality programs with region-wide and state-wide programs;

(f) Provide information and assistance to local watershed committees.

(3) The sea grant and cooperative extension shall mutually coordinate their field agent activities to avoid duplicative efforts and to ensure that the full range of responsibilities under sections 2 through 4 of this act are carried out. They shall consult with the Puget Sound water quality authority and ensure consistency with the authority's water quality management plan.

(4) Recognizing the special expertise of both agencies, the sea grant and cooperative extension shall cooperate to divide their activities as follows:

(a) Sea grant shall have primary responsibility to address water quality issues related to activities within Puget Sound, and to provide assistance regarding the management and improvement of shellfish production; and

(b) Cooperative extension shall have primary responsibility to address upland and freshwater activities affecting Puget Sound water quality and associated watersheds.

NEW SECTION. Sec. 3. MATCHING REQUIREMENTS. Sea grant and cooperative extension shall require a match from nonstate sources of at least twenty-five percent of the cost of the services provided, and not exceeding fifty percent of the cost. the match may be either monetary compensation or in-kind services, such as the provision for office space or clerical support. Only direct costs of providing the services, excluding costs of administrative overhead, may be included in the estimate of costs.

NEW SECTION. Sec. 4. PROGRAM REVIEW. By November 1, 1992, sea grant and cooperative extension shall jointly submit a report to the legislature that includes the activities of the program, an evaluation of the success in improving practices affecting Puget Sound water quality, and recommendations regarding whether the program should be expanded to other areas of Puget Sound. The report shall also recommend additional methods of increasing shellfish propagation, recreational harvesting of shellfish, and addressing of water quality conditions affecting shellfish within Kitsap, Mason, and Jefferson counties.

NEW SECTION. Sec. 5. If specific funding for the purposes of this act, referencing this act by bill number, is not provided by June 30, 1990, in the omnibus appropriations act, this act shall be null and void.

NEW SECTION. Sec. 6. Sections 1 through 4 of this act are each added to Title 28B RCW.

NEW SECTION. Sec. 7. CAPTIONS NOT LAW. Captions as used in this act constitute no part of the law.

Passed the Senate February 10, 1990.

Passed the House March 2, 1990.

Approved by the Governor March 29, 1990.

Filed in Office of Secretary of State March 29, 1990.

CHAPTER 290

[Substitute Senate Bill No. 6764]

LEARN-IN-LIBRARIES PROGRAM

AN ACT Relating to community support for education; 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 providing productive activities for children after school will protect children who would not otherwise be under the care and supervision of adults. The legislature further finds that after school activities in libraries will help children improve language and reading skills and promote social and intellectual growth. Positive alternatives to street life will be provided.

NEW SECTION. Sec. 2. (1) The learn-in-libraries program is hereby created. The state library commission shall administer the program.

(2) The state library commission may provide grants, with funds appropriated for that purpose, to local libraries to develop and implement learn-in-library programs that provide after school programs for children. Grant applicants shall be encouraged to develop programs that use older adult volunteers and other community volunteer resources. The programs shall be designed to increase literacy, improve reading skills, encourage reading, and provide homework assistance for school-age children who would otherwise be unsupervised. Applicants shall be encouraged to develop innovative models to provide services.

(3) The state library commission shall report to the legislature on the results of the program.

NEW SECTION. Sec. 3. The state library commission shall use no more than ten percent of appropriated dollars up to the maximum of fifty thousand dollars for administration of the grant approval process.

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, 1990, in the omnibus appropriations act, this act shall be null and void.

NEW SECTION. Sec. 5. Sections 1 and 2 of this act shall expire December 1, 1991.

Passed the Senate March 6, 1990.

Passed the House March 6, 1990.

Approved by the Governor March 29, 1990.

Filed in Office of Secretary of State March 29, 1990.

CHAPTER 291

[Second Substitute Senate Bill No. 5882]

RECKLESS DRIVING

AN ACT Relating to reckless, negligent, and inattentive driving; amending RCW 46.61-.500, 46.61.525, and 46.61.005; adding a new section to chapter 46.61 RCW; and prescribing penalties.

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

Sec. 1. Section 59, chapter 155, Laws of 1965 ex. sess. as last amended by section 85, chapter 136, Laws of 1979 ex. sess. and RCW 46.61.500 are each amended to read as follows:

(1) Any person who drives any vehicle in willful or wanton disregard for the safety of persons or property is guilty of reckless driving. Violation of the provisions of this section is a gross misdemeanor punishable by imprisonment of not more than one year and by a fine of not more than five thousand dollars.

(2) The license or permit to drive or any nonresident privilege of any person convicted of reckless driving shall be suspended by the department for not less than thirty days.

**Sec. 2. Section 46.56.030, chapter 12, Laws of 1961 as last amended by section 86, chapter 136, Laws of 1979 ex. sess. and RCW 46.61.525 are each amended to read as follows:*

It ~~((shall-be))~~ is unlawful for any person to operate a motor vehicle in this state in a negligent manner. For the purpose of this section to "operate in a negligent manner" ~~((shall-be construed to))~~ means the operation of a vehicle in such a manner as to endanger or be likely to endanger any persons or property: PROVIDED HOWEVER, That any person operating a motor vehicle on private property with the consent of the owner in a manner consistent with the owner's consent ~~((shall))~~ is not ~~((be))~~ guilty of negligent driving.

The offense of operating a vehicle in a negligent manner ~~((shall-be))~~ is considered to be a lesser offense than, but included in, the offense of operating a vehicle in a reckless manner, and any person charged with operating a

vehicle in a reckless manner may be convicted of the lesser offense of operating a vehicle in a negligent manner. Any person violating the provisions of this section (~~will be~~) is guilty of a misdemeanor(~~-PROVIDED, That~~). The director may not revoke any license under this section, and such offense is (~~not~~) punishable by imprisonment (~~or~~) not exceeding ninety days and by a fine not exceeding (~~two-hundred-fifty~~) one thousand dollars.

*Sec. 2 was vetoed, see message at end of chapter.

***NEW SECTION.** Sec. 3. A new section is added to chapter 46.61 RCW to read as follows:

It is a traffic infraction for a person to operate a motor vehicle in an inattentive manner. For the purposes of this section to "operate a motor vehicle in an inattentive manner" means the operation of a motor vehicle in a manner that evidences a lack of (1) that degree of attentiveness required to safely operate the vehicle under the prevailing conditions, including but not limited to the nature and condition of the roadway, presence of pedestrians, presence of other traffic, and weather conditions; or (2) that degree of attentiveness as will allow the driver of a motor vehicle to observe anything resting on or traveling on the roadway in time to take appropriate action as circumstances require.

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

Sec. 4. Section 1, chapter 155, Laws of 1965 ex. sess. and RCW 46.61.005 are each amended to read as follows:

The provisions of this chapter relating to the operation of vehicles refer exclusively to the operation of vehicles upon highways except:

- (1) Where a different place is specifically referred to in a given section.
- (2) The provisions of RCW 46.52.010 through 46.52.090 and 46.61.500 through (~~46.61.520~~) 46.61.525 shall apply upon highways and elsewhere throughout the state.

Passed the Senate February 13, 1990.

Passed the House March 2, 1990.

Approved by the Governor March 29, 1990, with the exception of certain items which were vetoed.

Filed in Office of Secretary of State March 29, 1990.

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

"I am returning herewith, without my approval as to sections 2 and 3, Engrossed Second Substitute Senate Bill No. 5882 entitled:

"AN ACT Relating to reckless, negligent, and inattentive driving."

Section 1 of this bill makes the crime of reckless driving a gross misdemeanor punishable by imprisonment of up to one year and by a fine of up to five thousand dollars. Increased penalties for this serious traffic offense should be a useful tool to prosecutors, police and judges.

Section 2 provides a 90-day maximum jail sentence for the less serious traffic offense of negligent driving. Currently, negligent driving is not punishable by imprisonment. While the overall intent of this bill is to provide judges with more options through increased penalties, this particular change fails to accomplish the intended

result. It is counterproductive to increase the penalty for negligent driving while at the same time trying to reduce the number of cases that are plea-bargained from DWI and reckless driving to negligent driving. Of additional concern is the drain on resources associated with this change. Emphasis must be placed on providing the jail space and law enforcement personnel to assure convictions and stiff sentences for our most serious criminal and traffic offenders. I encourage the Legislature, working together with local officials, to pursue comprehensive solutions for our criminal justice system.

Section 3 creates a new traffic infraction of inattentive driving. The definition of this new infraction potentially punishes behavior where no erratic driving is present and thus creates enforcement problems for the police. Existing specific violations are adequate and this infraction is unnecessary.

For the reasons stated, I have vetoed sections 2 and 3.

With the exception of sections 2 and 3, Engrossed Second Substitute Senate Bill No. 5882 is approved.*

CHAPTER 292

[Second Substitute Senate Bill No. 6832]

JUVENILE REHABILITATION SYSTEM STUDY

AN ACT Relating to the study of the juvenile rehabilitation system; and creating new sections.

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

NEW SECTION. Sec. 1. The legislature finds that states treat juvenile offenders in a variety of organizational settings that reflect differing approaches toward juvenile crimes. Some serve juvenile offenders solely through state-operated programs and others, like Washington, use a combination of state and county services. Juvenile rehabilitation programs can be located with adult corrections agencies, within human service agencies, or stand alone cabinet level agencies. A consensus does not exist in Washington state regarding location of juvenile rehabilitation services and no in-depth review of these services has been undertaken since January 1983. The legislature intends for an independent party to review the current juvenile rehabilitation system in Washington state and to recommend an organizational structure necessary to protect public safety and to provide effective rehabilitation services to juvenile offenders.

NEW SECTION. Sec. 2. The office of financial management shall conduct a juvenile rehabilitation study which shall:

- (1) Review the mission and goals of the juvenile rehabilitation system in Washington state;
- (2) Make recommendations regarding the roles of the division of juvenile rehabilitation and various juvenile justice agencies in meeting the mission of the juvenile system;
- (3) Review the division of juvenile rehabilitation's comprehensive program and facilities plan and make recommendations regarding its implementation; and

(4) Recommend organizational structures that would best protect public safety, meet the mission of the juvenile rehabilitation system, and make best use of various juvenile justice and criminal justice agencies in the state.

The office of financial management shall report its findings to the legislature by December 1, 1990.

NEW SECTION. Sec. 3. The office of financial management shall convene an advisory committee which shall include persons knowledgeable in the delivery of juvenile justice services including:

(1) The secretary of the department of social and health services or the secretary's designee;

(2) The secretary of the department of corrections or the secretary's designee;

(3) A representative of law enforcement agencies;

(4) A county legislative official or county executive;

(5) Two administrators of juvenile court services;

(6) A prosecuting attorney or deputy prosecuting attorney;

(7) A public defender actively practicing in juvenile court;

(8) A provider of community-based juvenile treatment services;

(9) Two members of the senate, one from each of the two largest caucuses, appointed by the president of the senate;

(10) Two members of the house of representatives, one from each of the two largest caucuses, appointed by the speaker of the house of representatives; and

(11) One representative from a citizen advisory group such as the Washington council on crime and delinquency.

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, 1990, in the omnibus appropriations act, this act shall be null and void.

Passed the Senate February 13, 1990.

Passed the House February 28, 1990.

Approved by the Governor March 29, 1990.

Filed in Office of Secretary of State March 29, 1990.

CHAPTER 293

[Senate Bill No. 6897]

DEPARTMENT OF TRANSPORTATION DISTRICT 1 HEADQUARTERS BONDS

AN ACT Relating to department of transportation facilities bonds; adding new sections to chapter 47.02 RCW; and declaring an emergency.

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

NEW SECTION. Sec. 1. For the purpose of providing funds for the acquisition of headquarters facilities for district 1 of the department of transportation and costs incidental thereto, together with all improvements

and equipment required to make the facilities suitable for the department's use, there shall be issued and sold upon the request of the Washington transportation commission a total of fifteen million dollars of general obligation bonds of the state of Washington.

NEW SECTION. Sec. 2. Authorized uses of proceeds from the sale of bonds authorized in sections 1 through 8 of this act include but are not limited to repayment to the motor vehicle fund for the loan from the motor vehicle fund to the transportation capital facilities account in the motor vehicle fund provided in the supplemental transportation budget for the initial financing of the headquarters facilities.

NEW SECTION. Sec. 3. Upon the request of the transportation commission, the state finance committee shall supervise and provide for the issuance, sale, and retirement of the bonds authorized by sections 1 through 8 of this act in accordance with chapter 39.42 RCW. Bonds authorized by sections 1 through 8 of this act 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. Except for the purpose of repaying the loan from the motor vehicle fund, 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 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. 4. The proceeds from the sale of bonds authorized by sections 1 through 8 of this act shall be available only for the purposes enumerated in sections 1 and 2 of this act; for the payment of bond anticipation notes, if any; and for the payment of bond issuance costs, including the costs of underwriting. Proceeds required to repay the motor vehicle fund loan shall be deposited in the motor vehicle fund and remaining proceeds shall be deposited in the transportation capital facilities account.

NEW SECTION. Sec. 5. Bonds issued under the authority of sections 1 through 8 of this act shall distinctly 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 such principal and interest as the same shall become due. The principal and interest on the bonds shall be first payable in the manner provided in sections 1 through 8 of this act from the proceeds of the state excise taxes on motor vehicle and special fuels imposed by chapters 82.36, 82.37, and 82.38 RCW. Proceeds of such excise taxes are hereby pledged to the payment of any bonds and the interest thereon issued under the authority of sections 1 through 8 of this act, and

the legislature agrees to continue to impose these excise taxes on motor vehicle and special fuels in amounts sufficient to pay, when due, the principal and interest on all bonds issued under the authority of sections 1 through 8 of this act.

NEW SECTION. Sec. 6. Both principal and interest on the bonds issued for the purposes of sections 1 through 8 of this act shall be payable from the highway bond retirement fund. The state finance committee may provide that a special account be created in the fund to facilitate payment of the principal and interest. The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount required for principal and interest on the bonds in accordance with the bond proceedings. The state treasurer shall withdraw revenues from the motor vehicle fund and deposit in the highway bond retirement fund, or a special account in the fund, such amounts, and at such times, as are required by the bond proceedings.

Any funds required for bond retirement or interest on the bonds authorized by sections 1 through 8 of this act shall be taken from that portion of the motor vehicle fund that results from the imposition of excise taxes on motor vehicle and special fuels and that is distributed to the state under RCW 46.68.130. Funds required shall never constitute a charge against any other allocations of motor vehicle fuel and special fuel tax revenues to the state, counties, cities, and towns unless the amount arising from excise taxes on motor vehicle and special fuels distributed to the state under RCW 46.68.130 proves insufficient to meet the requirements for bond retirement or interest on any such bonds.

NEW SECTION. Sec. 7. When the state treasurer transfers funds from the motor vehicle fund to the highway bond retirement fund to pay principal and interest on the bonds authorized by sections 1 through 8 of this act, the state treasurer shall at the same time reimburse the motor vehicle fund in an identical amount from the transportation capital facilities account. This obligation to reimburse the motor vehicle fund shall constitute a first and prior charge against the funds within and accruing to the transportation capital facilities account. All funds reimbursed to the motor vehicle fund shall be distributed to the state for expenditures authorized by RCW 46.68.130.

NEW SECTION. Sec. 8. Bonds issued under the authority of sections 1 through 7 of this act and this section and any other general obligation bonds of the state of Washington that have been or that may be authorized and that pledge motor vehicle and special fuels excise taxes for the payment of principal and interest thereon shall be an equal charge against the revenues from such motor vehicle and special fuels excise taxes.

NEW SECTION. Sec. 9. Sections 1 through 8 of this act are each added to chapter 47.02 RCW.

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 March 1, 1990.

Passed the House March 2, 1990.

Approved by the Governor March 29, 1990.

Filed in Office of Secretary of State March 29, 1990.

CHAPTER 294

[Substitute Senate Bill No. 6182]

FIRE PROTECTION DISTRICT SERVICE CHARGES

AN ACT Relating to fire protection district service charges; amending RCW 52.18.010, 52.18.020, 52.18.030, 52.18.040, 52.18.050, 52.18.060, 52.18.065, 52.18.070, and 52.18.080; adding a new section to chapter 52.18 RCW; and declaring an emergency.

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

Sec. 1. Section 1, chapter 126, Laws of 1974 ex. sess. as last amended by section 28, chapter 63, Laws of 1989 and RCW 52.18.010 are each amended to read as follows:

The board of fire commissioners of a fire protection district may by resolution, for fire protection district purposes authorized by law, fix and impose a ((service)) benefit charge on personal property and improvements to real property which are located within the fire protection district on the date specified and which have or will receive the benefits provided by the fire protection district, to be paid by the owners of the properties: PROVIDED, That a ((service)) benefit charge shall not apply to personal property and improvements to real property owned or used by any recognized religious denomination or religious organization as, or including, a sanctuary or for purposes related to the bona fide religious ministries of the denomination or religious organization, including schools and educational facilities used for kindergarten, primary, or secondary educational purposes or for institutions of higher education and all grounds and buildings related thereto, but not including personal property and improvements to real property owned or used by any recognized religious denomination or religious organization for business operations, profit-making enterprises, or activities not including use of a sanctuary or related to kindergarten, primary, or secondary educational purposes or for institutions of higher education. The aggregate amount of such ((service)) benefit charges in any one year

shall not exceed an amount equal to sixty percent of the operating budget for the year in which the ((service)) benefit charge is to be collected: PROVIDED, That it shall be the duty of the county legislative authority or authorities of the county or counties in which the fire protection district is located to make any necessary adjustments to assure compliance with such limitation and to immediately notify the board of fire commissioners of any changes thereof.

A ((service)) benefit charge imposed shall be reasonably proportioned to the measurable benefits to property resulting from the services afforded by the district. It is acceptable to apportion the ((service)) benefit charge to the values of the properties as found by the county assessor or assessors modified generally in the proportion that fire insurance rates are reduced or entitled to be reduced as the result of providing the services. Any other method that reasonably apportions the ((service)) benefit charges to the actual benefits resulting from the degree of protection, which may include but is not limited to the distance from regularly maintained fire protection equipment, the level of fire prevention services provided to the properties, or the need of the properties for specialized services, may be specified in the resolution and shall be subject to contest on the ground of unreasonable or capricious action or action in excess of the measurable benefits to the property resulting from services afforded by the district(~~(-PROVIDED, That a service))~~). The board of fire commissioners may determine that certain properties or types or classes of properties are not receiving measurable benefits based on criteria they establish by resolution. A benefit charge authorized by this chapter shall not be applicable to the personal property or improvements to real property of any individual, corporation, partnership, firm, organization, or association maintaining a fire department and whose fire protection and training system has been accepted by a fire insurance underwriter maintaining a fire protection engineering and inspection service authorized by the state insurance commissioner to do business in this state, but such property may be protected by the fire protection district under a contractual agreement.

Sec. 2. Section 2, chapter 126, Laws of 1974 ex. sess. as last amended by section 2, chapter 325, Laws of 1987 and RCW 52.18.020 are each amended to read as follows:

The term "personal property" for the purposes of this chapter shall include every form of tangible personal property, including but not limited to, all goods, chattels, stock in trade, estates, or crops: PROVIDED, That all personal property not assessed and subjected to ad valorem taxation ((by the county assessor)) under Title 84 RCW, ((and)) all property ((subject to)) under contract or for which the district is receiving payment for as authorized by RCW 52.30.020 and all property subject to the provisions of chapter 54.28 RCW, or all property that is subject to a contract for services with a fire protection district, shall be exempt from the ((service)) benefit

charge imposed under this chapter: PROVIDED FURTHER, That the term "personal property" shall not include any personal property used for farming, field crops, farm equipment(~~(;)~~) or livestock(~~(; or other tangible personal property, not ordinarily housed or stored within a building structure)~~); AND PROVIDED FURTHER, That the term "improvements to real property" shall not include permanent growing crops, field improvements installed for the purpose of aiding the growth of permanent crops, or other field improvements normally not subject to damage by fire.

Sec. 3. Section 3, chapter 126, Laws of 1974 ex. sess. as last amended by section 29, chapter 63, Laws of 1989 and RCW 52.18.030 are each amended to read as follows:

The resolution establishing ~~((service))~~ benefit charges as specified in RCW 52.18.010 shall specify, by legal geographical areas or other specific designations, the charge to apply to each property by location, type, or other designation, or other information that is necessary to the proper computation of the ~~((service))~~ benefit charge to be charged to each property owner subject to the resolution. The county assessor of each county in which the district is located shall determine and identify the personal properties and improvements to real property which are subject to a ~~((service))~~ benefit charge in each fire protection district and shall furnish and deliver to the county treasurer of that county a listing of the properties with information describing the location, legal description, and address of the person to whom the statement of ~~((service))~~ benefit charges is to be mailed, the name of the owner, and the value of the property and improvements, together with the ~~((service))~~ benefit charge to apply to each. These ~~((service))~~ benefit charges shall be certified to the county treasurer for collection in the same manner that is used for the collection of fire protection charges for forest lands protected by the department of natural resources under RCW 76.04.610 and the same penalties and provisions for collection shall apply.

Sec. 4. Section 4, chapter 126, Laws of 1974 ex. sess. as last amended by section 30, chapter 63, Laws of 1989 and RCW 52.18.040 are each amended to read as follows:

Each fire protection district shall contract, prior to the ~~((effective date of a resolution imposing))~~ imposition of a ~~((service))~~ benefit charge, for the administration and collection of the ~~((service))~~ benefit charge by each county treasurer, who shall deduct a percent, as provided by contract to reimburse the county for expenses incurred by the county assessor and county treasurer in the administration of the resolution and this chapter. The county treasurer shall make distributions each year, as the charges are collected, in the amount of the ~~((service))~~ benefit charges imposed on behalf of each district, less the deduction provided for in the contract.

Sec. 5. Section 5, chapter 126, Laws of 1974 ex. sess. as last amended by section 1, chapter 27, Laws of 1989 and RCW 52.18.050 are each amended to read as follows:

(1) Any ((service)) benefit charge authorized by this chapter shall not be effective unless a proposition to impose the ((service)) benefit charge is approved by a sixty percent majority of the voters of the district voting at a general election or at a special election called by the district for that purpose, held within the fire protection district. An election held pursuant to this section shall be held not more than twelve months prior to the date on which the first such charge is to be assessed: PROVIDED, That a ((service)) benefit charge approved at an election shall not remain in effect for a period of more than six years nor more than the number of years authorized by the voters if fewer than six years unless subsequently reapproved by the voters.

(2) The ballot shall be submitted so as to enable the voters favoring the authorization of a fire protection district ((service)) benefit charge to vote "Yes" and those opposed thereto to vote "No," and the ballot shall be:

"Shall county fire protection district No. be authorized to impose ((service)) benefit charges each year for ((~~up to a six-year period~~)) (insert number of years not to exceed six) years, not to exceed an amount equal to sixty percent of its operating budget, and be prohibited from imposing an additional property tax under RCW 52.16.160?

YES

NO

Sec. 6. Section 6, chapter 126, Laws of 1974 ex. sess. as last amended by section 31, chapter 63, Laws of 1989 and RCW 52.18.060 are each amended to read as follows:

(1) Not less than ten days nor more than six months before the election at which the proposition to impose the ((service)) benefit charge is submitted as provided in this chapter, the board of fire commissioners of the district shall hold a public hearing specifically setting forth its proposal to impose ((service)) benefit charges for the support of its legally authorized activities which will maintain or improve the services afforded in the district. A report of the public hearing shall be filed with the county treasurer of each county in which the property is located and be available for public inspection.

(2) Prior to ((October)) November 15 of each year the board of fire commissioners shall hold a public hearing to review and establish the fire district ((service)) benefit charges for the subsequent year.

All resolutions imposing or changing the ((service)) benefit charges shall be filed with the county treasurer or treasurers of each county in which

the property is located, together with the record of each public hearing, before ~~((October 31))~~ November 30 immediately preceding the year in which the ~~((service))~~ benefit charges are to be collected on behalf of the district.

After the benefit charges have been established, the owners of the property subject to the charge shall be notified of the amount of the charge.

Sec. 7. Section 9, chapter 325, Laws of 1987 and RCW 52.18.065 are each amended to read as follows:

A fire protection district that imposes a ~~((service))~~ benefit charge under this chapter shall not impose all or part of the property tax authorized under RCW 52.16.160.

Sec. 8. Section 7, chapter 126, Laws of 1974 ex. sess. as amended by section 7, chapter 325, Laws of 1987 and RCW 52.18.070 are each amended to read as follows:

~~((From the fifteenth to the thirtieth day of November of each year))~~
After notice has been given to the property owners of the amount of the charge, the board of fire commissioners of a fire protection district imposing a ~~((service))~~ benefit charge under this chapter shall form a review board for at least a two-week period and shall, upon complaint in writing of a party aggrieved owning property in the district, reduce the charge of a person who, in their opinion, has been charged too large a sum, to a sum or amount as they believe to be the true, fair, and just amount.

Sec. 9. Section 8, chapter 126, Laws of 1974 ex. sess. as amended by section 8, chapter 325, Laws of 1987 and RCW 52.18.080 are each amended to read as follows:

The Washington fire commissioners association, as soon as practicable, shall draft a model resolution to impose the fire protection district ~~((service))~~ benefit charge authorized by this chapter and may provide assistance to fire protection districts in the establishment of a program to develop ~~((service))~~ benefit charges.

NEW SECTION. Sec. 10. A new section is added to chapter 52.18 RCW to read as follows:

A person who is receiving the exemption contained in RCW 84.36.381 through 84.36.389 shall be exempt from any legal obligation to pay a portion of the charge imposed by this chapter according to the following.

(1) A person who meets the income limitation contained in RCW 84.36.381(5)(a) and does not meet the income limitation contained in RCW 84.36.381(5)(b)(i) or (ii) shall be exempt from twenty-five percent of the charge.

(2) A person who meets the income limitation contained in RCW 84.36.381(5)(b)(i) shall be exempt from fifty percent of the charge.

(3) A person who meets the income limitation contained in RCW 84.36.381(5)(b)(ii) shall be exempt from seventy-five percent of the charge.

NEW SECTION. Sec. 11. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 12. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate March 6, 1990.
Passed the House March 2, 1990.
Approved by the Governor March 29, 1990.
Filed in Office of Secretary of State March 29, 1990.

CHAPTER 295

[Substitute House Bill No. 2932]

REGIONAL WATER RESOURCE PLANNING

AN ACT Relating to regional water resource planning; amending RCW 90.54.010 and 90.54.030; adding a new section to chapter 90.54 RCW; creating a new section; and declaring an emergency.

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

Sec. 1. Section 1, chapter 225, Laws of 1971 ex. sess. and RCW 90-.54.010 are each amended to read as follows:

(1) The legislature finds that:

(a) Proper utilization of the water resources of this state is necessary to the promotion of public health and the economic well-being of the state and the preservation of its natural resources and aesthetic values. ((The legislature further finds that the availability of waters of the state is being evaluated by interests who desire to remove portions thereof from the state in a manner inconsistent with the public interest of people of the state.)) Although water is a renewable resource, its supply and availability are becoming increasingly limited, particularly during summer and fall months and dry years when demand is greatest. Growth and prosperity have significantly increased the competition for this limited resource. Adequate water supplies are essential to meet the needs of the state's growing population and economy. At the same time instream resources and values must be preserved and protected so that future generations can continue to enjoy them.

(b) All citizens of Washington share an interest in the proper stewardship of our invaluable water resources. To ensure that available water supplies are managed to best meet both instream and offstream needs, a comprehensive planning process is essential. The people of the state have the unique opportunity to work together to plan and manage our water. Through a comprehensive planning process that includes the state, Indian

tribes, local governments, and interested parties, it is possible to make better use of available water supplies and achieve better management of water resources. Through comprehensive planning, conflicts among water users and interests can be reduced or resolved. It is in the best interests of the state that comprehensive water resource planning be given a high priority so that water resources and associated values can be utilized and enjoyed today and protected for tomorrow.

(c) Diverse hydrologic, climatic, cultural, and socioeconomic conditions exist throughout the regions of the state. Water resource issues vary significantly across regions. Comprehensive water resource planning is best accomplished through a regional planning process sensitive to the unique characteristics and issues of each region.

(d) Comprehensive water resource planning must provide interested parties adequate opportunity to participate. Water resource issues are best addressed through cooperation and coordination among the state, Indian tribes, local governments, and interested parties.

(e) The long-term needs of the state require ongoing assessment of water availability, use, and demand. A thorough inventory of available resources is essential to water resource management. Current state water resource data and data management is inadequate to meet changing needs and respond to competing water demands. Therefore, a state water resource data program is needed to support an effective water resource management program. Efforts should be made to coordinate and consolidate into one resource data system all relevant information developed by the department of ecology and other agencies relating to the use, protection, and management of the state's water resources.

(2) It is the purpose of this chapter to set forth fundamentals of water resource policy for the state to insure that waters of the state are protected and fully utilized for the greatest benefit to the people of the state of Washington and, in relation thereto, to provide direction to the department of ecology ((and)), other state agencies and officials, and local government in carrying out water and related resources programs. It is the intent of the legislature to work closely with the executive branch, Indian tribes, local government, and interested parties to ensure that water resources of the state are wisely managed.

Sec. 2. Section 3, chapter 225, Laws of 1971 ex. sess. as amended by section 4, chapter 47, Laws of 1988 and RCW 90.54.030 are each amended to read as follows:

For the purpose of ((insuring)) ensuring that the department is fully advised in relation to the performance of the water resources program provided in RCW 90.54.040, and to provide information and support to ((the fact-finding service and)) the joint select committee established in RCW ((90.54.022 and)) 90.54.024, the department is directed to become informed

with regard to all phases of water and related resources of the state. To accomplish this objective the department shall:

(1) Develop a comprehensive water resource data program that provides the information necessary for effective planning and management on a regional and state-wide basis. The data program shall include an information management plan describing the data requirements for effective water resource planning, and a system for collecting and providing access to water resource data on a regional and state-wide basis. The water resource data program shall also include a resource inventory and needs assessment pursuant to subsection (5) of this section;

(2) Collect, organize and catalog existing information and studies available to it from all sources, both public and private, pertaining to water and related resources of the state;

~~((2))~~ (3) Develop such additional data and studies pertaining to water and related resources as are necessary to accomplish the objectives of this chapter;

~~((3) Determine existing and foreseeable uses of, and needs for, such waters and related resources:))~~

(4) Develop alternate courses of action to solve existing and foreseeable problems of water and related resources and include therein, to the extent feasible, the economic and social consequences of each such course, and the impact on the natural environment;

(5) Establish a water resources data management task force to evaluate data management needs, advise the joint select committee on water resource policy, the legislature, and the department in developing an information management plan, and conduct a water resource inventory and needs assessment. The task force shall include representatives of appropriate state agencies, Indian tribes, local governments, and interested parties. The task force shall include expertise in both water resources and resource data management. The task force shall make recommendations to the department on developing a data base for water resource planning throughout the state. In conducting the water resource inventory and needs assessment, the task force shall oversee the inventory of existing data and determine what additional data is needed for effective water resource planning and management. The task force shall otherwise provide continuing guidance to the joint select committee on water resource policy, the legislature, and the department in developing and maintaining an effective information management plan. The department shall coordinate the water resource data program to provide water resource information that meets the needs of the comprehensive water resources program and planning process provided for in RCW 90.54.040;

(6) Prior to September 1, 1990, provide a report to the chairs of the appropriate legislative committees based on the preliminary findings and recommendations of the water resources data management task force. The

report shall document the current information flows and data collection processes for state water resources data, and shall include an analysis of task force recommendations for developing additional information to meet water resource data needs. The report shall further include an estimate of funding requirements to implement the water resources data program for consideration in future biennial budget decisions;

(7) Prior to implementation of any preliminary findings and recommendations pursuant to subsection (6) of this section, and contingent on legislative appropriation, develop a five-year plan for data collection and information management approved by the department of information services. Commencing July 1, 1991, the department shall provide annual reports to the chairs of the appropriate legislative committees on the development and implementation of the five-year plan and progress toward completion of the water resource inventory and needs assessment; and

(8) Establish pursuant to task force recommendations a process to resolve technical issues in the development and implementation of the water resource inventory and needs assessment.

All the foregoing shall be included in a "water resources ((archive)) information system" established and maintained by the department. The department shall develop a system of cataloging, storing and retrieving the information and studies of the ((archive)) information system so that they may be made readily available to and effectively used not only by the department but by the public generally.

NEW SECTION. Sec. 3. A new section is added to chapter 90.54 RCW 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 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. 4. If specific funding for the purposes of this act, referencing this act by bill number, is not provided by June 30, 1990, in the omnibus appropriations act, this act shall be null and void.

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 March 8, 1990.

Passed the Senate March 8, 1990.

Approved by the Governor March 29, 1990.

Filed in Office of Secretary of State March 29, 1990.

CHAPTER 296

[Substitute House Bill No. 2603]

CHILDREN'S HEALTH PROGRAM

AN ACT Relating to children's health; amending RCW 74.09.010; adding new sections to chapter 74.09 RCW; repealing section 9, chapter 10, Laws of 1989 1st ex. sess. (uncodified); and providing an effective date.

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

NEW SECTION. Sec. 1. It is the purpose of sections 1 through 5 of this act and RCW 74.09.010 to provide, consistent with appropriated funds, health care access and services to children in poverty in this state. To this end, a children's health program is established based on the following principles:

- (1) Access to preventive and other health care services should be made more readily available for children in poverty.
- (2) Unnecessary barriers to health care for children in poverty should be removed.
- (3) The status of children's health and their access to health care providers should be evaluated at appropriate intervals to determine program effectiveness and need for modification.
- (4) Health care services should be delivered in a cost-effective manner.
- (5) The program should be sensitive to cultural and ethnic differences among children in poverty.

NEW SECTION. Sec. 2. (1) There is hereby established a program to be known as the children's health program.

To the extent of available funds:

- (a) Health care services may be provided to persons who are under eighteen years of age with household incomes at or below the federal poverty level and not otherwise eligible for medical assistance or the limited casualty program for the medically needy.

(b) The determination of eligibility of recipients for health care services shall be the responsibility of the department. The application process shall be easy to understand and, to the extent possible, applications shall be made available at local schools and other appropriate locations. The department shall make eligibility determinations within the timeframes for establishing eligibility for children on medical assistance, as defined by RCW 74.09.510.

(c) The amount, scope, and duration of health care services provided to eligible children under the children's health program shall be the same as that provided to children under medical assistance, as defined in RCW 74.09.520.

(2) The legislature is interested in assessing the effectiveness of the prenatal care program. However, the legislature recognizes the cost and complexity associated with such assessment.

The legislature accepts the effectiveness of prenatal and maternity care at improving birth outcomes when these services are received by eligible persons. Therefore, the legislature intends to focus scarce assessment resources to determine the extent to which support services such as child care, psychosocial and nutritional assessment and counseling, case management, transportation, and other support services authorized by this act result in receipt of prenatal and maternity care by eligible persons.

The University of Washington shall conduct a study, based on a statistically significant state-wide sampling of data, to evaluate the effectiveness of the maternity care access program set forth in RCW 74.09.760 through 74.09.820 based on the principles set forth in RCW 74.09.770.

The University of Washington shall develop a plan and budget for the study in consultation with the legislative budget committee. The legislative budget committee shall also monitor the progress of the study.

The department of social and health services shall make data and other information available as needed to the University of Washington as required to conduct this study.

The study shall determine:

(a) The characteristics of women receiving services, including health risk factors;

(b) The extent to which access to maternity care and support services have improved in this state as a result of this program;

(c) The utilization of services and birth outcomes for women and infants served by this program by type of practitioner;

(d) The extent to which birth outcomes for women receiving services under this program have improved in comparison to birth outcomes of non-medicaid mothers;

(e) The impact of increased medicaid reimbursement to physicians on provider participation;

(f) The difference between costs for services provided under this program and medicaid reimbursement for the services;

(g) The gaps in services, if any, that may still exist for women and their infants as defined by RCW 74.09.790 (1) and (4) served by this program, excluding pregnant substance abusers, and women covered by private health insurance; and

(h) The number and mix of services provided to eligible women as defined by subsection (2)(g) of this section and the effect on birth outcomes as compared to nonmedicaid birth outcomes.

Results of the study shall be submitted to the legislative budget committee and appropriate committees of the legislature, by December 1 of each year through December 1, 1994, beginning with December 1, 1991.

****NEW SECTION. Sec. 3. (1) The children's health services committee is hereby established, which shall advise the secretary as set forth in this chapter. Its membership shall be composed as follows: The secretary shall appoint, from the department's personnel, representatives from the various service and related administrative support programs that address children's needs. The secretary of health shall appoint, with the approval of the secretary, appropriate department of health personnel to the committee, but shall include the deputy secretary of health or successor position and the administrator of the parent and child health service program as identified in RCW 43.70.080(6).***

(2) The requirements of subsection (1) of this section shall be in effect until June 30, 1993, at such time, the statutory responsibility shall be given to the department. The secretary may continue the committee under executive policy.

(3) The secretary and the secretary of health shall examine program areas where there is a lack of clear authority, dual responsibilities, or potential problems regarding jurisdiction between the department and department of health and submit a brief report to the governor and the legislature by December 1, 1992, outlining these problems and proposing remedial action.

(4) The committee, in coordination with counties, shall identify counties experiencing significant problems with access to health care for children eligible for services under chapter 74.09 RCW, based on indicators such as:

(a) Number of primary care providers for children eligible for services under chapter 74.09 RCW;

(b) Percent of children eligible for services under chapter 74.09 RCW;

(c) Postneonatal mortality rate for low-income children;

(d) Early and periodic screening, diagnosis, and treatment (EPSDT) utilization;

(e) Teen birth rate for low-income children; and

(f) Low birth weight rate for low-income children.

(5) The department shall provide data to each county within the state regarding its performance on the indicators in subsection (4) of this section

and notify those counties having a significant problem with access, as defined in this section. The county shall also be advised of the availability of technical and financial assistance from the state in support of local remedial action.

(6) Any county, including those not identified by the committee, wishing to pursue state assistance under this section may submit a request to the committee. The request should include a description of the access problems in their community, a plan for addressing those problems, and a description of how the state's technical or financial assistance will aid them in increasing access to pediatric care for children in poverty. The request for assistance shall be prepared in consultation with the department, local community service offices, the local public health officer, community health clinics, health care providers, hospitals, the business community, labor representatives, and low-income advocates in their area.

(7) Counties are encouraged to combine to fulfill their duties under this section. In doing so, they shall consider the organizational principles set forth in RCW 43.70.020. If after one hundred twenty days' notice by the committee that a significant problem with health care access to children exists within a county, the county has not submitted a preliminary request for assistance according to this section, the committee shall solicit or may receive requests for assistance from any health care provider within that county.

(8) The committee shall evaluate local requests for technical and financial assistance, and shall recommend to the secretary funding of any or all parts of the requests, using criteria such as:

(a) The number of children proposed to receive expanded access to pediatric health care per dollar expended;

(b) Ability to meet the particular needs of the community as defined in the county request, including responsiveness to the needs of ethnic and racial minorities and addressing language barriers to access; and

(c) Capability to meet stated goals of increasing access to pediatric care.

(9) The department, after considering the recommendations of the committee, shall provide financial assistance, such as grants to counties or disproportionate share payments to providers, to the extent of available funds. The department shall make such changes to the state medicaid plan or take such other action as may be needed to secure federal matching funds for grants under this section.

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

NEW SECTION. Sec. 4. Local communities are encouraged to take actions necessary to make health care more accessible to children in poverty in their communities, such as coordinating the development of alternative health care delivery systems. To support communities in their efforts, the committee, in coordination with counties and to the extent funds are available, shall: (1) Advise the secretary and the secretary of health regarding

the dispensing of technical assistance to counties to enable them to develop provider resources and expand coordinated provision of health care to children in poverty, and (2) recommend to the secretary financial incentives to be provided within counties requesting assistance according to section 3 of this act.

NEW SECTION. Sec. 5. The committee, in coordination with the department of health, shall reevaluate the state of access to care for children in poverty on at least a biennial basis and shall provide this information, along with information on the implementation of sections 1 through 4 of this act, to the board of health for consideration of possible inclusion in the biennial state health report.

Sec. 6. Section 74.09.010, chapter 26, Laws of 1959 as last amended by section 11, chapter 406, Laws of 1987 and RCW 74.09.010 are each amended to read as follows:

As used in this chapter:

(1) "Children's health program" means the health care services program provided to children under eighteen years of age and in households with incomes at or below the federal poverty level as annually defined by the federal department of health and human services as adjusted for family size, and who are not otherwise eligible for medical assistance or the limited casualty program for the medically needy.

(2) "Committee" means the children's health services committee created in section 3 of this act.

(3) "County" means the board of county commissioners, county council, county executive, or tribal jurisdiction, or its designee. A combination of two or more county authorities or tribal jurisdictions may enter into joint agreements to fulfill the requirements of sections 2 through 5 of this act.

(4) "Department" means the department of social and health services.

~~((2) "Secretary" means the secretary of social and health services.~~

~~(3))~~ (5) "Department of health" means the Washington state department of health created pursuant to RCW 43.70.020.

(6) "Internal management" means the administration of medical assistance, medical care services, the children's health program, and the limited casualty program.

~~((4))~~ (7) "Limited casualty program" means the medical care program provided to medically needy persons as defined under Title XIX of the federal social security act, and to medically indigent persons who are without income or resources sufficient to secure necessary medical services.

(8) "Medical assistance" means the federal aid medical care program provided to categorically needy persons as defined under Title XIX of the federal social security act.

~~((5))~~ (9) "Medical care services" means the limited scope of care financed by state funds and provided to general assistance recipients, and recipients of alcohol and drug addiction services provided under chapter 74.50 RCW.

~~((6))~~ "Limited casualty program" means the medical care program provided to medically needy persons as defined under Title XIX of the federal social security act, and to medically indigent persons who are without income or resources sufficient to secure necessary medical services.

(7)) (10) "Nursing home" means nursing home as defined in RCW 18.51.010.

(11) "Poverty" means the federal poverty level determined annually by the United States department of health and human services, or successor agency.

(12) "Secretary" means the secretary of social and health services.

NEW SECTION. Sec. 7. Section 9, chapter 10, Laws of 1989 1st ex. sess. (uncodified) is repealed.

NEW SECTION. Sec. 8. Sections 1 through 5 of this act are each added to chapter 74.09 RCW.

NEW SECTION. Sec. 9. This act shall take effect July 1, 1990.

Passed the House March 8, 1990.

Passed the Senate March 8, 1990.

Approved by the Governor March 30, 1990, with the exception of certain items which were vetoed.

Filed in Office of Secretary of State March 30, 1990.

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

"I am returning herewith, without my approval as to section 3, Engrossed Substitute House Bill No. 2603 entitled:

"AN ACT Relating to children's health."

This bill establishes the children's health program to provide health care services to children in poverty who are not otherwise eligible for medical assistance. I appreciate the Legislature's support for this state-funded health care program for young people in poverty.

Section 3 of this bill substantially changes the access support portion of the original proposal. My intention in our original bill was to have the Department of Social and Health Services (DSHS) work closely with the Department of Health to identify areas of the state experiencing difficulties with access of young children to pediatric care. I also intended the Department of Social and Health Services, in close coordination with the Department of Health, to provide technical and financial assistance to local communities to break down the barriers to access for poor children. The access support program for pediatric care was to use substantially the same process as is being used for maternity and perinatal care in the First Steps program.

Section 3 essentially allows only county governments to apply for and receive state financial and technical assistance. The circumstances under which a local health care provider, such as a community or migrant clinic, may solicit state financial and technical support are unnecessarily constrictive. This is a different process than is used in the First Steps program.

Local communities are best able to identify problems with access, and are best able to develop local resources. The state should not dictate to local communities who should participate or what they should do. Within the boundaries of accountability, this program should have sufficient flexibility to allow the state to support innovative ideas. I encourage all local health care providers and county health departments to step up to the challenge of addressing poor children's access to health care.

The remainder of the bill contains sufficient statutory structure to allow the Department of Social and Health Services to administer an access support program. I direct DSHS, subject to funding, to work closely with the Department of Health to adopt an access support program that follows substantially the same process used in the First Steps program.

With the exception of section 3, Engrossed Substitute House Bill No. 2603 is approved."

CHAPTER 297

[Substitute House Bill No. 2327]

SUNSET REVIEW

AN ACT Relating to sunset review; amending RCW 43.131.010, 43.131.050, 43.131.301, 43.131.302, 43.131.303, 43.131.304, 43.131.323, 43.131.343, 43.131.344, 43.131.351, 43.131.352, 43.131.357, 43.131.358, 18.74.010, and 18.74.012; adding new sections to chapter 18.06 RCW; adding new sections to chapter 18.19 RCW; adding new sections to chapter 18.36A RCW; adding new sections to chapter 18.51 RCW; adding new sections to chapter 18.73 RCW; adding new sections to chapter 18.83 RCW; adding new sections to chapter 43.31 RCW; adding new sections to chapter 43.121 RCW; adding new sections to chapter 43.131 RCW; adding new sections to chapter 43.240 RCW; adding new sections to chapter 53.31 RCW; adding new sections to chapter 67.16 RCW; adding new sections to chapter 77.12 RCW; recodifying RCW 43.131.301, 43.131.302, 43.131.303, 43.131.304, 43.131.323, 43.131.343, 43.131.344, 43.131.351, 43.131.352, 43.131.357, 43.131.358, 43.131.359, 43.131.360, 43.131.363, and 43.131.364; repealing RCW 18.06.900, 18.06.901, 19.118.901, 28A.61.900, 53.31.900, 67.16.240, 67.70.900, 43.131.256, 43.131.269, 43.131.270, 43.131.315, 43.131.316, 43.131.319, 43.131.320, 43.131.331, 43.131.332, 43.131.339, 43.131.345, 43.131.346, 43.131.361, 43.131.362 and 84.26.140; repealing section 9, chapter 387, Laws of 1987 (uncodified); and providing an effective date.

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

Sec. 1. Section 1, chapter 289, Laws of 1977 ex. sess. and RCW 43.131.010 are each amended to read as follows:

This chapter may be known and cited as the Washington Sunset Act ((of 1977)).

Sec. 2. Section 5, chapter 289, Laws of 1977 ex. sess. as amended by section 1, chapter 22, Laws of 1979 and RCW 43.131.050 are each amended to read as follows:

The legislative budget committee shall cause to be conducted a program and fiscal review of ((each)) any state agency or program scheduled for termination by the processes provided in this chapter. Such program and fiscal review shall be completed and a preliminary report prepared on or before June 30th of the year prior to the date established for termination. Upon completion of its preliminary report, the legislative budget committee shall transmit copies of the report to the office of financial management. The office of financial management may then conduct its own program and

fiscal review of the agency scheduled for termination and shall prepare a report on or before September 30th of the year prior to the date established for termination. Upon completion of its report the office of financial management shall transmit copies of its report to the legislative budget committee. The legislative budget committee shall prepare a final report that includes the reports of both the office of financial management and the legislative budget committee. The legislative budget committee and the office of financial management shall, upon request, make available to each other all working papers, studies, and other documents which relate to reports required under this section. The legislative budget committee shall transmit the final report to (~~all members of~~) the legislature, to the state agency concerned, to the governor, and to the state library.

Sec. 3. Section 24, chapter 197, Laws of 1983 as last amended by section 4, chapter 288, Laws of 1988 and RCW 43.131.301 are each amended to read as follows:

The nursing home advisory council and its powers and duties shall be terminated on June 30, (~~(+1991)~~) 1992, as provided in RCW 18.51.— (RCW 43.131.302 as recodified by this act).

Sec. 4. Section 50, chapter 197, Laws of 1983 as last amended by section 5, chapter 288, Laws of 1988 and RCW 43.131.302 are each amended to read as follows:

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, (~~(+1992)~~) 1993:

(1) Section 11, chapter 117, Laws of 1951, section 1, chapter 85, Laws of 1971 ex. sess., section 65, chapter 211, Laws of 1979 ex. sess., section 39, chapter 287, Laws of 1984 and RCW 18.51.100; and

(2) Section 12, chapter 117, Laws of 1951, section 66, chapter 211, Laws of 1979 ex. sess. and RCW 18.51.110.

Sec. 5. Section 25, chapter 197, Laws of 1983 as last amended by section 6, chapter 288, Laws of 1988 and RCW 43.131.303 are each amended to read as follows:

The emergency medical services committee and its powers and duties shall be terminated on June 30, (~~(+1991)~~) 1992, as provided in RCW 18.73.— (RCW 43.131.304 as recodified by this act).

Sec. 6. Section 51, chapter 197, Laws of 1983 as last amended by section 7, chapter 288, Laws of 1988 and RCW 43.131.304 are each amended to read as follows:

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, (~~(+1992)~~) 1993:

(1) Section 4, chapter 208, Laws of 1973 1st ex. sess., section 43, chapter 34, Laws of 1975-'76 2nd ex. sess., section 2, chapter 261, Laws of 1979 ex. sess., section 13, chapter 338, Laws of 1981, section 55, chapter 279, Laws of 1984 and RCW 18.73.040; and

(2) Section 5, chapter 208, Laws of 1973 1st ex. sess., section 3, chapter 261, Laws of 1979 ex. sess., section 3, chapter 214, Laws of 1987 and RCW 18.73.050.

Sec. 7. Section 94, chapter 279, Laws of 1984 as last amended by section 8, chapter 288, Laws of 1988 and RCW 43.131.323 are each amended to read as follows:

The powers and duties of the examining board of psychology shall be terminated on June 30, (~~(+1994)~~) 1995, as provided in section 8 of this act.

NEW SECTION. Sec. 8. A new section is added to chapter 18.83 RCW to read as follows:

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 1996:

(1) Section 76, chapter 279, Laws of 1984, section 2, chapter 27, Laws of 1986, section 1, chapter 226, Laws of 1989 and RCW 18.83.035;

(2) Section 77, chapter 279, Laws of 1984 and RCW 18.83.045;

(3) Section 5, chapter 305, Laws of 1955, section 5, chapter 70, Laws of 1965, section 78, chapter 279, Laws of 1984, section 3, chapter 27, Laws of 1986 and RCW 18.83.050; and

(4) Section 21, chapter 70, Laws of 1965, section 19, chapter 199, Laws of 1969 ex. sess., section 48, chapter 34, Laws of 1975-'76 2nd ex. sess., section 10, chapter 168, Laws of 1983, section 48, chapter 287, Laws of 1984 and RCW 18.83.051.

Sec. 9. Section 16, chapter 348, Laws of 1987 and RCW 43.131.343 are each amended to read as follows:

The business assistance center and its powers and duties shall be terminated on June 30, (~~(+1992)~~) 1993, as provided in RCW 43.31.—(RCW 43.131.344 as recodified by this act).

Sec. 10. Section 17, chapter 348, Laws of 1987 and RCW 43.131.344 are each amended to read as follows:

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, (~~(+1993)~~) 1994:

(1) Section 2, chapter 348, Laws of 1987 and RCW 43.31.083;

(2) Section 11, chapter 466, Laws of 1985, section 3, chapter 348, Laws of 1987, section 2, chapter 430, Laws of 1989 and RCW 43.31.085;

(3) Section 4, chapter 348, Laws of 1987 and RCW 43.31.087; and

(4) Section 5, chapter 348, Laws of 1987 and RCW 43.31.089.

Sec. 11. Section 21, chapter 447, Laws of 1987 and RCW 43.131.351 are each amended to read as follows:

The Washington state naturopathic practice advisory committee and its powers and duties shall be terminated on June 30, (~~(+1993)~~) 1994, as provided in RCW 18.36A.—(RCW 43.131.352 as recodified by this act).

Sec. 12. Section 22, chapter 447, Laws of 1987 and RCW 43.131.352 are each amended to read as follows:

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, (~~(1994)~~) 1995:

- (1) Section 1, chapter 447, Laws of 1987 and RCW 18.36A.010;
 - (2) Section 2, chapter 447, Laws of 1987 and RCW 18.36A.030;
 - (3) Section 3, chapter 447, Laws of 1987, section 1, chapter 246, Laws of 1988 and RCW 18.36A.040;
 - (4) Section 4, chapter 447, Laws of 1987 and RCW 18.36A.020;
 - (5) Section 5, chapter 447, Laws of 1987 and RCW 18.36A.050;
 - (6) Section 6, chapter 447, Laws of 1987 and RCW 18.36A.060;
 - (7) Section 7, chapter 447, Laws of 1987 and RCW 18.36A.070;
 - (8) Section 8, chapter 447, Laws of 1987 and RCW 18.36A.080;
 - (9) Section 9, chapter 447, Laws of 1987 and RCW 18.36A.090;
 - (10) Section 10, chapter 447, Laws of 1987 and RCW 18.36A.100;
 - (11) Section 11, chapter 447, Laws of 1987 and RCW 18.36A.110;
 - (12) Section 12, chapter 447, Laws of 1987 and RCW 18.36A.120;
 - (13) Section 13, chapter 447, Laws of 1987 and RCW 18.36A.130;
- and
- (14) Section 14, chapter 447, Laws of 1987 and RCW 18.36A.140.

Sec. 13. Section 25, chapter 512, Laws of 1987 and RCW 43.131.357 are each amended to read as follows:

The regulation of counselors, social workers, mental health counselors, and marriage and family counselors under chapter 18.19 RCW shall be terminated on June 30, (~~(1993)~~) 1994, as provided in RCW 18.19.—(RCW 43.131.358 as recodified by this act).

Sec. 14. Section 26, chapter 512, Laws of 1987 and RCW 43.131.358 are each amended to read as follows:

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, (~~(1994)~~) 1995:

- (1) Section 1, chapter 512, Laws of 1987 and RCW 18.19.010;
- (2) Section 2, chapter 512, Laws of 1987 and RCW 18.19.030;
- (3) Section 3, chapter 512, Laws of 1987 and RCW 18.19.020;
- (4) Section 4, chapter 512, Laws of 1987 and RCW 18.19.040;
- (5) Section 5, chapter 512, Laws of 1987 and RCW 18.19.050;
- (6) Section 6, chapter 512, Laws of 1987 and RCW 18.19.060;
- (7) Section 7, chapter 512, Laws of 1987 and RCW 18.19.070;
- (8) Section 8, chapter 512, Laws of 1987 and RCW 18.19.080;
- (9) Section 9, chapter 512, Laws of 1987 and RCW 18.19.090;
- (10) Section 10, chapter 512, Laws of 1987 and RCW 18.19.100;
- (11) Section 11, chapter 512, Laws of 1987 and RCW 18.19.180;
- (12) Section 12, chapter 512, Laws of 1987 and RCW 18.19.110;
- (13) Section 13, chapter 512, Laws of 1987 and RCW 18.19.120;
- (14) Section 14, chapter 512, Laws of 1987 and RCW 18.19.130;
- (15) Section 15, chapter 512, Laws of 1987 and RCW 18.19.170;
- (16) Section 16, chapter 512, Laws of 1987 and RCW 18.19.150;

- (17) Section 17, chapter 512, Laws of 1987 and RCW 18.19.140;
- (18) Section 18, chapter 512, Laws of 1987 and RCW 18.19.190;
- (19) Section 19, chapter 512, Laws of 1987 and RCW 18.19.160; and
- (20) Section 20, chapter 512, Laws of 1987 and RCW 18.19.900.

NEW SECTION. Sec. 15. A new section is added to chapter 18.06 RCW to read as follows:

The regulation of acupuncture practice under this chapter shall be terminated on June 30, 1992, as provided in section 16 of this act.

NEW SECTION. Sec. 16. A new section is added to chapter 18.06 RCW to read as follows:

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 1993:

- (1) Section 1, chapter 326, Laws of 1985 and RCW 18.06.010;
- (2) Section 2, chapter 326, Laws of 1985 and RCW 18.06.020;
- (3) Section 3, chapter 326, Laws of 1985 and RCW 18.06.030;
- (4) Section 4, chapter 326, Laws of 1985 and RCW 18.06.040;
- (5) Section 5, chapter 326, Laws of 1985, section 15, chapter 447, Laws of 1987 and RCW 18.06.050;
- (6) Section 6, chapter 326, Laws of 1985 and RCW 18.06.060;
- (7) Section 7, chapter 326, Laws of 1985 and RCW 18.06.070;
- (8) Section 8, chapter 326, Laws of 1985 and RCW 18.06.080;
- (9) Section 9, chapter 326, Laws of 1985 and RCW 18.06.090;
- (10) Section 10, chapter 326, Laws of 1985 and RCW 18.06.100;
- (11) Section 11, chapter 326, Laws of 1985, section 9, chapter 150, Laws of 1987 and RCW 18.06.110;
- (12) Section 12, chapter 326, Laws of 1985 and RCW 18.06.120;
- (13) Section 13, chapter 326, Laws of 1985 and RCW 18.06.130;
- (14) Section 14, chapter 326, Laws of 1985 and RCW 18.06.140;
- (15) Section 15, chapter 326, Laws of 1985 and RCW 18.06.150;
- (16) Section 16, chapter 326, Laws of 1985 and RCW 18.06.160;
- (17) Section 17, chapter 326, Laws of 1985 and RCW 18.06.170;
- (18) Section 18, chapter 326, Laws of 1985 and RCW 18.06.180;
- (19) Section 19, chapter 326, Laws of 1985 and RCW 18.06.190;
- (20) Section 20, chapter 326, Laws of 1985 and RCW 18.06.200; and
- (21) Section 21, chapter 326, Laws of 1985 and RCW 18.06.210.

Sec. 17. Section 1, chapter 239, Laws of 1949 as last amended by section 1, chapter 185, Laws of 1988 and RCW 18.74.010 are each amended to read as follows:

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

- (1) "Board" means the board of physical therapy created by RCW 18.74.020.
- (2) "Department" means the department of licensing.

(3) "Director" means the director of licensing.

(4) "Physical therapy" means the treatment of any bodily or mental condition of any person by the use of the physical, chemical, and other properties of heat, cold, air, light, water, electricity, sound, massage, and therapeutic exercise, which includes posture and rehabilitation procedures; the performance of tests and measurements of neuromuscular function as an aid to the diagnosis or treatment of any human condition; performance of treatments on the basis of test findings after consultation with and periodic review by an authorized health care practitioner (~~(except as provided in RCW 18.74.012 until June 30, 1991)~~); supervision of selective forms of treatment by trained supportive personnel; and provision of consultative services for health, education, and community agencies. The use of Roentgen rays and radium for diagnostic and therapeutic purposes, the use of electricity for surgical purposes, including cauterization, and the use of spinal manipulation or manipulative mobilization of the spine and its immediate articulations, are not included under the term "physical therapy" as used in this chapter.

(5) "Physical therapist" means a person who practices physical therapy as defined in this chapter but does not include massage operators as defined in RCW 18.108.010.

(6) Words importing the masculine gender may be applied to females.

(7) "Authorized health care practitioner" means and includes licensed physicians, osteopathic physicians, chiropractors, naturopaths, podiatrists, and dentists: PROVIDED, HOWEVER, That nothing herein shall be construed as altering the scope of practice of such practitioners as defined in their respective licensure laws.

NEW SECTION. Sec. 18. Section 17 of this act shall take effect June 30, 1991.

Sec. 19. Section 2, chapter 185, Laws of 1988 and RCW 18.74.012 are each amended to read as follows:

Notwithstanding the provisions of RCW 18.74.010(4), a consultation and periodic review by an authorized health care practitioner is not required for treatment of neuromuscular or musculoskeletal conditions: PROVIDED, That a physical therapist may only provide treatment utilizing or those that support, align, prevent, or correct any structural problems intrinsic to the foot or ankle by referral or consultation from an authorized health care practitioner. (~~(The legislative budget committee shall review whether the practices authorized under this section shall be continued and shall report to the legislature by January 1, 1991.)~~)

This section shall expire June 30, 1991.

NEW SECTION. Sec. 20. A new section is added to chapter 43.131 RCW to read as follows:

The powers and duties of the school director's association shall be terminated on June 30, 1998, as provided in section 21 of this act.

NEW SECTION. Sec. 21. 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, 1999:

(1) Section 28A.61.010, chapter 223, Laws of 1969 ex. sess. and RCW 28A.61.010;

(2) Section 28A.61.020, chapter 223, Laws of 1969 ex. sess. and RCW 28A.61.020;

(3) Section 28A.61.030, chapter 223, Laws of 1969 ex. sess., section 4, chapter 184, Laws of 1969 ex. sess., section 1, chapter 101, Laws of 1974 ex. sess., section 13, chapter 151, Laws of 1979, section 1, chapter 187, Laws of 1983, section 1, chapter 325, Laws of 1989 and RCW 28A.61.030;

(4) Section 28A.61.040, chapter 223, Laws of 1969 ex. sess. and RCW 28A.61.040;

(5) Section 28A.61.050, chapter 223, Laws of 1969 ex. sess., section 2, chapter 125, Laws of 1969, section 2, chapter 187, Laws of 1983 and RCW 28A.61.050; and

(6) Section 4, chapter 187, Laws of 1983, section 3, chapter 158, Laws of 1986 and RCW 28A.61.070.

NEW SECTION. Sec. 22. A new section is added to chapter 53.31 RCW to read as follows:

The authorization of export trading companies under this chapter shall be terminated on June 30, 1994, as provided in section 23 of this act.

NEW SECTION. Sec. 23. A new section is added to chapter 53.31 RCW 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) Section 1, chapter 276, Laws of 1986 and RCW 53.31.010;

(2) Section 2, chapter 276, Laws of 1986 and RCW 53.31.020;

(3) Section 3, chapter 276, Laws of 1986 and RCW 53.31.030;

(4) Section 4, chapter 276, Laws of 1986, section 23, chapter 11, Laws of 1989 and RCW 53.31.040;

(5) Section 5, chapter 276, Laws of 1986 and RCW 53.31.050; and

(6) Section 6, chapter 276, Laws of 1986 and RCW 53.31.060.

NEW SECTION. Sec. 24. A new section is added to chapter 67.16 RCW to read as follows:

The regulation of parimutuel wagering at satellite locations under RCW 67.16.200 through 67.16.230 shall be terminated on June 30, 1992, as provided in section 25 of this act.

NEW SECTION. Sec. 25. A new section is added to chapter 67.16 RCW to read as follows:

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 1993:

- (1) Section 1, chapter 347, Laws of 1987 and RCW 67.16.200;
- (2) Section 5, chapter 347, Laws of 1987 and RCW 67.16.210;
- (3) Section 6, chapter 347, Laws of 1987 and RCW 67.16.220; and
- (4) Section 7, chapter 347, Laws of 1987 and RCW 67.16.230.

NEW SECTION. Sec. 26. The following acts or parts of acts are each repealed:

- (1) Section 22, chapter 326, Laws of 1985 and RCW 18.06.900;
- (2) Section 23, chapter 326, Laws of 1985 and RCW 18.06.901;
- (3) Section 19, chapter 344, Laws of 1987 and RCW 19.118.901;
- (4) Section 6, chapter 187, Laws of 1983, section 2, chapter 325, Laws of 1989 and RCW 28A.61.900;
- (5) Section 10, chapter 276, Laws of 1986, section 13, chapter 425, Laws of 1989 and RCW 53.31.900;
- (6) Section 8, chapter 347, Laws of 1987 and RCW 67.16.240;
- (7) Section 9, chapter 387, Laws of 1987 (uncodified); and
- (8) Section 34, chapter 7, Laws of 1982 2nd ex. sess., section 16, chapter 511, Laws of 1987 and RCW 67.70.900.

NEW SECTION. Sec. 27. The following acts or parts of acts are each repealed:

- (1) Section 1, chapter 197, Laws of 1983 and RCW 43.131.256;
- (2) Section 8, chapter 197, Laws of 1983, section 1, chapter 272, Laws of 1986 and RCW 43.131.269;
- (3) Section 34, chapter 197, Laws of 1983, section 2, chapter 272, Laws of 1986 and RCW 43.131.270;
- (4) Section 12, chapter 175, Laws of 1984, section 72, chapter 466, Laws of 1985, section 5, chapter 35, Laws of 1988 and RCW 43.131.315;
- (5) Section 13, chapter 175, Laws of 1984, section 73, chapter 466, Laws of 1985, section 6, chapter 35, Laws of 1988 and RCW 43.131.316;
- (6) Section 5, chapter 261, Laws of 1984, section 7, chapter 270, Laws of 1986, section 2, chapter 304, Laws of 1989 and RCW 43.131.319;
- (7) Section 6, chapter 261, Laws of 1984, section 8, chapter 270, Laws of 1986, section 3, chapter 304, Laws of 1989 and RCW 43.131.320;
- (8) Section 1, chapter 118, Laws of 1985, section 13, chapter 288, Laws of 1988 and RCW 43.131.331;
- (9) Section 2, chapter 118, Laws of 1985, section 14, chapter 288, Laws of 1988 and RCW 43.131.332;
- (10) Section 10, chapter 342, Laws of 1987 and RCW 43.131.339;
- (11) Section 18, chapter 348, Laws of 1987 and RCW 43.131.345;
- (12) Section 19, chapter 348, Laws of 1987 and RCW 43.131.346;
- (13) Section 5, chapter 186, Laws of 1988 and RCW 43.131.361; and
- (14) Section 6, chapter 186, Laws of 1988 and RCW 43.131.362.

NEW SECTION. Sec. 28. (1) RCW 43.131.301 and 43.131.302 are each recodified as sections in chapter 18.51 RCW.

(2) RCW 43.131.303 and 43.131.304 are each recodified as sections in chapter 18.73 RCW.

(3) RCW 43.131.323 is recodified as a section in chapter 18.83 RCW.

(4) RCW 43.131.343 and 43.131.344 are each recodified as sections in chapter 43.31 RCW.

(5) RCW 43.131.351 and 43.131.352 are each recodified as sections in chapter 18.36A RCW.

(6) RCW 43.131.357 and 43.131.358 are each recodified as sections in chapter 18.19 RCW.

(7) RCW 43.131.359 and 43.131.360 are each recodified as sections in chapter 77.12 RCW.

(8) RCW 43.131.363 and 43.131.364 are each recodified as sections in chapter 43.240 RCW.

NEW SECTION. Sec. 29. Section 14, chapter 449, Laws of 1985 and RCW 84.26.140 are each repealed.

Passed the House March 5, 1990.

Passed the Senate March 1, 1990.

Approved by the Governor March 30, 1990.

Filed in Office of Secretary of State march 30, 1990.

CHAPTER 298

[Senate Bill No. 6408]

TRANSPORTATION BUDGET

AN ACT Relating to transportation appropriations; amending section 5, chapter 6, Laws of 1989 1st ex. sess. (uncodified); amending section 4, chapter 6, Laws of 1989 1st ex. sess. (uncodified); amending section 6, chapter 6, Laws of 1989 1st ex. sess. (uncodified); amending section 7, chapter 6, Laws of 1989 1st ex. sess. (uncodified); amending section 9, chapter 6, Laws of 1989 1st ex. sess. (uncodified); amending section 10, chapter 6, Laws of 1989 1st ex. sess. (uncodified); amending section 11, chapter 6, Laws of 1989 1st ex. sess. (uncodified); amending section 12, chapter 6, Laws of 1989 1st ex. sess. (uncodified); amending section 13, chapter 6, Laws of 1989 1st ex. sess. (uncodified); amending section 16, chapter 6, Laws of 1989 1st ex. sess. (uncodified); amending section 17, chapter 6, Laws of 1989 1st ex. sess. (uncodified); amending section 19, chapter 6, Laws of 1989 1st ex. sess. (uncodified); amending section 20, chapter 6, Laws of 1989 1st ex. sess. (uncodified); amending section 24, chapter 6, Laws of 1989 1st ex. sess. (uncodified); amending section 25, chapter 6, Laws of 1989 1st ex. sess. (uncodified); amending section 26, chapter 6, Laws of 1989 1st ex. sess. (uncodified); amending section 28, chapter 6, Laws of 1989 1st ex. sess. (uncodified); amending section 29, chapter 6, Laws of 1989 1st ex. sess. (uncodified); amending section 30, chapter 6, Laws of 1989 1st ex. sess. (uncodified); amending section 31, chapter 6, Laws of 1989 1st ex. sess. (uncodified); amending section 32, chapter 6, Laws of 1989 1st ex. sess. (uncodified); amending section 36, chapter 6, Laws of 1989 1st ex. sess. (uncodified); amending section 56, chapter 6, Laws of 1989 1st ex. sess. (uncodified); amending section 64, chapter 6, Laws of 1989 1st ex. sess. (uncodified); amending section 65, chapter 6, Laws of 1989 1st ex. sess. (uncodified); and amending section 504, chapter ... (ESSB 6358), Laws of 1990; adding new sections to chapter 6, Laws of 1989 1st ex. sess. (uncodified); adding a new chapter to Title 47 RCW; providing an expiration date; and declaring an emergency.

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

Sec. 1. Section 4, chapter 6, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE COUNTY ROAD ADMINISTRATION BOARD

<u>Motor Vehicle Fund—County Arterial Pres-</u>	
ervation Account	\$ 12,400,000
<u>Motor Vehicle Fund—Rural Arterial Trust</u>	
Account Appropriation	\$ ((24,155,072))
	<u>31,071,072</u>
Motor Vehicle Fund Appropriation	\$ ((999,551))
	<u>1,154,051</u>
Total Appropriation	\$ ((25,154,623))
	<u>44,625,123</u>

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

(1) \$28,050 of the motor vehicle fund—state appropriation is provided solely for one time costs associated with the county road administration board director's retirement.

(2) \$126,450 of the motor vehicle fund and \$16,000 of the rural arterial trust account is provided for costs associated with office relocation of the county road administration board.

Sec. 2. Section 5, chapter 6, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE TRANSPORTATION IMPROVEMENT BOARD

<u>Motor Vehicle Fund—Transportation Im-</u>	
provement Account	41,300,000
<u>Motor Vehicle Fund—Urban Arterial</u>	
Trust Account Appropriation	\$ 50,976,600
Total Appropriation	\$ 92,276,600

The urban arterial trust account appropriation includes \$28,000,000 from the proceeds of the sale of Series III Urban Arterial bonds provided for by RCW 47.26.420 through 47.26.427.

**Sec. 3. Section 6, chapter 6, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:*

FOR THE STATE PATROL—FIELD OPERATIONS BUREAU

General Fund Appropriation	\$ ((300,000))
	<u>300,600</u>
<u>General Fund—Public Safety Education Ac-</u>	
count Appropriation—State	\$ 1,000,000
<u>Motor Vehicle Fund—State Patrol Highway</u>	
Account Appropriation—State	\$ ((110,690,369))
	<u>110,054,369</u>

Motor Vehicle Fund—State Patrol Highway	
Account Appropriation—Federal	\$ 2,965,228
Motor Vehicle Fund Appropriation	\$ 392,989
Total Appropriation	\$ ((114,348,586)) <u>114,713,186</u>

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

(1) The motor vehicle fund—state patrol highway account—state appropriation in this section includes \$1,969,889 for twenty-eight additional traffic troopers. The twenty-eight officers shall begin training on February 1, 1990.

(2) \$297,973 is appropriated from the state patrol highway account—state solely for the replacement of trooper weapons. The weapons being replaced will be disposed of at fair market value in accordance with department of general administration's surplus property procedures and in compliance with office of financial management regulations. Officers may purchase their service revolvers at the fair market value.

~~((4))~~ (3) \$300,000 from the state patrol highway account—state appropriation and \$300,000 from the general fund appropriation is appropriated solely for the investigation of vehicle license fraud. The Washington state patrol, department of revenue, and the office of financial management shall report semiannually beginning December 15, 1989, to the legislative transportation committee on the number of fraud cases investigated and their outcome.

~~((5))~~ (4) \$821,000 of the motor vehicle fund—state patrol highway account—state appropriation ~~((in this section includes \$1,571,000))~~ and \$1,000,000 of the public safety education account—state appropriation in this section is provided for the safety education program.

~~((6))~~ (5) The motor vehicle fund—state patrol highway account—state appropriation in this section includes \$591,630 for five tow truck inspectors.

~~((7))~~ (6) The motor vehicle fund—state patrol highway account—state appropriation includes \$591,120 for the Vehicle Identification Number Program and \$1,303,700 for 15 additional commercial vehicle officers.

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

NEW SECTION. Sec. 4. A new section is added to chapter 6, Laws of 1989 1st ex. sess. to read as follows:

\$250,000 is appropriated from the state patrol highway account—state to the field operations bureau of the Washington state patrol solely for aircraft replacement. Any user of Washington state patrol aircraft shall pay its pro rata share of all operating and maintenance costs including capitalization.

Sec. 5. Section 7, chapter 6, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE STATE PATROL—SUPPORT SERVICES BUREAU

General Fund—State	\$	41,500
Motor Vehicle Fund—State Patrol Highway		
Account Appropriation	\$	((48,210,204))
		<u>48,470,304</u>
Total Appropriation	\$	<u>48,511,804</u>

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

(1) \$2,205,285 is provided solely for development of the third and final phase of the patrol information collection system. Authority to expend these funds is conditioned upon compliance with the requirements set forth in section 63, chapter 6, Laws of 1989 1st ex. sess.

(2) \$2,463,000 is provided solely for the purchase of mobile radios for troopers' vehicles.

(3) \$40,900 of the general fund—state appropriation is provided for the cost accounting project. If this appropriation is contained in the 1990 general fund omnibus appropriations act, the appropriation in this section shall lapse.

(4) The office of financial management and the Washington state patrol shall develop a specific proposal for establishing an equipment revolving account beginning with the 1991-93 biennium. The account shall, at a minimum, be used for the maintenance and replacement of all vehicles including pursuit cars, staff cars, vans, and trucks. The proposal shall assess the feasibility of including mainframe computer equipment and aircraft in the revolving account. The agencies shall report to the legislative transportation committee by August 1, 1990, on their recommendations on the establishment of the revolving account.

NEW SECTION. Sec. 6. A new section is added to chapter 6, Laws of 1989 1st ex. sess. to read as follows:

The moneys appropriated to the Washington state patrol in this act shall not be used for relocation of headquarters personnel currently housed within the general administration building.

Sec. 7. Section 9, chapter 6, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING—VEHICLE SERVICES

Motor Vehicle Fund Appropriation	\$	((32,607,339))
		<u>34,331,339</u>
General Fund—Wildlife Account Appropria-		
tion	\$	421,186
Total Appropriation	\$	((33,028,525))

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

(1) ~~\$(1,538,900)~~ 2,266,900 of the motor vehicle fund appropriation is provided solely for the completion of the county auditor automation project. Authority to expend these funds is conditioned upon compliance with the requirements set forth in section 63, chapter 6, Laws of 1989 1st ex. sess. It is the intent of the legislature that if by December 31, 1990, the Hewlett-Packard Company has not demonstrated the performance levels specified in the February 15, 1990, agreement between the department of licensing and the Hewlett-Packard Company (or in any amendments thereto mutually agreed to by the contracting parties), Hewlett-Packard shall at its sole cost and expense either:

(a) Provide to the department and install an additional system, capable of supporting two thousand two hundred transactions per hour and meeting the required response times, together with all necessary software to operate the system and integrate the system into CAAP; or

(b) Upgrade two or more of the four then-existing systems as necessary to achieve those performance standards.

(2) The department shall create an advisory committee to examine the current processes and costs for issuing vehicle titles, registrations, and other vehicle documentation. Membership on the committee shall include the director as chairperson and appropriate departmental personnel and representatives of county auditors, subagents, county executives, and county council members/commissioners. ~~By ((June 30, 1990))~~ January 10, 1991, the advisory committee shall report to the legislative transportation committee as follows: (a) An analysis of the costs and benefits accruing annually to county auditors and subagents as a result of vehicle licensing activities; (b) analysis and recommendations of an appropriate allocation of on-going operating and maintenance county auditor automation project costs among the department, county auditors, and subagents; (c) the committee, in consultation with the information systems division of the department, the office of financial management, and the department of information services shall address the issue of future system requirements and how the costs associated with such requirements should be shared between the department, county auditors, and subagents; and (d) an analysis of the costs and benefits associated with the alternative of having all vehicle licensing activities conducted solely within the department, and an analysis of other alternatives recommended by the advisory committee.

~~((4))~~ (3) \$374,656 of the motor vehicle fund appropriation is provided solely for the front license tab program.

~~((5))~~ (4) \$46,609 of the motor vehicle fund appropriation is provided solely for the implementation of Engrossed House Bill No. 1645, regulating the relationship between motor vehicle dealers and manufacturers.

(5) \$329,000 of the motor vehicle appropriation as provided solely for implementing the odometer disclosure act. If Substitute Senate Bill No. 6560 is not implemented by June 30, 1990, this appropriation is null and void.

(6) \$550,000 of the motor vehicle fund—state appropriation provided for in this section is for implementation of the comprehensive 1990 transportation revenue bill. Transfer of any portion of this appropriation to the information services division is permitted.

Sec. 8. Section 10, chapter 6, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING—DRIVER SERVICES

General Fund—Public Safety and Education	
Account Appropriation	\$ 3,412,942
Highway Safety Fund Appropriation	\$ ((35,321,479))
	<u>35,674,479</u>
Highway Safety Fund—Motorcycle Safety	
Education Account Appropriation.....	\$ 1,037,499
Total Appropriation	\$ ((39,771,920))
	<u>40,124,920</u>

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

(1) \$((557,870)) 700,870 of the highway safety fund appropriation is provided for establishing ((two)) three new driver license examining offices.

(2) \$207,000 of the highway safety fund—motorcycle safety education account appropriation is provided solely for implementing the motorcycle public awareness program provided for in Engrossed Senate Bill No. 6076.

Sec. 9. Section 11, chapter 6, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING—MANAGEMENT OPERATIONS

General Fund—Wildlife Account Appropriation		\$ 7,238
<u>Highway Safety Fund—Motorcycle Safety</u>		
Education Account Appropriation.....	\$	<u>2,747</u>
Highway Safety Fund Appropriation	\$	((7,027,608))
		<u>7,160,684</u>
Motor Vehicle Fund Appropriation	\$	((3,378,999))
		<u>3,570,519</u>
General Fund—Public Safety and Education		
Account Appropriation	\$	((611,678))
		<u>623,975</u>

General Fund—State	\$	55,000
Total Appropriation	\$	((11,025,523))
		<u>11,420,163</u>

\$55,000 of the general fund—state appropriation is provided solely for the cost allocation project. If this appropriation is contained in the 1990 general fund omnibus appropriation act, the appropriation in this section shall lapse.

Sec. 10. Section 12, chapter 6, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING—INFORMATION SYSTEMS

General Fund—Wildlife Account Appropria- tion	\$	((4,041))
		<u>229,015</u>
General Fund—State	\$	14,000
Highway Safety Fund—Motorcycle Safety Education Account Appropriation	\$	700
Highway Safety Fund Appropriation	\$	((4,815,059))
		<u>3,639,012</u>
Motor Vehicle Fund Appropriation	\$	((15,191,175))
		<u>14,374,819</u>
General Fund—Public Safety and Education Account Appropriation	\$	((390,162))
		<u>390,001</u>
Total Appropriation	\$	((20,400,437))
		<u>18,647,547</u>

\$14,000 of the general fund appropriation is provided solely for the revenue accounting feasibility study. If this appropriation is contained in the 1990 omnibus general fund appropriations act, the appropriation in this section shall lapse.

NEW SECTION. Sec. 11. A new section is added to chapter 6, Laws of 1989 1st ex. sess. to read as follows:

\$728,000, of which \$364,000 is from the motor vehicle fund and \$364,000 is from the highway safety fund, is appropriated to the information services division of the department of licensing and is provided solely for the development of a project feasibility study exclusively for the integration of driver and motor vehicle systems. The feasibility study provided for in this section shall study only alternative computer applications and hardware that are currently in use in other states. The plan shall be submitted to the legislative transportation committee, the office of financial management, and the department of information services, by February 1, 1991. Authority to expend these moneys is conditioned upon compliance

with the requirements set forth in section 63 of chapter 6, Laws of 1989 1st ex. sess.

Sec. 12. Section 13, chapter 6, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE LEGISLATIVE TRANSPORTATION COMMITTEE

High Capacity Transportation Account	\$	750,000
Motor Vehicle Fund Appropriation	\$	((2,525,000))
		<u>2,602,000</u>
Motor Vehicle Fund—State Patrol Highway		
Account Appropriation	\$	100,000
Total Appropriation	\$	((2,625,000))
		<u>3,452,000</u>

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

(1) ~~\$(50,000)~~ 127,000 of the motor vehicle fund appropriation, or as much thereof as is needed, is provided for a study of gasoline pricing and supply practices to be conducted in conjunction with the Washington state energy office. The state energy office shall create and maintain a data base on petroleum pricing.

(2) \$75,000 of the motor vehicle fund appropriation is provided solely for the study mandated in section 14 of chapter 6, Laws of 1989 1st ex. sess.

(3) The motor vehicle fund—state patrol highway account appropriation provided for in this section is for a survey of ~~((local))~~ law enforcement compensation and to develop a trooper deployment model.

(4) \$750,000 of the high capacity transportation account appropriation provided for in this section is for an independent comprehensive study of public transportation to address organization, efficiency, effectiveness, and funding. The study shall address, but not be limited to:

(a) The roles and benefits of transit and paratransit in various areas of the state;

(b) The effectiveness and efficiency of public transportation efforts including utilization, cost of service, growth management strategies, environmental factors, and financial support;

(c) A specific component addressing the unmet transportation needs of persons with disabilities, and elderly, minority, or other transportation-disadvantaged persons; and

(d) The state's role in public transportation including provision and coordination of transportation services for current and potential participants in state and/or federally supported programs, financing and oversight.

The study shall be completed by September 30, 1991, and the results, including any recommendations for changes to existing statutes, reported to

the legislative transportation committee, the governor, and the state transportation commission.

(5) From the appropriation provided for in section 26 of this act, a study is to be performed in conjunction with the office of financial management, the transportation commission, the department of transportation, public transportation agencies, and cities and counties on the programming and prioritization of transportation projects and services.

The study shall include, but not be limited to, analyses and recommendations regarding:

(a) Established state and local program priorities, prioritization processes, and their ability to address current transportation problems;

(b) State and local design and service standards;

(c) Investment in traffic management alternatives and other nonconstruction approaches; and

(d) Effective intermodal and interjurisdictional planning and coordination of programs.

The study shall be completed by September 1991.

(6) From the appropriation provided for in section 26 of this act, a cost responsibility study is to be performed in conjunction with the office of financial management, the transportation commission, the department of transportation, public transportation agencies, and cities and counties. The cost responsibility study shall include but not be limited to analysis and recommendations regarding:

(a) Damage to, use of, and benefit from the state's transportation systems;

(b) Whether the users and beneficiaries of the state's transportation systems are paying an appropriate share of the costs; and

(c) Alternative methods of cost recovery and taxation including user and beneficiary based methods.

The study shall be completed by July 1, 1992.

****NEW SECTION. Sec. 13. A new section is added to chapter 6, Laws of 1989 1st ex. sess. to read as follows:***

FOR THE AIR TRANSPORTATION COMMISSION

<i>General Fund—State</i>	\$	275,000
<i>Transportation Fund</i>	\$	275,000
<i>Total Appropriation</i>	\$	550,000

The appropriations in this section shall lapse if sections 40 through 44 of this act are not also enacted.

**Sec. 13 was vetoed, see message at end of chapter.*

Sec. 14. Section 16, chapter 6, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE TRANSPORTATION COMMISSION

General Fund—Aeronautics Account Ap- propriation	\$	1,184
General Fund Appropriation	\$	2,269
Motor Vehicle Fund—Puget Sound Capital Construction Account Appropriation	\$	31,349
Motor Vehicle Fund—Puget Sound Ferry Operations Account Appropriation	\$	53,160
Motor Vehicle Fund Appropriation	\$	((425,024))
		<u>625,024</u>
Total Appropriation	\$	((512,986))
		<u>712,986</u>

\$200,000 of the motor vehicle fund appropriation is provided for an innovations unit. The staff of the unit shall include an expert in emerging transportation technologies. The transportation commission shall submit a report by January 1, 1991, to the legislative transportation committee showing a detailed organization and work plan for the unit, and projected expenditures for the 1991-93 biennium.

Sec. 15. Section 17, chapter 6, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—HIGHWAY CONSTRUCTION—PROGRAM A

Motor Vehicle Fund Appropriation—State	\$	((124,000,000))
		<u>125,100,000</u>
Motor Vehicle Fund Appropriation—Federal	\$	80,000,000
Motor Vehicle Fund Appropriation—Local	\$	2,000,000
Total Appropriation	\$	((206,000,000))
		<u>207,100,000</u>

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.

(2) \$80,000 of this appropriation is provided solely for studies to identify means of mitigating the environmental effects of SR 520 on neighboring communities.

(3) Any study of east-west corridors across or in the vicinity of Lake Washington shall be conducted in a manner consistent with the regional high occupancy vehicle strategic plan.

(4) \$300,000 of this appropriation is provided solely for safety improvements to the first avenue south bridge.

(5) \$250,000 of the motor vehicle fund—state appropriation is provided solely for advanced planning, in conjunction with state and local growth management efforts.

(6) The motor vehicle fund—state appropriation contains \$1,100,000 for preliminary engineering and geotechnical investigations for an alternate route to state route 4 between Longview and Cathlamet.

Sec. 16. Section 19, chapter 6, Laws of 1989 1st ex. sess (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—HIGHWAY CONSTRUCTION—PROGRAM C

Motor Vehicle Fund Appropriation—State	\$	((34,750,000))
		<u>89,750,000</u>
Motor Vehicle Fund Appropriation—Local	\$	1,000,000
Total Appropriation	\$	((35,750,000))
		<u>90,750,000</u>

~~(1) ((\$35,000,000 of the appropriations in this section are provided solely for the completion of category C projects currently under construction:~~

~~(2))~~ (2) The motor vehicle fund—state appropriation includes up to ~~\$(1,000,000)~~ 6,000,000 of bond proceeds carried forward from the 1987–89 biennium and \$33,000,000 of bond proceeds authorized in RCW 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.

~~((3) The department of transportation shall, by December 31, 1989, provide the legislative transportation committee with a report identifying the impact of the reduced category C funding contained in this act on all other departmental 1989–91 appropriations by program. The report shall contain, but not be limited to, personnel reductions actually implemented as of the date of this report and also projected reductions for the 1989–91 and 1991–93 biennia:~~

~~(4))~~ (2) Up to \$750,000 of this appropriation is provided to the department of transportation solely to fund the state's fifty percent share of the cost of a study, led by the city of Seattle, including a conceptual layout plan through the design report processes on Seattle's first avenue south bridge. The department of transportation shall report the findings of the current study underway by the city of Seattle, King county, and the port of Seattle, and the findings of the draft environmental impact study, to the legislative transportation committee before proceeding with design work for the first avenue south bridge other than that necessary for the environmental impact statement.

(3) \$5,000,000 of the motor vehicle fund—state appropriation is provided solely for preliminary engineering and right of way acquisition for

state highway projects designated as special category C under RCW 47.05-.030 and chapter 46.68 RCW. The projects shall include the first avenue south bridge in Seattle, SR 18 from Auburn to I-90, and the north/south corridor in Spokane. It is the intent of the legislature that funding provided under the special category C program for the 1st avenue south bridge shall not be jeopardized by expenditures for any other special category C project.

~~((5))~~ (4) Nothing in this section precludes the department from completing engineering on projects when such engineering costs are being provided by local government or private sources.

Sec. 17. Section 20, chapter 6, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—HIGHWAY MANAGEMENT AND FACILITIES—PROGRAM D

Motor Vehicle Fund Appropriation	\$	58,608,867
Motor Vehicle Fund—Transportation Capital		
Facilities Account Appropriation	\$	((1,000,000))
		<u>17,000,000</u>
Total Appropriation	\$	((59,608,867))
		<u>75,608,867</u>

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

(1) \$200,000 of the motor vehicle fund appropriation is provided solely for a capital facilities management system.

(2) ~~((If House Bill No. 1467 is not enacted by June 30, 1989, the motor vehicle fund—transportation capital facilities account appropriation shall lapse, and the motor vehicle fund appropriation shall increase by \$1,000,000))~~ \$15,000,000 of the motor vehicle fund—transportation capital facilities account appropriation is provided solely for the acquisition of headquarters facilities for district 1 of the department and costs incidental thereto, together with all improvements and equipment required to make the facilities suitable for the department's use.

(3) \$1,000,000 of the motor vehicle fund—transportation capital facilities account appropriation is provided solely for the operation of the new district 1 headquarters facilities.

NEW SECTION. Sec. 18. A new section is added to chapter 6, Laws of 1989 1st ex. sess. to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—TRANSFER

Motor Vehicle Fund: For transfer to the Transportation Capital Facilities Account	\$	15,000,000
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The appropriation transfer in this section is provided as a loan to the transportation capital facilities account for the initial financing of the acquisition of headquarters facilities for district 1 of the department. This loan shall be repaid from proceeds from the sale of bonds authorized under chapter __, Laws of 1990 (Senate Bill No. 6897), without the necessity of further legislative appropriation: PROVIDED, That the amount of the transfer shall not exceed actual expenditures for the acquisition of the headquarters facilities and improvements and equipment required to make the facilities suitable for the department's use.

Sec. 19. Section 24, chapter 6, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—
NONINTERSTATE BRIDGES—PROGRAM H

Motor Vehicle Fund Appropriation—State	\$	((26,000,000))
		<u>26,637,000</u>
Motor Vehicle Fund Appropriation—Federal	\$	33,000,000
Motor Vehicle Fund Appropriation—Local	\$	1,000,000
Total Appropriation	\$	((60,000,000))
		<u>60,637,000</u>

The appropriations in this section are provided to preserve the structural and operating integrity of existing bridges. The appropriations in this section are subject to the following conditions and limitations:

(1) \$220,000 of the appropriation provided for in this section shall be used exclusively for the first avenue south bridge.

(2) \$125,000 of the motor vehicle fund—state appropriation is provided solely for a Longview bridge feasibility study which shall include soils investigation, alignment considerations, bridge alternate designs, and cost estimates.

(3) \$125,000 of the motor vehicle fund—state appropriation is provided solely for a feasibility study of the state route No. 99 bridge over the Skagit river between Mt. Vernon and Burlington, which shall include soils investigation, alignment considerations, bridge alternate designs, and cost estimates.

(4) \$387,000 of the motor vehicle fund—state appropriation is provided solely to fund the removal of the toll booths on the Spokane river toll bridge and for preliminary engineering work on the deck resurfacing of the Spokane river toll bridge.

Sec. 20. Section 25, chapter 6, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—HIGH-
WAY MAINTENANCE AND OPERATIONS—PROGRAM M

Motor Vehicle Fund Appropriation—State	\$	((191,946,680))
		<u>191,872,680</u>
Motor Vehicle Fund Appropriation—Local	\$	69,161
Total Appropriation	\$	((192,015,841))
		<u>191,941,841</u>

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

(1) \$1,500,000 of the motor vehicle fund—state appropriation is provided solely for snow and ice removal activities in excess of \$33,800,000. The excess moneys are to be matched with reprioritized maintenance funds of twenty-five percent of the total needed over \$33,800,000 until the \$1,500,000 is matched. The legislative transportation committee must be notified if the resulting total of \$35,800,000 is exceeded.

(2) If actual and projected expenditures for public damage repair exceed amounts presumed in the maintenance work plan as submitted in the budget request to the house of representatives and senate transportation committees, supplemental relief will be sought.

(3) ~~((If Engrossed House Bill No. 1502, adjusting vehicle permit fees, is enacted by June 30, 1989, the motor vehicle fund—state appropriation is reduced by \$164,000))~~ \$90,000 of the motor vehicle fund—state appropriation is provided solely for maintenance on the Spokane river bridge.

Sec. 21. Section 26, chapter 6, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—SALES AND SERVICES TO OTHERS—PROGRAM R

Motor Vehicle Fund Appropriation—State	\$	((2,273,000))
		<u>2,023,000</u>
Motor Vehicle Fund Appropriation—Federal	\$	68,000,000
Motor Vehicle Fund Appropriation—Local	\$	6,869,000
Total Appropriation	\$	((77,142,000))
		<u>76,892,000</u>

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

(1) The appropriations contain ~~\$((350,000))~~ 1,000,000 of state funds for expenditure in accordance with RCW 47.56.720 (Puget Island—Westport Ferry—Payments for operation and maintenance to Wahkiakum county).

(2) ~~((The appropriations contain \$900,000 of state funds for the guarantee, pursuant to RCW 47.56.712, of the payment of principal and interest on the Spokane River toll bridge revenue refunding bonds as the bonds become due, but only to the extent that net revenues from the operation of the bridge are insufficient.~~

(3)) The appropriations contain \$400,000 of local funds to guarantee bond payments on the Astoria-Megler bridge pursuant to RCW 47.56.646.

Sec. 22. Section 28, chapter 6, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—PLANNING, RESEARCH, AND PUBLIC TRANSPORTATION—PROGRAM T

~~((For public transportation and rail programs:))~~

General Fund Appropriation—State	\$	((629,800))
		<u>779,800</u>
General Fund Appropriation—		
Federal/Local	\$	5,466,819
<u>High Capacity Transportation Account—</u>		
General Fund—State Appropriation	\$	4,603,000
((For planning and research:))		
Motor Vehicle Fund Appropriation—State	\$	((8,637,774))
		<u>10,357,774</u>
Motor Vehicle Fund Appropriation—Federal	\$	10,463,549
<u>Puget Sound Ferry Operations Account—</u>		
Motor Vehicle Fund—State Appropriation	\$	25,000
<u>Puget Sound Capital Construction Account—Motor Vehicle Fund—State</u>		
Appropriation	\$	25,000
<u>Transportation Fund</u>	\$	150,000
Total Appropriation	\$	((33,759,081))
		<u>31,870,942</u>

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

(1) The motor vehicle fund—state appropriation may be increased by up to \$1,500,000 in the event federal funds are not available to fully fund the motor vehicle fund—federal appropriation in this section, subject to legislative transportation committee notification. If additional federal funds become available to more than fully fund the motor vehicle fund—federal appropriation in this section, the department may transfer up to \$600,000 from the motor vehicle fund—state appropriation to the motor vehicle fund—federal appropriation.

(2) \$892,852 of the motor vehicle fund—state appropriation is provided for interstate 4-R and route planning studies.

(3) \$115,126 of the motor vehicle fund—state appropriation is provided for traffic analysis studies.

(4) \$50,000 of the motor vehicle fund—state appropriation and \$50,000 of the general fund—state appropriation is provided solely for one additional full-time employee to implement the requirements set forth in Engrossed House Bill No. 1438.

(5) The high capacity transportation account appropriation is subject to the following conditions and limitations:

(a) ~~\$(6,801,793))~~ 3,400,000 or as much thereof as may be necessary may be expended to provide up to eighty percent matching assistance for regional ~~((passenger rail))~~ high capacity transportation planning efforts;

(b) ~~(\$500,000 or as much thereof as may be necessary))~~ Up to \$250,000 may be expended to determine ways of improving Amtrak service including coordination and planning efforts within the state;

(c) ~~\$(833,346))~~ 220,000 or as much thereof as may be necessary may be expended for ~~((passenger rail))~~ high capacity transportation program administration ~~((and for independent review of passenger rail plans));~~ ~~((and))~~

(d) ~~\$(426,000))~~ 233,000 or as much thereof as may be necessary may be expended for freight rail program administration~~((:));~~ and

(e) Up to five hundred thousand dollars is provided solely for the purpose of funding administration and activities of the high capacity transportation expert review panel appointed in 1989 by the chair of the legislative transportation committee, the governor, and the secretary of transportation.

(6) Up to \$150,000 of the general fund—state appropriation and \$150,000 of the transportation fund appropriation is provided solely for an update to the 1985 port system study. The study shall assess the state's transportation system as it relates to international trade and economic development. The study shall be managed by the Washington public ports association. The study shall be completed by December 31, 1990.

(7) \$20,000 of the motor vehicle fund—state appropriation is provided solely for a study of the Hood river toll bridge which shall include an analysis of the origin and destination of trips and traffic volumes.

(8) \$1,700,000 of the motor vehicle fund—state appropriation is provided for regional transportation planning as authorized by House Bill No. 2929. This appropriation shall be allocated as follows:

(a) A maximum total of \$341,250 will be allocated to lead planning agencies, based on \$8,750 per county for each county within a regional transportation planning organization;

(b) A maximum of \$1,258,750 will be allocated to lead planning agencies on a per capita basis; and

(c) \$100,000 for a discretionary grant program for special regional planning projects, to be administered by the department of transportation.

Any funds not allocated under subsection (a) or (b) of this subsection shall be available for the discretionary grant program under (c) of this subsection.

The appropriation provided for in this subsection shall lapse if House Bill No. 2929 is not enacted by June 30, 1990.

(9) Up to \$25,000 of the Puget Sound capital construction account appropriation and up to \$25,000 of the Puget Sound ferry operations account appropriation is provided to review the economic impact of the Anacortes/San Juan/Sydney route on the state of Washington, the San Juan islands, and surrounding communities, including the related impact on the future vessel acquisition plan. The study shall also determine the type and nature of the financial arrangement for a British Columbia terminal, if warranted. The findings and recommendations of such study shall be presented to the legislative transportation committee by December 1, 1990.

Sec. 23. Section 29, chapter 6, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—	
CHARGES FROM OTHER AGENCIES—PROGRAM U	
Motor Vehicle Fund Appropriation	\$ ((10,607,946))
	<u>10,898,946</u>

The appropriation in this section is to provide for costs billed to the department for the services of other state agencies as follows:

- (1) Archives and records management, \$((216,000)) 231,000;
- (2) Attorney general tort claims support, \$5,141,946;
- (3) Office of the state auditor audit services, \$((731,000)) 821,000;
- (4) Department of general administration facilities and services charges, \$((1,946,000)) 2,132,000; and
- (5) Department of personnel services, \$2,573,000.

Sec. 24. Section 30, chapter 6, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—MA-	
RINE CONSTRUCTION—PROGRAM W	
Motor Vehicle Fund—Puget Sound Capital	
Construction Account Appropriation—	
State	\$ ((98,930,400))
	<u>99,841,400</u>
Motor Vehicle Fund—Puget Sound Capital	
Construction Account Appropriation—	
Federal	\$ 14,200,000
Total Appropriation	\$ ((113,130,400))
	<u>114,041,400</u>

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:

(1) The appropriations in this section are provided to carry out only the projects presented to the governor and the house of representatives and senate transportation committees in the department of transportation's 1989-91 biennial budget request dated March, 1989 and as amended by the department's supplemental budget request. The department of transportation shall revise these projects to reconcile them with the 1987-89 actual expenditures within sixty days of the beginning of the biennium.

(2) The Puget Sound capital construction account—state appropriation in this section contains \$15,000,000 of state funds transferred as a loan from the Puget Sound ferry operations account. Repayment to the Puget Sound ferry operations account from the Puget Sound capital construction account shall begin in the 1993-95 biennium.

(3) The Puget Sound capital construction account—state appropriation (~~of \$100,300,000~~) includes \$20,000,000 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.

(4) The Puget Sound capital construction account—state appropriation contains up to \$100,000 which shall be used in conjunction with funds provided by the legislative transportation committee to study and recommend a means for financing the future purchases of any required auto ferry vessel(s): PROVIDED, That the results of this joint study shall be presented to the governor and the house of representatives and senate transportation committees prior to December 31, 1989.

(5) The department of transportation shall provide the legislative transportation committee with a monthly report concerning the status of the capital program authorized in this section.

(6) Up to \$791,000 may be expended for passenger only terminal construction at Coleman dock in Seattle.

(7) \$120,000 of the Puget Sound capital construction account is provided solely for work at the Sidney terminal.

Sec. 25. Section 31, chapter 6, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—MARINE—PROGRAM X
 Ferry System Fund Appropriation \$ ((+167,808,589))
176,651,729

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is based on the budgeted expenditure of \$((+9,643,704)) 20,814,327 for vessel operating fuel in the 1989-91 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.

(2) In the event that revenues available to the ferry system fund are not sufficient to support the expenditures necessary for the operation and maintenance of the state ferry system as authorized in this section, the department may transfer funds from the Puget Sound ferry operations account to the ferry system fund.

(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 1989-91 biennium shall not exceed ~~\$(110,842,958))~~ 115,999,901 plus a dollar amount, as prescribed by the office of financial management, which is equal to any insurance benefit increase granted general government employees in excess of \$224.75 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 1989-91 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 ~~\$(110,842,958))~~ 115,999,901 provided for compensation, plus the prescribed insurance benefit, pension, and salary increase dollar amount:

(a) The maximum dollar amount which shall be allocated from the governor's compensation salary appropriation is in addition to the appropriation contained in this section and may be used in conjunction with \$19,794 to increase compensation costs, effective January 1, 1990;

(b) The prescribed insurance benefit increase dollar amount which 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 in conjunction with \$40,046 to increase compensation costs, effective July 1, 1989;

(c) The maximum dollar amount which 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 1989-90 compensation increase and may be used in conjunction with \$247,242 to increase compensation costs, effective January 1, 1991.

In no event may the June 30, 1990, hourly salary rate increase exceed any average hourly salary rate increase granted during the 1989-90 fiscal year.

In no event may the June 30, 1991, hourly salary rate increase exceed any salary rate increase granted during the 1990-91 fiscal year.

(4) 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.

(5) The appropriation in this section contains ~~\$(1,000,000)~~ 1,303,000 which shall be expended only to complete the marine division payroll/personnel integration project.

(6) The transportation commission shall propose to the legislative transportation committee a reporting structure that reflects the respective operating expenditures and revenues supporting each of the vessel routes by December 31, 1989. The proposed reporting structure should be tied to existing accounting data and should provide the legislature adequate information to examine the tax subsidy required to support the operation of the various routes.

(7) \$130,000 of this appropriation is provided solely for rent and maintenance increases for terminal property at Sidney, British Columbia.

(8) The appropriation in this section provides for passenger only service between Bremerton and Seattle, and Vashon Island and Seattle.

Sec. 26. Section 32, chapter 6, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—STATE AID—PROGRAM Z

Motor Vehicle Fund Appropriation—State	\$	((6,456,591))
		<u>8,456,591</u>
Motor Vehicle Fund Appropriation—Federal	\$	106,615,693
Motor Vehicle Fund Appropriation—Local	\$	18,557,000
Total Appropriation	\$	((131,629,284))
		<u>133,629,284</u>

(1) The appropriations in this section include \$7,000,000 from the motor vehicle fund—federal 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.

(3) ~~\$(3,000,000)~~ 5,000,000 of the motor vehicle fund—state appropriation, or as much thereof as may be required, is provided for studies that are mutually beneficial to cities, counties and the state department of transportation, including the continuation of the road jurisdiction study ~~((and))~~, the project cost evaluation methodology study, and the studies provided in section 12 (5) and (6) of this act.

Sec. 27. Section 36, chapter 6, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—FOR PAYMENT OF BELATED CLAIMS

Motor Vehicle Fund Appropriation	\$	((5,000,000))
		<u>3,000,000</u>
Puget Sound Ferry Operations Account Approp- riation	\$	100,000
Total Appropriation	\$	((5,100,000))
		<u>3,100,000</u>

Sec. 28. Section 56, chapter 6, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE PATROL

((Program through design development:)) Washington State Patrol headquarters (90-2-040)

	Reappropriation	Appropriation
St Patrol Hiway Acct		((+100,000))
		<u>250,000</u>
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/91 and	Costs
6/30/89	Thereafter	
	24,000,000	24,000,000

The appropriation in this section includes \$150,000 for a feasibility study for the state patrol headquarters building. The scope of work is to include funding methodology, the maximum building density for the site and space utilization for the state patrol, department of transportation, and department of licensing for the property bounded by Maple Park, Jefferson, and 14th streets in the city of Olympia.

The study is to be coordinated by the Washington state patrol, in cooperation with the office of financial management, the department of general administration, and the legislative transportation committee.

Sec. 29. Section 64, chapter 6, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

By July 1, ((+1990)) 1991 the department of transportation shall take actions necessary to ensure that the safety requirements for work places in the state ferry system, whether within the navigable waters subject to the jurisdiction of the state of Washington or the United States, conform, at a minimum, with the employee safety and health regulations adopted by the department of labor and industries pursuant to chapter 49.17 RCW.

Sec. 30. Section 65, chapter 6, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

Effective June 1, 1991, counties with a population of 50,000 or more and cities with a population of 8,000 or more receiving moneys provided in this act shall have adopted a local comprehensive plan prior to the receipt of such funds. The plan shall include a coordinated system of growth planning and strategies and shall take into consideration any state and regional planning efforts, including but not limited to, the rail development commission report, road jurisdiction study, department of transportation policy plan, and the Washington state economic development board. Cities and towns must adopt a comprehensive plan under chapter 35.63 or 35A.63 RCW or under the authority of its charter where applicable. Counties must adopt a comprehensive plan under chapter 35.63 or 36.70 RCW or under the authority of its own charter where applicable. The plans adopted by cities, towns, and counties shall be submitted, upon adoption, to the office of financial management and the department of transportation.

NEW SECTION. Sec. 31. A new section is added to chapter 6, Laws of 1989 1st ex. sess. to read as follows:

FOR THE DEPARTMENT OF AGRICULTURE

\$100,000 is appropriated from the motor vehicle fund solely for the motor fuel quality testing program provided for in Engrossed Substitute House Bill No. 1450. If Engrossed Substitute House Bill No. 1450 is not enacted by June 30, 1990, the allocation provided for in this section shall lapse.

NEW SECTION. Sec. 32. A new section is added to chapter 6, Laws of 1989 1st ex. sess. to read as follows:

FOR THE TRAFFIC SAFETY COMMISSION

\$70,000 from the transportation fund is appropriated to the traffic safety commission for a state bicycle coordinator. If ESSB No. 6434 is not enacted by June 30, 1990, this appropriation shall lapse.

*NEW SECTION. Sec. 33. A new section is added to chapter 6, Laws of 1989 1st ex. sess. to read as follows:

\$3,000,000 is appropriated from the general fund—state appropriation to the department of ecology to be distributed to local air pollution control authorities based upon the pro rata share of vehicle registrations within the authority's boundaries.

The appropriations shall be used for (1) monitoring air quality to help determine transportation-caused contributions to carbon monoxide, particulates, ozone, and toxic air pollutants; (2) to support public health effects studies of transportation-caused pollution; (3) to create computer models to demonstrate transportation-caused air pollution effects and to formulate

possible solutions; (4) establish a program for phase two recovery of fuel vapors; (5) enhance computer capacity to deal with data acquisition and storage, modeling and analysis of pollutant sources, and maintenance and analysis of air pollution source inventories; and (6) expansion of technical assistance to the regulated community and governments in order to assist in compliance with air pollution standards and to reduce the impact of transportation-caused air pollution. In areas of inactive air pollution control authorities, the department shall receive the funds and act in place of the inactive authority.

*Sec. 33 was vetoed, see message at end of chapter.

NEW SECTION. Sec. 34. A new section is added to chapter 6, Laws of 1989 1st ex. sess. to read as follows:

FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, INCLUDING ONGOING BOND REGISTRATION AND TRANSFER CHARGES

Motor Vehicle Fund Appropriation \$ 2,200,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The sum of \$2,200,000, or as much thereof as may be necessary, is provided solely to retire or defease any outstanding bonds issued under RCW 47.56.711.

(2) This appropriation is not subject to the provisions of RCW 47.56.715.

NEW SECTION. Sec. 35. A new section is added to chapter 6, Laws of 1989 1st ex. sess. to read as follows:

(1) Any public agency including but not limited to transit agencies, cities, counties, and the state department of transportation, awarded contracts from counties 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.

It is the intent of the Washington state legislature that construction of high occupancy vehicle lanes and related facilities shall be prioritized as follows:

(a) To accelerate construction of high occupancy vehicle lanes on the interstate highway system, as well as related facilities;

(b) To finance or accelerate construction of high occupancy vehicle lanes on the noninterstate state highway system, as well as related facilities; and

(c) To finance construction of high occupancy vehicle lanes on local arterials, as well as related facilities.

(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 as contained in the regional transportation plan, shall coordinate programming and operational decisions affecting the high occupancy vehicle system.

NEW SECTION. Sec. 36. A new section is added to chapter 6, Laws of 1989 1st ex. sess. to read as follows:

The department of transportation shall work toward implementing the recommendations of the governor's efficiency and accountability commission on activities relating to communication and additional public information resources and report their progress to the legislative transportation executive committee by June 30, 1990.

NEW SECTION. Sec. 37. A new section is added to chapter 6, Laws of 1989 1st ex. sess. to read as follows:

The new taxes distributed in section 103, chapter ... (ESSB No. 6358), Laws of 1990 shall be subject to the provisions in RCW 46.68.110 and 46.68.120.

Sec. 38. Section 504, chapter ... (ESSB 6358), Laws of 1990 (uncodified) is amended to read as follows:

(1) Sections 101 through 104, 115 through 117, 201 through 214, 405 through 411, and 503, chapter ... (ESSB 6358), Laws of 1990 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 April 1, 1990.

(2) Sections 105 through 114, chapter ... (ESSB 6358), Laws of 1990 shall take effect September 1, 1990. The additional fees in sections 105 through 108, chapter ... (ESSB 6358), Laws of 1990 apply for all motor vehicle registrations that expire August 31, ((1992)) 1991, and thereafter.

(3) Sections 301 through 303 and 305 through 328, chapter ... (ESSB 6358), Laws of 1990 shall take effect September 1, 1990, and apply to the purchase of vehicle registrations that expire August 31, 1991, and thereafter.

(4) Section 304, chapter ... (ESSB 6358), Laws of 1990 shall take effect July 1, 1991, and apply to all vehicles registered for the first time with an expiration date of June 30, 1992, and thereafter.

(5) The director of licensing may immediately take such steps as are necessary to ensure that the sections of chapter ... (ESSB 6358), Laws of 1990 are implemented on their effective dates.

(6) Sections 401 through 404, chapter ... (ESSB 6358), Laws of 1990 shall take effect September 1, 1990, only if the bonds issued under RCW 47.56.711 for the Spokane river toll bridge have been retired or fully defeased, and shall become null and void if the bonds have not been retired or fully defeased on that date.

NEW SECTION. Sec. 39. The legislature finds that with the increase in air traffic operations, combined with the projections for the rapid expansion of these operations in both the short and the long term, concerns regarding the environmental, health, social, and economic impacts of air traffic are increasing as well. The legislature also finds that advancing Washington's position as a national and international trading leader is dependent upon the development of a highly competitive, state-wide passenger and cargo air transportation system. Therefore, there is an obvious need for improved coordination of local, federal, and state efforts to develop state-wide air transportation policies to promote continued economic development and to mitigate the negative impacts of air traffic on surrounding communities.

The legislature seeks to provide for the comprehensive examination of air transportation issues, taking into consideration the data and conclusions of appropriate air traffic studies, including but not limited to those currently underway by various public ports of Washington, local jurisdictions, the department of transportation, and the Puget Sound Council of Governments.

It is the intent of the legislature to establish an air transportation commission, made up of persons interested in and affected by air transportation.

NEW SECTION. Sec. 40. (1) The air transportation commission is created to carry out the functions of this chapter. The commission shall consist of twenty-two voting members.

(2) The governor shall appoint nineteen members to represent the following interests:

(a) Four city representatives, who shall be elected city officials, with at least one from a small city or town affected by air traffic problems and one from a large city that is a member of the regional airport system study;

(b) Four county representatives, who shall be elected county officials, with at least one from a small county affected by air traffic problems, and one from a large county that is a member of the regional airport system study;

(c) Two citizens to represent the private sector, with one from western Washington and one from eastern Washington;

(d) Three as representatives from the airline industry;

(e) Two as representatives of the ports, one of whom shall represent a port located in a county of one million population or more;

(f) The governor or a designee;

(g) A representative from the SeaTac noise mediation project;

(h) A representative from an eastern Washington metropolitan planning organization; and

(i) A representative from a western Washington metropolitan planning organization.

(3) The remaining three members shall be:

- (a) The secretary of transportation or a designee;
 - (b) The assistant secretary of the division of aeronautics of the department of transportation; and
 - (c) The director of the Washington state transportation center created by agreement between the University of Washington, Washington State University, and the department of transportation.
- (4) The chair of the legislative transportation committee shall appoint four members of the legislature to serve as nonvoting members of the commission.
- (5) The manager of the Seattle airports division, northwest region of the federal aviation administration shall serve as a nonvoting member.

NEW SECTION. Sec. 41. The commission shall conduct studies to determine Washington's long-range air transportation policy, including an assessment of intermodal needs, and to assess the impacts of increasing air traffic upon surrounding communities, including an evaluation of noise mitigation and surface transportation impacts at existing facilities, and the potential impact at new or expanded facilities.

The studies shall include, but are not limited to the following:

(1) The feasibility of acquiring the Stampede Pass rail line for use as a utility corridor, intermodal high speed transportation corridor or other transportation uses. The study shall include an examination of the ownership of the Stampede Pass rail line right of way and evaluate the advantages and disadvantages of preserving the Stampede Pass rail line corridor. It shall include interested public and private agencies when conducting the study. The commission shall encourage local communities and the private sector to financially participate in the study. The commission shall make a presentation of the feasibility findings to the legislative transportation committee on or before December 1, 1990.

(2) Recommendations to the legislature on future Washington state air transportation policy, including the expansion of existing and potential air carrier and reliever facilities and the siting of such new facilities, specifically taking into consideration intermodal needs. The commission shall consider the development of wayports in eastern Washington, taking into account similar developments in Japan and Germany, in order to reduce congestion resulting from rapid growth in the Puget Sound region. The commission shall examine high speed rail transportation systems, including but not limited to magnetic levitation trains, personal rapid transit systems, and complimentary transportation systems, using to the extent possible the existing rights of way along I-90, I-5, and the Stampede Pass rail corridor.

The commission shall submit findings and recommendations to the legislative transportation committee by December 1, 1994, with an interim report to be presented to the legislative transportation committee by December 1, 1992.

NEW SECTION. Sec. 42. The commission may contract with consultants to assist in any of the assigned studies. The commission shall seek federal funding in consultation with the department of transportation. Any federal funds received shall reduce the amount of state funds appropriated in section 13 of this act.

NEW SECTION. Sec. 43. The commission shall select a chair from among its membership and shall adopt rules related to its powers and duties under this chapter. Members of the commission shall be reimbursed for travel expenses as provided in RCW 43.03.050, 43.03.060, and 44.04.120, as appropriate. Members appointed by the governor shall be compensated in accordance with RCW 43.03.220. The commission has all powers necessary to carry out its duties as prescribed by this chapter. The commission shall be dissolved on June 30, 1995.

NEW SECTION. Sec. 44. The commission may employ staff as necessary to carry out this chapter. The department of transportation, the legislative transportation committee, and the Washington state transportation center may provide additional staff support for the commission. The legislative transportation committee must approve the commission's budget plan before the commission may spend funds.

NEW SECTION. Sec. 45. This chapter expires June 30, 1995.

NEW SECTION. Sec. 46. Sections 39 through 45 of this act constitute a new chapter in Title 47 RCW.

NEW SECTION. Sec. 47. 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. 48. 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 March 8, 1990.

Passed the House March 7, 1990.

Approved by the Governor March 30, 1990, with the exception of certain items which were vetoed.

Filed in Office of Secretary of State March 30, 1990.

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

"I am returning herewith, without my approval as to sections 3, 13 and 33, Senate Bill No. 6408 entitled:

"AN ACT Relating to transportation appropriations."

Section 3 replaces \$750,000 of State Patrol Highway Account funds with an equal amount of Public Safety Education Account (PSEA) funds for the Safety Education program. Additionally, it appropriates \$250,000 of PSEA funds to enhance the Safety Education program. The Public Safety Education Account, already in precarious financial condition, has many beneficiaries, including the Crime Victims

Compensation program. With the lifting of the crime victim's medical cap, the future demands on this fund may exceed estimated revenues. The operating budget conference committee should appropriate \$250,000 of State Patrol Highway Account funds to enhance the Safety Education Program, including the Bicycle Awareness program.

Section 13 appropriates state general funds and transportation funds to the newly created Air Transportation Commission. While I can support the purpose and need for creating a statewide Air Transportation Commission, I question the use of state general funds because the mission of this commission, as described in this legislation, does not include the broader perspective necessary to justify the use of general funds. Therefore, I will ask the House and Senate fiscal committee chairs to provide start-up and study funding for the Commission out of transportation funds.

Section 33 appropriates \$3,000,000 General Fund - State to the Department of Ecology (DOE) for distribution to local air pollution control authorities for activities relating to transportation-caused air pollution.

I question whether the activities described in this section should be paid from the state general fund or more appropriately paid out of transportation funds, as the focus of the program addresses "transportation-caused air pollution."

An issue as important as air quality should not be approached in a piecemeal fashion. DOE is currently developing a comprehensive program and budget request to address air pollution as a priority in the 1991 legislative agenda. Vehicle emissions monitoring and compliance is but one component of a comprehensive air quality program. This program will be developed using the Department's Environment 2010 report which is due this June.

It is appropriate that the issue of additional funding for local air pollution control authorities be addressed next session in the context of an overall comprehensive plan, and for these reasons, I have vetoed this section.

With the exception of sections 3, 13, and 33, Senate Bill No. 6408 is approved."

CHAPTER 299

[Substitute Senate Bill No. 6417]

CAPITAL BUDGET

AN ACT Relating to the capital budget; authorizing certain projects; amending section 2, chapter 12, Laws of 1989 1st ex. sess. (uncodified); amending section 121, chapter 12, Laws of 1989 1st ex. sess. (uncodified); amending section 125, chapter 12, Laws of 1989 1st ex. sess. (uncodified); amending section 138, chapter 12, Laws of 1989 1st ex. sess. (uncodified); amending section 142, chapter 12, Laws of 1989 1st ex. sess. (uncodified); amending section 209, chapter 12, Laws of 1989 1st ex. sess. (uncodified); amending section 216, chapter 12, Laws of 1989 1st ex. sess. (uncodified); amending section 203, chapter 12, Laws of 1989 1st ex. sess. (uncodified); amending section 218, chapter 12, Laws of 1989 1st ex. sess. (uncodified); amending section 234, chapter 12, Laws of 1989 1st ex. sess. (uncodified); amending section 282, chapter 12, Laws of 1989 1st ex. sess. (uncodified); amending section 297, chapter 12, Laws of 1989 1st ex. sess. (uncodified); amending section 402, chapter 271, Laws of 1989 (uncodified); amending section 357, chapter 12, Laws of 1989 1st ex. sess. (uncodified); amending section 320, chapter 12, Laws of 1989 1st ex. sess. (uncodified); amending section 407, chapter 12, Laws of 1989 1st ex. sess. (uncodified); amending section 415, chapter 12, Laws of 1989 1st ex. sess. (uncodified); amending section 428, chapter 12, Laws of 1989 1st ex. sess. (uncodified); amending section 459, chapter 12, Laws of 1989 1st ex. sess. (uncodified); amending section 469, chapter 12, Laws of 1989 1st ex. sess. (uncodified); amending section 510, chapter 12, Laws of 1989 1st ex. sess. (uncodified); amending section 519, chapter 12, Laws of 1989 1st ex. sess. (uncodified); amending section 708, chapter 12, Laws of 1989 1st ex. sess. (uncodified); amending section 718, chapter 12, Laws of 1989 1st ex. sess. (uncodified); amending section 789, chapter 12, Laws of 1989 1st ex. sess. (uncodified); amending section 801, chapter 12, Laws of 1989 1st ex. sess. (uncodified); and amending section 812, chapter 12, Laws of 1989 1st ex. sess. (uncodified); adding new sections to chapter 12, Laws of 1989 1st ex. sess.

(uncodified); repealing section 293, chapter 12, Laws of 1989 1st ex. sess. (uncodified); making appropriations; and declaring an emergency.

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

Sec. 1. Section 2, chapter 12, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

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;

"Drug Enf & Ed Acct" means Drug Enforcement and Education Account;

"DSHS Constr Acct" means State Social and Health Services Construction 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 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 S/T bonds Acct" means Higher Education Reimbursable Short-Term Bonds Account;

"Hndcp Fac Cons'r Acct" means Handicapped Facilities Construction Account;

~~("K-12 Education Acct" means the "children's initiative fund—K-12 education account" created by Initiative 102 if Initiative 102 is enacted;))~~

"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 revert;

"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;

"WSP Constr Acct" means Washington State Patrol Construction Account—State;

"WSU Bldg Acct" means Washington State University Building Account;

"WWU Cap Proj Acct" means Western Washington University Capital Projects Account.

PART 1
GENERAL GOVERNMENT

NEW SECTION. Sec. 101. A new section is added to chapter 12, Laws of 1989 1st ex. sess. (uncodified) to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT

Technical review of capital projects (90-5-010)

	Reappropriation	Appropriation
General Fund—State		215,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		215,000

Sec. 102. Section 121, chapter 12, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Minor works: Northern state repairs (90-1-012)

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

(1) The appropriation from the charitable, educational, penal, and reformatory institutions account shall be used solely for developing a long-range plan for the use of the Northern State Hospital facility. The plan shall be developed cooperatively with the department of social and health services and in consultation with affected local communities. The study shall be submitted to the office of financial management and the legislature by January 8, 1990.

(2) The appropriation from the state building construction account shall be used for asbestos abatement in residence facilities currently in use and for electrical repairs.

	Reappropriation	Appropriation
CEP & RI Acct		100,000
St Bldg Constr Acct		((960,000))
		<u>1,244,000</u>
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		((1,060,000))
		<u>1,344,000</u>

Sec. 103. Section 125, chapter 12, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Minor works: Building exterior repairs and renovation, and light fixtures for the Temple of Justice (90-2-006)

	Reappropriation	Appropriation
Cap Bldg Constr Acct		1,426,000
<u>St Bldg Constr Acct</u>		<u>223,000</u>
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	1,340,000	((2,766,000))
		<u>2,989,000</u>

Sec. 104. Section 138, chapter 12, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
Northern State Multi-Service Center

The appropriation in this section is subject to the following conditions and limitations:

(1) This appropriation is provided solely for ~~((the renovation of))~~ buildings to provide ~~((long-term))~~ care for the mentally ill consistent with chapter 205, Laws of 1989.

(2) No moneys from this appropriation may be expended until the department secures a lease with a county or a group of counties for ~~((the))~~ buildings ~~((to be renovated;))~~ for the purpose of operating a ~~((long-term care))~~ facility for the mentally ill consistent with chapter 205, Laws of 1989.

(3) No moneys from this appropriation may be expended prior to adoption of a plan to provide mental health services through a regional support network as required by chapter 205, Laws of 1989.

	Reappropriation	Appropriation
St Bldg Constr Acct		2,500,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		2,500,000

NEW SECTION. Sec. 105. A new section is added to chapter 12, Laws of 1989 1st ex. sess. (uncodified) to read as follows:

FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
Criminal justice training center

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

(1) These appropriations are provided solely for the acquisition of and capital improvements to a multipurpose facility to be used by the criminal justice training commission for its educational programs and by other state agencies for meetings and other appropriate uses as determined by the department of general administration.

(2) The department shall negotiate a price for the property and make the balance of the appropriation available for improvements necessary for the facility to meet the educational needs of the criminal justice training commission.

	Reappropriation	Appropriation
St Bldg Constr Acct		5,000,000
Public Safety Reimbursable Bond Acct		8,000,000
Public Safety and Education Acct		3,000,000
	<u>Prior Biennia</u>	<u>Future Biennia</u>
		<u>Total</u>
		16,000,000

NEW SECTION. Sec. 106. A new section is added to chapter 12, Laws of 1989 1st ex. sess. (uncodified) to read as follows:

FOR THE MILITARY DEPARTMENT

HVAC reappropriation (89-2-001)

	Reappropriation	Appropriation
St Bldg Constr Acct	274,000	
	<u>Prior Biennia</u>	<u>Future Biennia</u>
		<u>Total</u>
		274,000

Sec. 107. Section 142, chapter 12, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE MILITARY DEPARTMENT

Constr watercraft supt training complex (86-1-003)

The appropriations in this section are subject to the following conditions and limitations: ((+)) The state building construction account appropriation is provided solely for the acquisition of a 50-year lease from the Port of Tacoma.

~~((2) The office of financial management shall not allot any portion of this appropriation unless it first determines that an agreement between the military department and the federal department of defense for the release of the property on Ruston Way in Tacoma provides that ownership of the property will be conveyed in fee simple to the state:~~

~~((3) It is the intent of the legislature that once the state owns the Ruston Way property, the property shall be available for sale in order to recover the cost of the 50-year lease.))~~

	Reappropriation	Appropriation
General fund—Federal		6,885,000
St Bldg Constr Acct		1,300,000
	<u>Prior Biennia</u>	<u>Future Biennia</u>
		<u>Total</u>

1,640,000

5,500,000

15,324,000

PART 2

HUMAN SERVICES

NEW SECTION. Sec. 201. A new section is added to chapter 12, Laws of 1989 1st ex. sess. (uncodified) to read as follows:

FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Asian counseling and referral service (90-5-001)

The appropriation in this section is subject to the following conditions and limitations:

(1) This appropriation shall be used for building renovation costs only.

(2) The Asian counseling and referral service shall continue to provide uncompensated community services.

	Reappropriation	Appropriation
St Bldg Constr Acct		100,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		100,000

Sec. 202. Section 209, chapter 12, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Public works trust fund (90-2-001)

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for public works projects recommended by the public works board and approved by the legislature under chapter 43.155 RCW.

	Reappropriation	Appropriation
Pub Works Asst Acct	61,627,871	((78,241,000))
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
32,446,397	168,562,493	((327,623,873))
		<u>336,339,873</u>

NEW SECTION. Sec. 203. A new section is added to chapter 12, Laws of 1989 1st ex. sess. (uncodified) to read as follows:

FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Klickitat dredge spoil spreading

The appropriation in this section is subject to the following conditions and limitations:

(1) The port of Klickitat shall sign an agreement to repay this appropriation plus simple interest at 7 percent in eight annual installments beginning July 1, 1993.

(2) Expenditure of moneys from this appropriation is contingent on \$300,000 from port district funds being provided for the project.

	Reappropriation	Appropriation
St Bldg Constr Acct		250,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		250,000

Sec. 204. Section 216, chapter 12, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT
Columbia County Courthouse (89-4-004)

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

(1) \$600,000 is provided solely to repair and restore the Columbia county courthouse.

(2) The \$400,000 reappropriation shall be matched by \$700,000 in private donations and local funds from Columbia county.

(3) The \$200,000 appropriation shall be matched by ~~((an equal amount of))~~ \$100,000 in private donations and local funds from Columbia county.

	Reappropriation	Appropriation
St Bldg Constr Acct	400,000	200,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		600,000

Sec. 205. Section 203, chapter 12, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT
Endangered landmark buildings (88-2-009)

The appropriation in this section is subject to the following conditions and limitations:

(1) ~~(\$600,000 is provided solely to be used by the department to purchase and hold for brief periods landmark buildings which might otherwise be lost or altered, and to resell those buildings with the proceeds from the sale deposited in the endangered landmark preservation fund))~~ \$50,000 of this appropriation may be used in conjunction with \$100,000 from the endangered landmark preservation fund for matching grants-in-aid under RCW 27.34.220.

~~(2) ((This appropriation is contingent on an equal amount being provided from nonstate sources on a project by project basis:~~

~~(3) If legislation creating the landmarks preservation fund and establishing the endangered landmarks preservation program in statute is not adopted by the legislature by July 1, 1990, any moneys remaining from the appropriation in this section shall lapse)) No portion of this appropriation may be expended unless an equal amount from nonstate sources is provided for the same purpose.~~

	Reappropriation	Appropriation
St Bldg Constr Acct	((600,000))	
	<u>350,000</u>	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		((600,000))
		<u>350,000</u>

NEW SECTION. Sec. 206. A new section is added to chapter 12, Laws of 1989 1st ex. sess. (uncodified) to read as follows:

FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Preservation of historic community theaters

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is provided solely for grants to local governments to preserve historic community theaters.

(2) No portion of this appropriation may be expended unless an equal amount from nonstate sources is provided for the same purpose.

	Reappropriation	Appropriation
St Bldg Constr Acct		500,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		500,000

NEW SECTION. Sec. 207. A new section is added to chapter 12, Laws of 1989 1st ex. sess. (uncodified) to read as follows:

FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Repair and renovation of the Seventh Street Theatre in Hoquiam

The appropriation in this section is subject to the following conditions and limitations:

(1) This appropriation is provided solely for the repair and renovation of an historic theatre in Hoquiam.

(2) No portion of this appropriation may be expended unless an equal amount from nonstate sources is provided for the same purpose.

	Reappropriation	Appropriation
St Bldg Constr Acct		250,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		250,000

NEW SECTION, Sec. 208. A new section is added to chapter 12, Laws of 1989 1st ex. sess. (uncodified) to read as follows:

FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

A contemporary theater

The appropriation in this section is subject to the following conditions and limitations:

(1) This appropriation is provided solely for the construction of a new theater in Seattle.

(2) No portion of this appropriation may be expended unless at least \$9,000,000 from nonstate sources, including the value of land, is provided for the same purpose. State and nonstate amounts shall be expended on a pro rata basis.

	Reappropriation	Appropriation
St Bldg Constr Acct		1,000,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		1,000,000

Sec. 209. Section 218, chapter 12, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

~~((Purchase of the Last Territorial Governor's House))~~ Rehabilitation of Liberty Theater

The appropriation in this section is subject to the following conditions and limitations:

(1) Expenditure of moneys from this appropriation 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 appropriation.

~~(2) ((A nonprofit organization shall be formed for the purpose of spending this appropriation and operating the territorial governor's house.~~

~~(3) The purchase price shall not exceed an independently appraised value))~~ The appropriation is provided solely for a grant to a nonprofit corporation for rehabilitation and restoration of the historic Liberty Theater building in Walla Walla.

(3) The owner of the building shall grant to the state an historic preservation easement prior to the expenditure of any funds from this appropriation.

(4) 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	Appropriation
St Bldg Constr Acct		200,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		200,000

NEW SECTION. Sec. 210. A new section is added to chapter 12, Laws of 1989 1st ex. sess. (uncodified) to read as follows:

FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Bremerton naval heritage redevelopment project

The appropriation in this section is subject to the following conditions and limitations:

(1) This appropriation is provided solely for capital improvements to the naval destroyer U.S.S. Turner Joy, in conjunction with the Bremerton naval heritage redevelopment project.

(2) No portion of this appropriation may be expended unless an equal amount from nonstate and nonfederal sources is expended for the same purpose.

(3) Prior to the expenditure of this appropriation, 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	Appropriation
St Bldg Constr Acct		256,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		256,000

NEW SECTION. Sec. 211. A new section is added to chapter 12, Laws of 1989 1st ex. sess. (uncodified) to read as follows:

FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Spokane Falls community college athletic track

The appropriation in this section is subject to the following conditions and limitations: No portion of this appropriation may be expended unless at least \$277,000 from nonstate sources is provided for the same purpose.

	Reappropriation	Appropriation
St Bldg Constr Acct		450,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		450,000

NEW SECTION. Sec. 212. A new section is added to chapter 12, Laws of 1989 1st ex. sess. (uncodified) to read as follows:

FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT
Spokane food bank freezer

	Reappropriation	Appropriation
St Bldg Constr Acct		150,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		150,000

NEW SECTION. Sec. 213. A new section is added to chapter 12, Laws of 1989 1st ex. sess. (uncodified) to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Design and construct 24-bed residential facility to house juvenile sex offenders at Maple Lane school (90-5-001)

	Reappropriation	Appropriation
St Bldg Constr Acct		1,256,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		1,256,000

NEW SECTION. Sec. 214. A new section is added to chapter 12, Laws of 1989 1st ex. sess. (uncodified) to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Renovate existing residential facility and construct perimeter fence at Echo Glen (90-5-002)

	Reappropriation	Appropriation
St Bldg Constr Acct		956,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		956,000

Sec. 215. Section 234, chapter 12, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

~~((ESTC: Renovate residences to high school (88-1-318)))~~
Child Study and Treatment Center: design (88-1-318)

The appropriation in this section shall be subject to the following conditions and limitations: The building program shall be approved by the office of financial management prior to expenditure of funds for design.

	Reappropriation	Appropriation
St Bldg Constr Acct	160,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
165,000		325,000

NEW SECTION. Sec. 216. A new section is added to chapter 12, Laws of 1989 1st ex. sess. (uncodified) to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

Facilities master plan

The appropriation in this section is subject to the following conditions and limitations: The department shall develop a facilities master plan for the correctional system to improve the efficiency of the system and to accommodate the increasing number and changing needs of the inmate population. Specific plans for women and geriatric inmates, a reception center, work release facilities, and time schedules for construction, shall be included in the master plan.

	Reappropriation	Appropriation
St Bldg Constr Acct		200,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		200,000

Sec. 217. Section 282, chapter 12, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

McNeil Island Corrections Center implement master plan (88-2-003)

The appropriation in this section is subject to the following conditions and limitations:

(1) Moneys in this appropriation shall not be expended until the master plan has been submitted to the legislative fiscal committees and the office of financial management has reported to the committees that satisfactory progress has been made on receiving approval of the environmental impact statement, selecting mainland parking facility, and selecting mainland ferry terminal.

(2) The department shall, to the maximum extent possible, employ inmate labor in the construction of this project.

	Reappropriation	Appropriation
St Bldg Constr Acct		((4,377,000)) <u>31,393,000</u>
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
621,000	((28,000,000)) <u>45,106,000</u>	((32,998,000)) <u>77,120,000</u>

Sec. 218. Section 297, chapter 12, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

~~((Clallam Bay corrections center double-celling and program area renovations))~~ Clallam Bay corrections center expansion (90-5-026)

	Reappropriation	Appropriation
St Bldg Constr Acct		((4,071,000)) <u>25,301,000</u>
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		((4,071,000)) <u>25,301,000</u>

NEW SECTION. Sec. 219. A new section is added to chapter 12, Laws of 1989 1st ex. sess. (uncodified) to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

Open new inmate work camps (90-2-001)

The appropriation in this section is provided for the design and construction and/or acquisition of three 400-bed inmate work camps.

	Reappropriation	Appropriation
St Bldg Constr Acct		46,905,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		46,905,000

NEW SECTION. Sec. 220. A new section is added to chapter 12, Laws of 1989 1st ex. sess. (uncodified) to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

Washington corrections center double-bunking (90-2-002)

	Reappropriation	Appropriation
St Bldg Constr Acct		173,000

<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		173,000

NEW SECTION. Sec. 221. Section 293, chapter 12, Laws of 1989 1st ex. sess. (uncodified) is repealed.

NEW SECTION. Sec. 222. A new section is added to chapter 12, Laws of 1989 1st ex. sess. (uncodified) to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

Washington state penitentiary—Minimum security unit double-bunking (90-2-003)

	Reappropriation	Appropriation
St Bldg Constr Acct		1,210,000

<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		1,210,000

NEW SECTION. Sec. 223. A new section is added to chapter 12, Laws of 1989 1st ex. sess. (uncodified) to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

Twin Rivers corrections center double-bunking (90-2-004)

	Reappropriation	Appropriation
St Bldg Constr Acct		2,981,000

<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		2,981,000

NEW SECTION. Sec. 224. A new section is added to chapter 12, Laws of 1989 1st ex. sess. (uncodified) to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

Washington state penitentiary—Medium security complex double-bunking (90-2-005)

	Reappropriation	Appropriation
St Bldg Constr Acct		1,128,000

<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		1,128,000

NEW SECTION. Sec. 225. A new section is added to chapter 12, Laws of 1989 1st ex. sess. (uncodified) to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

Clearwater/Olympic 100-bed expansion (90-2-006)

The appropriation in this section is subject to the following conditions and limitations: The department shall, to the maximum extent possible, employ inmate labor in the construction of this project.

	Reappropriation	Appropriation
St Bldg Constr Acct		1,738,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		1,738,000

NEW SECTION. Sec. 226. A new section is added to chapter 12, Laws of 1989 1st ex. sess. (uncodified) to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

Cedar Creek corrections center 100-bed expansion (90-2-007)

The appropriation in this section is subject to the following conditions and limitations: The department shall, to the maximum extent possible, employ inmate labor in the construction of this project.

	Reappropriation	Appropriation
St Bldg Constr Acct		1,637,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		1,637,000

NEW SECTION. Sec. 227. A new section is added to chapter 12, Laws of 1989 1st ex. sess. (uncodified) to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

Camp Labor Pool Funds

The appropriation in this section is subject to the following conditions and limitations:

(1) This appropriation is provided solely for Clearwater/Olympic and Cedar Creek Corrections Centers.

(2) No moneys may be expended without prior approval of the office of financial management. It is anticipated that inmate labor will be available for use by the department. However, the office of financial management may approve expenditure of such amounts from this appropriation as are necessary upon a showing by the department that inmate labor is insufficient to complete 7.5 percent of each project.

(3) If the department requests any portion of this appropriation, it shall provide a report to the fiscal committees of the house of representatives and senate.

	Reappropriation	Appropriation
St Bldg Constr Acct		229,000

<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		229,000

NEW SECTION. Sec. 228. A new section is added to chapter 12, Laws of 1989 1st ex. sess. (uncodified) to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

New medium security institution (90-2-008)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is provided for the design and environmental impact statement of a prototypical 1,024-bed or larger institution, site acquisition, site preparation, and facility programming.

(2) In designing the institution, the department shall consider the long-range alternatives for prison expansion recommended in the department's population management and facilities plan.

	Reappropriation	Appropriation
St Bldg Constr Acct		4,417,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	97,859,000	102,276,000

NEW SECTION. Sec. 229. A new section is added to chapter 12, Laws of 1989 1st ex. sess. (uncodified) to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

Washington state penitentiary—Six and eight wing emergency capacity (90-2-014)

	Reappropriation	Appropriation
St Bldg Constr Acct		132,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		132,000

NEW SECTION. Sec. 230. A new section is added to chapter 12, Laws of 1989 1st ex. sess. (uncodified) to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

Eastern Washington prerelease emergency capacity (90-2-015)

	Reappropriation	Appropriation
St Bldg Constr Acct		62,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		62,000

NEW SECTION. Sec. 231. A new section is added to chapter 12, Laws of 1989 1st ex. sess. (uncodified) to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

Forestry camps 1 & 2: Expand from 200 to 300 beds (90-5-027)

	Reappropriation	Appropriation
St Bldg Constr Acct		4,820,000
Drug Enf & Ed Acct		7,106,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		11,926,000

Sec. 232. Section 402, chapter 271, Laws of 1989 (uncodified) is amended to read as follows:

The sum of (~~twenty-one million three hundred five thousand dollars~~) \$14,199,000, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the drug enforcement and education account to the department of corrections. Of this amount, (~~eight million eight hundred thousand dollars~~) \$1,694,000 is for start-up and operational costs associated with (~~the additional prison population due to the new crimes and increased penalties established by sections 101 through 112 of this act~~) forestry camps 1 and 2. The remaining twelve million five hundred five thousand dollars is for the purpose of (~~renovating or~~) constructing (~~additional facilities needed as a result of the new crimes and penalties~~) forestry camps 1 and 2.

PART 3

NATURAL RESOURCES

NEW SECTION. Sec. 301. A new section is added to chapter 12, Laws of 1989 1st ex. sess. (uncodified) to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Westhaven comfort station replacement (89-2-119)

	Reappropriation	Appropriation
St Bldg Constr Acct		423,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		423,000

NEW SECTION. Sec. 302. A new section is added to chapter 12, Laws of 1989 1st ex. sess. (uncodified) to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Fort Worden, Balloon hangar (90-5-004)

The appropriation in this section is subject to the following conditions and limitations: No portion of this appropriation may be expended unless at

least \$1,100,000 from nonstate sources is provided for the same purpose. State and nonstate amounts shall be spent on a pro rata basis.

	Reappropriation	Appropriation
St Bldg Constr Acct		500,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		500,000

NEW SECTION. Sec. 303. A new section is added to chapter 12, Laws of 1989 1st ex. sess. (uncodified) to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

John Wayne Trail—Tunnel 47 safety improvements (91-1-005)

	Reappropriation	Appropriation
St Bldg Constr Acct		196,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		196,000

Sec. 304. Section 357, chapter 12, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Maryhill—Development (88-5-035)

The appropriation in this section is subject to the following conditions and limitations: Not more than \$75,000 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	Appropriation
St Bldg Constr Acct	1,025,798	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
50,202		1,076,000

NEW SECTION. Sec. 305. A new section is added to chapter 12, Laws of 1989 1st ex. sess. (uncodified) to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Colville Tribes Interpretive Center

The appropriation in this section is subject to the following conditions and limitations:

(1) This appropriation is provided solely to the state parks and recreation commission to help the Confederated Tribes of the Colville Indian Reservation complete a plan for an interpretive center to depict the heritage

of the eleven bands forming the federation and for a memorial to Chief Joseph.

(2) The commission shall submit the plan to the governor and the legislature.

	Reappropriation	Appropriation
General Fund—State		25,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		25,000

Sec. 306. Section 320, chapter 12, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

West Hylebos—Acquisition and development (86-4-013)

The appropriation in this section is subject to the following condition and limitation: This appropriation shall lapse if the necessary construction contract is not entered into by June 30, ((+990)) 1991.

	Reappropriation	Appropriation
St Bldg Constr Acct	195,595	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
177		195,772

NEW SECTION. Sec. 307. A new section is added to chapter 12, Laws of 1989 1st ex. sess. (uncodified) to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Ohme Gardens—Acquisition, safety, and irrigation improvements (89-5-169)

The appropriation in this section is subject to the following conditions and limitations: This property shall be operated by Chelan county at county expense.

	Reappropriation	Appropriation
St Bldg Constr Acct		765,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		765,000

NEW SECTION. Sec. 308. A new section is added to chapter 12, Laws of 1989 1st ex. sess. (uncodified) to read as follows:

FOR THE DEPARTMENT OF TRADE AND ECONOMIC DEVELOPMENT

Olympic Academy (91-5-001)

The appropriation in this section is subject to the following conditions and limitations:

(1) The expenditure of these funds shall not exceed 12 percent of the total project cost, including the value of donated property.

(2) This appropriation is contingent on the provision of an equal amount of money from city or county sources.

	Reappropriation	Appropriation
St Bldg Constr Acct		3,000,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		3,000,000

Sec. 309. Section 407, chapter 12, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF FISHERIES

Towhead Island public access—Renovation (86-2-028)

The appropriations in this section are subject to the following conditions and limitations: The appropriations shall lapse if construction has not begun by (~~June 30, 1990~~) March 31, 1991.

	Reappropriation	Appropriation
ORA—Federal	20,000	
ORA—State	191,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		211,000

Sec. 310. Section 415, chapter 12, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF FISHERIES

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~~) December 31, 1990, the appropriations in this section shall lapse.

	Reappropriation	Appropriation
ORA—Federal	30,000	
ORA—State	270,000	
<u>General Fund—Federal</u>		<u>171,000</u>
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		(300,000)
		<u>471,000</u>

Sec. 311. Section 428, chapter 12, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF FISHERIES

Columbia River—Fishing access (88-5-014)

The appropriation in this section is subject to the following condition and limitation: The appropriation shall lapse if necessary permits have not been obtained by (~~December 31, 1989~~) June 30, 1990.

	Reappropriation	Appropriation
St Bldg Constr Acct	186,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
129,000		315,000

Sec. 312. Section 459, chapter 12, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF WILDLIFE

Wildlife area repair and development (90-2-016)

	Reappropriation	Appropriation
Wildlife Acct—State		(250,000)
		<u>265,000</u>
<u>Wildlife Acct—Federal</u>		<u>45,000</u>
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	500,000	(750,000)
		<u>810,000</u>

NEW SECTION. Sec. 313. A new section is added to chapter 12, Laws of 1989 1st ex. sess. (uncodified) to read as follows:

FOR THE DEPARTMENT OF WILDLIFE

Office repair/renovation/remodel (90-2-020)

The appropriation in this section is subject to the following conditions and limitations: There shall be no expenditure of funds related to the expansion, renovation, or remodeling of facilities in Olympia, with the exception of the remodel of the Olympia warehouse.

	Reappropriation	Appropriation
Wildlife Acct—State		580,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		580,000

Sec. 314. Section 469, chapter 12, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF WILDLIFE

Regional Office Facilities Relocation—Purchase or Construct (90-2-021)

The appropriation in this section is subject to the following conditions and limitations: If the site selected for the new Spokane office is a site that was owned by the department as of January 1, 1990, \$75,000 of the appropriation shall lapse.

	Reappropriation	Appropriation
Wildlife Acct—State		((425,000))
		<u>1,610,000</u>
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		((425,000))
		<u>1,610,000</u>

***NEW SECTION. Sec. 315. A new section is added to chapter 12, Laws of 1989 1st ex. sess. (uncodified) to read as follows:**

FOR THE DEPARTMENT OF WILDLIFE

Continued feasibility study and design work for a steelhead and rainbow trout hatchery at Grandy creek.

The appropriation in this section is subject to the following conditions and limitations: A maximum of \$125,000 may be expended to determine the adequacy of water quality and supply, the appropriateness of the site, and the feasibility of the project. If the department determines that these conditions are favorable, the remainder of this appropriation may be expended for design, planning, and site work for the project.

	Reappropriation	Appropriation
Wildlife Acct—State		500,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		500,000

*Sec. 315 was vetoed, see message at end of chapter.

Sec. 316. Section 510, chapter 12, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

Timber—Fish—Wildlife (88-2-021)

The appropriation in this section is subject to the following condition and limitation: This appropriation shall lapse if the orphan roads are not identified by September 30, 1989, and construction begun by (~~December 31, 1989~~) September 30, 1990.

	Reappropriation	Appropriation
St Bldg Constr Acct	262,500	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
37,500		300,000

Sec. 317. Section 519, chapter 12, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

Recreation site renovation (89-3-001)

The appropriations in this section are subject to the following conditions and limitations: If not expended by (~~June~~) September 30, 1990, the appropriations in this section shall lapse.

	Reappropriation	Appropriation
St Bldg Constr Acct	550,100	
ORA—State	561,100	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
36,800		1,148,000

NEW SECTION. Sec. 318. A new section is added to chapter 12, Laws of 1989 1st ex. sess. (uncodified) to read as follows:

FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

North Creek Regional Park

The appropriation in this section is subject to the following conditions and limitations:

(1) This appropriation is provided solely for a grant for the acquisition and development of a regional park in Snohomish County.

(2) No entity may receive any portion of this appropriation unless it agrees to provide for the same purpose at least two dollars from nonstate sources for each one dollar from the appropriation.

	Reappropriation	Appropriation
St Bldg Constr Acct		300,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		300,000

NEW SECTION. Sec. 319. A new section is added to chapter 12, Laws of 1989 1st ex. sess. (uncodified) to read as follows:

FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Acquisition of wildlife conservation and recreation lands

The appropriation in this section is subject to the following conditions and limitations:

(1) (a) \$26,500,000 of the appropriation from the habitat conservation account, hereby created in the state treasury, shall be expended in the following manner:

(i) At least thirty-five percent for the acquisition and development of critical habitat;

(ii) At least twenty percent for the acquisition and development of natural areas;

(iii) At least fifteen percent for the acquisition and development of urban wildlife habitat; and

(iv) The remaining amount shall be considered unallocated and shall be used by the committee to fund high-priority acquisition and development needs for critical habitat, natural areas, and urban wildlife habitat;

(b) Only state agencies may apply for acquisition and development funds for critical habitat and natural areas projects under (a) (i), (ii), and (iv) of this subsection; and

(c) State and local agencies may apply for acquisition and development funds for urban wildlife habitat projects under (a) (iii) and (iv) of this subsection.

(2) (a) \$26,500,000 of the appropriation from the outdoor recreation account shall be expended in the following manner:

(i) At least twenty-five percent to the state parks and recreation commission for the acquisition and development of state parks, with at least seventy-five percent of this money for acquisition costs;

(ii) At least twenty-five percent for the acquisition, development, and renovation of local parks, with at least fifty percent of this money for acquisition costs;

(iii) At least fifteen percent for the acquisition and development of trails;

(iv) At least ten percent for the acquisition and development of water access sites, with at least seventy-five percent of this money for acquisition costs; and

(v) The remaining amount shall be considered unallocated and shall be distributed by the committee to state and local agencies to fund high-priority acquisition and development needs for parks, trails, and water access sites;

(b) Only local agencies may apply for acquisition, development, or renovation funds for local parks under (a)(ii) of this subsection;

(c) State and local agencies may apply for funds for trails under (a)(iii) of this subsection; and

(d) State and local agencies may apply for funds for water access sites under (a)(iv) of this subsection.

(3) This appropriation may not be used to transfer land from one state agency to another if that transfer will result in the transferred land being subject to payments for property tax or any consideration in lieu of property taxes.

(4) No portion of this appropriation may be expended for local projects unless an equal amount from nonstate sources is provided for the same purpose.

(5) The committee may adopt rules establishing acquisition policies and priorities for distributions from the habitat conservation account.

(6) Moneys appropriated under this section may not be used by the committee to fund additional staff positions or other overhead expenses, or by a state, regional, or local agency to fund operation and maintenance of areas acquired under this chapter.

(7) Moneys appropriated under this section may be used for costs incidental to acquisition, including, but not limited to, surveying expenses, fencing, and signing.

(8) In determining acquisition priorities with respect to the habitat conservation account, the committee shall consider, at a minimum, the following criteria:

(a) For critical habitat and natural areas proposals:

(i) Community support;

(ii) Immediacy of threat to the site;

(iii) Uniqueness of the site;

(iv) Diversity of species using the site;

(v) Quality of the habitat;

(vi) Long-term viability of the site;

(vii) Presence of endangered, threatened, or sensitive species;

(viii) Enhancement of existing public property;

(ix) Consistency with a local land use plan, or a regional or state-wide recreational or resource plan; and

(x) Educational and scientific value of the site.

(b) For urban wildlife habitat proposals, in addition to the criteria of (a) of this subsection:

(i) Population of, and distance from, the nearest urban area;

(ii) Proximity to other wildlife habitat;

(iii) Potential for public use; and

(iv) Potential for use by special needs populations.

(9) In determining which state parks proposals and local parks proposals to fund, the committee shall use existing policies and priorities.

(10) The committee may adopt rules establishing acquisition policies and priorities for the acquisition and development of trails and water access sites to be financed from moneys in the outdoor recreation account.

(11) In determining the acquisition and development priorities, the committee shall consider, at a minimum, the following criteria:

- (a) For trails proposals:
 - (i) Community support;
 - (ii) Immediacy of threat to the site;
 - (iii) Linkage between communities;
 - (iv) Linkage between trails;
 - (v) Existing or potential usage;
 - (vi) Consistency with an existing local land use plan or a regional or state-wide recreational or resource plan;
 - (vii) Availability of water access or views;
 - (viii) Enhancement of wildlife habitat; and
 - (ix) Scenic values of the site.
- (b) For water access proposals:
 - (i) Community support;
 - (ii) Distance from similar water access opportunities;
 - (iii) Immediacy of threat to the site;
 - (iv) Diversity of possible recreational uses; and
 - (v) Public demand in the area.

(12) The committee shall recommend to the governor a preliminary list of projects to be funded from this appropriation. The list shall include but not be limited to, a description of each project and shall describe any anticipated restrictions on recreational activities for the project. After review and comment by the governor, the committee shall recommend a final list of projects for approval by the governor. If the governor removes a project from the list, the committee shall recommend a replacement for the removed project.

(13) Only projects on the final list approved by the governor under subsection (12) of this section may be funded from these appropriations.

	Reappropriation	Appropriation
Habitat Conservation Acct		26,500,000
ORA		26,500,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		53,000,000

PART 4

EDUCATION

Sec. 401. Section 708, chapter 12, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE STATE BOARD OF EDUCATION

Public school building construction: 1989 (90-2-001)

The appropriation in this section is subject to the following conditions and limitations:

(1) A maximum of \$1,050,000 may be spent for state administration of school construction funding.

(2) \$66,136,000 is provided solely for modernization projects previously approved by the state board of education. An additional \$26,892,000 is provided solely for modernization projects if at least \$40,000,000 is appropriated for school construction by the legislature by June 30, 1990, over and above the amounts appropriated for school construction in this act.

(3) The appropriation in this section includes proceeds of the issuance of bonds authorized for deposit in the common school construction fund by chapter 3, Laws of 1987 1st ex. sess., and ten million dollars in additional state bonds authorized by chapter 14, Laws of 1989 1st ex. sess. (~~Of the proceeds of bonds authorized by chapter 14, Laws of 1989 1st ex. sess., \$8,000,000, or as much thereof as may be necessary, shall be compensation to the common school construction fund for the sale of timber from common school trust lands sold to the parks and recreation commission pursuant to RCW 43.51.270, and authorized for sale by the legislature prior to January 1, 1989.~~)

(4) The state board shall review current rules and administrative procedures, and shall amend or revise these rules and procedures to address the following concerns:

(a) The discrepancy between the forecasted enrollments used for determining state funding for school construction, and the state-wide growth trends predicted by the office of financial management;

(b) The infrequency of cooperative use of surplus space available in neighboring districts;

(c) The creation of new construction needs by school districts by selling or demolishing schools, or by redesignating grade space or administrative use of school buildings;

(d) The incentive to condemn useable schools to secure state funding, rather than awaiting uncertain support for modernization;

(e) Greater needs for replacement of decaying schools caused by deferral of modernization, at a higher long-term cost to the state and local districts;

(f) The potential of district boundary changes for the purpose of achieving more efficient use of facilities; and

(g) The potential of the state to recover its share of the value of sold school buildings that were built with state matching moneys.

Prior to September 15, 1989, the state board of education shall report to the capital facilities and financing committee of the house of representatives and the ways and means committee of the senate on the actions taken or rules adopted by the board to address these concerns.

(5) \$11,748,000 is provided solely for vocational-technical institute projects previously approved by the state board of education if at least \$40,000,000 is appropriated for school construction by the legislature by

June 30, 1990, over and above the amounts appropriated for school construction in this act.

	Reappropriation	Appropriation
Common School Constr Fund		252,097,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		252,097,000

Sec. 402. Section 718, chapter 12, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE STATE SCHOOL FOR THE DEAF

((~~Wheelchair lifts~~)) Outside elevators—Clark Hall, vocational, Northrup School (90-2-003)

	Reappropriation	Appropriation
St Bldg Constr Acct		((+147,100)) <u>297,000</u>
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		((+147,100)) <u>297,000</u>

NEW SECTION. Sec. 403. A new section is added to chapter 12, Laws of 1989 1st ex. sess. (uncodified) to read as follows:

FOR THE UNIVERSITY OF WASHINGTON

K-wing addition (90-1-001)

The appropriation in this section is subject to the following conditions and limitations:

(1) This appropriation 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).

(2) The University of Washington shall submit a value engineering report on the project to the legislative fiscal committees upon completion of thirty percent of the design of the project.

	Reappropriation	Appropriation
Higher Ed Constr Acct		45,000,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		45,000,000

NEW SECTION. Sec. 404. A new section is added to chapter 12, Laws of 1989 1st ex. sess. (uncodified) to read as follows:

FOR THE UNIVERSITY OF WASHINGTON

Physics building site prep

	Reappropriation	Appropriation
St Bldg Constr Acct		3,623,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		3,623,000

NEW SECTION. Sec. 405. A new section is added to chapter 12, Laws of 1989 1st ex. sess. (uncodified) to read as follows:

FOR WASHINGTON STATE UNIVERSITY

Washington Higher Education Telecommunications System (WHETS)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$2,755,000 is provided solely to convert one of two analog channels to digital.

(2) \$94,000 is provided solely to equip one new WHETS classroom at the Southwest Washington branch campus.

(3) \$112,000 is provided solely for equipment necessary to offer nursing classes on the system.

(4) The appropriation is subject to compliance with section 919, chapter 12, Laws of 1989 1st ex. sess. (uncodified).

(5) Any expenditure under this appropriation 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	Appropriation
WSU Bldg Acct		2,961,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		2,961,000

NEW SECTION. Sec. 406. A new section is added to chapter 12, Laws of 1989 1st ex. sess. (uncodified) to read as follows:

FOR EASTERN WASHINGTON UNIVERSITY

Seventh Street replacement (90-3-001)

	Reappropriation	Appropriation
EWU Capital Projects		338,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		338,000

NEW SECTION. Sec. 407. A new section is added to chapter 12, Laws of 1989 1st ex. sess. (uncodified) to read as follows:

FOR EASTERN WASHINGTON UNIVERSITY

Minor works—Facilities renewal (90-3-002)

	Reappropriation	Appropriation
EWU Capital Projects		1,167,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		1,167,000

Sec. 408. Section 789, chapter 12, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR CENTRAL WASHINGTON UNIVERSITY

Psychology animal research facility (90-1-060)

	Reappropriation	Appropriation
St Bldg Constr Acct		((1,547,000))
		<u>2,147,000</u>
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		((1,547,000))
		<u>2,147,000</u>

Sec. 409. Section 801, chapter 12, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE EVERGREEN STATE COLLEGE

Life safety—Code compliance (88-1-001)

	Reappropriation	Appropriation
St Bldg Constr Acct	172,000	((819,000))
		<u>1,175,000</u>
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
1,012,000		((2,003,000))
		<u>2,359,000</u>

NEW SECTION. Sec. 410. A new section is added to chapter 12, Laws of 1989 1st ex. sess. (uncodified) to read as follows:

FOR THE EVERGREEN STATE COLLEGE

Failed systems: Exterior building reseal and campus activity building settling and deck recaulk

	Reappropriation	Appropriation
St Bldg Constr Acct		245,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		245,000

Sec. 411. Section 812, chapter 12, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR WESTERN WASHINGTON UNIVERSITY

Minor works request/small repairs and improvements (90-1-004)

The appropriations in this section are subject to the following conditions and limitations: The appropriations 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, except that \$486,000 may be used to acquire property identified in the campus master plan.

	Reappropriation	Appropriation
WWU Cap Proj Acct	2,503,000	3,900,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
8,948,481	12,000,000	27,351,481

NEW SECTION. Sec. 412. A new section is added to chapter 12, Laws of 1989 1st ex. sess. (uncodified) to read as follows:

FOR THE STATE LIBRARY

Library for the Blind and Physically Handicapped planning costs

The appropriation in this section is subject to the following conditions and limitations: The appropriation 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.

	Reappropriation	Appropriation
General Fund—State		75,000

<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		75,000

PART 5

MISCELLANEOUS

NEW SECTION. Sec. 501. A new section is added to chapter 12, Laws of 1989 1st ex. sess. (uncodified) to read as follows:

(1) The department of ecology may enter into a financial contract in the principal amount of \$53,000,000 plus financing costs and required reserves pursuant to chapter 39.94 RCW. This amount is for the acquisition of a Thurston county headquarters site, design, and construction.

(2) The Evergreen State College may enter into a financial contract in the principal amount of \$800,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW. This amount is for expansion of the college activities building and the loan is to be repaid through student activity fees.

(3) Spokane community college may enter into a financial contract in the principal amount of \$75,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW. This amount is for conversion of an existing lease of a central storage facility for the college.

(4) Spokane community college may enter into a financial contract in the principal amount of \$161,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW. This amount is for conversion of an existing lease of a hangar at Felts field which houses a portion of an aircraft mechanics vocational training program.

NEW SECTION. Sec. 502. 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. 503. 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 March 8, 1990.

Passed the House March 8, 1990.

Approved by the Governor March 30, 1990, with the exception of certain items which were vetoed.

Filed in Office of Secretary of State March 30, 1990.

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

"I am returning herewith, without my approval as to section 315, Engrossed Substitute Senate Bill No. 6417 entitled:

"AN ACT Relating to the capital budget."

This section provides \$500,000 from the State Wildlife Fund for a continued feasibility study and design work for a steelhead and rainbow trout hatchery at Grandy Creek. Funds available to the State Wildlife Fund are extremely limited. Revenues may not be sufficient to cover projected expenditures next biennium. Additionally, initial studies by the Department of Wildlife have shown that the amount of water available at Grandy Creek is marginal to support a hatchery. Moreover, this project is being developed outside the normal Capital budget process, without a thorough review by the Department of Wildlife or the Office of Financial Management. The Department of Wildlife has not had the opportunity to rank this project in terms of its other capital needs. Given these factors, approval of the appropriation is not prudent. While I am opposing the project at this time, I am willing to work with the Department of Wildlife, the Legislature, and interested groups in pursuing the feasibility of a steelhead facility on the Skagit River.

For the reasons stated above, I have vetoed section 315 of Engrossed Substitute Senate Bill No. 6417.

With the exception of section 315, Engrossed Substitute Senate Bill No. 6417 is approved.*

CHAPTER 300

[Senate Bill No. 6292]

MOSQUITO CONTROL

AN ACT Relating to the control of mosquitos; amending RCW 17.28.010; adding new sections to chapter 17.28 RCW; and declaring an emergency.

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

***Sec. 1. Section 1, chapter 153, Laws of 1957 and RCW 17.28.010 are each amended to read as follows:**

When used in this chapter, the following terms, words or phrases shall have the following meaning:

(1) "District" means any mosquito control district formed pursuant to this chapter.

(2) "Board" or "district board" means the board of trustees governing the district.

(3) "County commissioners" means the governing body of the county.

(4) "Unit" means all unincorporated territory in a proposed district in one county, regarded as an entity, or each city in a proposed district, likewise regarded as an entity.

(5) "Territory" means any city or county or portion of either or both city or county having a population of not less than one hundred persons.

(6) "Person" means any individual, firm, partnership, corporation, company, association, or joint stock association, and the legal successor thereof.

(7) "Owner" means the person in actual control of property, or an agent, whether such control is based on legal or equitable title or on any other interest entitling the owner to possession or management control.

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

NEW SECTION. Sec. 2. A board established pursuant to RCW 17.28.110 may adopt, by resolution, a policy declaring that the control of

mosquitos within the district is the responsibility of the owner of the land from which the mosquitos originate. To protect the public health or welfare, the board may, in accordance with policies and standards established by the board following a public hearing, adopt a regulation requiring owners of land within the district to perform such acts as may be necessary to control mosquitos.

NEW SECTION. Sec. 3. (1) Whenever the board finds that the owner has not taken prompt and sufficient action to comply with regulations adopted pursuant to section 2 of this act to control mosquitos originating from the owner's land, the board shall notify the owner that a violation of this chapter exists. The notice shall be in writing and sent by certified mail, or served by personal service. The notice shall provide a reasonable time period for action to be taken to control mosquitos. If the board deems that a public nuisance or threat to public health or welfare caused by the mosquito infestation is sufficiently severe, it may require immediate control action to be taken within forty-eight hours following the time that notification is reasonably expected to have been received by the owner or agent by certified mail or personal service.

(2) If the owner does not take sufficient action to control mosquitos in accordance with the notice, the board may control them, or cause their being controlled, at the expense of the owner. The amount of such expense shall constitute a lien against the property and may be enforced by proceedings on such lien. The owner shall be liable for payment of the expenses, and nothing in this chapter shall be construed to prevent collection of any judgment on account thereof by any means available pursuant to law, in substitution for enforcement of the lien. Necessary costs and expenses, including reasonable attorneys' fees, incurred by the board in carrying out this section, may be recovered at the same time, as a part of the action filed under this section. The venue in proceedings for reimbursement of expenses brought pursuant to this section, including those involving governmental entities, shall be the county in which the real property that is the subject of the action is situated.

NEW SECTION. Sec. 4. Sections 2 and 3 of this act are each added to chapter 17.28 RCW.

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 February 9, 1990.

Passed the House March 2, 1990.

Approved by the Governor March 30, 1990, with the exception of certain items which were vetoed.

Filed in Office of Secretary of State March 30, 1990.

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

"I am returning herewith, without my approval as to section 1, Senate Bill No. 6292 entitled:

"AN ACT Relating to the control of mosquitos."

This bill allows local mosquito control districts to establish a policy that the control of mosquitos within the district is the responsibility of the owner of the land from which the mosquitos originate. However, section 1 of the bill expands the common definition of owner from the possessor of the legal or equitable title to include anyone with any other interest entitling the person to possession or management control. Individuals who are renting or leasing property would, therefore, be responsible for mosquito control. This definition would confuse landowners and tenants and would be inconsistent with other statutes relating to property ownership and management. For these reasons I have vetoed section 1.

With the exception of section 1, Senate Bill No. 6292 is approved."

CHAPTER 301

[Second Substitute Senate Bill No. 5835]

ENERGY EDUCATION

AN ACT Relating to energy education; adding new sections to Title 28A 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 the state is facing an impending energy supply crisis. The legislature further finds that keeping the importance of energy in the minds of state residents is essential as a means to help avert a future energy supply crisis and that citizens need to be aware of the importance and trade-offs associated with energy efficiency, the implications of wasteful uses of energy, and the need for long-term stable supplies of energy. One efficient and effective method of informing the state's citizens on energy issues is to begin in the school system, where information may guide energy use decisions for decades into the future.

NEW SECTION. Sec. 2. A new section is added to Title 28A RCW to read as follows:

The office of the superintendent of public instruction shall develop an energy information program for use in local school districts. The program shall utilize existing curriculum which may include curriculum as developed by districts or the state relating to the requirement under RCW 28A.05.010 that schools provide instruction in science with special reference to the environment, and shall include but not be limited to the following elements:

(1) The fundamental role energy plays in the national and regional economy;

(2) Descriptions and explanations of the various sources of energy which are used both regionally and nationally;

(3) Descriptions and explanations of the ways to use various energy sources more efficiently; and

(4) Advantages and disadvantages to the various sources of present and future supplies of energy.

Under this section the office of superintendent of public instruction shall emphasize providing teacher training, promoting the use of local energy experts in the classroom, and dissemination of energy education curriculum.

***NEW SECTION. Sec. 3. A new section is added to Title 28A RCW to read as follows:**

The superintendent shall appoint an energy education advisory committee composed of science teachers, administrators, energy utility representatives, and energy experts. The committee shall propose ways of increasing the teaching of energy education throughout the state, disseminating energy education curriculum, and promoting the use of local energy experts in local school districts.

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

Passed the Senate March 3, 1990.

Passed the House March 1, 1990.

Approved by the Governor March 31, 1990, with the exception of certain items which were vetoed.

Filed in Office of Secretary of State March 31, 1990.

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

"I am returning herewith, without my approval as to section 3, Second Substitute Senate Bill No. 5835 entitled:

"AN ACT Relating to energy education."

This bill requires the Superintendent of Public Instruction, with the assistance of an Energy Education Advisory Committee, to develop and disseminate an energy information program for use in local school districts.

It is essential that the state's citizens understand the need for using energy efficiently and the trade-offs associated with acquiring energy resources. I concur that it is desirable to begin a public education campaign on energy issues through our school system.

Section 3 requires the Superintendent of Public Instruction to establish an Energy Education Advisory Committee but includes no sunset date for that committee. Currently, the Superintendent has authority to establish ad-hoc committees as the need arises. The Superintendent has assured me that individuals representing a broad spectrum of viewpoints on energy issues will be consulted.

For the reasons stated above, I have vetoed section 3 of Second Substitute Senate Bill No. 5835.

With the exception of section 3, Second Substitute Senate Bill No. 5835 is approved."

CHAPTER 302

[House Bill No. 2939]

CORRECTIONAL INSTITUTIONS—INMATE POPULATIONS

AN ACT Relating to population limits at correctional institutions; adding new sections to chapter 72.02 RCW; creating new sections; and repealing RCW 72.02.180 and 72.02.190.

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

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

(1) Section 109, chapter 136, Laws of 1981, section 2, chapter 350, Laws of 1985, section 4, chapter 143, Laws of 1988 and RCW 72.02.180; and

(2) Section 14, chapter 143, Laws of 1988 and RCW 72.02.190.

***NEW SECTION.** Sec. 2. *A new section is added to chapter 72.02 RCW to read as follows:*

If the department of corrections provides new inmate beds, or provides double-bunks for existing cells, within ten miles of a city or town that is within three miles of correctional facilities that would have been subject to RCW 72.02.180 or 72.02.190, and if those facilities had an average annual inmate capacity of at least one thousand on the effective date of this act, the department shall, subject to appropriation by the legislature, provide mitigating funds to the city or town containing or closest to the facility with the new beds or double-bunked cells. For purposes of determining the eligibility of a city or town for mitigation funds under this section, the average annual inmate capacity of correctional facilities within three miles of a city or town shall be combined. The mitigation funds shall be calculated as follows: The number of new beds or double-bunked cells divided by one thousand multiplied by the annual general fund—state operating budget of the department's correctional facilities within ten miles of that town or city, multiplied by one percent. The city or town, in its discretion, may share the funds with other cities or the county in which the city or town is located. The department shall provide mitigation funds annually, adjusted for changes in additional new beds or double-bunked cells and in the department's budget. The funds authorized by this section shall be in addition to any other amounts that were authorized prior to the effective date of this act by the legislature or ordered by any court for the purpose of mitigating the impact of adult correctional facilities.

*Sec. 2 was vetoed, see message at end of chapter.

***NEW SECTION.** Sec. 3. *If specific funding for the purposes of section 2 of this act, referencing section 2 of this act by bill and section number, is*

not provided by June 30, 1990, in the omnibus appropriations act, section 2 of this act shall be null and void.

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

***NEW SECTION.** *Sec. 4. A new section is added to chapter 72.02 RCW to read as follows:*

The department of corrections shall provide annual financial assistance to the city and county of Walla Walla and the city of College Place in order to offset the direct economic costs incurred by the local governments as a result of the continued impact of the Washington state penitentiary and adjoining correctional facilities on city law enforcement, sewer, fire, water, and social services. The funds authorized by this section shall be in addition to any other amounts authorized by the legislature prior to the effective date of this act for the purpose of mitigating the impact of adult correctional facilities on local governments.

**Sec. 4 was vetoed, see message at end of chapter.*

***NEW SECTION.** *Sec. 5. If specific funding for the purposes of section 4 of this act, referencing section 4 of this act by bill and section number, is not provided by June 30, 1990, in the omnibus appropriations act, section 4 of this act shall be null and void.*

**Sec. 5 was vetoed, see message at end of chapter.*

***NEW SECTION.** *Sec. 6. A new section is added to chapter 72.02 RCW to read as follows:*

If the department of corrections increases the average daily inmate population at the Twin Rivers corrections center above the nonemergency statutory limit under RCW 72.02.180, the department shall, subject to appropriation by the legislature, provide annual mitigating funds to the county in which the corrections center is located. The mitigation funds shall be calculated by multiplying the average daily inmate population that exceeds the nonemergency statutory limit for that fiscal year, by five hundred dollars.

**Sec. 6 was vetoed, see message at end of chapter.*

***NEW SECTION.** *Sec. 7. If specific funding for the purposes of section 6 of this act, referencing section 6 of this act by bill and section number, is not provided by June 30, 1990, in the omnibus appropriations act, section 6 of this act shall be null and void.*

**Sec. 7 was vetoed, see message at end of chapter.*

***NEW SECTION.** *Sec. 8. A new section is added to chapter 72.02 RCW to read as follows:*

If inmate populations are increased at any institution as a result of the repeal of RCW 72.02.180 or 72.02.190, the department of corrections shall provide sufficient staffing at the institution to comply with the division of

prisons custody model as adopted by the department. In no event shall staffing levels be reduced below the levels in effect on the effective date of this act.

*Sec. 8 was vetoed, see message at end of chapter.

Passed the House March 6, 1990.

Passed the Senate March 2, 1990.

Approved by the Governor March 31, 1990, with the exception of certain items which were vetoed.

Filed in Office of Secretary of State March 31, 1990.

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

"I am returning herewith, without my approval as to sections 2, 3, 4, 5, 6, 7 and 8, Engrossed House Bill No. 2939 entitled:

"AN ACT Relating to population limits at correctional institutions."

Section 1 of this bill repeals the statutory limits on the inmate populations of Shelton and Monroe correctional facilities. This change is necessary for the Department of Corrections to accommodate a rapidly increasing inmate population. Recent enhancements to the state's criminal statutes, particularly with respect to drug offenders, burglars and sex offenders, are projected to cause a doubling of prison inmates by the year 1996. Every effort must be made to ensure that these offenders are not released for lack of space.

Sections 2 through 7 establish a formula for providing mitigation funds to certain communities affected by the repealed population caps. I recognize that some communities have experienced the brunt of the state's need for prison sites.

I further recognize that those communities should not be asked to experience negative impacts without recompense. Nonetheless, I cannot support the provisions of this bill which offer a piecemeal approach to mitigation funding. If a statutory mitigation funding formula is to be adopted, it must be applicable statewide.

In addition, section 8 of this measure requires the Department of Corrections to continue staffing at the Washington Corrections Center at a level consistent with the current prison staffing model. This model is an administrative tool, and should not be embodied in statute. Furthermore, section 8 proposes to violate its own direction by prohibiting the department from staffing below current levels. Where the model would justify staffing at lower levels, fiscal prudence demands that we do so.

For the reasons stated above, I have vetoed sections 2, 3, 4, 5, 6, 7 and 8.

With the exception of sections 2, 3, 4, 5, 6, 7 and 8, Engrossed House Bill No. 2939 is approved.*

WASHINGTON LAWS

1990 FIRST EXTRAORDINARY SESSION

CHAPTER 1

[House Bill No. 2667]

HOME HEATING ASSISTANCE FOR LOW-INCOME PERSONS

AN ACT Relating to home heating assistance for low-income persons; amending RCW 35.21.300, 35.21.301, 54.16.285, 54.16.286, 80.28.010, and 80.28.011; creating new sections; and declaring an emergency.

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

Sec. 1. Section 35.21.300, chapter 7, Laws of 1965 as last amended by section 1, chapter 356, Laws of 1987 and RCW 35.21.300 are each amended to read as follows:

(1) The lien for charges for service by a city waterworks, or electric light or power plant may be enforced only by cutting off the service until the delinquent and unpaid charges are paid, except that until June 30, ((1990)) 1991, utility service for residential space heating may be terminated between November 15 and March 15 only as provided in subsections (2) and (3) of this section. In the event of a disputed account and tender by the owner of the premises of the amount he claims to be due before the service is cut off, the right to refuse service to any premises shall not accrue until suit has been entered by the city and judgment entered in the case.

(2) Until June 30, ((1990)) 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 ((shall)) 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 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; ~~(and)~~

(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 section. 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.

(3) All municipal utilities 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.

(4) An agreement between the customer and the utility, whether oral or written, shall not waive the protections afforded under this chapter.

Sec. 2. Section 5, chapter 251, Laws of 1984 as amended by section 2, chapter 245, Laws of 1986 and RCW 35.21.301 are each amended to read as follows:

Until ~~((1990))~~ 1991, cities and towns distributing electricity shall report ~~((annually))~~ by September 30 of each year to the legislature for utilities subject to its jurisdiction: (1) The extent to which chapter 245, Laws of 1986 benefits low income persons, and (2) the costs and benefits to other customers.

This section shall expire June 30, ~~((1990))~~ 1991.

Sec. 3. Section 2, chapter 251, Laws of 1984 as last amended by section 3, chapter 245, Laws of 1986 and RCW 54.16.285 are each amended to read as follows:

(1) A district providing utility service for residential space heating shall not terminate such utility service between November 15 through March 15 if the customer:

(a) Notifies the utility of the inability to pay the bill, including a security deposit. This notice ~~((shall))~~ 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;

(b) 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;

(c) 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;

(d) Has applied for low-income weatherization assistance to the utility or other appropriate agency if such assistance is available for the dwelling;

(e) 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

(f) Agrees to pay the moneys owed even if he or she moves.

(2) The utility shall:

(a) 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;

(b) Assist the customer in fulfilling the requirements under this section;

(c) 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; ~~((and))~~

(d) 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 section. 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

(e) 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.

(3) All districts providing utility service for residential space heating 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.

(4) An agreement between the customer and the utility, whether oral or written, shall not waive the protections afforded under this chapter.

(5) This section shall expire June 30, ~~((+990))~~ 1991.

Sec. 4. Section 6, chapter 251, Laws of 1984 as amended by section 4, chapter 245, Laws of 1986 and RCW 54.16.286 are each amended to read as follows:

Until ~~((+990))~~ 1991, districts distributing electricity shall report ~~((annually))~~ by September 30 of each year to the legislature: (1) The extent to

which chapter 245, Laws of 1936 benefits low income persons, and (2) the costs and benefits to other customers.

This section shall expire June 30, (~~(1990)~~) 1991.

Sec. 5. Section 80.28.010, chapter 14, Laws of 1961 as last amended by section 5, chapter 245, Laws of 1986 and RCW 80.28.010 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, (~~(1990)~~) 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 (~~(shall)~~) 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; (~~and~~)

(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.

Sec. 6. Section 7, chapter 251, Laws of 1984 as amended by section 6, chapter 245, Laws of 1986 and RCW 80.28.011 are each amended to read as follows:

Until ~~((1990))~~ 1991, the Washington utilities and transportation commission shall report ~~((annually))~~ by September 30 of each year to the legislature for utilities subject to its jurisdiction: (1) The extent to which chapter 245, Laws of 1986 benefits low income persons, and (2) the costs and benefits to other customers. ~~((The commission shall also review its policies and the policies of gas and electric utilities under its jurisdiction on involuntary termination of gas or electric utility service, discontinuance of service, and responsibility for delinquent accounts, for all residential customers and undertake good faith efforts to adopt policies which apply to all residential customers in a similar fashion to minimize uncollectible customer billings and to encourage customer payments of prior service obligations in a manner consistent with applicable state and federal law. This review shall be completed and a report on the review supplied to the energy and utilities committees of the legislature by January 1, 1987.))~~

This section shall expire June 30, ~~((1990))~~ 1991.

NEW SECTION. Sec. 7. The legislature finds that the number of low-income persons unable to afford adequate home heating is growing while government programs for low-income home heating and weatherization are diminishing. The legislature further finds that current government programs are inadequate in content or scope to meet low-income home heating needs and, therefore, there is a need to study the subject broadly to devise workable and sufficient programs for heating low-income households.

NEW SECTION. Sec. 8. The energy and utilities committees of the senate and the house of representatives shall review information and data on current low-income home heating programs and alternative models, both in this state and elsewhere, and analyze the effectiveness of such programs. In their review, the committees shall consider a range of policies, programs, and factors, including conservation of energy resources and utility incentives for conservation investments as they apply to low-income households and providing for a reasonable means for utilities to obtain payment for services delivered, the diminishing availability of federal and state resources allocated for low-income home heating and weatherization, consideration of methods to provide weatherization and space heating efficiency improvements to low-income homes not heated by electricity or natural gas, financial assistance programs, alternative forms of payment plans, modification

of customer service policies, rate structures, assistance rates, consumer education, housing rehabilitation programs, guidelines for the involuntary termination of residential utility service, policies assuring that low-income persons receive the benefits of various programs, and the diminishing quality and quantity of low-income housing stock in this state. The review shall be completed by December 15, 1990, and shall have as its objective the development of options for modifications to the program that may be considered by the legislature during its 1991 session.

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 9, 1990.

Passed the Senate March 9, 1990.

Approved by the Governor March 26, 1990.

Filed in Office of Secretary of State March 26, 1990.

CHAPTER 2

[House Bill No. 2888]

CHILD SUPPORT OBLIGATION

AN ACT Relating to child support; amending RCW 26.09.100, 26.09.170, 26.09.175, 26.19.010, 26.19.050, 26.16.205, 26.09.909, 26.09.225, 26.19.020, 26.19.040, and 74.20A.055; reenacting and amending RCW 74.20A.020; adding new sections to chapter 26.19 RCW; adding a new section to chapter 26.18 RCW; adding new sections to chapter 26.09 RCW; adding new sections to chapter 26.10 RCW; adding a new section to chapter 26.26 RCW; creating new sections; repealing RCW 26.19.030; providing an effective date; and declaring an emergency.

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

Sec. 1. Section 10, chapter 157, Laws of 1973 1st ex. sess. as last amended by section 7, chapter 375, Laws of 1989 and RCW 26.09.100 are each amended to read as follows:

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 ~~((may))~~ 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 ~~((pursuant to the schedule adopted))~~ under chapter 26.19 RCW ((26.19.040)). The court may require periodic adjustments of support. The adjustment provision may be modified by the court due to economic hardship.

Sec. 2. Section 17, chapter 157, Laws of 1973 1st ex. sess. as last amended by section 3, chapter 416, Laws of 1989 and RCW 26.09.170 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) ((σ)), (5), and (8) 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 ((adopted child support schedule)) standard calculation as defined in section 4(2) 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 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.

Sec. 3. Section 2, chapter 430, Laws of 1987 and RCW 26.09.175 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, the summons, petition, (~~and~~) affidavit, and worksheets shall also be

served on the ~~((office of support enforcement))~~ 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 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. 4. Section 2, chapter 275, Laws of 1988 and RCW 26.19.010 are each amended to read as follows:**

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

(1) ~~("Child support schedule" means the standards and economic table adopted by the commission;~~

(2) ~~"Standards" means the standards for determination of child support which have been adopted by the commission, as modified by the legislature;~~

(3) ~~"Economic table" means the child support table for the basic support obligation which has been adopted by the child support commission effective July 1, 1989, except it does not include the references in that table to "standards";~~

((4)) (2) "Worksheets" means the forms ~~((adopted))~~ developed by the ~~((commission))~~ administrator for the courts for use in determining the amount of child support;

~~((5))~~ (3) "Instructions" means the instructions ~~((adopted))~~ developed by the ~~((commission))~~ administrator for the courts for use in completing the worksheets;

~~((6))~~ (4) "Commission" means the Washington state child support schedule commission established by RCW 26.19.030; ~~((and~~

~~(7))~~ (5) "Basic child support obligation" means the monthly obligation determined from the economic table based on the parties combined monthly net income;

(6) "Standard calculation" means the amount of child support which is owed as determined from the worksheets before any deviation is considered; and

(7) "Transfer payment" means the court-ordered amount one parent is obligated to pay to the other parent for child support.

*Sec. 4 was vetoed, see message at end of chapter.

Sec. 5. Section 6, chapter 275, Laws of 1988 and RCW 26.19.050 are each amended to read as follows:

(1) The ~~((commission))~~ administrator for the courts shall develop and adopt worksheets and instructions to assist the parties and courts in establishing the appropriate child support level and apportionment of support. The ~~((commission))~~ administrator for the courts shall attempt to the greatest extent possible to make the worksheets and instructions understandable by persons who are not represented by legal counsel.

(2) The administrator for the courts ~~((in consultation with the commission;))~~ shall develop and adopt standards for the printing of worksheets and shall establish a process for certifying printed worksheets. ~~((The administrator shall not alter the design approved by the commission.))~~ The administrator may maintain a register of sources for approved worksheets.

(3) The administrator for the courts should explore methods to assist pro se parties and judges in the courtroom to calculate support payments through automated software, equipment, or personal assistance.

NEW SECTION. Sec. 6. A new section is added to chapter 26.19 RCW to read as follows:

(1) In any proceeding under this title or Title 13 or 74 RCW in which child support is at issue, support shall be determined and ordered according to this chapter. The provisions of this chapter for determining child support and reasons for deviation therefrom shall be applied in the same manner by the court, presiding officers, and reviewing officers. References to the court also incorporates the presiding and reviewing officers who administratively determine or enforce child support orders.

(2) 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.

(3) All income and resources of each parent's household shall be disclosed and shall be considered by the court when the child support obligation of each parent is determined. Tax returns for the preceding three 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.

(4) Worksheets in the form developed by 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 administrator for the courts.

(5) Unless specific reasons for deviation are set forth in the written findings of fact or order and are supported by the evidence, the court shall order each parent to pay the amount of child support determined using the standard calculation.

(6) The court shall review the worksheets and the order for adequacy of the reasons set forth for any 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. The worksheet on which the order is based shall be initialed or signed by the judge and filed with the order.

NEW SECTION. Sec. 7. A new section is added to chapter 26.19 RCW to read as follows:

(1) 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.

(2) 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 shall be shared by the parents in the same proportion as the basic child support obligation.

(3) Day care 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 child support obligation.

(4) The court may exercise its discretion to determine the necessity for and the reasonableness of all amounts ordered in excess of the basic child support obligation.

***NEW SECTION.** Sec. 8. A new section is added to chapter 26.19 RCW to read as follows:

(1) *Except as otherwise provided in this section, monthly gross income for child support purposes shall include income from any source, including: Salaries, wages, commissions, deferred compensation, bonuses, mandatory*

overtime, dividends, interest, trust income, severance pay, annuities, capital gains, pension retirement benefits, social security retirement benefits, workers' compensation, unemployment benefits, and spousal maintenance that is actually received.

(2) Monthly gross income for the preceding year for child support purposes shall include income from voluntary overtime pay above one hundred sixty-eight hours per month, income from employment in excess of forty hours per week to the extent derived from a second job, nonrecurring bonuses, contract-related cash benefits, gifts, and prizes, except to the extent that income from those sources exceeds the average income from those sources for the second and third years preceding the commencement of the action under chapter 26.09, 26.10, or 26.26 RCW.

(3) The court shall deduct the following from gross income: Federal and state income taxes, federal insurance contributions act deductions, mandatory pension plan payments, mandatory union or professional dues, court-ordered spousal maintenance to the extent actually paid, up to two thousand dollars per year in voluntary pension payments actually made if the contributions were made for the three consecutive years prior to the filing of the dissolution, and court-ordered payments of child support for children from other relationships to the extent actually paid. All items excluded from income shall be disclosed in the worksheet.

(4) The court may deduct 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.

(5) The following resources shall be disclosed, shall not be included in gross income, and shall not be reason to deviate from the standard calculation: Aid to families with dependent children, supplemental security income, general assistance, veterans aid and attendance allowance, and food stamps.

(6) The following income shall be disclosed, shall not be included in gross income, but may be a reason to deviate from the standard calculation:

- (a) Income of a new spouse or income of other adults in the household;*
- (b) Child support received from other relationships; and*
- (c) Income excluded from subsection (2) of this section.*

(7) (a) Children from relationships other than the relationship of the parties before the court shall not be counted for determining the number of children in the family for purposes of calculating the basic support obligation. The court may not consider, for purposes of deviation in calculating the amount of child support payable, any children for whom the court has allowed a deduction from gross income for court-ordered child support payments.

(b) The court may consider deviating from the presumptive basic support obligation when there are children from other relationships and the court has not allowed a deduction from gross income for payments of child support for those children pursuant to subsection (3) of this section. Deviations under this

section from the presumptive basic support obligation due shall be based on consideration of the total circumstances of both households.

(8) The court shall consider the residential schedule and may deviate from the standard calculation if the child spends a substantial amount of time with the parent who is obligated to make the transfer payment. The court shall not use this subsection to restrict either parent's contact or visitation with the child or children.

Absent agreement between the parents, the parent seeking the adjustment based on contact with the child shall have the burden to show by a preponderance of the evidence the requested adjustment is consistent with the parent's actual past involvement with the child. The support payment should not be reduced if the reduction will result in insufficient funds in the house receiving the support to meet the basic needs of the child or the child is receiving aid to families with dependent children payments.

(9) Additional reasons that may support a deviation from the standard calculation include: Possession of wealth, shared living arrangements, extraordinary debts that have not been voluntarily incurred, extraordinarily high income of a child, a significant disparity of the living costs of the parents due to conditions beyond their control, and special needs of disabled children. A deviation may be supported by tax planning considerations only if the child would not receive a lesser economic benefit as a result of the tax planning.

(10) The court shall enter findings which specify reasons for any deviations from the standard calculation made by the court.

(11) Agreement of the parties is not by itself adequate reason for deviation from the standard calculation.

(12) Neither parent's total child support obligation shall exceed fifty percent of net income unless good cause is shown. Good cause may include possession of substantial wealth, children with day care expenses, special medical, educational, psychological needs, and larger families.

(13) The court shall impute income to a parent when the parent is voluntarily underemployed or voluntarily unemployed. The court shall determine whether the parent is voluntarily underemployed or voluntarily unemployed based upon that parent's work history. A parent shall not be deemed voluntarily underemployed as long as that parent is gainfully employed on a full-time basis. Income shall not be imputed for an unemployable parent.

**Sec. 8 was vetoed, see message at end of chapter.*

NEW SECTION. Sec. 9. A new section is added to chapter 26.19 RCW to read as follows:

The child support schedule shall be advisory and not mandatory for postsecondary educational support. 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. The child must be enrolled in school, actively pursuing a course of study, and in good academic standing as defined by the institution or the court—ordered postsecondary educational support may 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.

NEW SECTION. Sec. 10. A new section is added to chapter 26.19 RCW to read as follows:

The parties may agree which parent is entitled to claim the child or children as dependents for federal income tax exemptions. The court may award the exemption or exemptions and order a party to sign the federal income tax dependency exemption waiver. The court may divide the exemptions between the parties, alternate the exemptions between the parties, or both.

***NEW SECTION.** Sec. 11. A new section is added to chapter 26.19 RCW to read as follows:

(1) When combined monthly net income is less than six hundred dollars, a support order not less than twenty-five dollars per month shall be entered for each parent, regardless of the number of children. A parent's child support obligation shall not reduce his or her net income below the need standard for one person promulgated pursuant to RCW 74.04.770, except for the mandatory minimum payment of twenty-five dollars per month as required by this subsection or in cases where the court finds reasons for deviation under section 8(8) of this act. This section shall not be construed to require monthly substantiation of income.

(2) The presumptive basic support obligation shall be determined upon the combined monthly net income of the parents up to a cap of five thousand dollars combined net income per month. The table is not presumptive but advisory only for combined monthly net incomes above five thousand dollars.

*Sec. 11 was vetoed, see message at end of chapter.

NEW SECTION. Sec. 12. A new section is added to chapter 26.19 RCW to read as follows:

(1) When combined monthly net income exceeds the highest combined monthly net income for which a presumptive amount of support is established, child support shall not be set at a level lower than that amount from the table but the court has discretion to establish support at higher levels upon written finding of fact.

(2) The provisions of this chapter shall apply to adult children who are dependent on their parents and for whom support is ordered pursuant to RCW 26.09.100.

Sec. 13. Section 2407, Code of 1881 as amended by section 1, chapter 207, Laws of 1969 ex. sess. and RCW 26.16.205 are each amended to read as follows:

The expenses of the family and the education of the children, including stepchildren, are chargeable upon the property of both husband and wife, or either of them, and ((in relation thereto)) they may be sued jointly or separately((~~PROVIDED, That with regard to stepchildren, the obligation shall cease upon the termination of the relationship of husband and wife~~)). When a petition for dissolution of marriage or a petition for legal separation is filed, the court may, upon motion of the stepparent, terminate the obligation to support the stepchildren. The obligation to support stepchildren shall cease upon the entry of a decree of dissolution, decree of legal separation, or death.

***NEW SECTION.** Sec. 14. A new section is added to chapter 26.19 RCW to read as follows:

(1) *Day care, extraordinary health care, long-distance transportation costs, and special child-rearing expenses such as tuition are not included in the basic support obligation for each child. These expenses shall be shared by the parents in the same proportion as the basic child support obligation and may be listed as a specific dollar amount or as a percentage amount subject to the verification requirements pursuant to subsection (2) of this section.*

(2) (a) *If a sum certain is established for day care and is set forth in the decree, the parent making the transfer payment is entitled to proof of the amount paid for day care. The parent making the transfer payment is responsible for the appropriate percentage of the actual amount paid, not to exceed the proper share of the amount as set forth in the decree. The transfer payment for day care must be made in advance if the day care amount is set forth in the decree or is a regularly paid amount in a sum certain. If an amount is not specified in the decree or a regular sum certain, reimbursement of day care expenses shall be treated in the same manner as reimbursement for transportation costs, extraordinary health care, and other extraordinary expenses.*

(b) *For transportation costs, extraordinary health care costs, and other extraordinary expenses of the children specified in the decree, the parent*

paying these expenses shall be entitled to prompt reimbursement of the other parent's share of those expenses. Proof of the expenditure shall be furnished to the parent from whom reimbursement is sought. Reimbursement must be made promptly but not later than thirty days of receipt of proof of payment of these expenditures.

(3) (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, extraordinary 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, extraordinary 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.

*Sec. 14 was vetoed, see message at end of chapter.

Sec. 15. Section 2, chapter 164, Laws of 1971 ex. sess. as last amended by section 1, chapter 55, Laws of 1989 and by section 151, chapter 175, Laws of 1989 and RCW 74.20A.020 are each reenacted and amended to read as follows:

Unless a different meaning is plainly required by the context, the following words and phrases as hereinafter used in this chapter and chapter 74.20 RCW shall have the following meanings:

(1) "Department" means the state department of social and health services.

(2) "Secretary" means the secretary of the department of social and health services, his designee or authorized representative.

(3) "Dependent child" means any person:

(a) Under the age of eighteen who is not self-supporting, married, or a member of the armed forces of the United States; or

(b) Over the age of eighteen for whom a court order for support exists.

(4) "Support obligation" means the obligation to provide for the necessary care, support, and maintenance, including medical expenses, of a dependent child or other person as required by statutes and the common law of this or another state.

(5) "Superior court order" means any judgment, decree, or order of the superior court of the state of Washington, or a court of comparable jurisdiction of another state, establishing the existence of a support obligation and ordering payment of a set or determinable amount of support moneys to satisfy the support obligation. For purposes of RCW 74.20A.055, orders for support which were entered under the uniform reciprocal enforcement of support act by a state where the responsible parent no longer resides shall not preclude the department from establishing an amount to be paid as current and future support.

(6) "Administrative order" means any determination, finding, decree, or order for support pursuant to RCW 74.20A.055, or by an agency of another state pursuant to a substantially similar administrative process, establishing the existence of a support obligation and ordering the payment of a set or determinable amount of support moneys to satisfy the support obligation.

(7) "Responsible parent" means a natural parent, adoptive parent, or stepparent of a dependent child or a person who has signed an affidavit acknowledging paternity which has been filed with the state office of vital statistics.

(8) "Stepparent" means the present spouse of the person who is either the mother, father, or adoptive parent of a dependent child, and such status shall exist ~~((and continue))~~ until terminated as provided for in RCW 26.16.205 ~~((until the relationship is terminated by death or dissolution of marriage))~~.

(9) "Support moneys" means any moneys or in-kind providings paid to satisfy a support obligation whether denominated as child support, spouse support, alimony, maintenance, or any other such moneys intended to satisfy an obligation for support of any person or satisfaction in whole or in part of arrears or delinquency on such an obligation.

(10) "Support debt" means any delinquent amount of support moneys which is due, owing, and unpaid under a superior court order or an administrative order, a debt for the payment of expenses for the reasonable or necessary care, support, and maintenance, including medical expenses, of a dependent child or other person for whom a support obligation is owed; or a debt under RCW 74.20A.100 or 74.20A.270. Support debt also includes any accrued interest, fees, or penalties charged on a support debt, and attorneys fees and other costs of litigation awarded in an action to establish and enforce a support obligation or debt.

(11) "State" means any state or political subdivision, territory, or possession of the United States, the District of Columbia, and the commonwealth of Puerto Rico.

Sec. 16. Section 24, chapter 460, Laws of 1987 as amended by section 18, chapter 375, Laws of 1989 and RCW 26.09.909 are each amended to read as follows:

(1) Decrees under this chapter involving child custody, visitation, or child support entered in actions commenced prior to January 1, 1988, shall be deemed to be parenting plans for purposes of this chapter.

(2) The enactment of the 1987 revisions to this chapter does not constitute substantially changed circumstances for the purposes of modifying decrees entered under this chapter in actions commenced prior to January 1, 1988, involving child custody, visitation, or child support. ~~((An))~~ Any action to modify any decree involving child custody, visitation, child support, or a parenting plan ~~((which was commenced after December 31, 1987;))~~ shall be governed by the ~~((1987 revisions to))~~ provisions of this chapter.

(3) Actions brought for clarification or interpretation of decrees entered under this chapter in actions commenced prior to January 1, 1988, shall be determined under the law in effect immediately prior to January 1, 1988.

NEW SECTION. Sec. 17. A new section is added to chapter 26.18 RCW to read as follows:

(1) When the department of labor and industries or a self-insurer pays compensation under chapter 51.32 RCW on behalf of or on account of the child or children of the injured worker for whom the injured worker owes a duty of child support, the amount of compensation the department or self-insurer pays on behalf of the child or children shall be treated for all purposes as if the injured worker paid the compensation toward satisfaction of the injured worker's child support obligations.

(2) When the social security administration pays social security disability dependency benefits on behalf of or on account of the child or children of the disabled person, the amount of compensation paid for the children shall be treated for all purposes as if the disabled person paid the compensation toward satisfaction of the disabled person's child support obligation.

(3) Under no circumstances shall the person who has the obligation to make the transfer payment have a right to reimbursement of any compensation paid under subsection (1) or (2) of this section.

Sec. 18. Section 17, chapter 460, Laws of 1987 and RCW 26.09.225 are each amended to read as follows:

Each parent shall have full and equal access to the education and ~~((medical))~~ health care records of the child absent a court order to the contrary.

Sec. 19. Section 3, chapter 275, Laws of 1988 as amended by section 76, chapter 175, Laws of 1989 and RCW 26.19.020 are each amended to read as follows:

~~((1))~~(a) Except as provided in (b) of this subsection, in any proceeding under this title or Title 13 or 74 RCW in which child support is at issue;

~~support shall be determined and ordered according to the child support schedule adopted pursuant to RCW 26.19.040.~~

~~(b)) 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.~~

~~((2) An order for child support shall be supported by written findings of fact upon which the support determination is based:~~

~~(3) All income and resources of each parent's household shall be disclosed and shall be considered by the court or the presiding or reviewing officer when the child support obligation of each parent is determined:~~

~~(4) Worksheets in the form approved by the commission shall be completed and filed in every proceeding in which child support is determined. Variations of the worksheets shall not be accepted:~~

~~(5) Unless specific reasons for deviation are set forth in the written findings of fact or order and are supported by the evidence, the court or the presiding or reviewing officer shall order each parent to pay the amount of child support determined using the standard calculation:~~

~~(6) The court or the presiding or reviewing officer shall review the worksheets and the order for adequacy of the reasons set forth for any 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. Reasons that may support a deviation from the standard calculation include: Possession of wealth, shared living arrangements, extraordinary debts that have not been voluntarily incurred, extraordinarily high income of a child, a significant disparity of the living costs of the parents due to conditions beyond their control, and special needs of disabled children. A deviation may be supported by tax planning considerations only if the child would not receive a lesser economic benefit. Agreement of the parties, by itself, is not adequate reason for deviation:))~~

Sec. 20. Section 2, chapter 440, Laws of 1987 as amended by section 5, chapter 275, Laws of 1988 and RCW 26.19.040 are each amended to read as follows:

~~((1)) The ((schedule proposed by the commission in its report dated January 26, 1988;)) economic table as defined in section 4 of this act shall take effect July 1, ((1988)) 1990. The ((schedule)) economic table shall remain in effect until revised ((under this section. The commission shall review the schedule and propose changes as needed each even-numbered year:~~

~~(2) The commission shall review the schedule and recommended revisions based upon:~~

~~(a) Updated economic data which accurately reflects family spending and child-rearing costs for families of different sizes and income levels in the state of Washington;~~

~~(b) Appropriate adjustments for significant changes in child-rearing costs at different age levels;~~

~~(c) The need for funding of the child's primary residence by a payment which is sufficient to meet the basic needs of the child;~~

~~(d) Provisions for health care coverage and, when needed, child care payments; and~~

~~(e) The support amount shall be based on the child's age, the parent's combined income, and the family size. Family size shall mean all children for whom support is to be established.~~

~~(3) The commission shall establish standards for applying the child support schedule. Included in these standards shall be:~~

~~(a) The type, net or gross, and sources of income on which support amounts shall be based;~~

~~(b) Provisions for taking into account the voluntary unemployment or underemployment of one or both parents or if the income of a parent is not known; and~~

~~(c) Provisions for taking into account a parent whose income varies.~~

~~(4) Any proposed revisions to the schedule shall be submitted to the legislature no later than November 1st of each even-numbered year.~~

~~(5) If the commission fails to propose revisions to the schedule, the existing schedule shall remain in effect, unless the legislature refers the schedule to the commission for modification or adopts a different schedule. If the schedule is referred to the commission for modification, the provisions of subsection (7) of this section shall be applicable.~~

~~(6) The legislature may adopt the proposed schedule or refer the proposed schedule to the commission for modification. If the legislature fails to adopt or refer the proposed schedule to the commission by March 1 of the following year, the proposed schedule shall take effect without legislative approval on July 1 of that year.~~

~~(7) If the legislature refers the proposed schedule to the commission for modification on or before March 1st, the commission shall resubmit the proposed modifications to the legislature no later than March 15th. The legislature may adopt or modify the resubmitted proposed schedule. If the legislature fails to adopt or modify the resubmitted proposed schedule by April 1, the resubmitted proposed schedule shall take effect without legislative approval on July 1 of that year)) by the legislature.~~

Sec. 21. Section 25, chapter 183, Laws of 1973 1st ex. sess. as last amended by section 152, chapter 175, Laws of 1989 and RCW 74.20A.055 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, 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. 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 statement of the name of the recipient or custodian and the name of the child or children for whom need is alleged; and/or a statement of the amount of periodic future support payments as to which financial responsibility is alleged.

(4) The notice and finding shall include 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 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 shall be subject to collection action; 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 to satisfy the debt.

(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 ~~((RCW 26.19.020 (4), (5), and (6)))~~ the provisions set forth in chapter 26.19 RCW.

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 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) The final 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. 22. (1) The administrator for the courts shall develop a child support order summary report form to provide for the reporting of summary information in every case in which a child support order is entered or modified either judicially or administratively. The administrator for the courts shall attempt to the greatest extent possible to make the form simple and understandable by the parties. The form shall indicate the following:

- (a) The county in which the order was entered and the cause number;
- (b) Whether it was a judicial or administrative order;
- (c) Whether the order is an original order or from a modification;
- (d) The number of children of the parties and the children's ages;
- (e) The combined monthly net income of parties;
- (f) The monthly net income of the father as determined by the court;
- (g) The monthly net income of the mother as determined by the court;
- (h) The basic child support obligation for each child as determined from the economic table;
- (i) Whether or not the court deviated from the child support for each child;
- (j) The reason or reasons stated by the court for the deviation;
- (k) The amount of child support after the deviation;
- (l) Any amount awarded for day care;
- (m) Any other extraordinary amounts in the order;
- (n) Any amount ordered for postsecondary education;
- (o) The total amount of support ordered;
- (p) In the case of a modification, the amount of support in the previous order;
- (q) If the change in support was in excess of thirty percent, whether the change was phased in;
- (r) The amount of the transfer payment ordered;
- (s) Which parent was ordered to make the transfer payment; and
- (t) The date of the entry of the order.

(2) The administrator for the courts shall make the form available to the parties.

NEW SECTION. Sec. 23. A new section is added to chapter 26.09 RCW to read as follows:

The party seeking the establishment or modification of a child support order shall file with the clerk of the court the child support order summary report. The summary report shall be on the form developed by the administrator for the courts pursuant to section 22 of this act. The party must complete the form and file the form with the court order. The clerk of the court must forward the form to the administrator for the courts on at least a monthly basis.

NEW SECTION. Sec. 24. A new section is added to chapter 26.10 RCW to read as follows:

The party seeking the establishment or modification of a child support order shall file with the clerk of the court the child support order summary report. The summary report shall be on the form developed by the administrator for the courts pursuant to section 22 of this act. The party must complete the form and file the form with the court order. The clerk of the court must forward the form to the administrator for the courts on at least a monthly basis.

NEW SECTION. Sec. 25. The administrator for the courts shall develop not later than July 1, 1991, standard court forms for mandatory use by litigants in all actions commenced under chapters 26.09, 26.10, and 26.26 RCW effective January 1, 1992.

NEW SECTION. Sec. 26. A new section is added to chapter 26.09 RCW to read as follows:

Effective January 1, 1992, a party shall not file any pleading with the clerk of the court in an action commenced under this chapter unless on forms approved by the administrator for the courts.

NEW SECTION. Sec. 27. A new section is added to chapter 26.10 RCW to read as follows:

Effective January 1, 1992, a party shall not file any pleading with the clerk of the court in an action commenced under this chapter unless on forms approved by the administrator for the courts.

NEW SECTION. Sec. 28. A new section is added to chapter 26.26 RCW to read as follows:

Effective January 1, 1992, a party shall not file any pleading with the clerk of the court in an action commenced under this chapter unless on forms approved by the administrator for the courts.

NEW SECTION. Sec. 29. Section 1, chapter 440, Laws of 1987, section 4, chapter 275, Laws of 1988, section 41, chapter 360, Laws of 1989 and RCW 26.19.030 are each repealed.

NEW SECTION. Sec. 30. (1) Sections 5 and 22 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.

(2) The remainder of this act shall take effect July 1, 1990.

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.

Passed the House March 9, 1990.

Passed the Senate March 9, 1990.

Approved by the Governor March 26, 1990, with the exception of certain items which were vetoed.

Filed in Office of Secretary of State March 26, 1990.

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

"I am returning herewith, without my approval as to sections 4, 8, 11, and 14, House Bill No. 2888 entitled:

"AN ACT Relating to child support."

The issues around child support are matters of increasing complexity in today's society. In the past several years, the Legislature has been struggling to create a fair system which ensures the well-being of children.

The Child Support Commission created a basic framework that attempts to fairly divide the responsibilities of financial support between parents. The commission fulfilled its function, which was to design an economic table based on data, outside of the political process and away from the volatile emotional climate that often occurs during divorce.

As I have said before, the support schedule needs some adjustments to ensure that second families are not unfairly disadvantaged. I anticipate that a variety of adjustments for this and other purposes will occur periodically as society changes. Since the child support system was enacted just last year, little data exists at this time to justify major changes that would substantially alter support levels.

I applaud the effort the Legislature made in House Bill No. 2888 to ensure that court decisions on support are well justified and documented. These changes create access to data which will be useful in future decisions about child support.

Many aspects of House Bill No. 2888 will benefit non-custodial parents. This legislation ensures that non-custodial parents will not have to pay additional support solely because the other parent received a salary increase. The issue of support for children obtaining post-secondary education is resolved with certainty and with protections for non-custodial parents.

Non-custodial parents are given clear rights regarding access to educational and health records. Courts are allowed to give either parent the right to claim the child as a tax exemption and non-custodial parents are ensured that disability benefits received by their children can be set off against the support obligation. Stepparents may terminate their obligation to support stepchildren much sooner, as well.

Section 4 supersedes the Washington State Child Support Schedule in the Washington register. I am vetoing this section to preserve the schedule as modified by House Bill No. 2888, since the other vetoes will require reference back to that schedule for some purposes.

Section 8 substantially modifies the manner in which gross income is calculated and deviations are to be made. Although I understand that this section attempts to adjust for possible inequities to second families, the legislation goes much further than that. It removes a wide array of items from the calculation of gross income, and shifts the burden of proof for deviations to custodial parents even in situations where the income is actually much higher than "gross income" as defined in this section. This section could substantially lower support for children, when no data exists to justify this change.

Section 11 contains a significant change that conflicts with the statutory policy. Existing law allows the court to use the economic table as advisory if the combined monthly net income exceeds the ceiling, but the court must order some additional

support. This section eliminates the mandate that a child receive additional support when parents have incomes higher than the ceiling. RCW 26.19.001 states an intent that children in our state should receive support to meet their basic needs and additional support commensurate with their parents' standard of living.

Section 14 changes the way in which child care, transportation and other expenses are paid. Most of these expenses would no longer be paid in advance, which is likely to unfairly burden custodial parents. Furthermore, the remedies for failure to pay seem unworkable. This language appears to require a custodial parent to go to court each time the other parent fails to pay his or her share of a transportation cost or child care bill. I am concerned that this approach will impede a parent's ability to actually collect for expenses incurred and it would also result in more pressure on already crowded court dockets.

With the exception of sections 4, 8, 11 and 14, House Bill No. 2888 is approved."

CHAPTER 3

[Substitute House Bill No. 2416]
INSURANCE STATUTE REVISIONS

AN ACT Relating to insurance; amending RCW 48.04.010, 48.17.110, 48.17.160, 48.17.180, 48.17.450, 48.17.540, 48.21.180, 48.30.140, 48.30.150, 48.30.210, 48.30.230, 48.44.240, 48.30.260, and 48.46.350; repealing RCW 48.17.440; and prescribing penalties.

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

Sec. 1. Section .04.01, chapter 79, Laws of 1947 as last amended by section 2, chapter 248, Laws of 1988 and RCW 48.04.010 are each amended to read as follows:

(1) The commissioner may hold a hearing for any purpose within the scope of this code as he or she may deem necessary. ~~((He))~~ The commissioner shall hold a hearing:

(a) If required by any provision of this code~~((:));~~ or

(b) Upon written demand for a hearing made by any person aggrieved by any act, threatened act, or failure of the commissioner to act, if such failure is deemed an act under any provision of this code, or by any report, promulgation, or order of the commissioner other than an order on a hearing of which such person was given actual notice or at which such person appeared as a party, or order pursuant to the order on such hearing.

(2) Any such demand for a hearing shall specify in what respects such person is so aggrieved and the grounds to be relied upon as basis for the relief to be demanded at the hearing.

(3) Unless a person aggrieved by a written order of the commissioner demands a hearing thereon within ninety days after receiving notice of such order, or in the case of a licensee under Title 48 RCW within ninety days after the commissioner has mailed the order to the licensee at the most recent address shown in the commissioner's licensing records for the licensee, the right to such hearing shall conclusively be deemed to have been waived.

(4) If a hearing is demanded by a licensee whose license has been temporarily suspended pursuant to RCW 48.17.540, the commissioner shall

hold such hearing demanded within thirty days after ~~((his))~~ receipt of the demand or within thirty days of the effective date of a temporary license suspension issued after such demand, unless postponed by mutual consent.

Sec. 2. Section .17.11, chapter 79, Laws of 1947 as last amended by section 3, chapter 182, Laws of 1977 ex. sess. and RCW 48.17.110 are each amended to read as follows:

(1) Each applicant for license as an agent, broker, solicitor, or adjuster shall, prior to the issuance of any such license, personally take and pass to the satisfaction of the examining authority, an examination given as a test of ~~((his))~~ that person's qualifications and competence, but this requirement shall not apply to:

(a) Applicants for limited licenses under RCW 48.17.190, at the discretion of the commissioner.

(b) Applicants who within the two year period next preceding date of application have been licensed as a resident in this state under a license requiring qualifications similar to qualifications required by the license applied for or who have successfully completed a course of study recognized as a mark of distinction by the insurance industry and who are deemed by the commissioner to be fully qualified and competent.

(c) Applicants for license as a nonresident agent or as a nonresident broker or as a nonresident adjuster who are duly licensed in their state of residence and who are deemed by the commissioner to be fully qualified and competent for a similar license in this state.

(d) Applicants for an agent's or solicitor's license covering the same kinds of insurance as an agent's or solicitor's license then held by them.

(e) Applicants for an adjuster's license who for a period of one year, a portion of which was in the year next preceding the date of application, have been a full time salaried employee of an insurer or of a general agent to adjust, investigate, or report claims arising under insurance contracts.

(2) Any person licensed as an insurance broker by this state prior to June 8, 1967, who is otherwise qualified to be a licensed insurance broker, shall be entitled to renew ~~((his))~~ that person's broker's license by payment of the applicable fee for such of the broker's licenses authorized by RCW 48.17.240, as ~~((he))~~ that person shall elect, without taking any additional examination, except as provided in subsection (3).

(3) The commissioner may at any time require any licensed agent, broker, solicitor, or adjuster to take and successfully pass an examination testing ~~((his))~~ the licensee's competence and qualifications as a condition to the continuance or renewal of ~~((his))~~ a license, if the licensee has been guilty of violation of this code, or has so conducted ~~((his))~~ affairs under ~~((his))~~ an insurance license as to cause the commissioner reasonably to desire further evidence of ~~((his))~~ the licensee's qualifications.

Sec. 3. Section .17.16, chapter 79, Laws of 1947 as last amended by section 2, chapter 269, Laws of 1979 ex. sess. and RCW 48.17.160 are each amended to read as follows:

(1) Each insurer on appointing an agent in this state shall file written notice thereof with the commissioner on forms as prescribed and furnished by the commissioner, and shall pay the filing fee therefor as provided in RCW 48.14.010. The commissioner shall return the appointment of agent form to the insurer for distribution to the agent. The commissioner may adopt regulations establishing alternative appointment procedures for individuals within licensed firms ((or)), corporations, or sole proprietorships who are empowered to exercise the authority conferred by the firm ((or)), corporate, or sole proprietorship license.

(2) Each appointment shall be effective until the agent's license expires or is revoked, the appointment has expired, or written notice of termination of the appointment is filed with the commissioner, whichever occurs first.

(3) When the appointment is revoked by the insurer, written notice of such revocation shall be given to the agent and a copy of the notice of revocation shall be mailed to the commissioner.

(4) Revocation of an appointment by the insurer shall be deemed to be effective as of the date designated in the notice as being the effective date if the notice is actually received by the agent prior to such designated date; otherwise, as of the earlier of the following dates:

(a) The date such notice of revocation was received by the agent.

(b) The date such notice, if mailed to the agent at his last address of record with the insurer, in due course should have been received by the agent.

(5) Appointments shall be for one year and shall expire if not timely renewed. Each insurer shall annually pay the renewal fee set forth for each agent holding an appointment on the annual renewal date assigned the agents of the insurer by the commissioner. The commissioner, by rule, shall determine renewal dates. If a staggered system is used, fees shall be prorated in the conversion to a staggered system.

Sec. 4. Section .17.18, chapter 79, Laws of 1947 as amended by section 4, chapter 269, Laws of 1979 ex. sess. and RCW 48.17.180 are each amended to read as follows:

(1) A firm or corporation (~~shall not~~) may be licensed as an agent, adjuster, or broker (~~unless~~) if each individual empowered to exercise the authority conferred by the corporate or firm license is also licensed. (~~(A nonresident of this state shall not be so designated or empowered.)~~) Exercise or attempted exercise of the powers of the firm or corporation by an unlicensed person, with the knowledge or consent of the firm or corporation, shall constitute cause for the revocation or suspension of the license.

(2) Licenses shall be issued in a trade name only upon proof satisfactory to the commissioner that the trade name has been lawfully registered.

(3) For the purpose of this section, a firm shall include a duly licensed individual acting as a sole proprietorship having associated licensees authorized to act on the proprietor's behalf in the proprietor's business or trade name.

Sec. 5. Section .17.45, chapter 79, Laws of 1947 as last amended by section 11, chapter 248, Laws of 1988 and RCW 48.17.450 are each amended to read as follows:

(1) Every licensed agent, broker, and adjuster, other than an agent licensed for life or disability insurances only, shall have and maintain in this state, or, if a nonresident agent or nonresident broker, in this state or in the state of ((his)) the licensee's domicile, a place of business accessible to the public. Such place of business shall be that wherein the agent or broker principally conducts transactions under ((his)) that person's licenses. The address of ((his)) the licensee's place of business shall appear on all of that person's licenses ((of the licensee)), and the licensee shall promptly notify the commissioner of any change thereof. ((If the)) A licensee ((maintains)) maintaining more than one place of business in this state((-he)) shall obtain a duplicate ((of his)) license or licenses for each additional such place, and shall pay the full fee therefor.

(2) Any notice, order, or written communication from the commissioner to a person licensed under this chapter which directly affects the person's license shall be sent by mail to the person's last residential address, if an individual, and to the person's last business address, if licensed as a firm or corporation, as such address is shown in the commissioner's licensing records. A licensee shall promptly notify the commissioner of any change of residential or business address.

Sec. 6. Section .17.54, chapter 79, Laws of 1947 as last amended by section 113, chapter 175, Laws of 1989 and RCW 48.17.540 are each amended to read as follows:

(1) The commissioner may revoke or refuse to renew any license issued under this chapter, or any surplus line broker's license, immediately and without hearing, upon sentencing of the licensee for conviction of a felony by final judgment of any court of competent jurisdiction, if the facts giving rise to such conviction demonstrate the licensee to be untrustworthy to maintain any such license.

(2) The commissioner may suspend, revoke, or refuse to renew any such license:

(a) By an order ((given to)) served by mail or personal service upon the licensee not less than fifteen days prior to the effective date thereof, subject to the right of the licensee to have a hearing as provided in RCW 48.04.010; or

(b) By an order on hearing made as provided in chapter 34.05 RCW, the Administrative Procedure Act, effective not less than ten days after the

date of the service of the order, subject to the right of the licensee to appeal to the superior court.

(3) The commissioner may temporarily suspend such license by an order served by mail or by personal service upon the licensee not less than three days prior to the effective date thereof, provided the order contains a notice of revocation and includes a finding that the public safety or welfare imperatively requires emergency action. Such suspension shall continue only until proceedings for revocation are concluded. The commissioner also may temporarily suspend such license in cases where proceedings for revocation are pending if he or she finds that the public safety or welfare imperatively requires emergency action.

(4) Service by mail under this section shall mean posting in the United States mail, addressed to the licensee at the most recent address shown in the commissioner's licensing records for the licensee. Service by mail is complete upon deposit in the United States mail.

Sec. 7. Section 3, chapter 119, Laws of 1974 ex. sess. as amended by section 14, chapter 458, Laws of 1987 and RCW 48.21.180 are each amended to read as follows:

Each group disability insurance contract which is delivered or issued for delivery or renewed, on or after January 1, 1988, and which insures for hospital or medical care shall contain provisions providing benefits for the treatment of chemical dependency rendered to the insured by ~~((an alcoholism or drug treatment facility))~~ a provider which is an "approved treatment facility or program" under RCW ~~((69.54.030 or 70.96A.020(2)))~~ 70.96A.020(3).

Sec. 8. Section .30.14, chapter 79, Laws of 1947 as last amended by section 14, chapter 264, Laws of 1985 and RCW 48.30.140 are each amended to read as follows:

(1) Except to the extent provided for in an applicable filing with the commissioner then in effect, no insurer, general agent, agent, broker, or solicitor shall, as an inducement to insurance, or after insurance has been effected, directly or indirectly, offer, promise, allow, give, set off, or pay to the insured or to any employee of the insured, any rebate, discount, abatement, or reduction of premium or any part thereof named in any insurance contract, or any commission thereon, or earnings, profits, dividends, or other benefit, or any other valuable consideration or inducement whatsoever which is not expressly provided for in the policy.

(2) Subsection (1) of this section shall not apply as to commissions paid to a licensed agent, general agent, broker, or solicitor for insurance placed on ~~((his or her))~~ that person's own property or risks.

(3) This section shall not apply to the allowance by any marine insurer, or marine insurance agent, general agent, broker, or solicitor, to any insured, in connection with marine insurance, of such discount as is sanctioned by custom among marine insurers as being additional to the agent's or broker's commission.

(4) This section shall not apply to advertising or promotional programs conducted by insurers, agents, or brokers whereby prizes, goods, wares, or merchandise, not exceeding ~~((five))~~ twenty-five dollars in value per person in the aggregate in any twelve month period, are given to all insureds or prospective insureds under similar qualifying circumstances.

Sec. 9. Section .30.15, chapter 79, Laws of 1947 as last amended by section 4, chapter 119, Laws of 1975-'76 2nd ex. sess. and RCW 48.30.150 are each amended to read as follows:

No insurer, general agent, agent, broker, solicitor, or other person shall, as an inducement to insurance, or in connection with any insurance transaction, provide in any policy for, or offer, or sell, buy, or offer or promise to buy or give, or promise, or allow to, or on behalf of, the insured or prospective insured (~~((or to any other person on his behalf))~~) in any manner whatsoever:

(1) Any shares of stock or other securities issued or at any time to be issued on any interest therein or rights thereto; or

(2) Any special advisory board contract, or other contract, agreement, or understanding of any kind, offering, providing for, or promising any profits or special returns or special dividends; or

(3) Any prizes, goods, wares, or merchandise of an aggregate value in excess of ~~((five))~~ twenty-five dollars.

This section shall not be deemed to prohibit the sale or purchase of securities as a condition to or in connection with surety insurance insuring the performance of an obligation as part of a plan of financing found by the commissioner to be designed and operated in good faith primarily for the purpose of such financing, nor shall it be deemed to prohibit the sale of redeemable securities of a registered investment company in the same transaction in which life insurance is sold.

Sec. 10. Section .30.21, chapter 79, Laws of 1947 and RCW 48.30.210 are each amended to read as follows:

Any agent, solicitor, broker, examining physician or other person who makes a false or fraudulent statement or representation in or relative to an application for insurance in an insurer transacting insurance under the provisions of this code, shall be guilty of a misdemeanor, and the license of any such agent, solicitor, or broker (~~((so guilty shall))~~) who makes such a statement or representation may be revoked.

Sec. 11. Section .30.23, chapter 79, Laws of 1947 and RCW 48.30.230 are each amended to read as follows:

Any person, who, knowing it to be such:

(1) Presents, or causes to be presented, a false or fraudulent claim, or any proof in support of such a claim, for the payment of a loss under a contract of insurance; or

(2) Prepares, makes, or subscribes any false or fraudulent account, certificate, affidavit, or proof of loss, or other document or writing, with intent that it be presented or used in support of such a claim, is guilty of a gross misdemeanor, or if such claim is in excess of one thousand five hundred dollars, of a class C felony.

Sec. 12. Section 4, chapter 119, Laws of 1974 ex. sess. as last amended by section 16, chapter 458, Laws of 1987 and RCW 48.44.240 are each amended to read as follows:

Each group contract for health care services which is delivered or issued for delivery or renewed, on or after January 1, 1988, shall contain provisions providing benefits for the treatment of chemical dependency rendered to covered persons by ~~((an alcoholism or drug treatment facility))~~ a provider which is an "approved treatment facility or program" under RCW ~~((69.54.030 or 70.96A.020(2)))~~ 70.96A.020(3).

Sec. 13. Section 20, chapter 193, Laws of 1957 as last amended by section 18, chapter 248, Laws of 1988 and RCW 48.30.260 are each amended to read as follows:

(1) Every debtor or borrower, when property insurance of any kind is required in connection with the debt or loan, shall have reasonable opportunity and choice in the selection of the agent, broker, and insurer through whom such insurance is to be placed; but only if the insurance is properly provided for the protection of the creditor or lender, whether by policy or binder, not later than at commencement of risk as to such property as respects such creditor or lender, and in the case of renewal of insurance, only if the renewal policy, or a proper binder therefor containing a brief description of the coverage bound and the identity of the insurer in which the coverage is bound, is delivered to the creditor or lender not later than thirty days prior to the renewal date.

(2) Every person who lends money or extends credit and who solicits insurance on real and personal property must explain to the borrower in prominently displayed writing that the insurance related to such loan or credit extension may be purchased from an insurer or agent of the borrower's choice, subject only to the lender's right to reject a given insurer or agent as provided in subsection (3)(b) of this section.

(3) No person who lends money or extends credit may:

(a) Solicit insurance for the protection of property, after a person indicates interest in securing a loan or credit extension, until such person has received a commitment from the lender as to a loan or credit extension;

(b) Unreasonably reject a contract of insurance furnished by the borrower for the protection of the property securing the credit or lien. A rejection shall not be deemed unreasonable if it is based on reasonable standards, uniformly applied, relating to the extent of coverage required and the financial soundness and the services of an insurer. Such standards shall not discriminate against any particular type of insurer, nor shall such standards call for rejection of an insurance contract because the contract contains coverage in addition to that required in the credit transaction;

(c) Require that any borrower, mortgagor, purchaser, insurer, broker, or agent pay a separate charge, in connection with the handling of any contract of insurance required as security for a loan, or pay a separate charge to substitute the insurance policy of one insurer for that of another. This subsection does not include the interest which may be charged on premium loans or premium advancements in accordance with the terms of the loan or credit document;

(d) Use or disclose, without the prior written consent of the borrower, mortgagor, or purchaser taken at a time other than the making of the loan or extension of credit, information relative to a contract of insurance which is required by the credit transaction, for the purpose of replacing such insurance;

(e) Require any procedures or conditions of duly licensed agents, brokers, or insurers not customarily required of those agents, brokers, or insurers affiliated or in any way connected with the person who lends money or extends credit; or

(f) Require property insurance in an amount in excess of the amount which could reasonably be expected to be paid under the policy, or combination of policies, in the event of a loss.

(4) Nothing contained in this section shall prevent a person who lends money or extends credit from placing insurance on real or personal property in the event the mortgagor, borrower, or purchaser has failed to provide required insurance in accordance with the terms of the loan or credit document.

(5) Nothing contained in this section shall apply to credit life or credit disability insurance.

Sec. 14. Section 13, chapter 106, Laws of 1983 as amended by section 18, chapter 458, Laws of 1987 and RCW 48.46.350 are each amended to read as follows:

Each group agreement for health care services that is delivered or issued for delivery or renewed on or after January 1, 1988, shall contain provisions providing benefits for the treatment of chemical dependency rendered to covered persons by ~~((an alcoholism or drug treatment facility))~~ a provider which is an "approved treatment facility or program" under RCW ~~((69.54.030 or 70.96A.020(2)))~~ 70.96A.020(3): PROVIDED, That

this section does not apply to any agreement written as supplemental coverage to any federal or state programs of health care including, but not limited to, Title XVIII health insurance for the aged (commonly referred to as Medicare, Parts A & B), and amendments thereto. Treatment shall be covered under the chemical dependency coverage if treatment is rendered by the health maintenance organization or if the health maintenance organization refers the enrolled participant or the enrolled participant's dependents to a physician licensed under chapter 18.57 or 18.71 RCW, or to a qualified counselor employed by an approved treatment facility or program described in RCW ((70.96A.020(2))) 70.96A.020(3). In all cases, a health maintenance organization shall retain the right to diagnose the presence of chemical dependency and select the modality of treatment that best serves the interest of the health maintenance organization's enrolled participant, or the enrolled participant's covered dependent.

NEW SECTION. Sec. 15. Section .17.44, chapter 79, Laws of 1947 and RCW 48.17.440 are each repealed.

Passed the House March 9, 1990.

Passed the Senate March 9, 1990.

Approved by the Governor March 26, 1990.

Filed in Office of Secretary of State March 26, 1990.

CHAPTER 4

[House Bill No. 2694]

STUDENT TRANSPORTATION SAFETY INTERIM TASK FORCE

AN ACT Relating to the interim task force on student transportation safety; amending section 1, chapter 330, Laws of 1989 (uncodified); and declaring an emergency.

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

Sec. 1. Section 1, chapter 330, Laws of 1989 (uncodified) is amended to read as follows:

(1) An interim task force is created on the safety of students traveling to and from school, whether by walking, riding school buses, or using other transportation.

(2) The task force shall study:

(a) Student pedestrian safety while traveling to and from school, including pedestrian needs, hazardous walking conditions, school crossing guards, and other related issues;

(b) The need for edge striping and curbing for roadways and identify sources of funding such projects; and

(c) The need for school districts, counties, cities, and the state to set standards for infrastructure improvements in conjunction with housing development.

(3) Staffing for the task force shall be provided by the traffic safety commission and the office of the superintendent of public instruction. The governor and the legislature may provide additional staff and facilities as may be reasonably required to assist the task force in carrying out its duties and responsibilities.

(4) The task force on transportation safety shall consist of:

(a) Two members of the house of representatives, one from each caucus, to be selected by the speaker;

(b) Two members of the senate, one from each caucus, to be selected by the president of the senate;

(c) The superintendent of public instruction or a designee;

(d) The secretary of transportation or a designee;

(e) The director of the traffic safety commission or a designee;

(f) A representative of the housing development industry;

(g) A county traffic safety engineer;

(h) A school board member;

(i) Two elected officials from local government;

(j) A bus driver's supervisor from a school district;

(k) A bus driver from a school district;

(l) A local law enforcement representative; and

((~~k~~)) (m) A member of the Washington state parent/teachers association.

(5) The chair shall be one of the legislative members to be chosen by vote of the designated legislative members. The chair shall select the members of the task force who are not selected by another person or organization.

(6) The task force shall submit a final report to the legislature by ((~~March~~)) October 31, 1990.

(7) This section expires ((~~March~~)) October 31, 1990.

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 9, 1990.

Passed the Senate March 9, 1990.

Approved by the Governor March 26, 1990.

Filed in Office of Secretary of State March 26, 1990.

CHAPTER 5

[Substitute Senate Bill No. 6639]

REAL ESTATE EXCISE TAX—USE TO ACQUIRE LOCAL CONSERVATION
AREAS AUTHORIZED

AN ACT Relating to real estate excise taxes for the acquisition of local conservation areas; amending RCW 82.46.040 and 82.46.060; adding a new section to chapter 36.32 RCW; adding a new section to chapter 82.46 RCW; and creating a new section.

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

NEW SECTION. Sec. 1. The purpose of this act is to provide a mechanism for the acquisition and maintenance of conservation areas through an orderly process that is approved by the voters of a county. The authorities provided in this act are supplemental, and shall not be construed to limit otherwise existing authorities.

NEW SECTION. Sec. 2. A new section is added to chapter 36.32 RCW to read as follows:

The legislative authority of each county may acquire a fee simple interest, or lesser interest, in conservation areas in the county and may maintain the conservation areas. The conservation areas may be acquired and maintained with moneys obtained from the excise tax under section 3 of this act, or any other moneys available for such purposes.

As used in this section, the term "conservation area" means land and water that has environmental, agricultural, aesthetic, cultural, scientific, historic, scenic, or low-intensity recreational value for existing and future generations, and includes, but is not limited to, open spaces, wetlands, marshes, aquifer recharge areas, shoreline areas, natural areas, and other lands and waters that are important to preserve flora and fauna.

NEW SECTION. Sec. 3. A new section is added to chapter 82.46 RCW to read as follows:

(1) Subject to subsection (2) of this section, the legislative authority of any county may impose an additional excise tax on each sale of real property in the county at a rate not to exceed one percent of the selling price. The proceeds of the tax shall be used exclusively for the acquisition and maintenance of conservation areas.

The taxes imposed under this subsection shall be imposed in the same manner and on the same occurrences, and are subject to the same conditions, as the taxes under chapter 82.45 RCW, except:

- (a) The tax shall be the obligation of the purchaser; and
- (b) The tax does not apply to the acquisition of conservation areas by the county.

The county may enforce the obligation through an action of debt against the purchaser or may foreclose the lien on the property in the same manner prescribed for the foreclosure of mortgages.

The tax shall take effect thirty days after the election at which the taxes are authorized.

(2) No tax may be imposed under subsection (1) of this section unless approved by a majority of the voters of the county voting thereon for a specified period and maximum rate after:

(a) The adoption of a resolution by the county legislative authority of the county proposing this action; or

(b) The filing of a petition proposing this action with the county auditor, which petition is signed by county voters at least equal in number to ten percent of the total number of voters in the county who voted at the last preceding general election.

The ballot proposition shall be submitted to the voters of the county at the next general election occurring at least sixty days after a petition is filed, or at any special election prior to this general election that has been called for such purpose by the county legislative authority.

(3) A plan for the expenditure of the excise tax proceeds shall be prepared by the county legislative authority at least sixty days before the election if the proposal is initiated by resolution of the county legislative authority, or within six months after the tax has been authorized by the voters if the proposal is initiated by petition. Prior to the adoption of this plan, the elected officials of cities located within the county shall be consulted and a public hearing shall be held to obtain public input. The proceeds of this excise tax must be expended in conformance with this plan.

(4) As used in this section, "conservation area" has the meaning given under section 2 of this act.

Sec. 4. Section 14, chapter 49, Laws of 1982 1st ex. sess. and RCW 82.46.040 are each amended to read as follows:

Any tax imposed under RCW 82.46.010 or section 3 of this 1990 act and any interest or penalties thereon is a specific lien upon each piece of real property sold from the time of sale until the tax is paid, which lien may be enforced in the manner prescribed for the foreclosure of mortgages.

Sec. 5. Section 16, chapter 49, Laws of 1982 1st ex. sess. and RCW 82.46.060 are each amended to read as follows:

Any taxes imposed under RCW 82.46.010 or section 3 of this 1990 act shall be paid to and collected by the treasurer of the county within which is located the real property which was sold. The treasurer shall act as agent for any city within the county imposing the tax. 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. A receipt issued by the county treasurer for the payment of the tax imposed under RCW 82.46.010 or section 3 of this 1990 act shall be evidence of the satisfaction of the lien imposed in RCW 82.46.040 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 may be accepted by the county auditor for filing or recording until the tax is paid and the stamp affixed thereto; in case the tax is not due on the transfer, the instrument shall not be accepted until suitable notation of this fact is made on the instrument by the treasurer.

Passed the Senate March 9, 1990.

Passed the House March 27, 1990.

Approved by the Governor March 30, 1990.

Filed in Office of Secretary of State March 30, 1990.

CHAPTER 6

[Substitute Senate Bill No. 6624]

FAMILY INDEPENDENCE PROGRAM

AN ACT Relating to administration of the family independence program; amending RCW 74.21.020, 74.21.030, 74.21.040, 74.21.050, 74.21.070, and 74.21.190; creating a new section; and declaring an emergency.

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

Sec. 1. Section 2, chapter 434, Laws of 1987 as amended by section 2, chapter 43, Laws of 1988 and RCW 74.21.020 are each amended to read as follows:

The legislature hereby establishes as state policy the goal of economic independence for employable adults receiving public assistance, through employment, training, and education. The legislature finds that children living in families with incomes below the needs standard have reduced opportunities for physical and intellectual development. A family's economic future is frequently not improved by the current program.

Therefore, in order to break the cycle of poverty and dependence, a family independence program is established. Participating families are to receive benefits under this program at no less than they would otherwise have been entitled to receive.

The legislature intends that the family independence program is operated as a demonstration, which shall be periodically reviewed and modified by the executive committee to further state policy and to manage the program within resources.

The legislature finds that the state has a vital interest in ensuring that citizens who are in economic need are provided appropriate financial assistance. It is the intent of the legislature to maintain the existing partnership between state and federal government and that this program remain part of the federal welfare entitlement program. The legislature seeks federal authority for a five-year demonstration project and recognizes that waivers and congressional action may be required to achieve our purpose. The legislature does not seek a block grant approach to welfare.

The legislature recognizes that any program intended to assist new and current public assistance recipients will be more likely to succeed when the state, private sector, and recipients work together.

The legislature also recognizes the value of building on successful programs that utilize the development of networking and mentoring strategies to assist public assistance recipients to gain self-sufficiency. The legislature further encourages public-private cooperation in the areas of job readiness training, education, job training, and work opportunities, including community-based organizations as service providers in these areas through contractual relationships.

The legislature finds that the goal of economic independence requires increased efforts to assist parents in exercising their children's right to economic support from absent parents.

The legislature recognizes the substantial participation in the workforce of women with preschool children, and the difficulty in reentering employment after long absences.

The legislature further recognizes that public assistance recipients can play a major role in setting their own goals.

The objectives of this chapter are to assure that: The maximum number of recipients of public assistance become independent and self-sufficient through employment, training, and education; caseloads be correspondingly reduced on a long-term basis; financial incentives be available to recipients participating in job readiness, education, training, and work programs; the number of children growing up in poverty be substantially reduced; and unemployable recipients be afforded a basic level of financial and medical assistance consistent with the state's financial capabilities.

Sec. 2. Section 3, chapter 434, Laws of 1987 as amended by section 27, chapter 11, Laws of 1989 and RCW 74.21.030 are each amended to read as follows:

Unless the context requires to the contrary, the definitions in this section apply throughout this chapter.

(1) "Benchmark standard" is the basic monthly level of cash benefits, established according to family size, which equals the state's payment standard under the aid to families with dependent children program, plus an amount not less than the full cash equivalent of food stamps for which any family of such size would otherwise be eligible.

(2) "Department" means the department of social and health services.

(3) "Enrollee" means the head(s) of household of a family eligible to receive financial assistance or other services under the family independence program.

(4) "Executive committee" or "committee" means the family independence program executive committee, authorized by and subject to the provisions of this chapter, to make policy recommendations to the legislature and develop procedure, program standards, data collection and information

systems for family independence programs, including making budget allocations, setting incentive rates within appropriated funds, setting cost-sharing requirements for child care and medical services, and making related financial reports under chapter 43.88 RCW.

(5) "Family independence program services" include but are not limited to job readiness programs, job creation, employment, work programs, training, education, family planning services, development of a mentor program, income and medical support, parent education, child care, and training in family responsibility and family management skills, including appropriate financial counseling and training on management of finances and use of credit.

(6) "Food stamps" means the food purchase benefit available through the United States department of agriculture.

(7) "Gross income" means the total income of an enrollee from earnings, cash assistance, and incentive benefit payments.

(8) "Incentive benefit payments" means those additional benefits payable to enrollees due to their participation in education, training, or work programs.

(9) "Job-ready" is the status of an enrollee who is assessed as ready to enter job search activities on the basis of the enrollee's skills, experience, or participation in job and education activities in accordance with RCW 74.21.080.

(10) "Job readiness training" means that training necessary to enable enrollees to participate in job search or job training classes. It may include any or all of the following: Budgeting and financial counseling, time management, self-esteem building, expectations of the workplace (including appropriate dress and behavior on the job), goal setting, transportation logistics, and other preemployment skills.

(11) "Maximum income levels" are those levels of income and cash benefits, both benchmark and incentive, which the state establishes as the maximum level of total gross cash income for persons to continue to receive cash benefits.

(12) "Medical benefits" or "medicaid" are categorically or medically needy medical benefits provided in accordance with Title XIX of the federal social security act. Eligibility and scope of medical benefits under this chapter shall incorporate any hereinafter enacted changes in the medicaid program under Title XIX of the federal social security act.

(13) "Noncash benefits" includes benefits such as child care and medicaid where the family receives a service in lieu of a cash payment related to the purposes of the family independence program.

(14) "Payment standard" is equal to the standard of need or a lesser amount if rateable reductions or grant maximums are established by the legislature. Standard of need shall be based on periodic studies of actual

living costs and generally recognized inflation indices and shall include reasonable allowances for shelter, fuel, food, transportation, clothing, household maintenance, and necessary incidentals. The standard of need may take into account the economies of joint living arrangements, but there shall not be proration of any portion of assistance grants unless the amount of the payment standard is equal to the standard of need.

(15) "Subsidized employment" means employment for which the family independence program has provided the employer the financial resources, in whole or in part, to compensate an enrollee for the performance of work.

(16) "Unsubsidized employment" means employment for which the family independence program has not provided the employer the financial resources to compensate an enrollee for the performance of work.

(17) "Treatment site" means the five sites chosen in accordance with federal standards for data collection by the independent evaluator contracted for under this chapter.

Sec. 3. Section 4, chapter 434, Laws of 1987 and RCW 74.21.040 are each amended to read as follows:

(1) Upon implementation of the family independence program, all applicants for public assistance, except persons eligible for assistance under the general assistance—unemployable program and except for families in which the children residing with caretakers other than the children's parents are the only individuals eligible for benefits, under chapter 74.04 RCW, shall be enrolled in the family independence program and shall be eligible to receive financial and medical benefits under the following criteria:

(a) A person who is a "dependent child" as defined in 42 U.S.C. Sec. 606(a) or 42 U.S.C. Sec. 607(a), the caretaker relative(s) with whom the dependent child resides, or a pregnant woman as defined in 42 U.S.C. Sec. 606(b); and

(b) A person whose resources do not exceed those established by the United States department of health and human services at 45 C.F.R. Sec. 233.20(a)(3)(i)(B); and

(c) A person whose income does not exceed the benchmark standard plus appropriate incentive benefit payments established in accordance with this chapter. However, subject to subsection (2) of this section and RCW 74.21.180, the department may limit family independence program eligibility to exclude those new applicants whose monthly income would render them ineligible for aid to families with dependent children benefits under the payment level in effect at the time of the application. For the purposes of this subsection, a new applicant is a person who has not been a recipient of aid to families with dependent children or an enrollee for ninety days prior to application.

(2) Subject to the availability of funds for family independence program benefits, the department may expand eligibility to authorize family independence program benefits for additional categories of persons, but the

department shall ensure that no person who would be eligible for benefits under the program requirements in place in this state as of January 1, 1988, pursuant to Titles IV-A and XIX of the federal social security act shall be denied financial or medical benefits under this chapter.

(3) The executive committee is authorized to transfer cases from the family independence program to the aid for families with dependent children program in circumstances where the dependent children residing with caretakers other than the children's parents are the only individuals eligible for benefits under chapter 74.04 RCW.

Sec. 4. Section 5, chapter 434, Laws of 1987 and RCW 74.21.050 are each amended to read as follows:

(1) The family independence program executive committee is hereby established.

(2) The executive committee shall consist of seven members as follows: The secretary of social and health services, the commissioner of the employment security department, the senior official from each of those agencies who is responsible for the family independence program, an official of the office of financial management, and two nonvoting individuals who have received public assistance in the past but have subsequently achieved economic independence. The former recipient members of the executive committee shall be selected by the advisory committee. The former recipient representatives on the committee shall hold a term of two years. Terms may be renewed for one additional two-year term. The former recipient representatives shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

(3) The executive committee shall appoint and consult with an advisory committee of not less than ten or more than twenty members broadly representative of business, labor, education, community, enrollee, civic groups, and the public at large. The membership shall be geographically balanced with one-third of the membership composed of enrollees or community members in accordance with RCW 74.21.060. The advisory committee members shall serve terms of two years. In addition, the speaker of the house of representatives and the president of the senate shall appoint a member of each caucus of the legislature to the advisory committee.

The initial terms of the advisory committee members shall be staggered in a manner determined by the executive committee. In the event of a vacancy on the advisory committee due to death, resignation, or removal of one of the advisory committee members, and upon the expiration of the term of any member, the executive committee shall appoint a successor from a list supplied by the family opportunity councils for a term expiring on the second anniversary of the successor's date of the appointment, except that vacancies in a position appointed by a legislative officer shall be filled by that officer. Advisory committee members may be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

(4) If any one of the state offices on the executive committee is abolished, the resulting vacancy on the executive committee shall be filled by the state officer who shall succeed substantially to the power and duties of the abolished office.

(5) The secretary of social and health services shall serve as chairperson of the executive committee and shall supervise all staff and program functions not under the direct supervision of the employment security department. The commissioner of the employment security department shall serve as vice-chairperson. The executive committee shall appoint a secretary who need not be a member of the executive committee.

(6) The secretary of the executive committee shall keep a record of the proceedings of the committee meetings.

(7) Three members of the executive committee constitute a quorum. The executive committee may act on the basis of motions. Motions shall be adopted upon the affirmative vote of a majority of a quorum of members present at any meeting of the executive committee. A vacancy in the membership of the committee does not impair the power of the committee to act under this chapter. However, in the case of a vacancy in one of the offices which constitutes the membership of the committee, the individual acting in the capacity of that officer shall also act as a member of the committee.

(8) The executive committee shall consult with the advisory committee on significant matters before taking action on such matters. Matters of significance include but are not limited to the nature and extent of contracts with private or nonprofit entities, decisions to modify incentive payments, and a right to review and comment upon the employment and child care plans and all reports submitted to the legislature, prior to their submission. The meetings of the executive committee are subject to chapter 42.30 RCW, the open public meetings act. The advisory committee shall study approaches to allow children in poverty to grow up healthy with self-confidence and the ability to break the cycle of dependence that can result from inadequate nutrition, housing, and other basic needs.

Sec. 5. Section 7, chapter 434, Laws of 1987 and RCW 74.21.070 are each amended to read as follows:

(1) The executive committee shall direct the employment security department and the department of social and health services, or the appropriate successor agencies, subject to the provisions of this chapter and consistent with available funds, to do the following in order to accomplish the purposes of this chapter:

(a) To carry out and ensure the development of job readiness training, job development activities, subsidize employment in or through public, private, volunteer, and nonprofit agencies, and provide training funds for enrollees prior to and during employment;

(b) To carry out training and education activities as set forth in RCW 74.21.080;

(c) To allow enrollees, consistent with available appropriations, to receive the incentive benefit payments while attending higher education and vocational institutions;

(d) To fund other related family services, including, but not limited to, child care services for enrollees who participate in the education, training, and work programs authorized by the executive committee;

(e) To receive federal and state funds for the family independence program and to otherwise manage the program so as to operate within legislatively determined funding limitations. However, the executive committee has no authority to alter the benchmark standard established by the legislature;

(f) To periodically review administration data and evaluation reports and to modify program operations in accordance with state and federal law. Such modifications shall not conflict with waiver agreements between the state and federal agencies and shall be made only after consultation with the legislative budget committee;

(g) To determine the level and types of program benefits and incentive benefit payments in accordance with this chapter, together with specific administrative requirements to be met by program enrollees;

~~((g))~~ (h) To authorize other individuals served under aid to families with dependent children—regular and employable to voluntarily seek enrollee status;

~~((h))~~ (i) To establish rules for the treatment of earnings and unearned income by enrollees as set forth in RCW 74.21.180;

~~((i))~~ (j) To establish administrative sanctions consistent with the criteria set forth in RCW 74.21.150(3) which may be applied to enrollees and the conditions under which program benefits may be reduced or terminated;

~~((j))~~ (k) To establish due process procedures as set forth in RCW 74.21.110;

~~((k))~~ (l) To establish the conditions under which child care and other related social services, including parent education and counseling, will be provided, subject to the following: Any child care provided under this chapter shall be in accordance with statutory child day care licensure requirements;

~~((l))~~ (m) To provide child care without cost to enrollees whose income is below the maximum authorized income level;

~~((m))~~ (n) To establish copayment requirements for noncash benefits as set forth in RCW 74.21.100;

~~((n))~~ (o) To establish the conditions and terms under which the department may enter into contracts with the public, private, and not-for-profit sectors to provide:

- (i) Parenting education for parents;
- (ii) Job readiness training;

(iii) Training of state agency employees to work with enrollees in developing plans for self-sufficiency, which include but are not limited to the employability, training, and education plans;

(iv) The development of mentoring programs to provide assistance to current recipients through the use of former recipients; and

(v) Facilitation of family opportunity councils in the geographical areas sited for implementation of the program;

~~((p))~~ (p) To establish the conditions and terms, and to enter into contracts, under which public, private, and not-for-profit sector jobs will be created and financed by the executive committee and the circumstances under which training for employees or potential employees of public, private, and for-profit employers will be subsidized through the family independence program;

~~((p))~~ (q) To establish the terms and provisions under which training and job development services may be extended to the absent parent(s) of the children of enrollees;

~~((q))~~ (r) To establish the frequency and method for redetermining eligibility;

~~((r))~~ (s) To undertake the acquisition of all such services authorized in this chapter on an exempt basis, as provided in RCW 43.19.1901, from the public bid requirements of RCW 43.19.190 through 43.19.200;

~~((s))~~ (t) To establish a proposed schedule by geographic area for implementation of the family independence program, which shall be submitted to the legislature by January 1, 1988. The executive committee is authorized to periodically stop enrollments in family independence program sites, except for the five treatment sites, for the purpose of managing resources, until such time as sufficient funds become available to reopen enrollments.

Until the family independence program is implemented in a particular geographic area, applicants in that area shall continue to be eligible for benefits under the aid to families with dependent children program and shall have a right to convert to the family independence program when it is available in that area in accordance with rules adopted by the executive committee;

~~((t))~~ (u) To determine methods of administration and do all other things necessary to carry out the purposes of this chapter.

(2) The executive committee with assistance from the appropriate agencies shall promulgate rules in accordance with chapter 34.05 RCW in order to accomplish the purposes of this chapter. Policy decisions of the executive committee that require rule-making shall not be final until the adoption of the necessary rules.

Sec. 6. Section 19, chapter 434, Laws of 1987 and RCW 74.21.190 are each amended to read as follows:

(1) All enrollees shall register for assessment to evaluate the appropriateness of work, education, or training options for that individual.

(2) For those enrollees who seek to pursue work, training, and education activities, and for those enrollees who are required in accordance with this chapter to so participate, the state agencies and the enrollee shall jointly develop an employability plan which sets forth the participation activity or sequence of activities and the available supportive services. In some instances, the plan may require additional assessment. The plan is subject to the approval of the state agencies. An enrollee may seek a modification of the employability plan, or an administrative review if mutual agreement cannot be achieved.

(3) All enrollees who are employed full time whose earnings are less than one hundred thirty-five percent of the benchmark standard shall be identified at their next annual eligibility review. Enrollees so identified shall participate in an employability reassessment to determine if the employment is reasonably likely to move the enrollee into noncash benefit status within a year. Plan approval shall be suspended under rules adopted in accordance with this chapter if a determination is made jointly by the family independence program case coordinator and the job service specialist that the employment is not reasonably likely to move the enrollee into noncash benefit status within one year. Plan suspension shall not affect the enrollee's right to program benefits or incentive benefits except in accordance with this section. Periodic services shall be offered to enrollees with suspended self-sufficiency plans to assist them to obtain employment reasonably likely to assist them in attaining self-sufficiency. Enrollees who continue employment under a suspended plan for one year shall receive notice within thirty days that they will lose their right to receive family independence program benefits and incentive payments, unless their plan is approved within six months: Provided, That a termination of program benefits and incentive payments shall not result in an enrollee's receiving less assistance than the enrollee would be eligible for under the aid to families with dependent children program.

(4) Appropriate child care and other social services shall be available to enable an enrollee to participate in work, training, or education activities.

~~((4))~~ (5) Prior to the determination that a mandatory enrollee has refused to cooperate, efforts must be made at conciliation of the dispute consistent with 45 C.F.R. Sec. 224.63.

~~((5))~~ (6) The agencies shall adopt rules setting forth criteria that provide good cause for an enrollee's refusal to participate in or accept a specific assignment of proposed work, education, or training activities. The criteria shall include, but need not be limited to, the following:

- (a) No suitable child care is available without cost to the enrollee;
- (b) The assignment is not within the scope of the enrollee's employability plan;
- (c) The assignment would have an adverse effect on the physical or mental health of the enrollee;

(d) The distance of the assignment from the enrollee's home makes participation impracticable;

(e) The assignment would result in a loss of income to the enrollee's family;

(f) Exigent personal or family circumstances would interfere with successful participation in the assignment;

(g) The assignment involves conditions which are in violation of applicable health and safety regulations;

(h) The assignment would interrupt a program in process at the undergraduate or vocational level which is reasonably expected to result in economic self-sufficiency; or

(i) The best interests of a child or children in the family would be served by the parent providing full or part-time care in the home due to the particular personal or family circumstances of the enrollee's family.

NEW SECTION. Sec. 7. 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. 8. The modifications to the family independence program contained in this act shall be implemented only to the extent permitted by federal law or agreements with the federal government made prior or subsequent to the effective date of this act.

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 Senate March 30, 1990.

Passed the House March 31, 1990.

Approved by the Governor April 2, 1990.

Filed in Office of Secretary of State April 2, 1990.

CHAPTER 7

[Senate Bill No. 6091]

BUDGET STABILIZATION ACCOUNT APPROPRIATION

AN ACT Relating to the budget stabilization account; making an appropriation; and declaring an emergency.

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

NEW SECTION. Sec. 1. The sum of two hundred million dollars is appropriated for the biennium ending June 30, 1991, from the general fund to the state treasurer for immediate transfer to the budget stabilization account pursuant to RCW 43.88.525 and 43.88.530.

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 March 30, 1990.

Passed the House April 1, 1990.

Approved by the Governor April 5, 1990.

Filed in Office of Secretary of State April 5, 1990.

CHAPTER 8

[Senate Bill No. 6344]

REGIONAL SUPPORT NETWORKS RECOGNITION

AN ACT Relating to regional support networks; and amending RCW 71.24.035.

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

Sec. 1. Section 4, chapter 204, Laws of 1982 as last amended by section 3, chapter 205, Laws of 1989 and RCW 71.24.035 are each amended to read as follows:

- (1) The department is designated as the state mental health authority.
- (2) The secretary may provide for public, client, and licensed service provider participation in developing the state mental health program.
- (3) The secretary shall provide for participation in developing the state mental health program for children and other underserved populations, by including representatives on any committee established to provide oversight to the state mental health program.
- (4) The secretary shall be designated as the county authority if a county fails to meet state minimum standards or refuses to exercise responsibilities under RCW 71.24.045.
- (5) The secretary shall:
 - (a) Develop a biennial state mental health program that incorporates county biennial needs assessments and county mental health service plans and state services for mentally ill adults and children. The secretary may also develop a six-year state mental health plan;
 - (b) Assure that any county community mental health program provides access to treatment for the county's residents in the following order of priority: (i) The acutely mentally ill; (ii) the chronically mentally ill; and (iii) the seriously disturbed. Such programs 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 the appropriateness of admission;

(E) Consultation and education services; and

(F) Community support services;

(c) Develop and promulgate rules establishing state minimum standards for the delivery of mental health services including, but not limited to:

(i) Licensed service providers;

(ii) Regional support networks; and

(iii) Residential and inpatient services, evaluation and treatment services and facilities under chapter 71.05 RCW, resource management services, and community support services;

(d) Assure that the special needs of minorities, the elderly, disabled, children, and low-income persons are met within the priorities established in this section;

(e) Establish a standard contract or contracts, consistent with state minimum standards, which shall be used by the counties;

(f) Establish, to the extent possible, a standardized auditing procedure which minimizes paperwork requirements of county authorities and licensed service providers;

(g) Develop and maintain an information system to be used by the state, counties, and regional support networks when they are established which shall include a tracking method which allows the department and regional support networks to identify mental health clients' participation in any mental health service or public program on an immediate basis. The information system shall not include individual patient's case history files. Confidentiality of client information and records shall be maintained as provided in this chapter and in RCW 71.05.390, 71.05.400, 71.05.410, 71.05.420, 71.05.430, and 71.05.440. The system shall be fully operational no later than January 1, 1993: PROVIDED, HOWEVER, That when a regional support network is established, the department shall have an operational interim tracking system for that network that will be adequate for the regional support network to perform its required duties under this chapter;

(h) License service providers who meet state minimum standards;

(i) Certify regional support networks that meet state minimum standards;

(j) Periodically inspect certified regional support networks and licensed service providers at reasonable times and in a reasonable manner; and

(k) Fix fees to be paid by evaluation and treatment centers to the secretary for the required inspections;

(l) Monitor and audit counties, regional support networks, and licensed service providers as needed to assure compliance with contractual agreements authorized by this chapter;

(m) Prior to September 1, 1989, adopt such rules as are necessary to implement the department's responsibilities under this chapter pursuant to chapter 34.05 RCW: PROVIDED, That such rules shall be submitted to the appropriate committees of the legislature for review and comment prior to adoption; and

(n) Beginning July 1, 1989, and continuing through July 1, 1993, track by region and county the use and cost of state hospital and local evaluation and treatment facilities for seventy-two hour detention, fourteen, ninety, and one hundred eighty day commitments pursuant to chapter 71.05 RCW, voluntary care in state hospitals, and voluntary community inpatient care covered by the medical assistance program. Service use and cost reports shall be provided to regions in a timely fashion at six-month intervals.

(6) The secretary shall use available resources appropriated specifically for community mental health programs only for programs under RCW 71.24.045. After July 1, 1995, or when regional support networks are established, available resources may be used only for regional support networks.

(7) Each certified regional support network and licensed service provider shall file with the secretary, on request, such data, statistics, schedules, and information as the secretary reasonably requires. A certified regional support network or licensed service provider which, without good cause, fails to furnish any data, statistics, schedules, or information as requested, or files fraudulent reports thereof, may have its certification or license revoked or suspended.

(8) The secretary may suspend, revoke, limit, or restrict a certification or license, or refuse to grant a certification or license for failure to conform to the law, applicable rules and regulations, or applicable standards, or failure to meet the minimum standards established pursuant to this section.

(9) The superior court may restrain any regional support network or service provider from operating without certification or a license or any other violation of this section. The court may also review, pursuant to procedures contained in chapter 34.05 RCW, any denial, suspension, limitation, restriction, or revocation of certification or license, and grant other relief required to enforce the provisions of this chapter.

(10) Upon petition by the secretary, and after hearing held upon reasonable notice to the facility, the superior court may issue a warrant to an officer or employee of the secretary authorizing him or her to enter at reasonable times, and examine the records, books, and accounts of any regional support network or service provider refusing to consent to inspection or examination by the authority.

(11) The secretary shall adopt such rules as may be necessary to effectuate the intent and purposes of this chapter, which shall include but not be limited to certification and licensing and other action relevant to certifying regional support networks and licensing service providers.

(12) Notwithstanding the existence or pursuit of any other remedy, the secretary may, in the manner provided by law, upon the advice of the attorney general who shall represent the secretary in the proceedings, maintain an action in the name of the state for an injunction or other process against any person or governmental unit to restrain or prevent the establishment, conduct, or operation of a regional support network or service provider without certification or a license under this chapter.

(13) The standards for certification of evaluation and treatment facilities shall include standards relating to maintenance of good physical and mental health and other services to be afforded persons pursuant to this chapter and chapter 71.05 RCW, and shall otherwise assure the effectuation of the purposes and intent of this chapter and chapter 71.05 RCW.

(14)(a) The department, in consultation with affected parties, shall establish a distribution formula that reflects county needs assessments based on the number of persons who are acutely mentally ill, chronically mentally ill, and seriously disturbed as defined in chapter 71.24 RCW. The formula shall take into consideration the impact on counties of demographic factors in counties which result in concentrations of priority populations as defined in subsection (15) of this section. These factors shall include the population concentrations resulting from commitments under the involuntary treatment act, chapter 71.05 RCW, to state psychiatric hospitals, as well as concentration in urban areas, at border crossings at state boundaries, and other significant demographic and workload factors.

(b) The department shall submit a proposed distribution formula in accordance with this section to the ways and means and health care and corrections committees of the senate and to the ways and means and human services committees of the house of representatives by October 1, 1989. The formula shall also include a projection of the funding allocations that will result for each county, which specifies allocations according to priority populations, including the allocation for services to children and other underserved populations.

(15) To supersede duties assigned under subsection (5) (a) and (b) of this section, and to assure a county-based, integrated system of care for acutely mentally ill adults and children, chronically mentally ill adults and children, and seriously disturbed adults and children who are determined by regional support networks at their sole discretion to be at risk of becoming acutely or chronically mentally ill, the secretary shall encourage the development of regional support networks as follows:

By December 1, 1989, the secretary shall recognize regional support networks requested by counties or groups of counties.

All counties wishing to be recognized as a regional support network on December 1, 1989, shall submit their intentions regarding participation in the regional support networks by October 30, 1989, along with preliminary plans. Counties wishing to be recognized as a regional support network by

January 1 (~~(1993)~~) of any year thereafter shall submit their intentions by (~~(November 30, 1992)~~) October 30 of the previous year along with preliminary plans. The secretary shall assume all duties assigned to the nonparticipating counties under chapters 71.05 and 71.24 RCW on July 1, 1995. Such responsibilities shall include those which would have been assigned to the nonparticipating counties under regional support networks.

The implementation of regional support networks, or the secretary's assumption of all responsibilities under chapters 71.05 and 71.24 RCW, shall be included in all state and federal plans affecting the state mental health program including at least those required by this chapter, the medic-aid program, and P.L. 99-660. Nothing in these plans shall be inconsistent with the intent and requirements of this chapter.

(16) The secretary shall:

(a) Disburse the first funds for the regional support networks that are ready to begin implementation by January 1, 1990, or within sixty days of approval of the biennial contract. The department must either approve or reject the biennial contract within sixty days of receipt.

(b) Enter into biennial contracts with regional support networks to begin implementation between January 1, 1990, and March 1, 1990, and complete implementation by June 1995. The contracts shall be consistent with available resources. No contract shall be approved that does not include progress toward meeting the goals of this (~~(1989 act)~~) chapter by taking responsibility for: (i) Short-term commitments; (ii) residential care; and (iii) emergency response systems.

(c) By July 1, 1993, allocate one hundred percent of available resources to regional support networks created by January 1, 1990, in a single grant. Regional support networks created by January 1, (~~(1993)~~) 1991, shall receive a single block grant by July 1, 1993; regional support networks created by January 1, 1992, shall receive a single block grant by July 1, 1994; and regional support networks created by January 1, 1993, shall receive a single block grant by July 1, 1995. The grants shall include funds currently provided for all residential services, all services pursuant to chapter 71.05 RCW, and all community support services and shall be distributed in accordance with a formula submitted to the legislature by January 1, 1993, in accordance with subsection (14) of this section.

(d) By January 1, 1990, allocate available resources to regional support networks for community support services, resource management services, and residential services excluding evaluation and treatment facilities provided pursuant to chapter 71.05 RCW in a single grant using the distribution formula established in subsection (14) of this section.

(e) By March 1, 1990, or within sixty days of approval of the contract continuing through July 1, 1993, provide grants as specifically appropriated by the legislature to regional support networks for evaluation and treatment facilities for persons detained or committed for periods up to seventeen days

according to chapter 71.05 RCW. For regional support networks created by January 1, 1993, provide grants as specifically appropriated by the legislature to regional support networks for evaluation and treatment facilities for persons detained or committed for periods up to seventeen days according to chapter 71.05 RCW through July 1, 1995.

(f) Notify regional support networks of their allocation of available resources at least sixty days prior to the start of a new biennial contract period.

(g) Study and report to the legislature by December 1, 1989, on expanding the use of federal Title XIX funds and the definition of institutions for mental diseases to provide services to persons who are acutely mentally ill, chronically mentally ill, or at risk of becoming so. The study shall also include an assessment of the impact of Title XIX funds and the definition of institutions for mental diseases on the use of state funds to provide needed mental health services to the chronically mentally ill.

(h) Deny funding allocations to regional support networks based solely upon formal findings of noncompliance with the terms of the regional support network's contract with the department. Written notice and at least thirty days for corrective action must precede any such action. In such cases, regional support networks shall have full rights to appeal under chapter 34.05 RCW.

(i) Identify in its departmental biennial operating and capital budget requests the funds requested by regional support networks to implement their responsibilities under this chapter.

(j) Contract to provide or, if requested, make grants to counties to provide technical assistance to county authorities or groups of county authorities to develop regional support networks.

(17) The department of social and health services, in cooperation with the state congressional delegation, shall actively seek waivers of federal requirements and such modifications of federal regulations as are necessary to allow federal medicaid reimbursement for services provided by free-standing evaluation and treatment facilities certified under chapter 71.05 RCW. The department shall periodically report its efforts to the health care and corrections committee of the senate and the human services committee of the house of representatives.

(18) The secretary shall establish a task force to examine the recruitment, training, and compensation of qualified mental health professionals in the community, which shall include the advantages and disadvantages of establishing a training academy, loan forgiveness program, or educational stipends offered in exchange for commitments of employment in mental

health. The task force shall report back to the appropriate committees of the legislature by January 1, 1990.

Passed the Senate April 1, 1990.

Passed the House April 1, 1990.

Approved by the Governor April 5, 1990.

Filed in Office of Secretary of State April 5, 1990.

CHAPTER 9

[Second Substitute House Bill No. 2379]

STUDENT ENROLLMENT OPTIONS

AN ACT Relating to student enrollment options; amending RCW 28A.225.220, 28A.225.230, 28A.230.090, and 28B.15.067; adding new sections to Title 28A RCW; creating new sections; and declaring an emergency.

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

LEARNING BY CHOICE

PART I

FAMILY INVOLVEMENT

NEW SECTION. Sec. 101. The legislature finds that academic achievement of Washington students can and should be improved. The legislature further finds that student success depends, in large part, on increased parental involvement in their children's education.

In order to take another step toward improving education in Washington, it is the purpose of this act to enhance the ability of parents to exercise choice in where they prefer their children attend school; inform parents of their options under local policies and state law for the intradistrict and interdistrict enrollment of their children; and provide additional program opportunities for secondary students.

PART II

FAMILY CHOICE

Sec. 201. Section 28A.58.240, chapter 223, Laws of 1969 ex. sess. as amended by section 10, chapter 130, Laws of 1969 and RCW 28A.225.220 are each amended to read as follows:

(1) Any board of directors may make agreements with adults (~~((wish- ing))~~) choosing to attend school (~~((or with the directors of other districts for the attendance of children in the school district of either as may be best accommodated therein))~~): PROVIDED, That unless such arrangements are approved by the state superintendent of public instruction, a reasonable tuition charge, fixed by the state superintendent of public instruction, shall be paid by such students as best may be accommodated therein.

(2) A district is strongly encouraged to honor the request of a parent or guardian for his or her child to attend a school in another district.

(3) A district shall release a student to a nonresident district that agrees to accept the student if:

(a) A financial, educational, safety, or health condition affecting the student would likely be reasonably improved as a result of the transfer; or

(b) Attendance at the school in the nonresident district is more accessible to the parent's place of work or to the location of child care; or

(c) There is a special hardship or detrimental condition.

(4) A district may deny the request of a resident student to transfer to a nonresident district if the release of the student would adversely affect the district's existing desegregation plan.

(5) For the purpose of helping a district assess the quality of its education program, a resident school district may request an optional exit interview or questionnaire with the parents or guardians of a child transferring to another district. No parent or guardian may be forced to attend such an interview or complete the questionnaire.

(6) School districts may establish annual transfer fees for nonresident students enrolled under subsection (3) of this section and section 203 of this 1990 act. Until rules are adopted under section 202 of this 1990 act for the calculation of the transfer fee, the transfer fee shall be calculated by the same formula as the fees authorized under section 10, chapter 130, Laws of 1969. These fees, if applied, shall be applied uniformly for all such nonresident students except as provided in this section. The superintendent of public instruction, from available funds, shall pay any transfer fees for low-income students assessed by districts under this section. All ((tuition money)) transfer fees must be paid over to the county treasurer within thirty days of its collection for the credit of the district in which such students attend. Reimbursement of a high school district for cost of educating high school pupils of a nonhigh school district shall not be deemed a ((tuition charge)) transfer fee as affecting the apportionment of current state school funds.

NEW SECTION. Sec. 202. TRANSFER FEE STUDY. (1) The superintendent of public instruction shall provide the legislature and the governor by December 1, 1990, a recommendation on the method for the calculation of a transfer fee and an estimate of the state funds needed to pay any transfer fee for low-income students assessed by districts under RCW 28A.225.220(6). The superintendent shall indicate the low-income eligibility criteria used in developing the cost estimate.

(2) This section expires December 31, 1990.

NEW SECTION. Sec. 203. A new section is added to Title 28A RCW to read as follows:

INTERDISTRICT TRANSFER PROCEDURES. (1) All districts accepting applications from nonresident students for admission to the district's schools shall consider equally all applications received. Each school

district shall adopt a policy establishing rational, fair, and equitable standards for acceptance and rejection of applications by June 30, 1990.

(2) The district shall provide to applicants written notification of the approval or denial of the application in a timely manner. If the application is rejected, the notification shall include the reason or reasons for denial and the right to appeal under RCW 28A.225.230(3).

Sec. 204. Section 1, chapter 66, Laws of 1975 1st ex. sess. as last amended by section 236, chapter 33, Laws of 1990 and RCW 28A.225.230 are each amended to read as follows:

(1) The decision of a school district within which a student under the age of twenty-one years resides or of a school district within which such a student under the age of twenty-one years was last enrolled and is considered to be a resident for attendance purposes by operation of law, to deny such student's request for release to a nonresident school district (~~by an agreement~~) pursuant to RCW 28A.225.220 may be appealed to the superintendent of public instruction or his or her designee: PROVIDED, That the school district of proposed transfer is willing to accept the student.

(2) The superintendent of public instruction or his or her designee shall hear the appeal and examine the evidence. The superintendent of public instruction may order the resident district to release such a student who is under the age of twenty-one years (~~in the event he or she or his or her designee finds that a special hardship or detrimental condition of a financial, educational, safety or health nature affecting the student or the student's immediate family or custodian may likely be significantly alleviated as a result of the transfer~~) if the requirements of RCW 28A.225.220 have been met. The decision of the superintendent of public instruction may be appealed to superior court pursuant to chapter 34.05 RCW, the administrative procedure act, as now or hereafter amended.

(3) The decision of a school district to deny the request for accepting the transfer of a nonresident student under section 203 of this 1990 act may be appealed to the superintendent of public instruction or his or her designee. The superintendent or his or her designee shall hear the appeal and examine the evidence. The superintendent of public instruction may order the district to accept the nonresident student if the district did not comply with the standards and procedures adopted under section 203 of this 1990 act. The decision of the superintendent of public instruction may be appealed to the superior court under chapter 34.05 RCW.

NEW SECTION. Sec. 205. A new section is added to Title 28A RCW to read as follows:

INTRADISTRICT TRANSFER POLICIES. Each school district in the state shall adopt and implement a policy allowing intradistrict enrollment options no later than June 30, 1990. Each district shall establish its own policy establishing standards on how the intradistrict enrollment options will be implemented.

NEW SECTION. Sec. 206. A new section is added to Title 28A RCW to read as follows:

ELIGIBILITY FOR EXTRACURRICULAR ACTIVITIES. Eligibility of transfer students under RCW 28A.225.220 and section 203 of this act for participation in extracurricular activities shall be subject to rules adopted by the Washington interscholastic activities association as authorized by the state board of education.

NEW SECTION. Sec. 207. A new section is added to Title 28A RCW to read as follows:

INFORMATION BOOKLET. (1) The superintendent of public instruction shall prepare and annually distribute an information booklet outlining parents' and guardians' enrollment options for their children.

(2) Before the 1991-92 school year, the booklet shall be distributed to all school districts by the office of the superintendent of public instruction. School districts shall have a copy of the information booklet available for public inspection at each school in the district, at the district office, and in public libraries.

(3) The booklet shall include:

(a) Information about enrollment options and program opportunities, including but not limited to programs in RCW 28A.225.220, 28A.185.040, 28A.225.200 through 28A.225.215, 28A.225.230 through 28A.225.250, 28A.175.090, 28A.340.010 through 28A.340.070 (small high school cooperative projects), and RCW 28A.335.160.

(b) Information about the running start – community college or vocational-technical institute choice program under sections 401 through 411 of this act; and

(c) Information about the seventh and eighth grade choice program under RCW 28A.230.090.

NEW SECTION. Sec. 208. A new section is added to Title 28A RCW to read as follows:

INFORMATION ABOUT ENROLLMENT OPTIONS. Each school district board of directors annually shall inform parents of the district's intradistrict and interdistrict enrollment options and parental involvement opportunities. Information on intradistrict enrollment options and interdistrict acceptance policies shall be provided to nonresidents on request.

NEW SECTION. Sec. 209. A new section is added to Title 28A RCW to read as follows:

IMPACT ON EXISTING COOPERATIVE ARRANGEMENTS. Any school district board of directors may make arrangements with the board of directors of other districts for children to attend the school district of choice. Nothing under RCW 28A.225.220 and section 203 of this act is intended to adversely affect agreements between school districts in effect on the effective date of this section.

NEW SECTION. Sec. 210. **REPORTS.** (1) The superintendent of public instruction shall collect and maintain information on student transfers for each district and state-wide under RCW 28A.225.220 and section 203 of this act.

(2) The superintendent of public instruction shall report to the legislature and the governor annually beginning December 1, 1992, the following information:

(a) The number of and reason or reasons for requests for transfer out of a district;

(b) The number of and reason or reasons for the denial of a request to transfer out of a district;

(c) The number of and reason or reasons for requests for transfer into a district;

(d) The number of and reason or reasons for the denial of a request to transfer into a district; and

(e) The impact, if any, on a district's educational program as a result of the transfer of a student or students to another district.

NEW SECTION. Sec. 211. **TRANSPORTATION AND INFORMATION BOOKLET STUDIES.** The superintendent of public instruction shall make recommendations to the legislature and governor no later than December 1, 1990, on the following issues:

(1) If a child attends a nonresident district, shall the parent provide transportation to the nonresident district boundary or the boundary of the nonresident school;

(2) What would be the cost of providing a subsidy for transportation to the nonresident district boundary or the boundary of the nonresident school for low-income students; and

(3) Shall the information booklet outlined in section 207 of this act be distributed to all parents annually or made available to parents at the district office, school buildings, and public libraries, and what is the cost of each option?

PART III

SEVENTH AND EIGHTH GRADE CHOICE

Sec. 301. Section 6, chapter 278, Laws of 1984 as last amended by section 1, chapter 172, Laws of 1988 and RCW 28A.230.090 are each amended to read as follows:

(1) The state board of education shall establish high school graduation requirements or equivalencies for students who commence the ninth grade subsequent to July 1, 1985, that meet or exceed the following:

SUBJECT	CREDITS
English	3
Mathematics	2
Social Studies	
United States history and government	1
Washington state history and government	1/2
Contemporary world history, geography, and problems	1
Science (1 credit must be in laboratory science)	2
Occupational Education	1
Physical Education	2
Electives	5 1/2
Total	18

(2) For the purposes of this section one credit is equivalent to one year of study.

(3) The Washington state history and government requirement may be fulfilled by students in grades seven or eight or both. Students who have completed the Washington state history and government requirement in grades seven or eight or both shall be considered to have fulfilled the Washington state history and government requirement.

(4) A candidate for graduation must have in addition earned a minimum of 18 credits including all required courses. These credits shall consist of the state requirements listed above and such additional requirements and electives as shall be established by each district.

(5) In recognition of the statutory authority of the state board of education to establish and enforce minimum high school graduation requirements, the state board shall periodically reevaluate the graduation requirements and shall report such findings to the legislature in a timely manner as determined by the state board.

(6) Pursuant to any foreign language requirement established by the state board of education or a local school district, or both, for purposes of high school graduation, students who receive instruction in sign language shall be considered to have satisfied the state or local school district foreign language graduation requirement.

(7) If requested by the student and his or her family, a student who has completed high school courses while in seventh and eighth grade shall be given high school credit which shall be applied to fulfilling high school graduation requirements if:

(a) The course was taken with high school students and the student has successfully passed by completing the same course requirements and examinations as the high school students enrolled in the class; or

(b) The course would qualify for high school credit, because the course is similar or equivalent to a course offered at a high school in the district as determined by the school district board of directors.

(8) Students who have taken and successfully completed high school courses under the circumstances in subsection (7) of this section shall not be required to take an additional competency examination or perform any other additional assignment to receive credit. Subsection (7) of this section shall also apply to students enrolled in high school on the effective date of this section who took the courses while they were in seventh and eighth grade.

PART IV

RUNNING START—COMMUNITY COLLEGE AND VOCATIONAL-TECHNICAL INSTITUTE CHOICE

NEW SECTION. Sec. 401. As used in sections 401 through 410 of this act, community college means a public community college as defined in chapter 28B.50 RCW.

NEW SECTION. Sec. 402. (1) Eleventh and twelfth grade students or students who have not yet received a high school diploma or its equivalent and are eligible to be in the eleventh or twelfth grades may apply to a community college or vocational-technical institute to enroll in courses or programs offered by the community college or vocational-technical institute. If a community college or vocational-technical institute accepts a secondary school pupil for enrollment under this section, the community college or vocational-technical institute shall send written notice to the pupil, the pupil's school district, and the superintendent of public instruction within ten days of acceptance. The notice shall indicate the course and hours of enrollment for that pupil.

(2) The pupil's school district shall transmit to the community college or vocational-technical institute a sum not exceeding the amount of state funds under RCW 28A.150.260 generated by a full time equivalent student and in proportion to the number of hours of instruction the pupil receives at the community college or vocational-technical institute and at the high school. The community college or vocational-technical institute shall not require the pupil to pay any other fees. The funds received by the community college or vocational-technical institute from the school district shall not be deemed tuition or operating fees and may be retained by the community college or vocational-technical institute. A student enrolled under this subsection shall not be counted for the purpose of determining any enrollment restrictions imposed by the state on the community colleges.

NEW SECTION. Sec. 403. A school district shall provide general information about the program to all pupils in grades ten and eleven and the parents and guardians of those pupils. To assist the district in planning, a pupil shall inform the district of the pupil's intent to enroll in community college or a vocational-technical institute courses for credit. Students are responsible for applying for admission to the community college or vocational-technical institute.

NEW SECTION. Sec. 404. A pupil who enrolls in a community college or a vocational-technical institute in grade eleven may not enroll in postsecondary courses under sections 401 through 410 of this act for high school credit and community college or vocational-technical institute credit for more than the equivalent of the course work for two academic years. A pupil who first enrolls in a community college or vocational-technical institute in grade twelve may not enroll in postsecondary courses under this section for high school credit and community college or vocational-technical institute credit for more than the equivalent of the course work for one academic year.

NEW SECTION. Sec. 405. Once a pupil has been enrolled in a postsecondary course, program, or vocational-technical institute under this section, the pupil shall not be displaced by another student.

NEW SECTION. Sec. 406. A pupil may enroll in a course under sections 401 through 410 of this act for both high school credit and college level academic and vocational or vocational-technical institute credit.

NEW SECTION. Sec. 407. A school district shall grant academic credit to a pupil enrolled in a course for high school credit if the pupil successfully completes the course. If no comparable course is offered by the school district, the school district superintendent shall determine how many credits to award for the course. The determination shall be made in writing before the pupil enrolls in the course. The credits shall be applied toward graduation requirements and subject area requirements. Evidence of the successful completion of each course in a community college or vocational-technical institute shall be included in the pupil's secondary school records and transcript. The transcript shall also note that the course was taken at a community college or vocational-technical institute.

NEW SECTION. Sec. 408. Any state institution of higher education may award postsecondary credit for college level academic and vocational or vocational-technical institute courses successfully completed by a student while in high school and taken at a community college or vocational-technical institute. The state institution of higher education shall not charge a fee for the award of the credits.

NEW SECTION. Sec. 409. Transportation to and from the community college or vocational-technical institute is not the responsibility of the school district.

NEW SECTION. Sec. 410. The superintendent of public instruction, the state board for community college education, and the higher education coordinating board shall jointly develop and adopt rules governing sections 401 through 409 of this act, if rules are necessary. The rules shall be written to encourage the maximum use of the program and shall not narrow or limit the enrollment options under sections 401 through 409 of this act.

NEW SECTION. Sec. 411. (1) Sections 401 through 410 of this act may be implemented in up to five community college districts during the 1990-91 and 1991-92 school years. Any school district within any of the selected community college districts may participate in the program. The five community college districts shall be selected from applicants by the state board for community college education. The board shall select community college districts from both eastern and western Washington. Sections 401 through 410 of this act are applicable throughout the state beginning with the 1992-93 school year. Participation by community college districts under sections 401 through 410 of this act is in addition to agreements between school districts and community college districts in effect on the effective date of this section and in the future.

(2) Sections 401 through 410 of this act may be implemented in all vocational-technical institutes beginning with the 1990-91 school year and shall be implemented in all vocational-technical institutes in the 1991-92 school year.

NEW SECTION. Sec. 412. Sections 401 through 411 of this act are in addition to and not intended to adversely affect agreements between school districts and community college districts or vocational-technical institutes in effect on the effective date of this section and in the future.

Sec. 413. Section 2, chapter 257, Laws of 1981 as last amended by section 1, chapter 42, Laws of 1986 and RCW 28B.15.067 are each amended to read as follows:

(1) Tuition fees shall be established and adjusted annually under the provisions of this chapter beginning with the 1987-88 academic year. Such fees shall be identical, subject to other provisions of this chapter, for students enrolled at either state university, for students enrolled at the regional universities and The Evergreen State College and for students enrolled at any community college. Tuition fees shall reflect the undergraduate and graduate educational costs of the state universities, the regional universities and the community colleges, respectively, in the amounts prescribed in this chapter. The change from the biennial tuition fee adjustment to an annual tuition fee adjustment shall not reduce the amount of revenue to the state general fund.

(2) The tuition fees established under this section shall not apply to high school students enrolling in community colleges under sections 401 through 411 of this 1990 act.

NEW SECTION. Sec. 414. Sections 401 through 412 of this act are each added to Title 28A RCW.

****NEW SECTION. Sec. 415. (1) The running start task force is created. The task force shall be comprised of at least one representative from each of the following groups, appointed by the respective groups except as provided under subsection (2) of this section:***

- (a) The higher education coordinating board;*
- (b) The state board for community college education;*
- (c) The office of the superintendent of public instruction;*
- (d) The state board of education;*
- (e) The inter-institutional council of academic officers;*
- (f) Vocational-technical institutes;*
- (g) High school students;*
- (h) Parents;*
- (i) The office of the governor; and*
- (j) One legislator from each caucus of the house of representatives appointed by the speaker of the house of representatives and one legislator from each caucus of the senate appointed by the president of the senate.*

(2) The governor shall appoint the members under subsection (1)(f) through (i) of this section within thirty days of the effective date of this section. The governor may appoint other persons to serve on the task force. The task force shall elect a chair from among its members.

(3) Legislative members shall be reimbursed for travel expenses under RCW 44.04.120. Nonlegislative members shall be reimbursed for travel expenses under RCW 43.03.050 and 43.03.060.

(4) The task force shall study and report to the legislature by June 1, 1991, on, but not limited to, whether the program should be expanded to allow the eligible high school students to enroll in public four-year higher education institutions.

(5) This section shall expire June 30, 1991.

**Sec. 415 was vetoed, see message at end of chapter.*

PART V MISCELLANEOUS

NEW SECTION. Sec. 501. CAPTIONS AND HEADINGS NOT LAW. Part headings and section headings do not constitute any part of the law.

NEW SECTION. Sec. 502. 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. 503. 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 31, 1990.

Passed the Senate March 30, 1990.

Approved by the Governor April 11, 1990, with the exception of certain items which were vetoed.

Filed in Office of Secretary of State April 11, 1990.

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

"I am returning herewith, without my approval as to section 415, Second Substitute House Bill No. 2379 entitled:

"AN ACT Relating to student enrollment options."

I requested this bill as part of my effort to restructure our public education system, increase parent involvement and improve student performance by increasing students' enrollment options. I am extremely pleased the legislature supported this effort.

Section 415 of the bill creates a task force to study the possibility of extending the Running Start Program to allow 11th and 12th grade students the opportunity to attend four-year institutions of higher education. It is unnecessary to establish a statutory task force for this purpose. Further, no provisions were made for stalling the task force and though reimbursement for travel expenses is specified, no funds were appropriated.

For the reasons stated above, I have vetoed section 415.

With the exception of section 415, Second Substitute House Bill No. 2379 is approved."

CHAPTER 10

[Senate Bill No. 5371]

EXCELLENCE IN TEACHER PREPARATION PROGRAM

AN ACT Relating to excellence in teacher preparation; adding new sections to Title 28A RCW; making an appropriation; and providing a contingent effective date.

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

NEW SECTION, Sec. 1. Sections 2 through 5 of this act may be known and cited as the Washington award for excellence in teacher preparation act.

NEW SECTION, Sec. 2. (1) The state board of education shall establish an annual award program for excellence in teacher preparation to recognize higher education teacher educators for their leadership, contributions, and commitment to education.

(2) The program shall recognize annually one teacher preparation faculty member from one of the teacher preparation programs approved by the state board of education.

NEW SECTION, Sec. 3. The award for the teacher educator shall include:

(1) A certificate presented to the teacher educator by the governor, the president of the state board of education, and the superintendent of public instruction at a public ceremony; and

(2) A grant to the professional education advisory board of the institution from which the teacher educator is selected, which grant shall not exceed two thousand five hundred dollars and which grant shall be awarded under section 5 of this act.

NEW SECTION. Sec. 4. The state board of education shall adopt rules under chapter 34.05 RCW to carry out the purposes of sections 2 through 5 of this act. These rules shall include establishing the selection criteria for the Washington award for excellence in teacher preparation. The state board of education is encouraged to consult with teacher educators, deans, and professional education advisory board members in developing the selection criteria. The criteria shall include any role performed by nominees relative to implementing innovative developments by the nominee's teacher preparation program and efforts the nominee has made to assist in communicating with legislators, common school teachers and administrators and others about the nominee's teacher preparation program.

NEW SECTION. Sec. 5. The professional education advisory board for the institution from which the teacher educator has been selected to receive an award shall be eligible to apply for an educational grant as provided under section 3 of this act. The state board of education shall award the grant after the state board has approved the grant application as long as the written grant application is submitted to the state board within one year after the award is received by the teacher educator. The grant application shall identify the educational purpose toward which the grant shall be used.

NEW SECTION. Sec. 6. The legislature finds that excellence in teacher preparation requires increased cooperation and coordination between institutions of higher education and school districts as it relates to the preparation of students into the profession of teaching. The legislature further finds that an increase in the level of such cooperation and coordination in selecting, training, and supervising excellent "cooperating" teachers, and the development of new school and university partnerships, will be beneficial to the teaching profession, and will enhance the ability of all new teachers to perform at a more competent level during their initial teaching experience.

NEW SECTION. Sec. 7. The excellence in teacher preparation program is hereby created to improve the quality of teacher preparation by providing cooperating teachers for all student teachers during their student teaching internship. The superintendent of public instruction shall adopt rules to establish and operate the excellence in teacher preparation program. The program shall provide that:

(1) Cooperating teachers shall be appointed by school districts in a joint selection process with the institutions of higher education, and shall hold a continuing professional certificate;

(2) All student teacher interns from a regionally accredited institution of higher education whose professional education preparation program has been approved by the state board of education shall be provided a cooperating teacher for up to two academic quarters;

(3) Cooperating teachers shall provide a source of continuing and sustained assistance, training, and support and shall be involved in evaluations and recommendations to the institutions of higher education respecting the competency of the student teacher intern. Cooperating teachers shall collaborate with their school principals respecting the support, training, and assistance they provide under this program;

(4) Salary stipends for cooperating teachers shall be paid through supplemental contracts as provided in the state operating appropriations act; and

(5) The institutions of higher education, in consultation with the superintendent of public instruction, may provide workshops for training cooperating teachers, subject to appropriations in the state operating appropriations act.

****NEW SECTION. Sec. 8. Sections 6 and 7 of this act shall take effect when funds are appropriated by the legislature.***

*Sec. 8 was vetoed, see message at end of chapter.

NEW SECTION. Sec. 9. Sections 1 through 7 of this act are each added to Title 28A RCW.

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. The sum of two thousand five hundred dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the general fund to the superintendent of public instruction for the purpose of section 5 of this act.

Passed the Senate March 30, 1990.

Passed the House March 31, 1990.

Approved by the Governor April 13, 1990, with the exception of certain items which were vetoed.

Filed in Office of Secretary of State April 13, 1990.

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

*I am returning herewith, without my approval as to section 8, Reengrossed Senate Bill No. 5371 entitled:

AN ACT Relating to excellence in teacher preparation.

This bill establishes two important programs. It creates an annual award program to recognize excellent higher education teacher educators. The second portion of the bill establishes the excellence in teacher preparation program to provide cooperating teachers to all student teachers during their internship with local school districts. Both programs are essential components in our continuing efforts to improve teacher preparation and I am pleased to sign them into law.

Section 8 of the bill, however, delays the effective date for the sections of the bill that establish the excellence in teacher preparation program. It is important that this program go into effect without delay to allow the Superintendent of Public Instruction to publish regulations and the institutions of higher education to begin the planning process that will enable them to begin operating the program as soon as funds are appropriated.

For the reasons stated above, I have vetoed section 8.

With the exception of section 8, Reengrossed Senate Bill No. 5371 is approved.*

CHAPTER 11

[Substitute House Bill No. 2230]

SCHOOL EMPLOYEES—HEALTH CARE INSURANCE

AN ACT Relating to health care; amending RCW 28A.58.0951 and 28A.58.420; adding new sections to Title 28A RCW; creating new sections; and declaring an emergency.

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

NEW SECTION. Sec. 1. The legislature recognizes the rising costs of health insurance premiums for school employees, and the increasing need to ensure effective use of state benefit dollars to obtain basic coverage for employees and their dependents. In school districts that do not pool benefit allocations among employees, increases in premium rates create particular hardships for employees with families. For many of these employees, the increases translate directly into larger payroll deductions simply to maintain basic benefits.

The goal of this act is to provide access for school employees to basic coverage, including coverage for dependents, while minimizing employees' out-of-pocket premium costs. Unnecessary utilization of medical services can contribute to rising health insurance costs. Therefore, the legislature intends to encourage plans that promote appropriate utilization without creating major barriers to access to care. The legislature also intends that school districts pool state benefit allocations so as to eliminate major differences in out-of-pocket premium expenses for employees who do and do not need coverage for dependents.

Sec. 2. Section 205, chapter 2, Laws of 1987 1st ex. sess. and RCW 28A.58.0951 are each amended to read as follows:

(1) Every school district board of directors shall fix, alter, allow, and order paid salaries and compensation for all district employees in conformance with this section.

(2)(a) Salaries for certificated instructional staff shall not be less than the salary provided in the appropriations act in the state-wide salary allocation schedule for an employee with a baccalaureate degree and zero years of service; and

(b) Salaries for certificated instructional staff with a masters degree shall not be less than the salary provided in the appropriations act in the state-wide salary allocation schedule for an employee with a masters degree and zero years of service;

(3)(a) The actual average salary paid to basic education certificated instructional staff shall not exceed the district's average basic education certificated instructional staff salary used for the state basic education allocations for that school year as determined pursuant to RCW 28A.41.112.

(b) Fringe benefit contributions for basic education certificated instructional staff shall be included as salary under (a) of this subsection to the extent that the district's actual average benefit contribution exceeds the greater of: (i) The formula amount for insurance benefits provided per certificated instructional staff unit in the state operating appropriations act in effect at the time the compensation is payable; or (ii) the actual average amount provided by the school district in the 1986-87 school year. For purposes of this section, fringe benefits shall not include payment for unused leave for illness or injury under RCW 28A.58.096, or employer contributions for old age survivors insurance, workers' compensation, unemployment compensation, and retirement benefits under the Washington state retirement system.

(c) Salary and benefits for certificated instructional staff in programs other than basic education shall be consistent with the salary and benefits paid to certificated instructional staff in the basic education program.

(4) Salaries and benefits for certificated instructional staff may exceed the limitations in subsection (3) of this section only by separate contract for additional time, additional responsibilities, or incentives. Supplemental contracts shall not cause the state to incur any present or future funding obligation. Supplemental contracts shall be subject to the collective bargaining provisions of chapter 41.59 RCW and the provisions of RCW 28A.67.074, shall not exceed one year, and if not renewed shall not constitute adverse change in accordance with RCW 28A.58.450 through 28A.58.515. No district may enter into a supplemental contract under this subsection for the provision of services which are a part of the basic education program required by Article IX, section 3 of the state Constitution.

(5) Employee benefit plans offered by any district shall comply with RCW 28A.58.420 and sections 5 and 6 of this act.

Sec. 3. Section 28A.58.420, chapter 223, Laws of 1969 ex. sess. as last amended by section 16, chapter 107, Laws of 1988 and RCW 28A.58.420 are each amended to read as follows:

(1) The board of directors of any of the state's school districts may make available liability, life, health, health care, accident, disability and salary protection or insurance or any one of, or a combination of the enumerated types of insurance, or any other type of insurance or protection, for the members of the boards of directors, the students, and employees of the school district, and their dependents. Such coverage may be provided by contracts with private carriers, with the state health care authority after July 1, 1990, pursuant to the approval of the authority administrator, or through self-insurance or self-funding pursuant to chapter 48.62 RCW, or in any other manner authorized by law.

(2) Whenever funds (~~shall be~~) are available for these purposes the board of directors of the school district may contribute all or a part of the cost of such protection or insurance for the employees of their respective school districts and their dependents. The premiums on such liability insurance shall be borne by the school district.

After October 1, 1990, school districts may not contribute to any employee protection or insurance other than liability insurance unless the district's employee benefit plan conforms to sections 5 and 6 of this act.

(3) For school board members and students, the premiums due on such protection or insurance shall be borne by the assenting school board member or student: PROVIDED, That the school district may contribute all or part of the costs, including the premiums, of life, health, health care, accident or disability insurance which shall be offered to all students participating in interschool activities on the behalf of or as representative of their school or school district.

(4) All contracts for insurance or protection written to take advantage of the provisions of this section shall provide that the beneficiaries of such contracts may utilize on an equal participation basis the services of those practitioners licensed pursuant to chapters 18.22, 18.25, 18.53, 18.57, and 18.71 RCW.

NEW SECTION. Sec. 4. Unless the context clearly requires otherwise, the definitions in this section apply throughout sections 5 and 6 of this act.

(1) "School district employee benefit plan" means the overall plan used by the district for distributing fringe benefit subsidies to employees, including the method of determining employee coverage and the amount of employer contributions, as well as the characteristics of benefit providers and the specific benefits or coverage offered. It shall not include coverage offered to district employees for which there is no contribution from public funds.

(2) "Fringe benefit" does not include liability coverage, old-age survivors' insurance, workers' compensation, unemployment compensation, retirement benefits under the Washington state retirement system, or payment for unused leave for illness or injury under RCW 28A.58.096.

(3) "Basic benefits" are determined through local bargaining and are limited to medical, dental, vision, group term life, and group long-term disability insurance coverage.

(4) "Benefit providers" include insurers, third party claims administrators, direct providers of employee fringe benefits, health maintenance organizations, health care service contractors, and the Washington state health care authority or any plan offered by the authority.

(5) "Group term life insurance coverage" means term life insurance coverage provided for, at a minimum, all full-time employees in a bargaining unit or all full-time nonbargaining group employees.

(6) "Group long-term disability insurance coverage" means long-term disability insurance coverage provided for, at a minimum, all full-time employees in a bargaining unit or all full-time nonbargaining group employees.

NEW SECTION. Sec. 5. (1) Any contract for employee benefits executed after the effective date of this act between a school district and a benefit provider or employee bargaining unit is null and void unless it contains an agreement to abide by state laws relating to school district employee benefits. The term of the contract may not exceed one year.

(2) School districts shall annually submit to the Washington state health care authority summary descriptions of all benefits offered under the district's employee benefit plan. The districts shall also submit data to the health care authority specifying the total number of employees and, for each employee, types of coverage or benefits received including numbers of covered dependents, the number of eligible dependents, the amount of the district's contribution, additional premium costs paid by the employee through payroll deductions, and the age and sex of the employee and each dependent. The plan descriptions and the data shall be submitted in a format and according to a schedule established by the health care authority.

(3) Any benefit provider offering a benefit plan by contract with a school district under subsection (1) of this section shall agree to make available to the school district the benefit plan descriptions and, where available, the demographic information on plan subscribers that the district is required to report to the Washington state health care authority under this section.

(4) This section shall not apply to benefit plans offered in the 1989-90 school year.

NEW SECTION. Sec. 6. (1) Except as provided in subsection (2) of this section, school districts may provide employer fringe benefit contributions after October 1, 1990, only for basic benefits. However, school districts may continue payments under contracts with employees or benefit providers in effect on the effective date of this act, until the contract expires.

(2) School districts may provide employer contributions after October 1, 1990, for optional benefit plans, in addition to basic benefits, only for employees included in pooling arrangements under this subsection. Optional

benefit plans may not include employee beneficiary accounts that can be liquidated by the employee on termination of employment. Optional benefit plans may be offered only if:

(a) The school district pools benefit allocations among employees using a pooling arrangement that includes at least one employee bargaining unit and/or all nonbargaining group employees;

(b) Each full-time employee included in the pooling arrangement is offered basic benefits, including coverage for dependents, without a payroll deduction for premium charges;

(c) Each full-time employee included in the pooling arrangement, regardless of the number of dependents receiving basic coverage, receives the same additional employer contribution for other coverage or optional benefits; and

(d) For part-time employees included in the pooling arrangement, participation in optional benefit plans shall be governed by the same eligibility criteria and/or proration of employer contributions used for allocations for basic benefits.

(3) Savings accruing to school districts due to limitations on benefit options under this section shall be pooled and made available by the districts to reduce out-of-pocket premium expenses for employees needing basic coverage for dependents. School districts are not intended to divert state benefit allocations for other purposes.

NEW SECTION. Sec. 7. The Washington state health care authority, in consultation with the state insurance commissioner and the advisory committee established under this section, shall develop recommendations on school employee benefit plans, to be submitted to the appropriations committee of the house of representatives and the ways and means committee of the senate. The advisory committee shall include three members: A representative of health maintenance organizations, a representative of health care service contractors, and a representative of commercial carriers. The health care authority, the insurance commissioner, and the advisory committee shall submit preliminary recommendations by December 15, 1990, including a proposed set of guidelines for school employee benefit plans, to be considered by the legislature for implementation in the 1991-93 biennium. A final set of recommendations, including an analysis of demographic data on plan subscribers, shall be submitted by February 15, 1991. In developing the recommendations and guidelines, the health care authority, the insurance commissioner, and the advisory committee shall consider the need for local flexibility in plan design, as well as for equity between school district employees and state employees, and shall also consider the impact of collective bargaining by multiple bargaining units on school employee benefit plans and how they are structured. The recommendations and guidelines shall also address:

(1) Methods for ensuring equitable pooling of benefits among school district employees according to the need for coverage, including coverage of dependents;

(2) Giving top priority to using state benefit dollars for basic coverage, with particular emphasis on medical coverage;

(3) Methods of curbing overutilization of benefits through subscriber cost-sharing provisions or other means;

(4) Options for allocation of benefit contributions to part-time employees, taking into consideration patterns of employment unique to school districts and their impact on distribution of benefits;

(5) Standards for the financial practices of plan providers; and

(6) The availability and provision of coverage for retired school district employees.

This section shall expire June 30, 1991.

NEW SECTION. Sec. 8. Sections 4 through 6 of this act are each added to Title 28A RCW.

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 31, 1990.

Passed the Senate April 1, 1990.

Approved by the Governor April 13, 1990.

Filed in Office of Secretary of State April 13, 1990.

CHAPTER 12

[Senate Bill No. 6906]

COMMUNITY PROTECTION ACT AMENDMENTS

AN ACT Relating to making minor adjustments to chapter 3, Laws of 1990, concerning criminal offenders; amending RCW 13.40.020, 71.____, 71.____, and 71.____; and providing an effective date.

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

Sec. 1. Section 56, chapter 291, Laws of 1977 ex. sess. as last amended by section 301, chapter 3, Laws of 1990 and RCW 13.40.020 are each amended to read as follows:

For the purposes of this chapter:

(1) "Serious offender" means a person fifteen years of age or older who has committed an offense which if committed by an adult would be:

(a) A class A felony, or an attempt to commit a class A felony;

(b) Manslaughter in the first degree; or

(c) Assault in the second degree, extortion in the first degree, child molestation in the second degree, kidnapping in the second degree, robbery

in the second degree, residential burglary, or burglary in the second degree, where such offenses include the infliction of bodily harm upon another or where during the commission of or immediate withdrawal from such an offense the perpetrator is armed with a deadly weapon or firearm as defined in RCW 9A.04.110;

(2) "Community service" means compulsory service, without compensation, performed for the benefit of the community by the offender as punishment for committing an offense;

(3) "Community supervision" means an order of disposition by the court of an adjudicated youth. A community supervision order for a single offense may be for a period of up to two years for a sex offense as defined by RCW 9.94A.030 and up to one year for other offenses and include one or more of the following:

(a) A fine, not to exceed one hundred dollars;

(b) Community service not to exceed one hundred fifty hours of service;

(c) Attendance of information classes;

(d) Counseling; or

(e) Such other services to the extent funds are available for such services, conditions, or limitations as the court may require which may not include confinement;

(4) "Confinement" means physical custody by the department of social and health services in a facility operated by or pursuant to a contract with the state, or physical custody in a facility operated by or pursuant to a contract with any county. Confinement of less than thirty-one days imposed as part of a disposition or modification order may be served consecutively or intermittently, in the discretion of the court;

(5) "Court", when used without further qualification, means the juvenile court judge(s) or commissioner(s);

(6) "Criminal history" includes all criminal complaints against the respondent for which, prior to the commission of a current offense:

(a) The allegations were found correct by a court. If a respondent is convicted of two or more charges arising out of the same course of conduct, only the highest charge from among these shall count as an offense for the purposes of this chapter; or

(b) The criminal complaint was diverted by a prosecutor pursuant to the provisions of this chapter on agreement of the respondent and after an advisement to the respondent that the criminal complaint would be considered as part of the respondent's criminal history;

(7) "Department" means the department of social and health services;

(8) "Diversion unit" means any probation counselor who enters into a diversion agreement with an alleged youthful offender or any other person or entity with whom the juvenile court administrator has contracted to arrange and supervise such agreements pursuant to RCW 13.04.040, as now

or hereafter amended, or any person or entity specially funded by the legislature to arrange and supervise diversion agreements in accordance with the requirements of this chapter;

(9) "Institution" means a juvenile facility established pursuant to chapters 72.05 and 72.16 through 72.20 RCW;

(10) "Juvenile," "youth," and "child" mean any individual who is under the chronological age of eighteen years and who has not been previously transferred to adult court;

(11) "Juvenile offender" means any juvenile who has been found by the juvenile court to have committed an offense, including a person eighteen years of age or older over whom jurisdiction has been extended under RCW 13.40.300;

(12) "Manifest injustice" means a disposition that would either impose an excessive penalty on the juvenile or would impose a serious, and clear danger to society in light of the purposes of this chapter;

(13) "Middle offender" means a person who has committed an offense and who is neither a minor or first offender nor a serious offender;

(14) "Minor or first offender" means a person sixteen years of age or younger whose current offense(s) and criminal history fall entirely within one of the following categories:

(a) Four misdemeanors;

(b) Two misdemeanors and one gross misdemeanor;

(c) One misdemeanor and two gross misdemeanors;

(d) Three gross misdemeanors;

(e) One class C felony except manslaughter in the second degree and one misdemeanor or gross misdemeanor;

(f) One class B felony except: Any felony which constitutes an attempt to commit a class A felony; manslaughter in the first degree; assault in the second degree; extortion in the first degree; indecent liberties; kidnapping in the second degree; robbery in the second degree; burglary in the second degree; residential burglary; vehicular homicide; or arson in the second degree.

For purposes of this definition, current violations shall be counted as misdemeanors;

(15) "Offense" means an act designated a violation or a crime if committed by an adult under the law of this state, under any ordinance of any city or county of this state, under any federal law, or under the law of another state if the act occurred in that state;

(16) "Respondent" means a juvenile who is alleged or proven to have committed an offense;

(17) "Restitution" means financial reimbursement by the offender to the victim, and shall be limited to easily ascertainable damages for injury to or loss of property, actual expenses incurred for medical treatment for physical injury to persons, lost wages resulting from physical injury, and

costs of the victim's counseling reasonably related to the offense if the offense is a sex offense. Restitution shall not include reimbursement for damages for mental anguish, pain and suffering, or other intangible losses. Nothing in this chapter shall limit or replace civil remedies or defenses available to the victim or offender;

(18) "Secretary" means the secretary of the department of social and health services;

(19) "Services" mean services which provide alternatives to incarceration for those juveniles who have pleaded or been adjudicated guilty of an offense or have signed a diversion agreement pursuant to this chapter;

(20) "Sex offense" means an offense defined as a sex offense in RCW 9.94A.030;

(21) "Sexual motivation" means that one of the purposes for which the respondent committed the offense was for the purpose of his or her sexual gratification;

(22) "Foster care" means temporary physical care in a foster family home or group care facility as defined in RCW 74.15.020 and licensed by the department, or other legally authorized care;

(23) "Violation" means an act or omission, which if committed by an adult, must be proven beyond a reasonable doubt, and is punishable by sanctions which do not include incarceration.

Sec. 2. Section 1002, chapter 3, Laws of 1990 and RCW 71.____ are each amended to read as follows:

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

(1) "Sexually violent predator" means any person who has been convicted of or charged with a crime of sexual violence and who suffers from a mental abnormality or personality disorder which makes the person likely to engage in predatory acts of sexual violence.

(2) "Mental abnormality" means a congenital or acquired condition affecting the emotional or volitional capacity which predisposes the person to the commission of criminal sexual acts in a degree constituting such person a menace to the health and safety of others.

(3) "Predatory" means acts directed towards strangers or individuals with whom a relationship has been established or promoted for the primary purpose of victimization.

(4) "Sexually violent offense" means an act committed on, before, or after July 1, 1990, that is: (a) An act defined in Title 9A RCW as rape in the first degree, rape in the second degree by forcible compulsion, rape of a child in the first or second degree, statutory rape in the first or second degree, indecent liberties by forcible compulsion, indecent liberties against a child under age fourteen, incest against a child under age fourteen, or child molestation in the first or second degree; (b) (~~any conviction for~~) a felony offense in effect at any time prior to the effective date of this section, that is

comparable to a sexually violent offense as defined in ~~((subsection(4))~~(a) of this ~~((section))~~ subsection, or any federal or out-of-state conviction for a felony offense that under the laws of this state would be a sexually violent offense as defined in this subsection; ~~((or))~~ (c) ~~((any))~~ an act of murder in the first or second degree, assault in the first or second degree, kidnapping in the first or second degree, burglary in the first degree, residential burglary, or unlawful imprisonment, which act, either at the time of sentencing for the offense or subsequently during civil commitment proceedings pursuant to ~~((this section))~~ chapter 71. RCW (sections 1001 through 1012, chapter 3, Laws of 1990), has been determined beyond a reasonable doubt to have been sexually motivated, as that term is defined in RCW 9.94A.030; or ~~((;))~~ (d) an act as described in chapter 9A.28 RCW, that is an attempt, criminal solicitation, or criminal conspiracy to commit one of the felonies designated in (a), (b), or (c) of this subsection.

Sec. 3. Section 1003, chapter 3, Laws of 1990 and RCW 71.____ are each amended to read as follows:

When it appears that: (1) The sentence of a person who has been convicted of a sexually violent offense is about to expire, or has expired ~~((at any time in the past))~~ on, before, or after July 1, 1990; (2) the term of confinement of a person found to have committed a sexually violent offense as a juvenile is about to expire, or has expired on, before, or after July 1, 1990; (3) a person who has been charged with a sexually violent offense and who has been determined to be incompetent to stand trial is about to be released, or has been released on, before, or after July 1, 1990, pursuant to RCW 10.77.090(3); or (4) a person who has been found not guilty by reason of insanity of a sexually violent offense is about to be released, or has been released on, before, or after July 1, 1990, pursuant to RCW 10.77.020(3); and it appears that the person may be a sexually violent predator, the prosecuting attorney of the county where the person was convicted or charged or the attorney general if requested by the prosecuting attorney may file a petition alleging that the person is a "sexually violent predator" and stating sufficient facts to support such allegation.

Sec. 4. Section 1006, chapter 3, Laws of 1990 and RCW 71.____ are each amended to read as follows:

(1) The court or jury shall determine whether, beyond a reasonable doubt, the person is a sexually violent predator. If the state alleges that the prior sexually violent offense that forms the basis for the petition for commitment was an act that was sexually motivated as provided in section ~~((+002(3)(c)))~~ 1002(4)(c) of this act, the state must prove beyond a reasonable doubt that the alleged sexually violent act was sexually motivated as defined in section 602 of this act. If the court or jury determines that the person is a sexually violent predator, the person shall be committed to the custody of the department of social and health services in a secure facility

for control, care, and treatment until such time as the person's mental abnormality or personality disorder has so changed that the person is safe to be at large. Such control, care, and treatment shall be provided at a facility operated by the department of social and health services. If the court or jury is not satisfied beyond a reasonable doubt that the person is a sexually violent predator, the court shall direct the person's release.

(2) If the person charged with a sexually violent offense has been found incompetent to stand trial, and is about to or has been released pursuant to RCW 10.77.090(3), and his or her commitment is sought pursuant to subsection (1) of this section, the court shall first hear evidence and determine whether the person did commit the act or acts charged if the court did not enter a finding prior to dismissal under RCW 10.77.090(3) that the person committed the act or acts charged. The hearing on this issue must comply with all the procedures specified in this section. In addition, the rules of evidence applicable in criminal cases shall apply, and all constitutional rights available to defendants at criminal trials, other than the right not to be tried while incompetent, shall apply. After hearing evidence on this issue, the court shall make specific findings on whether the person did commit the act or acts charged, the extent to which the person's incompetence or developmental disability affected the outcome of the hearing, including its effect on the person's ability to consult with and assist counsel and to testify on his or her own behalf, the extent to which the evidence could be reconstructed without the assistance of the person, and the strength of the prosecution's case. If, after the conclusion of the hearing on this issue, the court finds, beyond a reasonable doubt, that the person did commit the act or acts charged, it shall enter a final order, appealable by the person, on that issue, and may proceed to consider whether the person should be committed pursuant to this section.

(3) The state shall comply with RCW 10.77.220 while confining the person pursuant to this chapter. The facility shall not be located on the grounds of any state mental facility or regional habilitation center because these institutions are insufficiently secure for this population.

NEW SECTION. Sec. 5. This act shall take effect July 1, 1990.

Passed the Senate March 31, 1990.

Passed the House April 1, 1990.

Approved by the Governor April 13, 1990.

Filed in Office of Secretary of State April 13, 1990.

CHAPTER 13

[Substitute House Bill No. 3035]

YAKIMA COUNTY JAIL CONSTRUCTION AND EXPANSION APPROPRIATION

AN ACT Relating to the funding of construction and expansion of jail facilities in Yakima County; and making an appropriation.

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

NEW SECTION, Sec. 1. The sum of two million four hundred thousand dollars, or as much thereof as may be necessary, is appropriated from the state building and construction account to the department of community development for the biennium ending June 30, 1991, for the purpose of providing a grant to Yakima County for construction and expansion of jail facilities. The appropriation is subject to the following conditions and limitations:

(1) Before receiving the grant, the county shall demonstrate an ability to complete the construction and expansion of the jail facility; and

(2) The grant shall not exceed eighty percent of the total project cost as determined by the department.

Passed the House April 1, 1990.

Passed the Senate April 1, 1990.

Approved by the Governor April 17, 1990.

Filed in Office of Secretary of State April 17, 1990.

CHAPTER 14

[Substitute Senate Bill No. 6412]

WILDLIFE CONSERVATION AND OUTDOOR RECREATION LANDS—FUNDING FOR ACQUISITION AND DEVELOPMENT

AN ACT Relating to funding for the acquisition and development of land for wildlife conservation and outdoor recreation; adding a new chapter to Title 43 RCW; and creating a new section.

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

NEW SECTION, Sec. 1. The legislature finds:

(1) That Washington possesses an abundance of natural wealth in the form of forests, mountains, wildlife, waters, and other natural resources, all of which help to provide an unparalleled diversity of outdoor recreation opportunities and a quality of life unmatched in this nation;

(2) That as the state's population grows, the demand on these resources is growing too, placing greater stress on today's already overcrowded public recreational lands and facilities, and resulting in a significant loss of wildlife habitat and lands of unique natural value;

(3) That public acquisition and development programs have not kept pace with the state's expanding population;

(4) That private investment and employment opportunities in general and the tourist industry in particular are dependent upon the continued availability of recreational opportunities and our state's unique natural environment;

(5) That if current trends continue, some wildlife species and rare ecosystems will be lost in the state forever and public recreational lands will not be adequate to meet public demands;

(6) That there is accordingly a need for the people of the state to reserve certain areas of the state, in rural as well as urban settings, for the benefit of present and future generations.

It is therefore the policy of the state to acquire as soon as possible the most significant lands for wildlife conservation and outdoor recreation purposes before they are converted to other uses, and to develop existing public recreational land and facilities to meet the needs of present and future generations.

NEW SECTION. Sec. 2. The definitions set forth in this section apply throughout this chapter.

(1) "Acquisition" means the purchase on a willing seller basis of fee or less than fee interests in real property. These interests include, but are not limited to, options, rights of first refusal, conservation easements, leases, and mineral rights.

(2) "Committee" means the interagency committee for outdoor recreation.

(3) "Critical habitat" means lands important for the protection, management, or public enjoyment of certain wildlife species or groups of species, including, but not limited to, wintering range for deer, elk, and other species, waterfowl and upland bird habitat, fish habitat, and habitat for endangered, threatened, or sensitive species.

(4) "Local agencies" means a city, county, town, tribe, special purpose district, port district, or other political subdivision of the state providing services to less than the entire state.

(5) "Natural areas" means areas that have, to a significant degree, retained their natural character and are important in preserving rare or vanishing flora, fauna, geological, natural historical, or similar features of scientific or educational value.

(6) "Special needs populations" means physically restricted people or people of limited means.

(7) "Trails" means public ways constructed for and open to pedestrians, equestrians, or bicyclists, or any combination thereof, other than a sidewalk constructed as a part of a city street or county road for exclusive use of pedestrians.

(8) "Urban wildlife habitat" means lands that provide habitat important to wildlife in proximity to a metropolitan area.

(9) "Water access" means boat or foot access to marine waters, lakes, rivers, or streams.

NEW SECTION. Sec. 3. The habitat conservation account is established in the state treasury. The committee shall administer the account in accordance with chapter 43.99 RCW and this chapter, and shall hold it separate and apart from all other money, funds, and accounts of the committee.

NEW SECTION. Sec. 4. (1) Moneys appropriated for this chapter shall be divided equally between the habitat conservation and outdoor recreation accounts and shall be used exclusively for the purposes specified in this chapter.

(2) Moneys deposited in these accounts shall be invested as authorized for other state funds, and any earnings on them shall be credited to the respective account.

(3) All moneys deposited in the habitat conservation and outdoor recreation accounts shall be allocated under sections 5 and 6 of this act as grants to state or local agencies for acquisition, development, and renovation within the jurisdiction of those agencies, subject to legislative appropriation. The committee may use or permit the use of any funds appropriated for this chapter as matching funds where federal, local, or other funds are made available for projects within the purposes of this chapter.

(4) Projects receiving grants under this chapter that are developed or otherwise accessible for public recreational uses shall be available to the public on a nondiscriminatory basis.

(5) The committee may make grants to an eligible project from both the habitat conservation and outdoor recreation accounts and any one or more of the applicable categories under such accounts described in sections 5 and 6 of this act.

NEW SECTION. Sec. 5. (1) Moneys appropriated for this chapter to the habitat conservation account shall be distributed in the following way:

(a) Not less than thirty-five percent for the acquisition and development of critical habitat;

(b) Not less than twenty percent for the acquisition and development of natural areas;

(c) Not less than fifteen percent for the acquisition and development of urban wildlife habitat; and

(d) The remaining amount shall be considered unallocated and shall be used by the committee to fund high priority acquisition and development needs for critical habitat, natural areas, and urban wildlife habitat.

(2) In distributing these funds, the committee retains discretion to meet the most pressing needs for critical habitat, natural areas, and urban wildlife habitat, and is not required to meet the percentages described in subsection (1) of this section in any one biennium.

(3) Only state agencies may apply for acquisition and development funds for critical habitat and natural areas projects under subsection (1) (a), (b), and (d) of this section.

(4) State and local agencies may apply for acquisition and development funds for urban wildlife habitat projects under subsection (1) (c) and (d) of this section.

NEW SECTION. Sec. 6. (1) Moneys appropriated for this chapter to the outdoor recreation account shall be distributed in the following way:

(a) Not less than twenty-five percent to the state parks and recreation commission for the acquisition and development of state parks, with at least seventy-five percent of this money for acquisition costs;

(b) Not less than twenty-five percent for the acquisition, development, and renovation of local parks, with at least fifty percent of this money for acquisition costs;

(c) Not less than fifteen percent for the acquisition and development of trails;

(d) Not less than ten percent for the acquisition and development of water access sites, with at least seventy-five percent of this money for acquisition costs; and

(e) The remaining amount shall be considered unallocated and shall be distributed by the committee to state and local agencies to fund high priority acquisition and development needs for parks, trails, and water access sites.

(2) In distributing these funds, the committee retains discretion to meet the most pressing needs for state and local parks, trails, and water access sites, and is not required to meet the percentages described in subsection (1) of this section in any one biennium.

(3) Only local agencies may apply for acquisition, development, or renovation funds for local parks under subsection (1)(b) of this section.

(4) State and local agencies may apply for funds for trails under subsection (1)(c) of this section.

(5) State and local agencies may apply for funds for water access sites under subsection (1)(d) of this section.

NEW SECTION. Sec. 7. (1) The committee may adopt rules establishing acquisition policies and priorities for distributions from the habitat conservation account.

(2) Moneys appropriated for this chapter may not be used by the committee to fund additional staff positions or other overhead expenses, or by a state, regional, or local agency to fund operation and maintenance of areas acquired under this chapter.

(3) Moneys appropriated for this chapter may be used for costs incidental to acquisition, including, but not limited to, surveying expenses, fencing, and signing.

(4) The committee may not approve a local project where the local agency share is less than the amount to be awarded from the habitat conservation account.

(5) In determining acquisition priorities with respect to the habitat conservation account, the committee shall consider, at a minimum, the following criteria:

(a) For critical habitat and natural areas proposals:

(i) Community support;

(ii) Immediacy of threat to the site;

(iii) Uniqueness of the site;

(iv) Diversity of species using the site;

(v) Quality of the habitat;

(vi) Long-term viability of the site;

(vii) Presence of endangered, threatened, or sensitive species;

(viii) Enhancement of existing public property;

(ix) Consistency with a local land use plan, or a regional or state-wide recreational or resource plan; and

(x) Educational and scientific value of the site.

(b) For urban wildlife habitat proposals, in addition to the criteria of (a) of this subsection:

(i) Population of, and distance from, the nearest urban area;

(ii) Proximity to other wildlife habitat;

(iii) Potential for public use; and

(iv) Potential for use by special needs populations.

(6) Before October 1st of each even-numbered year, the committee shall recommend to the governor a prioritized list of state agency projects to be funded under section 5(1) (a), (b), and (c) of this act. The governor may remove projects from the list recommended by the committee and shall submit this amended list in the capital budget request to the legislature. The list shall include, but not be limited to, a description of each project; and shall describe for each project any anticipated restrictions upon recreational activities allowed prior to the project.

(7) Before October 1st of each year, the committee shall recommend to the governor a prioritized list of all local projects to be funded under section 5(1)(c) of this act. The governor may remove projects from the list recommended by the committee and shall submit this amended list in the capital budget request to the legislature. The list shall include, but not be limited to, a description of each project and any particular match requirement, and describe for each project any anticipated restrictions upon recreational activities allowed prior to the project.

NEW SECTION. Sec. 8. (1) In determining which state parks proposals and local parks proposals to fund, the committee shall use existing policies and priorities.

(2) Moneys appropriated for this chapter may not be used by the committee to fund additional staff or other overhead expenses, or by a state, regional, or local agency to fund operation and maintenance of areas acquired under this chapter.

(3) Moneys appropriated for this chapter may be used for costs incidental to acquisition, including, but not limited to, surveying expenses, fencing, and signing.

(4) The committee may not approve a project of a local agency where the share contributed by the local agency is less than the amount to be awarded from the outdoor recreation account.

(5) The committee may adopt rules establishing acquisition policies and priorities for the acquisition and development of trails and water access sites to be financed from moneys in the outdoor recreation account.

(6) In determining the acquisition and development priorities, the committee shall consider, at a minimum, the following criteria:

- (a) For trails proposals:
 - (i) Community support;
 - (ii) Immediacy of threat to the site;
 - (iii) Linkage between communities;
 - (iv) Linkage between trails;
 - (v) Existing or potential usage;
 - (vi) Consistency with an existing local land use plan or a regional or state-wide recreational or resource plan;
 - (vii) Availability of water access or views;
 - (viii) Enhancement of wildlife habitat; and
 - (ix) Scenic values of the site.
- (b) For water access proposals:
 - (i) Community support;
 - (ii) Distance from similar water access opportunities;
 - (iii) Immediacy of threat to the site;
 - (iv) Diversity of possible recreational uses; and
 - (v) Public demand in the area.

(7) Before October 1st of each even-numbered year, the committee shall recommend to the governor a prioritized list of state agency projects to be funded under section 6(1) (a), (c), and (d) of this act. The governor may remove projects from the list recommended by the committee and shall submit this amended list in the capital budget request to the legislature. The list shall include, but not be limited to, a description of each project; and shall describe for each project any anticipated restrictions upon recreational activities allowed prior to the project.

(8) Before October 1st of each year, the committee shall recommend to the governor a prioritized list of all local projects to be funded under section 6(1) (b), (c), and (d) of this act. The governor may remove projects from the list recommended by the committee and shall submit this amended list

in the capital budget request to the legislature. The list shall include, but not be limited to, a description of each project and any particular match requirement, and describe for each project any anticipated restrictions upon recreational activities allowed prior to the project.

NEW SECTION. Sec. 9. The committee shall not sign contracts or otherwise financially obligate funds from the habitat conservation account or the outdoor recreation account as provided in this chapter before the legislature has appropriated funds for a specific list of projects. The legislature may remove projects from the list recommended by the governor.

NEW SECTION. Sec. 10. Moneys made available under this chapter for land acquisition shall not be used to acquire land through condemnation.

NEW SECTION. Sec. 11. On or before November 1st of each odd-numbered year, the committee shall submit to the governor and the standing committees of the legislature dealing with fiscal affairs, fish and wildlife, and natural resources a report detailing the acquisitions and development projects funded under this chapter during the immediately preceding biennium.

NEW SECTION. Sec. 12. 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. 13. (1) The appropriations from the habitat conservation account and the outdoor recreation account for the biennium ending June 30, 1991, shall be expended to acquire projects recommended by the committee to the governor by March 31, 1990. The governor may remove projects from the list and shall approve by April 15, 1990, a list of projects to be acquired for the fiscal biennium ending June 30, 1991.

(2) Acquisitions shall be completed to the extent possible within available funds. If a site has been converted, or the owner is not willing to sell, the committee shall select from the list until all funds have been expended. The committee shall not approve a project of a local agency where the share contributed by the local agency is less than the amount awarded by the state.

NEW SECTION. Sec. 14. Sections 1 through 12 of this act shall constitute a new chapter in Title 43 RCW.

Passed the Senate April 1, 1990.

Passed the House April 1, 1990.

Approved by the Governor April 21, 1990.

Filed in Office of Secretary of State April 21, 1990.

CHAPTER 15

[Substitute House Bill No. 2964]

CAPITAL FACILITIES—FINANCING—AUTHORIZATION TO ISSUE GENERAL
OBLIGATION BONDS

AN ACT Relating to financing capital facilities; amending RCW 43.99H.010, 43.99H-.020, 43.99H.080, 43.99H.030, 43.99H.040, 43.99H.060, and 77.12.203; reenacting RCW 43-.83A.020, 43.99E.015, 43.99F.020, and 75.48.020; creating a new section; and declaring an emergency.

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

Sec. 1. Section 1, chapter 14, Laws of 1989 1st ex. sess. and RCW 43-.99H.010 are each amended to read as follows:

The state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of one billion (~~((two))~~ four hundred (~~((twenty-seven))~~ four 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 1989–1991 fiscal biennium and subsequent fiscal biennia, and all costs incidental thereto, and to provide for reimbursement of bond-funded accounts from the 1987–1989 fiscal biennium.

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.

Sec. 2. Section 2, chapter 14, Laws of 1989 1st ex. sess. and RCW 43-.99H.020 are each amended to read as follows:

Bonds issued under RCW 43.99H.010 are subject to the following conditions and limitations:

General obligation bonds of the state of Washington in the sum of one billion (~~(two)~~) four hundred (~~(twenty-seven)~~) four 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 1989-91 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, and to provide for reimbursement of bond-funded accounts from the 1987-89 fiscal biennium. 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) Thirty million dollars to the state and local improvements revolving account—waste disposal facilities, created by RCW 43.83A.030, to be used for the purposes described in RCW 43.83A.020;

(2) Five million three hundred thousand dollars to the salmon enhancement construction account created by RCW 75.48.030;

(3) One hundred twenty million dollars to the state and local improvements revolving account—waste disposal facilities, 1980 created by RCW 43.99F.030, to be used for the purposes described in RCW 43.99F.020;

(4) Forty million dollars to the common school construction (~~(account)~~) fund as referenced in RCW 28A.40.100;

(5) Three million two hundred thousand dollars to the state higher education construction account created by RCW 28B.10.851;

(6) (~~(Six)~~) Eight hundred (~~(seventy-four)~~) five million dollars to the state building construction account created by RCW 43.83.020;

(7) Nine hundred fifty thousand dollars to the higher education reimbursable short-term bond account created by RCW 43.99G.020(6);

(8) (~~(Three)~~) Twenty-nine million (~~(two)~~) seven hundred thirty thousand dollars to the outdoor recreation account created by RCW 43.99.060;

(9) Sixty million dollars to the state and local improvements revolving account—water supply facilities, created by RCW (~~(43.83B.030)~~) 43.99E.020 to be used for the purposes described in chapter 43.99E RCW;

(10) (~~(Seven)~~) Four million three hundred thousand dollars to the state social and health services construction account created by RCW 43.83H.030;

(11) Two hundred fifty thousand dollars to the fisheries capital projects account created by RCW (~~(43.83I.166)~~) 43.83I.040;

(12) Four million nine hundred thousand dollars to the state facilities renewal account created by RCW 43.99G.020(5);

(13) Two million three hundred thousand dollars to the essential rail assistance account created by RCW 47.76.030;

(14) One million one hundred thousand dollars to the essential rail bank account hereby created in the state treasury;

(15) Seventy-three million dollars to the east capitol campus construction account hereby created in the state treasury;

(16) Eight million dollars to the higher education construction account created in RCW 28B.14D.040;

(17) Sixty-three million two hundred thousand dollars to the labor and industries construction account hereby created in the state treasury; ~~((and))~~

(18) Seventy-five million dollars to the ~~((University of Washington building))~~ higher education construction account created by RCW ~~((43.79-080))~~ 28B.14D.040;

(19) Twenty-six million five hundred fifty thousand dollars to the habitat conservation account hereby created in the state treasury; and

(20) Eight million dollars to the public safety reimbursable bond 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.

Bonds authorized for the purposes of subsection (17) of this section shall be issued only after the director of the department of labor and industries has certified, based on reasonable estimates, that sufficient revenues will be available from the accident fund created in RCW 51.44.010 and the medical aid fund created in RCW 51.44.020 to meet the requirements of RCW 43.99H.060(4) during the life of the bonds.

Bonds authorized for the purposes of subsection (18) of this section shall be issued only after the board of regents of the University of Washington has certified, based on reasonable estimates, that sufficient revenues will be available from nonappropriated local funds to meet the requirements of RCW 43.99H.060(4) during the life of the bonds.

Sec. 3. Section 8, chapter 14, Laws of 1989 1st ex. sess. and RCW 43.99H.080 are each amended to read as follows:

The legislature may provide additional means for raising moneys for the payment of the principal ~~((of))~~ and interest on the bonds authorized in RCW 43.99H.010~~((, and))~~; RCW 43.99H.030 and 43.99H.040 shall not be deemed to provide an exclusive method for the payment.

Sec. 4. Section 3, chapter 14, Laws of 1989 1st ex. sess. and RCW 43.99H.030 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 (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. 5. Section 4, chapter 14, Laws of 1989 1st ex. sess. and RCW 43.99H.040 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.

Sec. 6. Section 6, chapter 14, Laws of 1989 1st ex. sess. and RCW 43.99H.060 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 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.

Sec. 7. Section 2, chapter 127, Laws of 1972 ex. sess. as last amended by section 2, chapter 136, Laws of 1989 and by section 10, chapter 14, Laws of 1989 1st ex. sess. and RCW 43.83A.020 are each reenacted to read as follows:

For the purpose of providing funds for the planning, acquisition, construction, and improvement of public waste disposal facilities in this state, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of one hundred ninety-five million dollars or so much thereof as may be required to finance the improvements defined in this chapter and all costs incidental thereto. As used in this section the phrase "public waste disposal facilities" shall not include the acquisition of equipment used to collect, carry, and transport garbage. These

bonds shall be paid and discharged within twenty years of the date of issuance or within thirty years should Article VIII of the Constitution of the state of Washington be amended to permit such longer term. No bonds authorized by this chapter shall be offered for sale without prior legislative appropriation of the proceeds of such bonds to be sold.

Sec. 8. Section 2, chapter 234, Laws of 1979 ex. sess. as amended by section 4, chapter 135, Laws of 1989 and by section 11, chapter 14, Laws of 1989 1st ex. sess. and RCW 43.99E.015 are each reenacted to read as follows:

For the purpose of providing funds for the planning, acquisition, construction, and improvement of water supply facilities within the state, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of sixty-five million dollars, or so much thereof as may be required, to finance the improvements defined in this chapter and all costs incidental thereto. These bonds shall be paid and discharged within thirty years of the date of issuance in accordance with Article VIII, section 1 of the state Constitution. No bonds authorized by this chapter may be offered for sale without prior legislative appropriation of the proceeds of the bonds to be sold.

Sec. 9. Section 2, chapter 159, Laws of 1980 as last amended by section 6, chapter 136, Laws of 1989 and by section 12, chapter 14, Laws of 1989 1st ex. sess. and RCW 43.99F.020 are each reenacted to read as follows:

For the purpose of providing funds to public bodies for the planning, design, acquisition, construction, and improvement of public waste disposal and management facilities, or for purposes of assisting a public body to obtain an ownership interest in waste disposal and management 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, in this state, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of three hundred thirty million dollars, or so much thereof as may be required, to finance the improvements defined in this chapter and all costs incidental thereto. The department may not use or permit the use of any funds derived from the sale of bonds authorized by this chapter for: (1) the support of a solid waste recycling activity or service in a locale if the department determines that the activity or service is reasonably available to persons within that locale from private enterprise; or (2) the construction of municipal wastewater facilities unless said facilities have been approved by a general purpose unit of local government in accordance with chapter 36.94 RCW, chapter 35.67 RCW, or RCW 56.08.020. These bonds shall be paid and discharged within thirty years of the date of issuance. No bonds authorized by this chapter shall be offered for sale without prior legislative appropriation of the proceeds of the bonds to be sold.

Sec. 10. Section 2, chapter 308, Laws of 1977 ex. sess. as last amended by section 8, chapter 136, Laws of 1989 and by section 15, chapter 14, Laws of 1989 1st ex. sess. and RCW 75.48.020 are each reenacted to read as follows:

For the purpose of providing funds for the planning, acquisition, construction, and improvement of salmon hatcheries, other salmon propagation facilities including natural production sites, and necessary supporting facilities within the state, the state finance committee may issue general obligation bonds of the state of Washington in the sum of twenty-nine million two hundred thousand dollars or so much thereof as may be required to finance the improvements defined in this chapter and all costs incidental thereto. These bonds shall be paid and discharged within thirty years. No bonds authorized by this chapter may be offered for sale without prior legislative appropriation of the proceeds of such bonds to be sold.

Sec. 11. Section 3, chapter 97, Laws of 1965 ex. sess. as last amended by section 2, chapter 214, Laws of 1984 and RCW 77.12.203 are each amended to read as follows:

(1) Notwithstanding RCW 84.36.010 or other statutes to the contrary, the director shall pay by April 30th of each year on game lands in each county, if requested by an election under RCW 77.12.201, an amount in lieu of real property taxes equal to that amount paid on similar parcels of open space land taxable under chapter 84.34 RCW or the greater of seventy cents per acre per year or the amount paid in 1984 plus an additional amount for control of noxious weeds equal to that which would be paid if such lands were privately owned. This amount shall not be assessed or paid on department buildings, structures, facilities, game farms, fish hatcheries, tidelands, or public fishing areas of less than one hundred acres.

(2) "Game lands," as used in this section and RCW 77.12.201, means those tracts one hundred acres or larger owned in fee by the department and used for wildlife habitat and public recreational purposes. All lands purchased for wildlife habitat, public access or recreation purposes with federal funds in the Snake River drainage basin shall be considered game lands regardless of acreage.

(3) This section shall not apply to lands transferred after the effective date of this act to the department from other state agencies.

NEW SECTION. Sec. 12. Amounts saved by operation of section 11 of this act during the 1989-91 fiscal biennium may be used only for financing capital facilities.

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.

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.

Passed the House March 9, 1990.

Passed the Senate April 1, 1990.

Approved by the Governor April 23, 1990.

Filed in Office of Secretary of State April 23, 1990.

CHAPTER 16

[Substitute Senate Bill No. 6407]

OPERATING BUDGET, 1990 SUPPLEMENTAL

AN ACT Relating to fiscal matters; amending RCW 43.160.070; amending sections 101, 102, 103, 105, 108, 110, 111, 112, 114, 115, 116, 117, 120, 122, 123, 125, 130, 131, 132, 137, 139, 140, 144, 146, 147, 148, 149, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 216, 217, 218, 219, 220, 221, 224, 225, 227, 228, 231, 233, 301, 304, 306, 307, 308, 309, 313, 314, 315, 317, 318, 319, 401, 402, 501, 502, 503, 504, 505, 507, 508, 510, 513, 515, 516, 517, 518, 520, 521, 523, 601, 602, 603, 604, 605, 606, 607, 608, 610, 614, 618, 701, 702, 708, 712, 714, 715, 716, and 718, chapter 19, Laws of 1989 1st ex. sess.; amending section 14, chapter 10, Laws of 1989 1st ex. sess.; amending sections 407, 409, 414, and 419, chapter 271, Laws of 1989; adding a new section to chapter 6, Laws of 1989 1st ex. sess.; creating new sections; repealing section 236, chapter 19, Laws of 1989 1st ex. sess.; making appropriations; and declaring an emergency.

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

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 Attorney General, sec. 115
 Basic Health Plan, sec. 230
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 Community College Education Board, secs. 601, 602
 Community Development Department, sec. 225
 Corrections Department, sec. 229
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 Criminal Justice Training Commission, sec. 226
 Eastern Washington University, secs. 601, 605
 Ecology Department, sec. 302
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PART I
GENERAL GOVERNMENT

Sec. 101. Section 101, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE HOUSE OF REPRESENTATIVES

General Fund Appropriation \$ ~~((49,300,000))~~
49,620,000

The appropriation in this section is subject to the following conditions and limitations:

- (1) \$150,000 is provided solely to contract for an evaluation of Seattle public schools.
- (2) \$250,000 of the general fund appropriation is provided solely for acquisition and implementation of necessary redistricting data processing systems in conjunction with the senate and the secretary of state.
- (3) \$163,000 is provided solely for the fellows program of the Washington state institute for public policy.

Sec. 102. Section 102, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE SENATE

General Fund Appropriation \$ ~~((36,751,000))~~
37,006,000

The appropriation in this section is subject to the following conditions and limitations:

- (1) \$250,000 is provided solely for acquisition and implementation of necessary redistricting data processing systems in conjunction with the house of representatives and the secretary of state.
- (2) \$163,000 is provided solely for the fellows program of the Washington state institute for public policy.

Sec. 103. Section 103, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE LEGISLATIVE BUDGET COMMITTEE

General Fund Appropriation \$ ~~((1,864,000))~~
1,889,000

The appropriation in this section is subject to the following conditions and limitations: \$25,000 is provided solely to plan and contract for an independent evaluation of state-operated and community-operated residential

services for developmentally disabled clients. The evaluation shall document the efforts of the department of social and health services and compare the cost and quality of state-operated and community-operated services. The evaluation shall make recommendations to the legislature on expansion of community programs and the role of residential habilitation centers in the range of programs available to persons with developmental disabilities. The impact of auditing procedures, funding sources, and limitations on capital and operating budgets shall be included. The evaluation shall be submitted to the legislature by December 1, 1991.

Sec. 104. Section 105, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE OFFICE OF THE STATE ACTUARY

Department of Retirement Systems Expense	
Fund Appropriation	\$ ((+098,000))
	<u>1,219,000</u>

The appropriation in this section is subject to the following conditions and limitations:

- (1) The office shall provide all necessary services for the department of retirement systems within the funds appropriated in this section.
- (2) \$100,000 is provided solely for implementation of the employee benefits communication project by the joint committee on pension policy.

NEW SECTION. Sec. 105. FOR THE REDISTRICTING COMMISSION

General Fund Appropriation	\$ 221,000
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Sec. 106. Section 108, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE SUPREME COURT

General Fund Appropriation	\$ ((+3,404,000))
	<u>13,497,000</u>

The appropriation in this section is subject to the following conditions and limitations: \$5,013,000 is provided solely for the indigent appeals program.

Sec. 107. Section 110, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE COURT OF APPEALS

General Fund Appropriation	\$ ((+3,765,000))
	<u>13,932,000</u>

The appropriation in this section is subject to the following conditions and limitations: \$354,000 is provided solely for an additional judgeship in division I of the court of appeals. ~~((If neither Senate Bill No. 5109 nor House Bill No. 1802 is enacted by June 30, 1989, this amount of the appropriation shall lapse.))~~

Sec. 108. Section 111, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE COMMISSION ON JUDICIAL CONDUCT

General Fund Appropriation	\$	((594,000))
		<u>684,000</u>

Sec. 109. Section 112, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE ADMINISTRATOR FOR THE COURTS

General Fund Appropriation	\$	((26,481,000))
		<u>27,607,000</u>

Public Safety and Education Account Approp- riation	\$	((22,850,000))
		<u>23,200,000</u>

Total Appropriation	\$	((49,331,000))
		<u>50,807,000</u>

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) ~~\$((+5,555,000))~~ 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. 110. Section 114, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE LIEUTENANT GOVERNOR

General Fund Appropriation	\$	((492,000))
		<u>542,000</u>

The appropriation in this section is subject to the following conditions and limitations: \$50,000 is provided solely to establish an information clearinghouse to encourage and promote public/private partnerships.

Sec. 111. Section 115, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE PUBLIC DISCLOSURE COMMISSION

General Fund Appropriation	\$	((1,289,000))
		<u>1,296,000</u>

Sec. 112. Section 116, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE SECRETARY OF STATE

General Fund Appropriation	\$	((8,042,000))
		<u>8,242,000</u>

Archives and Records Management Account

Appropriation	\$	((2,571,000))
		<u>2,659,000</u>

Department of Personnel Service Fund Approp-

riation	\$	447,000
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Total Appropriation	\$	((11,060,000))
		<u>11,348,000</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 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 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 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.

Sec. 113. Section 117, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE GOVERNOR'S OFFICE OF INDIAN AFFAIRS

General Fund Appropriation	\$	((290,000))
		<u>299,000</u>

Sec. 114. Section 120, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE STATE AUDITOR

General Fund Appropriation	\$	902,000
Motor Vehicle Fund Appropriation	\$	225,000
Municipal Revolving Fund Appropriation	\$	((16,262,000))
		<u>16,567,000</u>
Auditing Services Revolving Fund Appropria-		
tion	\$	((10,338,000))
		<u>10,409,000</u>
Total Appropriation	\$	((27,727,000))
		<u>28,103,000</u>

Sec. 115. Section 122, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE ATTORNEY GENERAL

General Fund Appropriation—State	\$	((6,188,000))
		<u>7,148,000</u>
General Fund Appropriation—Federal	\$	1,664,000
Legal Services Revolving Fund Appropriation	\$	((70,713,000))
		<u>72,374,000</u>
Motor Vehicle Fund Appropriation	\$	761,000
New Motor Vehicle Arbitration Account Ap-		
propriation	\$	1,716,000
Total Appropriation	\$	((81,042,000))
		<u>83,663,000</u>

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

(1) \$761,000 of the motor vehicle fund appropriation is provided solely to pursue highway bid-rigging anti-trust litigation and shall be expended only after the office of financial management approves plans for any expenditures.

(2) No part of the appropriations provided in this section may be used to move any attorney co-located with an agency for which the attorney provides legal services away from the agency without prior approval of the agency and the office of financial management.

(3) ~~\$(+81,000))~~ 241,000 of the general fund—state appropriation is provided solely for expanding the computerized homicide information and tracking system. The attorney general shall report to the legislature, no later than January 14, 1991, on the homicide information and tracking system, as well as on the feasibility of expanding the system to include ((the)) sexual offenses and other serious violent crimes ((of rape, robbery, and arson)), as recommended by the governor's task force on community protection. The report shall include a local agency financial participation analysis, a systems analysis that includes use of the incident-based reporting system (IBR) of the Washington association of sheriffs and police chiefs and of the criminal information system of the Washington state patrol, and a full-cost purchase analysis. The attorney general shall coordinate the preparation of this report with the office of financial management, the Washington association of sheriffs and police chiefs, and the Washington state patrol. \$760,000 of the amount provided in this subsection shall not be expended until the report is submitted to the legislature and shall be conditioned on compliance with section 802, chapter 19, Laws of 1989 1st ex. sess.

(4) \$220,000 of the legal services revolving fund appropriation is provided solely for the civil commitment of sexually violent predators pursuant to chapter 3, Laws of 1990.

(5) \$200,000 of the general fund—state appropriation is provided solely for grants to local governments for the operating expenses of crime stoppers programs to increase public awareness and assistance in solving crimes. The attorney general shall seek a geographic distribution of the grants under this subsection and may require matching funds from the local government. No more than \$16,000 of the amount provided in this subsection may be expended by the attorney general for administrative expenses.

(6) The attorney general shall prepare an expenditure report describing actual expenditures from the legal services revolving fund for each agency receiving legal services. The report shall cover expenditures for fiscal year 1990. For each agency, the report shall describe: (a) Estimated and actual expenditures, including expenditures authorized through interagency agreements; (b) estimated and actual staffing levels; (c) services provided; and (d) current and future legal issues facing the agency. The report shall be

submitted to the office of financial management and the fiscal committees of the house of representatives and senate by September 1, 1990.

(7) The attorney general shall notify the fiscal committees of the house of representatives and senate of any proposed interagency agreement for legal services. Notification shall be provided concurrently with the initial submittal of information on the proposed agreement to the office of financial management. Notification shall describe the purpose of the agreement, the cost of the legal services, and the need, if any, for continuation of these legal services beyond the period covered under the agreement.

*Sec. 116. Section 123, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT

General Fund Appropriation	\$	((22,519,000))
		<u>22,944,000</u>
<u>Public Facility Construction Loan Revolving</u>		
Fund Appropriation	\$	375,000
Hospital Commission Account Appropriation	\$	844,000
Motor Vehicle Fund Appropriation	\$	101,000
Total Appropriation	\$	((23,464,000))
		<u>24,264,000</u>

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

((2)) (1) \$845,000 of the general fund appropriation and \$844,000 of the hospital commission account appropriation are provided solely for fiscal year 1991 and are subject to the following conditions:

(a) If, by June 30, 1989, Substitute Senate Bill No. 5385 (hospital data collection) is enacted and a department of health is created, the amounts provided in this subsection shall be transferred to the department of health solely for the purposes of Substitute Senate Bill No. 5385.

(b) If, by June 30, 1989, Substitute Senate Bill No. 5385 is not enacted and a department of health is created, the amounts provided in this subsection shall be transferred to the department of health solely for the purposes of data collection previously performed by the hospital commission.

(c) If, by June 30, 1989, Substitute Senate Bill No. 5385 is not enacted and a department of health is not created, the amounts provided in this subsection shall be retained by the office of financial management solely for the purposes of data collection previously performed by the hospital commission.

((7)) (2) The office of financial management shall study the effect on county revenues resulting from the designation of timber for processing within the state as specified under section 2 of Substitute Senate Bill No. 5911. The study shall determine the magnitude of revenue changes and

shall include recommendations on methods to determine whether county forest board revenues declined, the amount of any decline, and possible methods to compensate counties for any decrease in revenue. The office shall report its findings to the appropriate committees of the senate and house of representatives by December 1, 1990.

(4) \$50,000 of the general fund appropriation is provided solely to implement Second Substitute Senate Bill No. 6832 (juvenile rehabilitation study). If the bill is not enacted by June 30, 1990, the amount provided in this subsection shall lapse.

(5) The public facility construction loan revolving fund appropriation and \$375,000 of the general fund appropriation are provided solely for the worker training study pursuant to section 4 of Engrossed Senate Bill No. 6411. If the bill is not enacted by June 30, 1990, the amount provided in this section shall lapse.

(6) The Washington state commission for efficiency and accountability in government shall develop a plan and make recommendations for a structure, process, and methodologies to evaluate program effectiveness. The plan shall address general evaluation research techniques, data requirements, and cost estimates of various methods to evaluate the effectiveness of state-funded programs. The plan shall identify alternatives to current program evaluation that are based on the evaluation of expected programmatic outcomes. The commission shall submit a preliminary report of findings and recommendations to the appropriate legislative committees by March 1, 1991.

(7) Within the appropriations provided in this section, the office of financial management shall study the state's program for the school for the blind and the school for the deaf. The study shall determine the management organization and fiscal practices necessary for maximum operational and financial efficiency of the school. The office shall report its findings to the appropriate committees of the senate and house of representatives by December 1, 1990.

*Sec. 116 was partially vetoed, see message at end of chapter.

Sec. 117. Section 125, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF PERSONNEL

Department of Personnel Service Fund Approp-	
riation	\$ ((14,498,000))
	<u>15,585,000</u>

The appropriation in this section is subject to the following conditions and limitations:

(1) \$80,000 of this amount is provided solely for the establishment of the new leadership fellowship program with Hyogo prefecture in Japan.

(2) \$670,000 is provided solely for implementation of Engrossed House Bill No. 1360, House Bill No. 2236, or the career executive management program portion of Substitute Senate Bill No. 5140. If none of these bills is enacted by June 30, 1989, the amount provided in this subsection shall lapse.

(3) The department of personnel shall survey the compensation practices of comparable in-state and out-of-state law enforcement agencies. The survey shall consider the degree to which duties, skills, and working conditions are shared by classifications such as wildlife agents, fisheries agents, and members of the Washington state patrol, all of whom have full police powers. The department shall report on the survey findings to the legislature by January 1, 1990.

(4) \$65,000 is provided solely for an additional staffperson with expertise in compensation policy.

(5) \$166,000 is provided solely to implement weekend and evening tests for job applicants for state personnel board positions, to conduct a systematic review and update of state personnel tests, and to provide additional score sheet information when reporting test results to applicants.

Sec. 118. Section 130, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF RETIREMENT SYSTEMS—
OPERATIONS**

Department of Retirement Systems Expense

Fund Appropriation	\$	((22,381,000))
		<u>23,209,000</u>

The appropriation in this section is subject to the following conditions and limitations:

(1) \$908,000 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. 119. Section 131, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE STATE INVESTMENT BOARD

State Investment Board Expense Account Appropriation	\$	((2,015,000))
		<u>2,111,000</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. 120. Section 132, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF REVENUE

General Fund Appropriation	\$	((75,729,000))
		<u>77,973,000</u>
Timber Tax Distribution Account Appropriation	\$	((3,382,000))
		<u>3,396,000</u>
State Toxics Control Account Appropriation	\$	100,000
Solid Waste Management Account Appropriation	\$	92,000
Pollution Liability Reinsurance Trust Account Appropriation	\$	286,000
Vehicle Tire Recycling Account Appropriation	\$	122,000
Total Appropriation	\$	((79,711,000))
		<u>81,969,000</u>

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

(1) \$286,000 of the pollution liability reinsurance trust account appropriation is provided solely for implementation of Second Substitute House Bill No. 1180. ~~((If the bill is not enacted by June 30, 1989, the amount provided in this subsection shall lapse.))~~

(2) \$122,000 of the vehicle tire recycling account appropriation is provided solely for implementation of Engrossed Substitute House Bill No. 1671. ~~((If the bill is not enacted by June 30, 1989, the amount provided in this subsection shall lapse:))~~

(3) \$92,000 of the solid waste management account appropriation is provided solely for implementing the provisions of Engrossed Substitute House Bill No. 1671. ~~((If the bill is not enacted by June 30, 1989, the amount provided in this subsection shall lapse:))~~

(4) \$1,936,000 of the general fund appropriation is provided solely for defense of the state in legal actions involving utility litigation relating to property tax.

(5) The department shall immediately take such steps as are necessary to promulgate and implement a rule providing for fair and equitable application of business and occupation tax to persons engaging in business as tour operators.

*Sec. 120 was partially vetoed, see message at end of chapter.

Sec. 121. Section 137, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

General Fund Appropriation—State	\$	((8,576,000))
		<u>9,296,000</u>
General Fund Appropriation—Federal	\$	1,715,000
General Fund Appropriation—Private/Local	\$	99,000
Motor Vehicle Fund Appropriation	\$	((330,000))
		<u>368,000</u>
<u>Resource Management Cost Account Appropriation</u>	<u>\$</u>	<u>2,000</u>
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	\$	((21,498,000))
		<u>22,901,000</u>
Total Appropriation	\$	((43,158,000))
		<u>45,326,000</u>

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

(1) The motor vehicle fund appropriation ((and)), 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 ~~((the motor vehicle~~

~~fund and the state patrol highway account))~~ 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.

NEW SECTION. Sec. 122. VIDEO TELECOMMUNICATIONS SYSTEM. \$1,209,000 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 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; 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 programing 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. 123. Section 139, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE INSURANCE COMMISSIONER

Insurance Commissioner's Regulatory Account

Appropriation	\$	((+2,126,000))
		<u>12,498,000</u>

The appropriation in this section is subject to the following conditions and limitations:

(1) \$27,000 is provided solely to implement Engrossed Senate Bill No. 6834 (small business basic health plan).

(2) The insurance commissioner shall report to the appropriate committees of the legislature by December 1, 1990, on the availability and cost of property insurance for businesses and residences located in inner city areas. The report shall analyze options for increasing the availability and reducing the cost of such insurance.

Sec. 124. Section 140, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE BOARD OF ACCOUNTANCY

General Fund Appropriation	\$	((443,000))
		<u>461,000</u>
Certified Public Accountant Examination Ac-		
count Appropriation	\$	655,000
Total Appropriation	\$	((1,098,000))
		<u>1,116,000</u>

Sec. 125. Section 144, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE LIQUOR CONTROL BOARD

Liquor Revolving Fund Appropriation	\$	((95,098,000))
		<u>96,229,000</u>

Sec. 126. Section 146, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE UTILITIES AND TRANSPORTATION COMMISSION

Public Service Revolving Fund Appropriation	\$	((26,245,000))
		<u>26,522,000</u>
Grade Crossing Protective Fund Appropriation	\$	320,000
Total Appropriation	\$	((26,565,000))
		<u>26,842,000</u>

The appropriations in this section are subject to the following conditions and limitations: \$((347,000)) 277,000 of the public service revolving fund appropriation is ((contingent on the enactment)) provided solely for implementation of Engrossed Substitute House Bill No. 1671. ((If the bill is not enacted by June 30, 1989, the amount provided in this subsection shall lapse.))

Sec. 127. Section 147, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE BOARD FOR VOLUNTEER ((FIREMEN)) FIRE FIGHTERS

Volunteer Fire <u>F</u> ighters' Relief and Pension		
Administrative Fund Appropriation	\$	((315,000))
		<u>328,000</u>

Sec. 128. Section 148, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE MILITARY DEPARTMENT

General Fund Appropriation—State	\$	((8,087,000))
		<u>8,097,000</u>
General Fund Appropriation—Federal	\$	6,425,000
Total Appropriation	\$	((14,512,000))
		<u>14,522,000</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.

Sec. 129. Section 149, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE PUBLIC EMPLOYMENT RELATIONS COMMISSION	
General Fund Appropriation	\$ ((+819,000)) <u>1,855,000</u>

The appropriation in this section is subject to the following conditions and limitations: \$36,000 is provided solely for unanticipated attorney general charges.

PART II
HUMAN SERVICES

Sec. 201. Section 202, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

GENERAL VENDOR RATE INCREASES

In granting the vendor rate increases that specifically reference this section and that are funded by appropriations in sections 201 through 219 of this act (~~which reference this section~~), the department may vary percentage increases among vendor groups. In order to determine the percentage increases for each vendor group, the department may consider the gap between the vendor group's costs or market rates and department rates, and the extent to which a disproportionate share of the vendor group's revenue or activity is dependent on department clients. The department shall ensure that the overall average rate increase on January 1, 1990, does not exceed three percent and that the average overall increase on January 1, 1991, does not exceed two percent. The department may transfer funds among appropriations for the purposes of this section. In no case may transfers out of a section exceed the amounts appropriated for the purposes of this section. This section does not apply to rates for hospitals and nursing homes reimbursed under chapter 74.46 RCW.

Sec. 202. Section 203, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—CHILDREN AND FAMILY SERVICES PROGRAM	
General Fund Appropriation—State	\$ ((262,488,000)) <u>276,824,000</u>
General Fund Appropriation—Federal	\$ ((+61,172,000)) <u>171,515,000</u>
<u>Drug Enforcement and Education Account Ap- propriation</u>	<u>\$ 2,000,000</u>

Public Safety and Education Account Appro-

riation	\$	400,000
Total Appropriation	\$	((424,060,000))
		<u>450,739,000</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 11); \$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) \$((3,926,000)) 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) \$((694,000)) 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) ~~\$(500,000)~~ 2,150,000 of the general fund—state appropriation is provided solely for continuation of the "continuum of care" projects ~~((as provided for in section 203(15), chapter 289, Laws of 1988,))~~ through June 30, ~~((+1990))~~ 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 womens, 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 womens, 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.

NEW SECTION. Sec. 203. CHILD PROTECTIVE SERVICES AND CHILD WELFARE SERVICES. \$4,569,000, of which \$569,000 is from federal funds, is appropriated from the general fund to the department of social and health services, children and family services program, solely for the direct and indirect costs of additional caseworkers for child protective services and child welfare services who are hired above the level appropriated in the 1989 legislative session, in order to reduce the caseload ratios for those services. Not more than 90 FTEs per month over the levels appropriated by the legislature in 1989 may be supported with these funds. At

least \$3,000,000 of the appropriation shall be used for salaries and benefits of the caseworkers and supervisors. \$2,000,000 of the appropriation shall not be expended before November 1, 1990. Not more than \$460,000 of the appropriation shall be used for additional attorneys general and supporting staff. Not more than \$1,000,000 of the appropriation shall be used for equipment, training, office space, and additional clerical support for the caseworkers and supervisors.

Sec. 204. Section 14, chapter 10, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

The sum of ten million one hundred fifty-three thousand dollars, or as much thereof as may be necessary, of which five million three hundred thirty-six thousand dollars shall be from federal funds, is appropriated from the ((state)) general fund for the biennium ending June 30, 1991, to the department of social and health services, children and family services program, for the purpose of establishing a maternity care support service system as prescribed in this act. At least \$100,000 of the appropriation shall be spent for public education and information on the service system. \$200,000 of the appropriation shall be transferred by July 1, 1990, to the University of Washington for evaluation of the maternity care access program as prescribed in Engrossed Substitute House Bill No. 2603. It is the intent of the legislature that resources for this study be used in an efficient manner and that existing data bases be used to the extent possible.

Sec. 205. Section 204, chapter 19, Laws of 1989 1st ex. sess. (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	\$	((33,512,000))
		<u>35,439,000</u>
General Fund Appropriation—Federal	\$	134,000
Total Appropriation	\$	((33,646,000))
		<u>35,573,000</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.

(c) \$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	\$	((47,370,000))
		<u>47,729,000</u>
General Fund Appropriation—Federal	\$	871,000
Total Appropriation	\$	((48,241,000))
		<u>48,600,000</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:

- ((~~a~~)) (i) Offenders who can be diverted to community programs;
- ((~~b~~)) (ii) Community programs necessary to successfully divert offenders from state facilities;
- ((~~c~~)) (iii) Programs and facilities most appropriate for offenders requiring incarceration in state facilities;
- ((~~d~~)) (iv) The costs to state and local organizations to accomplish the plan; and
- ((~~e~~)) (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. 206. Section 205, chapter 19, Laws of 1989 1st ex. sess. (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	\$	((168,222,000))	
			<u>177,613,000</u>
General Fund Appropriation—Federal	\$	((91,552,000))	
			<u>94,432,000</u>
General Fund Appropriation—Local	\$	((3,360,000))	
			<u>3,753,000</u>
Total Appropriation	\$	((263,134,000))	<u>275,708,000</u>

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

(a) A maximum of ~~\$((33,012,000))~~ 35,212,000 of the general fund—state appropriation and ~~\$((16,057,000))~~ 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 with networks from areas comprising no more than two-thirds of the state's population. Contracts shall be negotiated in at least two competitive rounds. The first round of contracts shall be effective no later than January 1, 1990. The last round of contracts shall be effective no later than March 1, 1990.))~~ 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.

(iv) The department's contracts with regional support networks shall include a provision for the transfer or diversion of mentally ill individuals from nursing homes when those individuals are not in need of a nursing home level of care. No individual shall be transferred without his or her consent or the consent of his or her guardian. Networks shall develop outreach and orientation protocols to encourage mentally ill individuals who might otherwise reside in nursing homes to reside in appropriate community settings supported by the network. The networks shall report the number of individuals diverted or transferred from nursing homes to network placements. The department shall report the same information for nonnetwork areas. The department shall make summary reports to the fiscal committees of the legislature on a quarterly basis.

(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) \$2,700,000 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.

(c) \$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	\$	((205,687,000))
		208,720,000
General Fund Appropriation—Federal	\$	((10,809,000))
		10,877,000
Total Appropriation	\$	((216,496,000))
		219,597,000

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	\$	((+258,000))
		<u>1,558,000</u>
General Fund Appropriation—Federal	\$	2,966,000
Total Appropriation	\$	((4,224,000))
		<u>4,524,000</u>

The appropriation in this subsection is subject to the following conditions and limitations: ~~\$((600,000))~~ 900,000 of the general fund—state appropriation is provided solely to expand the primary intervention program to ~~((ten))~~ fifteen additional school districts beginning in 1989–90.

*Sec. 206 was partially vetoed, see message at end of chapter.

*Sec. 207. Section 206, chapter 19, Laws of 1989 1st ex. sess. (unmodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—DEVELOPMENTAL DISABILITIES PROGRAM

(1) COMMUNITY SERVICES

General Fund Appropriation—State	\$	((104,169,000))
		<u>117,868,000</u>
General Fund Appropriation—Federal	\$	((85,326,000))
		<u>99,210,000</u>
Total Appropriation	\$	((189,495,000))
		<u>217,078,000</u>

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) \$8,121,000 of the general fund—state appropriation and \$5,414,000 of the general fund—federal appropriation are provided solely for salary and benefit increases effective May 1, 1990, for employees of community-contracted facilities serving the developmentally disabled.

(h) 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.

(2) INSTITUTIONAL SERVICES

General Fund Appropriation—State	\$	((104,849,000))
		<u>105,025,000</u>
General Fund Appropriation—Federal	\$	((117,487,000))
		<u>127,731,000</u>
Total Appropriation	\$	((222,336,000))
		<u>232,756,000</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. 207 was partially vetoed, see message at end of chapter.

*Sec. 208. Section 207, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—LONG-TERM CARE SERVICES

General Fund Appropriation—State	\$	((445,753,000))
		<u>460,847,000</u>
General Fund Appropriation—Federal	\$	((499,185,000))
		<u>519,795,000</u>
General Fund Appropriation—Local	\$	296,000
Total Appropriation	\$	((945,234,000))
		<u>980,938,000</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) ~~\$(3,686,000)~~ 5,957,000, of which ~~\$(1,596,000)~~ 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 ~~\$(1,000)~~ 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.

(14) It is the intent of the legislature that mentally ill persons who are determined by the department not to be in need of a nursing home level of care shall be referred where possible to the regional support networks or,

where no network exists, to the mental health division for appropriate residential services. The department shall adopt procedures for these referrals.

*Sec. 208 was partially vetoed, see message at end of chapter.

Sec. 209. Section 208, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—INCOME ASSISTANCE PROGRAM

General Fund Appropriation—State	\$	((374,337,000))	
			422,021,000
General Fund Appropriation—Federal	\$	((406,084,000))	
			561,882,000
Total Appropriation	\$	((780,421,000))	
			983,903,000

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 ~~\$((200,000,000))~~ 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:	\$((36	47	56	67	77	87	101	111))
	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.

~~((5))~~ (6) The department shall expand the family independence program by four sites to a total of fifteen sites.

~~((6))~~ (7) Moneys from these appropriations may be spent for general assistance programs not included in section 209 of this act.

Sec. 210. Section 209, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—GENERAL ASSISTANCE—UNEMPLOYABLE PROGRAM

General Fund Appropriation—State	\$	((69,550,000))
		<u>76,085,000</u>
General Fund Appropriation—Federal	\$	((418,000))
		<u>288,000</u>
Total Appropriation	\$	((69,968,000))
		<u>76,373,000</u>

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

~~((2))~~ (1) \$1,379,000 of the general fund—state appropriation is provided solely for a two percent standard increase beginning January 1, 1990, for the general assistance—unemployable program.

(2) \$1,517,000 of the general fund—state appropriation is provided solely for a six percent increase, beginning January 1, 1991, in the grant standard for the general assistance—unemployable program.

Sec. 211. Section 210, chapter 19, Laws of 1989 1st ex. sess. (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
General Fund Appropriation—Federal	\$	((17,651,000))
		<u>38,941,000</u>
<u>Drug Enforcement and Education Account Ap-</u> <u>propriation—State</u>	\$	<u>800,000</u>
Total Appropriation	\$	((46,523,000))
		<u>68,613,000</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 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. 212. Section 211, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—ALCOHOL AND DRUG TREATMENT AND SUPPORT PROGRAM—ASSESSMENT AND TREATMENT

General Fund Appropriation—State	\$	((+7,116,000))
		<u>16,199,000</u>
General Fund Appropriation—Federal	\$	9,948,000
<u>Drug Enforcement and Education Account Ap-</u>		
<u>propriation—State</u>	<u>\$</u>	<u>1,500,000</u>
Total Appropriation	\$	((27,064,000))
		<u>27,647,000</u>

The appropriations in this section ~~((is))~~ are subject to the following conditions and limitations:

(1) ((This)) The general fund appropriations ((is)) 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. 213. Section 212, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—ALCOHOL AND DRUG TREATMENT AND SUPPORT PROGRAM—SHELTER

General Fund Appropriation \$ ~~((+0,639,000))~~
3,423,000

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. 214. Section 407, chapter 271, Laws of 1989 (uncodified) is amended to read as follows:

The sums of four million (~~(nine hundred)~~) five hundred sixty-nine thousand dollars from the drug enforcement and education account—state and three hundred thirty-one thousand dollars from the general fund—federal, or as much thereof as may be necessary, ~~((is))~~ are appropriated for the biennium ending June 30, 1991, ~~((from the drug enforcement and education account))~~ to the department of social and health services for the purposes of sections 301 through 309 of this act.

Sec. 215. Section 409, chapter 271, Laws of 1989 (uncodified) is amended to read as follows:

The sums of ~~((five))~~ two million ((five)) seven hundred forty-eight thousand dollars from the drug enforcement and education account—state and two million seven hundred fifty-two thousand dollars from the general fund—federal, or as much thereof as may be necessary, ~~((is))~~ are appropriated for the biennium ending June 30, 1991, ~~((from the drug enforcement and education account))~~ to the department of social and health services for maternity care support services for alcohol and drug-abusing pregnant women. Support services shall include substance abuse treatment programs specifically designed to serve pregnant women and postpartum women and their infants and children. A continuum of treatment shall be provided, to include one or more of the following components:

(1) Inpatient treatment programs capable of serving pregnant women and postpartum women and infants;

(2) An ambulatory treatment facility serving women and their infants who test positive for the human immunodeficiency virus (HIV) or the acquired immunodeficiency syndrome (AIDS);

(3) Transition housing or safe living space for pregnant and postpartum women and infants;

(4) Outpatient or follow-up treatment which includes a provision for child care.

The department shall maximize federal participation for support services provided under this section to eligible persons under the medical assistance program, Title XIX of the federal social security act.

Sec. 216. Section 414, chapter 271, Laws of 1989 (uncodified) is amended to read as follows:

The sums of ~~((twelve))~~ eleven 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, ~~((is))~~ are appropriated for the biennium ending June 30, 1991, ~~((from the drug enforcement and education account))~~ 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. 217. Section 419, chapter 271, Laws of 1989 (uncodified) is amended to read as follows:

The sums of ~~((four))~~ 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 appropriated for the biennium ending June 30, 1991, ~~((from the drug enforcement and education account))~~ 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. 218. Section 213, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—MEDICAL ASSISTANCE PROGRAM

General Fund Appropriation—State	\$	((688,479,000))
		<u>697,558,000</u>
General Fund Appropriation—Federal	\$	((666,599,000))
		<u>689,430,000</u>
Total Appropriation	\$	((+355,078,000))
		<u>1,386,988,000</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.

(7) Beginning July 1, 1990, the department of social and health services shall provide payment for chiropractic services under chapter 74.09 RCW. The department shall restrict payment for chiropractic services to a maximum of ten treatments per recipient in any twelve-month period.

(8) \$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) \$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) \$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) 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. 218 was partially vetoed, see message at end of chapter.

Sec. 219. Section 214, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—PUBLIC HEALTH PROGRAM

General Fund Appropriation—State	\$	60,308,000
General Fund Appropriation—Federal	\$	14,468,000
General Fund Appropriation—Local	\$	((+0,951,000))
		<u>10,707,000</u>
Public Safety and Education Account Appropriation	\$	200,000
State Toxics Control Account Appropriation	\$	828,000
Total Appropriation	\$	((86,755,000))
		<u>86,511,000</u>

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

(1) \$1,600,000 of the general fund—state appropriation is provided solely for continuation of the state drinking water program.

(2) \$4,000,000 of the general fund—state appropriation is provided solely to enhance funding for AIDS education, high-risk intervention, counseling and testing, case management, continuum of care, and coordination and planning activities through the regional AIDSNET program established by chapter 70.24 RCW. State moneys provided for AIDSNET activities may not be used to supplant other funds. The office on AIDS, established by RCW 70.24.250, shall require AIDSNET lead counties to develop regional service plans which meet state standards for uniformity and consistency. The state standards shall ensure that all the provisions of RCW 70.24.400(3) are implemented uniformly throughout the state.

(3) \$1,000,000 of the general fund—state appropriation is provided solely to increase in equal percentages medical and dental services provided through community health clinics. A maximum of \$100,000 of the amount provided in this subsection may be used to contract with new providers. \$900,000 of this amount shall be allocated to contractors who were contractors in fiscal year 1989, prorated according to the percentage of total fiscal year 1989 contract funds received by each contractor.

~~((5))~~ (4) \$150,000 of the state toxics control account appropriation is provided solely to contract with the University of Washington for toxicology research, evaluation, and technical assistance regarding health risks of toxic substances.

~~((6))~~ (5) \$200,000 of the public safety and education account is provided solely for a study of the trauma care system.

Sec. 220. Section 216, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—ADMINISTRATION AND SUPPORTING SERVICES PROGRAM

General Fund Appropriation—State	\$	((55,295,000))
		<u>55,898,000</u>
General Fund Appropriation—Federal	\$	((36,264,000))
		<u>36,980,000</u>
Institutional Impact Account Appropriation	\$	((80,000))
		<u>230,000</u>
Total Appropriation	\$	((91,639,000))
		<u>93,108,000</u>

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. 221. Section 217, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—COMMUNITY SERVICES ADMINISTRATION PROGRAM

General Fund Appropriation—State	\$	((165,471,000))
		<u>164,539,000</u>
General Fund Appropriation—Federal	\$	((188,304,000))
		<u>200,973,000</u>
Total Appropriation	\$	((353,775,000))
		<u>365,512,000</u>

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) \$~~((600,000))~~ 645,000 of the general fund—state appropriation and \$~~((1,149,000))~~ 1,284,000 of the general fund—federal appropriation are provided solely for transfer (~~(by July 1, 1989;)~~) 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.

(8) Authority to expend funds for the automated client eligibility system (ACES) is conditioned on compliance with section 802, chapter 19, Laws of 1989 1st ex. sess. A maximum of \$250,000 of the general fund—state appropriation may be expended on ACES.

*Sec. 221 was partially vetoed, see message at end of chapter.

Sec. 222. Section 218, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—REVENUE COLLECTIONS PROGRAM

General Fund Appropriation—State	\$	((39,600,000))
		<u>39,091,000</u>
General Fund Appropriation—Federal	\$	((70,728,000))
		<u>70,291,000</u>
General Fund Appropriation—Local	\$	949,000
Total Appropriation	\$	((111,277,000))
		<u>110,331,000</u>

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

(1) \$2,391,000 of the general fund—state appropriation and \$4,696,000 of the general fund—federal appropriation are provided solely for the enforcement of health insurance provisions of child support orders pursuant to Substitute House Bill No. 1547 (medical support enforcement). ~~((If the bill is not enacted by June 30, 1989, the amounts provided in this subsection shall lapse.))~~

(2) \$3,419,000 of the general fund—state appropriation and \$6,786,000 of the general fund—federal appropriation are provided solely to implement the requirements of the family support act.

(3) \$1,800,000 of the general fund—state appropriation, \$4,940,000 of the general fund—federal appropriation, and \$706,000 of the general fund—local appropriation are provided solely to implement recommendations made to the office of support enforcement by the efficiency commission. Authority to expend \$1,115,000 of the general fund—state appropriation, \$3,059,000 of the general fund—federal appropriation, and \$438,000 of the general fund—local appropriation for information projects named in this subsection is conditioned on compliance with section 802 of this act. For the purposes of this subsection, "information systems projects" means the projects known by the following name or successor names: Office of support enforcement case tracking and collection.

(4) \$1,429,000 of the general fund—state appropriation, \$828,000 of the general fund—federal appropriation, and \$43,000 of the general fund—local appropriation are 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 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: Office of financial recovery accounts receivable management system.

(5) \$207,000 of the general fund—state appropriation and \$403,000 of the general fund—federal appropriation are provided solely for the implementation of the employer reporting amendments to RCW 26.23.040 contained in House Bill No. 1635 (support enforcement). If these amendments are not enacted by June 30, 1989, the amounts provided in this subsection shall lapse.

Sec. 223. Section 219, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—PAYMENTS TO OTHER AGENCIES PROGRAM

General Fund Appropriation—State	\$	((38,187,000))
		<u>38,796,000</u>
General Fund Appropriation—Federal	\$	((17,041,000))
		<u>17,192,000</u>

Total Appropriation \$ ((55,228,000))
 55,988,000

The appropriations in this section are subject to the following conditions and limitations: \$507,000 of the general fund—state appropriation and \$69,000 of the general fund—federal appropriation are provided solely for attorney services on 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.

Sec. 224. Section 220, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE HEALTH CARE AUTHORITY

State Employees Insurance Administrative Account Appropriation \$ ((6,203,000))
 7,068,000

*Sec. 225. Section 221, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

General Fund Appropriation—State \$ ((58,487,000))
 84,912,000

General Fund Appropriation—Federal \$ ((+24,725,000))
 132,144,000

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 \$ ((8,007,000))
 13,000,000

Washington Housing Trust Fund Appropriation \$ ((3,500,000))
 13,500,000

Total Appropriation \$ ((+97,999,000))
 246,836,000

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 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) ~~\$(3,500,000))~~ 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) ~~((A maximum of))~~ 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. ~~((b))~~ 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.

~~((c))~~ (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 ~~\$(200,000))~~ 150,000 of the amount provided in this subsection may be expended for administration of the plan.

(iii) ~~((The remainder of the amount provided in this subsection shall be allocated to local governments:~~

~~(iv) Only direct personnel costs related to event security shall be eligible for general fund—state reimbursement. Local revenue losses and expenses for reducing normal workloads shall not be eligible for reimbursement.~~

(~~+~~)) 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) ~~\$(13,900,000))~~ 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.

~~((+10))~~ (9) \$307,000 of the general fund—state appropriation is provided solely for the department to continue homeport activities.

~~((+11))~~ (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.

~~((+13))~~ (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.

~~((+14))~~ (12) \$200,000 of the general fund—state appropriation is provided solely for a pilot rural revitalization program.

~~((+15) \$150,000)~~ (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.

~~((+16) \$200,000)~~ (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) \$168,000 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) \$90,000 of the general fund—state appropriation is provided solely to implement the children's ombudsman program.

(26) \$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.

(27) None of the \$10,000,000 housing trust fund appropriation provided by this 1990 act may be used for administrative expenses.

(28) \$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) \$10,000 of the general fund—state appropriation is provided solely for an international symposium to promote physical fitness.

*Sec. 225 was partially vetoed, see message at end of chapter.

Sec. 226. Section 224, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE CRIMINAL JUSTICE TRAINING COMMISSION	
Death Investigations Account Appropriation	\$ 35,000
Public Safety and Education Account Appropriation	\$ ((8,643,000))
	<u>9,738,000</u>
Total Appropriation	\$ ((8,678,000))
	<u>9,773,000</u>

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

(1) \$22,000 of the public safety and education account appropriation is provided solely for computer programming costs for the Washington association of sheriffs and police chiefs to implement Engrossed House Bill No. 2237 (racial bias and bigotry). If the bill is not enacted by June 30, 1990, this amount shall lapse.

(2) \$160,000 of the public safety and education account appropriation is provided solely for funding additional drug abuse resistance education (D.A.R.E.) instructors to assist in preventing drug abuse.

Sec. 227. Section 225, chapter 19, Laws of 1989 1st ex. sess. (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 Approp- riation—State	\$	((+8,334,000))
		<u>19,764,000</u>
Public Safety and Education Account Approp- riation—Federal	\$	2,000,000
Accident Fund Appropriation	\$	((+00,104,000))
		<u>101,422,000</u>
Electrical License Fund Appropriation	\$	((+1,882,000))
		<u>12,408,000</u>
Farm Labor Revolving Account Appropriation	\$	30,000
Medical Aid Fund Appropriation	\$	((+19,330,000))
		<u>120,161,000</u>
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	\$	((266,849,000))
		<u>270,954,000</u>

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

(1) \$6,596,793 from the accident fund appropriation and \$12,953,328 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.

((3)) (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. 228. Section 227, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF VETERANS AFFAIRS

General Fund Appropriation—State	\$	20,229,000
General Fund Appropriation—Federal	\$	((5,726,000))
		<u>5,988,000</u>
General Fund Appropriation—Local	\$	7,802,000
Total Appropriation	\$	((33,757,000))
		<u>34,019,000</u>

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

*Sec. 229. Section 228, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

(1) COMMUNITY SERVICES

General Fund Appropriation	\$	((74,807,000))
		<u>75,022,000</u>

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) INSTITUTIONAL SERVICES

General Fund Appropriation	\$	((300,806,000))
		<u>313,100,000</u>

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.

(c) \$678,000 of the general fund appropriation is provided solely for custody and security of civilly committed sexual predators pursuant to chapter 3, Laws of 1990. The sexual predator civil commitment program shall be located at the Twin Rivers corrections center.

(d) \$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) ADMINISTRATION AND PROGRAM SUPPORT

General Fund Appropriation	\$	((22,531,000))
		<u>24,081,000</u>
Institutional Impact Account Appropriation	\$	332,000
Total Appropriation	\$	((22,863,000))
		<u>24,413,000</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.

(b) \$500,000 of the general fund appropriation is provided for prison impact funding. \$300,000 of this amount is provided for the impact of inmate-family households on local criminal justice and social service resources for the cities of Walla Walla and College Place and the county of Walla Walla. \$100,000 is provided for the impact on local criminal justice resources for the city of Monroe. The remaining funds shall be distributed for prison impacts on local criminal justice services as determined by the department.

(4) INSTITUTIONAL INDUSTRIES

General Fund Appropriation	\$	2,622,000
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*Sec. 229 was partially vetoed, see message at end of chapter.

Sec. 230. Section 231, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE WASHINGTON BASIC HEALTH PLAN

General Fund Appropriation \$ ~~((27,215,000))~~
17,991,000

The appropriation in this section is subject to the following conditions and limitations: The plan may enroll up to 25,000 individuals during the 1989-91 biennium.

Sec. 231. Section 233, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE EMPLOYMENT SECURITY DEPARTMENT

General Fund Appropriation—State	\$	129,000
General Fund Appropriation—Federal	\$	((162,308,000))
		<u>159,308,000</u>
General Fund Appropriation—Local	\$	12,489,000
Administrative Contingency Fund		
Appropriation—Federal	\$	((8,953,000))
		<u>11,965,000</u>
Unemployment Compensation Administration		
Fund Appropriation—Federal	\$	118,169,000
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
Total Appropriation	\$	((311,761,000))
		<u>311,773,000</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.

NEW SECTION. Sec. 232. FOR THE DEPARTMENT OF HEALTH

General Fund Appropriation	\$	9,367,000
Health Professions Account Appropriation	\$	1,541,000
State Toxics Control Account Appropriation	\$	1,048,000
Medical Test Site Licensure Account Appropriation	\$	244,000
Total Appropriation	\$	12,200,000

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. 233. Section 236, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is repealed. Any moneys remaining in the 1991 human resources reserve account on the effective date of this act shall be transferred to the general fund.

NEW SECTION. Sec. 234. HOUSING TRUST FUND

General Fund Appropriation \$ 10,000,000

The appropriation in this section is subject to the following conditions and limitations: The treasurer shall deposit the appropriation in the housing trust fund.

PART III
NATURAL RESOURCES

Sec. 301. Section 301, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE STATE ENERGY OFFICE

General Fund Appropriation—State	\$	((2,086,000))
		<u>2,286,000</u>
General Fund Appropriation—Federal	\$	((10,832,000))
		<u>12,366,000</u>
General Fund Appropriation—Private/Local	\$	260,000
Geothermal Account Appropriation—Federal	\$	22,000
Building Code Council Account Appropriation	\$	((40,000))
		<u>105,000</u>
Solid Waste Management Account Appropriation	\$	150,000
Energy Code Training Account Appropriation	\$	30,000
<u>Total Appropriation</u>	<u>\$</u>	<u>((13,390,000))</u>
		<u>15,219,000</u>

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

(1) The entire solid waste management account appropriation is provided solely to implement the energy-related provisions of Engrossed Substitute House Bill No. 1671. ~~((If the bill is not enacted by June 30, 1989, the solid waste management account appropriation is null and void:))~~

(2) ~~\$(+153,000))~~ 353,000 of the general fund—state appropriation is provided solely to implement Substitute Senate Bill No. 5174 (state hydro-power plan). ~~((If the bill is not enacted by June 30, 1989, the amount provided in this subsection shall lapse:))~~

*Sec. 302. Section 304, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

General Fund Appropriation—State	\$	((59,767,000))
		<u>61,296,000</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	\$	((41,000))
		<u>81,000</u>
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	\$	((6,755,000))
		<u>6,830,000</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)	\$	((1,187,000))
		<u>1,286,000</u>
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	\$	((142,000))
		<u>300,000</u>

Vehicle Tire Recycling Account Appropriation	\$	6,494,000
Water Quality Account Appropriation	\$	((2,551,000))
		<u>3,161,000</u>
Wood Stove Education Account Appropriation	\$	((232,000))
		<u>482,000</u>
Worker and Community Right-to-Know Fund		
Appropriation	\$	285,000
State Toxics Control Account	\$	((26,173,000))
		<u>39,202,000</u>
Local Toxics Control Account	\$	((23,847,000))
		<u>41,328,000</u>
Water Quality Permit Account Appropriation	\$	7,135,000
Solid Waste Management Account Appropria- tion	\$	5,600,000
Underground Storage Tank Account Appropria- tion	\$	3,658,000
<u>Hazardous Waste Assistance Account Appropria- tion</u>	<u>\$</u>	<u>2,317,000</u>
Total Appropriation	\$	((180,251,000))
		<u>215,839,000</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 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) ~~((A maximum of \$2,209,000 of the general fund—state appropriation may be expended for the auto emissions inspection and maintenance program. If Engrossed Substitute House Bill No. 1104 is not enacted by June 30, 1989, the amount provided in this subsection shall lapse:))~~ 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) ~~((The entire underground storage tank account appropriation is contingent on enactment of Engrossed Substitute House Bill No. 1086. If the bill is not enacted by June 30, 1989, the underground storage tank account appropriation is null and void. In implementing Engrossed Substitute~~

~~House Bill No. 1086;~~) 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)(~~and (10)~~) are null and void.

~~((8))~~ (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.

~~((9))~~ (8) \$150,000 of the solid waste management account appropriation is provided solely for pilot projects to recycle disposable diapers.

~~((10))~~ (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).

~~((11))~~ (10) \$231,000 of the state toxics control account appropriation is provided solely for the office of waste reduction.

~~((12))~~ (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.

~~((13))~~ (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.

~~((14))~~ (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).

~~((+5))~~ (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.

~~((+6))~~ (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.

~~((+7))~~ (16) \$70,000 of the general fund—state appropriation is provided solely to implement Substitute Senate Bill No. 5174 (state hydro-power plan). ~~((If the bill is not enacted by June 30, 1989, the amount provided in this subsection shall lapse.~~

~~(+8))~~ (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.

(20) \$1,200,000 of the general fund—state appropriation is provided solely for the wetlands protection program. Of this amount: (a) \$600,000 is provided solely for grants to local jurisdictions to develop local wetlands protection and management programs on a fifty percent cost-share basis; and (b) \$600,000 is provided solely for the department to develop a wetlands inventory, establish a data management system, and provide technical assistance to local governments in developing wetlands protection programs. The amount provided in (b) of this subsection is contingent on the enactment of Substitute Senate Bill No. 6799 (wetlands preservation). If the bill or substantially similar legislation is not enacted by June 30, 1990, \$600,000 of this amount shall lapse.

(21) 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) \$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) \$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) \$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).

(25) The department's June 1991 FTE staff level shall not exceed the June 1990 staff level by more than 154 FTEs. The money identified as savings from underexpenditures as a result of this subsection shall remain unexpended and shall not be spent for other purposes. If funding is provided for the implementation of a wetlands preservation bill under subsection (20) of this section, the department's June 1991 FTE level may be increased by an additional 7.5 FTEs.

(26) \$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) \$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) \$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) \$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 was partially vetoed, see message at end of chapter.

Sec. 303. Section 306, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

General Fund Appropriation—State	\$	((41,132,000))
		41,332,000
General Fund Appropriation—Federal	\$	1,208,000
General Fund Appropriation—Private/Local	\$	822,000
Trust Land Purchase Account Appropriation	\$	((10,542,000))
		11,082,000
Winter Recreation Parking Account Appropria-		
tion	\$	348,000
ORV (Off-Road Vehicle) Account Appropria-		
tion	\$	173,000
Snowmobile Account Appropriation	\$	((963,000))
		1,143,000
Public Safety and Education Account Appro-		
priation	\$	10,000
Motor Vehicle Fund Appropriation	\$	1,100,000
Total Appropriation	\$	((56,298,000))
		57,218,000

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). ~~((If the bill is not enacted by June 30, 1989, the amount provided in this subsection shall lapse.))~~

(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.

Sec. 304. Section 307, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Outdoor Recreation Account Appropria-		
tion—State	\$	((+900,000))
		<u>1,920,000</u>
Outdoor Recreation Account Appropria-		
tion—Federal	\$	26,000
Total Appropriation	\$	((+926,000))
		<u>1,946,000</u>

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

(1) \$63,000 of the outdoor recreation account—state appropriation is provided solely for a state-wide needs assessment and action plan for land acquisition for long-term outdoor recreation, wildlife, and conservation purposes. The agency shall oversee the preparation of the needs assessment and action plan and it may contract with a nonprofit organization representing these interests, subject to a requirement that private matching funding on a one-for-one basis be provided. The agency members of the interagency committee shall participate in the formulation of the plan and

shall provide relevant information as needed. The report and plan shall be submitted to the legislature by January 15, 1990.

(2) \$20,000 of the outdoor recreation account—state appropriation is provided solely for an assessment of operation and maintenance needs of state-owned habitat and natural areas, parks, and other state-owned recreational sites. The study shall include recommendations of funding options to meet identified needs. The agency may contract for the study with a non-profit organization, subject to the requirement that private matching funds be provided on a one-to-one basis. The agency members of the interagency committee shall participate in the study and provide relevant information as needed. The study and recommendations shall be submitted to the legislature by December 15, 1990.

Sec. 305. Section 308, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE ENVIRONMENTAL HEARINGS OFFICE

General Fund Appropriation	\$	((901,000))
		<u>959,000</u>

*Sec. 306. Section 309, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRADE AND ECONOMIC DEVELOPMENT

General Fund Appropriation	\$	((30,068,000))
		<u>31,268,000</u>
Motor Vehicle Fund Appropriation	\$	553,000
Solid Waste Management Account Appropriation	\$	312,000
<u>Public Facility Construction Loan Revolving Fund Appropriation</u>	<u>\$</u>	<u>900,000</u>
Total Appropriation	\$	((30,933,000))
		<u>33,033,000</u>

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

(1) \$450,000 of the general fund appropriation is provided solely for the purpose of implementing either Engrossed Second Substitute Senate Bill No. 5339 or Engrossed Substitute House Bill No. 1553. If neither bill is enacted by June 30, 1989, the amount provided in this subsection shall lapse. In addition:

(a) The department shall spend the amount provided in this subsection solely for development of programs to be administered by the Washington economic development finance authority (the "authority") and shall not spend any amount for implementation or administration of the programs.

(b) On or before January 8, 1990, the department shall submit to the house of representatives appropriations committee and the senate ways and

means committee a plan outlining how state employees and state resources are expected to be used with respect to the authority and describing procedures under which the lending of credit provisions of the state Constitution will be observed.

(c) The amount provided in this subsection is intended to be a one-time appropriation from state-revenue sources to support the initial development of programs of the Washington economic development finance authority.

(d) No state funds from state revenue sources and no state funds from federal revenue sources, except federal revenue sources provided expressly for the authority or its programs may be used for a reserve fund for the authority's programs, and no public funds subject to either appropriation or allotment control may be used for a reserve account without prior consultation with the house of representatives appropriations committee and the senate ways and means committee.

(2) \$350,000 of the general fund appropriation is provided solely for the Washington marketplace program as provided for in Second Substitute House Bill No. 1476. ~~((If the bill is not enacted by June 30, 1989, the amount in this subsection shall lapse.))~~

(3) \$550,000 of the general fund appropriation is provided solely for the department to develop and implement a business and job retention program as follows:

(a) The program shall provide technical assistance to firms and workforces in which there is a risk of plant closure, mass layoff, or business failure. This technical assistance shall include turn-around assistance to firms at risk of closure to identify management activities and other actions, including diversification, that would permit continued operation. The department may contract for specialized services to provide turn-around assistance.

(b) The department shall establish a business and job retention advisory committee. The governor shall appoint eight members of whom four shall be from business and four from labor. The directors, or their designees, of the departments of trade and economic development, community development, financial management, revenue, and employment security shall serve as ex officio members of the committee. The president of the senate and the speaker of the house of representatives shall each appoint one member from each of the major caucuses to serve as ex officio members of the committee.

(c) The department shall select, in consultation with the advisory committee, locally based development organizations to undertake local business and job retention activities. Such local activities shall include the identification of firms in which there is a risk of plant closure, mass layoff, or business failure; initial assessment of firms and their workforces; the provision of technical assistance; and referrals for additional resources. A maximum of \$275,000 of the appropriation may be expended for contracts with locally

based development organizations for local business and job retention activities.

(d) The department, in consultation with the advisory committee, shall provide grants to study the feasibility of various options for continuing or renewing the operation of industrial facilities that are threatened with closure or that have already closed. Grants shall also be made for proposals to implement a system to identify firms at risk of closure, layoff, or relocation. Grants may not exceed \$35,000 and may be made to: Local governments, ports, local associate development organizations, local labor organizations, or local nonprofit community organizations. The department may require that grant money be matched at least dollar for dollar with nonstate money.

(e) The department shall establish an early warning program within the business and job retention program. The program shall obtain information currently available within state agencies to identify firms and industrial facilities at risk of closure, consistent with the confidentiality requirements of chapter 50.13 RCW.

(4) \$150,000 of the general fund appropriation is provided solely for the targeted sectors program as provided for in Engrossed Substitute House Bill No. 2137. If the bill is not enacted by June 30, 1989, the amount in this subsection shall lapse.

(5) \$200,000 of the general fund appropriation is provided solely for the Washington village project. No portion of this amount may be expended unless matched by an equal portion of nonstate money.

(6) \$700,000 of the general fund appropriation is provided solely for tourism enhancement. Of this amount: (a) \$400,000 is provided solely for market research and analysis; (b) \$175,000 is provided solely for tourism facility development to encourage private sector development in Washington tourism facilities; (c) \$25,000 is provided solely for the development of a tourism advisory committee; and (d) \$100,000 is provided solely for additional staff and costs associated with the film and video division within the department.

(7) \$1,614,000 of the general fund appropriation is provided solely for the Tri-Cities diversification program. This amount is intended to be the final state contribution toward Tri-Cities diversification. Of this amount:

(a) \$331,000 is provided solely for the department of agriculture, by interagency agreement, for continuation of its contractual relationship with TRIDEC and for development of local diversification agricultural projects;

(b) \$206,000 is provided solely for the department of community development, by interagency agreement, for social service impact mitigation, and for loan packaging assistance;

(c) \$260,000 is provided solely for transfer to the employment security department, by interagency agreement, for a state-funded employment and training project;

(d) \$250,000 is provided solely for transfer to the employment security department, by interagency agreement, for public works related employment;

(e) \$383,000 is provided solely for contracts with local organizations for specific diversification projects;

(f) \$184,000 is provided solely for necessary staff to implement and coordinate the Tri-Cities diversification program.

(8) \$367,000 of the general fund appropriation is provided solely for the purpose of implementing a timber industrial extension service. The department shall provide technical and financial assistance to businesses for the purpose of identifying new markets, developing new technologies and products, and assisting production and marketing efforts. This program shall provide specialized expertise on issues affecting forest products companies, including the provision of assistance to firms experiencing supply problems, and shall provide industry perspective on proposed state and federal policies and programs impacting the forest industry. The department may contract for services provided under this chapter.

(9) \$8,195,000 of the general fund appropriation is provided solely for the Washington high technology center.

(10) \$305,000 of the general fund appropriation is provided solely for the center for international trade in forest products (CINTRAFOR).

(11) The general fund appropriation in this section includes moneys for higher education salary increases for the Washington high technology center and CINTRAFOR in the manner provided in section 601 of this act.

(12) It is the intent of the legislature that the department shall continue to provide grants of at least current level amounts to associate development organizations located in counties of at least classes three through eight.

(13) \$400,000 may be allocated to the Washington research foundation. The state auditor shall conduct an audit of the foundation by December 1, 1989.

(14) \$150,000 of the general fund—state appropriation is provided solely for the department to provide technical assistance and staff support for the Lady Washington Pacific Expedition to the Far East.

(15) \$400,000 of the general fund—state appropriation is provided solely for development of a program designed to promote market opportunities, particularly value-added timber processing, for wood products firms in timber-dependent communities. The department shall submit a progress report to the house of representatives appropriations committee and the senate ways and means committee by December 1, 1990.

(16) \$75,000 of the general fund—state appropriation is provided solely for a contract with the Tacoma world trade center for the development and operation of a program to enhance export opportunities for Washington business.

(17) \$200,000 of the public facility construction loan revolving fund appropriation is provided solely for transfer to the department of community development to implement a self-employment loan program as provided under Engrossed Substitute House Bill No. 2929 (growth management).

(18) \$200,000 of the public facility construction loan revolving fund appropriation is provided solely to create an industrial competitiveness program, as provided in Engrossed Substitute House Bill No. 2929 (growth management).

(19) \$100,000 of the public facility construction loan revolving fund appropriation is provided solely for transfer to the department of community development for technical assistance through the department's local development matching fund program, as provided in Engrossed Substitute House Bill No. 2929 (growth management).

(20) \$50,000 of the general fund—state appropriation is provided solely to fund the operation of a service delivery task force as provided in Engrossed Substitute House Bill No. 2929 (growth management).

(21) \$150,000 of the general fund—state appropriation is provided solely to establish rural-urban linkages among businesses under the marketplace program.

(22) \$150,000 of the general fund—state appropriation is provided solely for local economic development service organizations under Engrossed Substitute House Bill No. 2929 (growth management). Of this amount: (a) \$100,000 is provided for the department to provide training for associate development organizations; and (b) \$50,000 is provided for staff support. If Engrossed Substitute House Bill No. 2929 is not enacted by June 30, 1990, the amount provided in this subsection shall lapse.

(23) \$100,000 of the general fund—state appropriation is provided solely for business network grants through the business assistance center as provided in 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.

(24) \$200,000 of the public facility construction loan revolving fund appropriation is provided solely for transfer to the department of community development to establish a council on rural revitalization, within the department, to oversee four pilot revitalization projects in rural communities.

(25) \$200,000 of the public facility construction loan revolving fund appropriation is provided solely for transfer to the department of community development to implement Engrossed Substitute House Bill No. 2706 (economic diversification).

(26) \$45,000 of the general fund—state appropriation is provided solely for the department to conduct an evaluation of the Washington technology center.

(27) \$80,000 of the general fund—state appropriation is provided solely for the department to contract with the department of community

development for development of an econometric model, after consultation with the department of revenue, to analyze the economic impact of sports facilities and events. The department shall develop an application process for requests for state funding for these facilities and events. The department shall establish an advisory committee to review this process that includes representatives from the: (a) Department of revenue; (b) department of trade and economic development; (c) fiscal committees of the house of representatives and ways and means committee of the senate; (d) office of financial management; and (e) trade and economic development committee of the house of representatives and the senate economic development and labor committee. The department shall report to the legislature on these activities by January 1991.

*Sec. 306 was partially vetoed, see message at end of chapter.

Sec. 307. Section 313, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF FISHERIES

General Fund Appropriation—State	\$	((54,022,000))
		<u>55,850,000</u>
General Fund Appropriation—Federal	\$	((16,496,000))
		<u>16,700,000</u>
General Fund Appropriation—Private/Local	\$	((5,284,000))
		<u>7,727,000</u>
Aquatic Lands Enhancement Account Appropriation	\$	1,076,000
Total Appropriation	\$	((76,878,000))
		<u>81,353,000</u>

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

(1) \$320,000 of the general fund—state appropriation is provided so that patrol officers, in the course of duty, emphasize vessel registration.

(2) \$100,000 of the general fund—state appropriation is provided solely for monitoring of Navy homeport dredging and dumping.

(3) \$250,000 of the general fund—state appropriation is provided solely for a grant for shellfish studies to the sea grant program at the University of Washington.

~~((5))~~ (4) \$1,810,000 of the general fund—state appropriation is provided solely for recreational salmon enhancement projects.

~~((6))~~ (5) \$41,000 of the general fund—state appropriation is provided to implement Substitute Senate Bill No. 5174 (state hydropower plan).

(6) \$1,480,000 of the general fund—state appropriation is provided solely for attorney general costs, including related support costs and expert witness fees, 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 interests in tribal shellfish litigation (U.S. v. Washington, subproceeding 89-3). The attorney general's costs shall be paid as an interagency reimbursement.

(7) \$90,000 of the general fund—state appropriation is provided solely to meet the department's responsibilities under the Suquamish Indian tribe, Point-No-Point treaty council, and Indian Island Navy shellfish management agreements.

(8) \$211,000 of the general fund—state appropriation is provided solely to fund an investigation of the nuclear inclusion X (NIX) virus as it relates to the state's razor clam population.

Sec. 308. Section 314, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF WILDLIFE

General Fund Appropriation	\$	((9,385,000))
		<u>9,687,000</u>
ORV (Off-Road Vehicle) Account Appropriation	\$	265,000
Aquatic Lands Enhancement Account Appropriation	\$	1,081,000
Public Safety and Education Account Appropriation	\$	566,000
Wildlife Fund Appropriation—State	\$	((41,441,000))
		<u>42,314,000</u>
Wildlife Fund Appropriation—Federal	\$	((15,717,000))
		<u>15,608,000</u>
Wildlife Fund Appropriation—		
Private/Local	\$	2,135,000
Game Special Wildlife Account Appropriation	\$	((466,000))
		<u>503,000</u>
Total Appropriation	\$	((71,056,000))
		<u>72,159,000</u>

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

(1) \$45,000 of the general fund appropriation is provided solely to implement Substitute Senate Bill No. 5174 (state hydropower plan). ~~((If the bill is not enacted by June 30, 1989, the amount provided in this subsection shall lapse.))~~

(2) ~~\$((68,000))~~ 220,000 of the general fund appropriation is provided solely ~~((for contracting))~~ for fire protection and suppression costs on agency lands. Of this amount: (a) \$95,000 is provided solely for contracting for fire protection; (b) \$125,000 is provided solely to cover the actual cost of fire suppression activities.

(3) \$100,000 of the wildlife fund appropriation—state is provided solely for a study of the impact of elk in the Blue Mountains.

(4) \$186,000 of the wildlife fund—state appropriation is provided solely for an elk control plan in the Blue Mountains.

(5) \$80,000 of the wildlife fund—state appropriation is provided solely to implement chapter 110, Laws of 1990 (Second Substitute Senate Bill No. 5845, fish enhancement).

(6) \$125,000 of the general fund appropriation and \$125,000 of the wildlife fund—state appropriation are provided solely for a cooperative effort with the department of agriculture for the control and eradication of purple loosestrife, including surveys, research, and public education.

(7) \$250,000 of the wildlife fund—state appropriation is provided solely for an inventory of critical wildlife habitat.

(8) \$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 governments, 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.

Sec. 309. Section 315, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

General Fund Appropriation—State	\$	((44,540,000))
		46,192,500
General Fund Appropriation—Federal	\$	639,000
General Fund Appropriation—Private/Local	\$	12,000
ORV (Off-Road Vehicle) Account Appropriation—Federal	\$	3,266,000
Geothermal Account Appropriation—Federal	\$	16,000
Forest Development Account Appropriation	\$	((23,074,000))
		23,517,000
Survey and Maps Account Appropriation	\$	((860,000))
		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	\$	((68,432,000))
		<u>69,577,000</u>
Aquatic Land Dredged Material Disposal Site Account Appropriation	\$	((286,000))
		<u>536,000</u>
State Toxics Control Account Appropriation	\$	<u>399,000</u>
<u>Total Appropriation</u>	<u>\$</u>	<u>((144,243,000))</u>
		<u>148,362,500</u>

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

(1) \$4,654,000 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 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 land owners, 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.

NEW SECTION. Sec. 310. FOR THE DEPARTMENT OF NATURAL RESOURCES

General Fund Appropriation \$ 7,000,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is provided solely for the purchase, including related administrative costs, of forest lands suitable for sustainable commercial forestry in areas: (a) In danger of being parceled or converted to nonforest uses; (b) where state acquisition is the most prudent means of retaining such lands in forest uses; and (c) where there is potential for multiple use of the lands consistent with RCW 79.68.050.

(2) Up to twenty-five percent of the revenue from the lands purchased under this section, as determined by the board of natural resources, may be deposited in the forest development account to reimburse the forest development account for expenditures from the account for the management of the lands.

(3) The remainder of the revenue from the lands purchased under this section shall be deposited in the community college forest reserve account hereby created in the state treasury. Moneys in the account may be appropriated by the legislature exclusively for the capital construction needs of the state community college system.

NEW SECTION. Sec. 311. 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 at fair market value. The proceeds from the sale 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 of the land under subsection (2) of this section 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.

(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.

Sec. 312. Section 317, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF AGRICULTURE	
General Fund Appropriation—State	\$ ((+18,780,000))
	<u>19,263,000</u>
General Fund Appropriation—Federal	\$ ((795,000))
	<u>995,000</u>
State Toxics Control Account Appropriation	\$ ((299,000))
	<u>699,000</u>
Total Appropriation	\$ ((+19,874,000))
	<u>20,957,000</u>

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

(1) Authority to expend funds from any source for AIM 2000, the agency information system, is conditioned on compliance with section 802 of this act.

(2) \$1,624,000 of the general fund—state appropriation is provided solely for the implementation of House Bill No. 2222 regarding the regulation of agricultural chemicals. If the bill is not enacted by June 30, 1989, the amount provided in this subsection shall lapse. \$1,224,000 of the amount provided in this subsection shall be supported by increased fees deposited into the general fund in accordance with chapter 15.58 RCW.

(3) \$50,000 of the general fund—state appropriation is provided solely for a survey of apple maggot infestation in northwest Washington counties.

(4) \$66,000 of the general fund—state appropriation is provided solely to implement chapter 202, Laws of 1990 (Engrossed Senate Bill No. 6164, food transport).

(5) \$200,000 of the general fund—state appropriation is provided solely to match an equal amount of federal funds for predator control efforts. The department shall report to the house of representatives appropriations committee and the senate ways and means committee by January 1, 1991, evaluating the effectiveness of the predator control measures implemented under this subsection.

Sec. 313. Section 318, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE STATE CONVENTION AND TRADE CENTER

State Convention/Trade Center Account Ap-

propriation	\$	((22,119,000))
		<u>22,169,000</u>

The appropriation in this section is subject to the following conditions and limitations: \$3,453,000 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 this amount, the center shall not expend more than is projected to be received from revenue generated by the special excise tax that is 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.

Sec. 314. Section 19, chapter 383, Laws of 1989 (uncodified) is amended to read as follows:

The sum of ~~((four hundred))~~ nine hundred thirty-six thousand dollars, or as much thereof as may be necessary, is appropriated from the pollution liability reinsurance program trust account to the Washington pollution liability reinsurance program for the biennium ending June 30, 1991(~~(to carry out the purposes of this act)~~).

PART IV
TRANSPORTATION

Sec. 401. Section 401, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE STATE PATROL

General Fund Appropriation—State	\$	((25,718,000))
		<u>26,037,000</u>
General Fund Appropriation—Federal	\$	161,000
General Fund Appropriation—Private/Local	\$	164,000
Death Investigations Account Appropriation	\$	24,000
State Patrol Highway Account Appropriation	\$	<u>364,000</u>
Total Appropriation	\$	((26,067,000))
		<u>26,750,000</u>

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 ~~((2))~~ (b) for criminal cases that the prosecuting attorney and field administrator of the crime laboratory agree are likely to go to trial.

(2) \$143,000 of the general fund—state appropriation is provided solely to establish and maintain a central computerized registry of convicted adult and juvenile sex offenders pursuant to chapter 3, Laws of 1990.

(3) \$42,000 of the general fund—state appropriation is provided solely to conduct background checks of specified certificated school employees pursuant to chapter 3, Laws of 1990.

(4) \$250,000 of the state patrol highway account appropriation is provided solely for the bicycle awareness program. It is the intent of the legislature that the bicycle awareness program reach the maximum feasible number of children in grades kindergarten through six. These funds shall not be used to supplant existing funds currently allotted for those efforts.

(5) \$65,000 of the state patrol highway account appropriation is provided solely for the acquisition of commercial vehicle enforcement portable scales.

(6) \$49,000 of the state patrol highway account appropriation is provided solely for the department of general administration motor vehicle fleet assessment.

Sec. 402. Section 402, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING

General Fund Appropriation	\$	((19,349,000))
		<u>21,833,000</u>

Ch. 16 WASHINGTON LAWS, 1990 1st Ex. Sess.

Architects' License Account Appropriation	\$	((623,000))
		<u>809,000</u>
Cemetery Account Appropriation	\$	((157,000))
		<u>158,000</u>
Health Professions Account Appropriation	\$	((15,059,000))
		<u>15,122,000</u>
Medical Disciplinary Account Appropriation	\$	1,586,000
Professional Engineers' Account Appropriation	\$	((1,527,000))
		<u>1,853,000</u>
Real Estate Commission Account Appropria- tion	\$	((5,603,000))
		<u>6,302,000</u>
Total Appropriation	\$	((43,904,000))
		<u>47,663,000</u>

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

(1) If uniform commercial code filing fees are increased such that the increase is expected to yield at least \$1,000,000 in additional revenues, then up to \$1,000,000 of the general fund—state appropriation may be expended for department purposes.

(2) If any of the following bills are not enacted by June 30, 1989, a corresponding amount, shown below, from the health professions account appropriation shall lapse:

House Bill No. 1896	\$	9,000
House Bill No. 2126	\$	42,000

(3) Of the general fund—state appropriation, the following amounts are provided solely for the purposes of the following bills. The general fund shall be reimbursed by June 30, 1991, through an assessment of fees sufficient to cover all costs associated with enacting the purposes of the following legislation. If any of the following bills is not enacted by June 30, 1989, a corresponding amount, shown below, from the general fund—state appropriation in this section shall lapse:

House Bill No. 1096	\$	130,000
Engrossed House Bill No. 1917	\$	450,000
Substitute Senate Bill No. 5085	\$	153,000

(4) Authority to expend funds for the licensing application migration project (LAMP) is conditioned on compliance with section 802, chapter 19, Laws of 1989 1st ex. sess.

NEW SECTION. Sec. 403. A new section is added to chapter 6, Laws of 1989 1st ex. sess. to read as follows:

FOR THE AIR TRANSPORTATION COMMISSION

Transportation Fund	\$	275,000
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The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely to implement sections 40 through 44 of Senate Bill No. 6408.

PART V
EDUCATION

Sec. 501. Section 501, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR STATE ADMINISTRATION

General Fund Appropriation—State	\$	((19,774,000))
		<u>19,929,000</u>
General Fund Appropriation—Federal	\$	9,074,000
Public Safety and Education Account Appropriation	\$	409,000
Total Appropriation	\$	((29,257,000))
		<u>29,412,000</u>

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) \$336,000 of the general fund—state appropriation is provided solely for the continuation of the international education and teacher exchange programs.

(3) \$19,000 of the general fund—state appropriation is provided solely for the continuation of the environmental education program.

(4) \$54,000 of the general fund—state appropriation is provided solely for Hispanic drop-out prevention and retrieval.

(5) \$200,000 of the general fund—state appropriation is provided solely for purchase and dissemination to school districts of innovative or multicultural curriculum materials, and for training to implement innovative curricula such as a schools and architecture program. The superintendent of public instruction shall select materials based on unusual potential for stimulating new instructional methods, student interest and understanding of academic subjects, or cultural and ethnic awareness.

(6) \$((25,000)) 50,000 of the general fund—state appropriation is provided solely for continued development of educational outcomes measures and field testing in local school districts, including: Development of a model writing assessment program at three grade levels; definitions of measurements for academic skills and mastery of key curriculum concepts; a follow-up survey of high school graduates; uniform reporting forms for data collection and display; and an instrument for identifying successful schools.

In performing these activities, the superintendent shall consult with an advisory committee on outcomes-based education, comprising one representative of each of the selected field test projects, one representative of each twenty-first century schools project that has selected the outcomes measures as its evaluative tool, and two members who participated in the temporary committee on the assessment and accountability of educational outcomes.

(7) \$30,000 of the general fund—state appropriation is provided solely to implement Second Substitute Senate Bill No. 5835 establishing an energy information program for use in local school districts.

(8) \$100,000 of the general fund—state appropriation is provided solely for the development of an informational brochure on enrollment options. The brochure shall be distributed to local school districts for dissemination to parents and students.

Sec. 502. Section 502, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR GENERAL APPORTIONMENT (BASIC EDUCATION)

General Fund Appropriation \$~~((4,323,885,000))~~
4,340,690,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$~~((14,003,000))~~ 419,407,000 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 ~~((d) and))~~ (c) and (f) of this subsection, if the staffing allocations generated under (a) of this subsection exceed those generated under ~~((d) and))~~ (c) 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 ~~((c))~~ (d) through ~~((f))~~ (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.

~~((c))~~ (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 ~~((-except that))~~ 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;

~~((d))~~ (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.

~~((e))~~ (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.

~~((f))~~ (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 ~~((f))~~ (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.

~~((g))~~ (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.

~~((h))~~ (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) ~~((d))~~ (c) through ~~((h))~~ (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 ~~((d))~~ (e) through ~~((h))~~ (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)~~((c))~~ (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 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 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 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 ((5.74)) 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 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) 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.

NEW SECTION. Sec. 503. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—SUPPLIES, MATERIALS, AND EQUIPMENT

General Fund Appropriation \$ 43,000,000

The appropriation in this section is subject to the following conditions and limitations:

(1) 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.

(2) \$38,000,000 is provided solely for the purchase of nonconsumable instructional supplies, equipment, books, and nonconsumable materials. The superintendent of public instruction shall allocate funds in fiscal year 1991 based on the full time equivalent enrollment in kindergarten through grade twelve. These funds shall not be used for supplemental contracts under RCW 28A.58.0951(4). A district receiving funds from this amount shall not reduce or supplant its current level of expenditure for supplies, equipment, or materials. From this amount, school districts are encouraged to maximize allocations provided directly to each school building, allowing school building-level staff to decide the use of the moneys and the specific items purchased.

(3) \$5,000,000 is provided solely for the purchase of new and replacement vocational-education equipment in fiscal year 1991 for use primarily in approved vocational-secondary and skill center programs. These moneys shall be allocated to school districts during the 1991 fiscal year on the basis of full time equivalent enrollment in vocational programs.

Sec. 504. Section 503, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—BASIC EDUCATION EMPLOYEE COMPENSATION INCREASES

General Fund Appropriation \$ ((~~196,128,000~~))
221,451,000

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 ~~((May 7, 1989))~~ 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) ~~\$(7,492,000))~~ 7,517,000 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) ~~\$(27,903,000))~~ 30,396,000 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 (~~(3.12)~~) 4.16 percent of the 1988-89 state-wide average classified salary shown on LEAP Document 12, multiplied by incremental fringe benefits.

(5) ~~\$(160,733,000)~~ 183,538,000 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

1989-90 STATE-WIDE SALARY ALLOCATION SCHEDULE
FOR INSTRUCTIONAL STAFF

Years of Service	BA+90	BA+135	MA	MA+45	MA+90 or PHD
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	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				<u>32,174</u>

1990-91 STATE-WIDE SALARY ALLOCATION SCHEDULE
FOR INSTRUCTIONAL STAFF

Years of Service	BA	BA+15	BA+30	BA+45
13				
14 ((or more))				
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	<u>36,762</u>	38,573	36,786	39,154	40,892
((or more))					
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 in-service 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 certification 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. 505. Section 504, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—CATEGORICAL PROGRAM SALARY INCREASES

General Fund Appropriation	\$	((38,730,000))
		<u>45,361,000</u>

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 ~~\$((13,400,000))~~ 15,010,000 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 \$~~((40.13))~~ 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 \$~~((22.99))~~ 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 \$~~((23.78))~~ 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 \$~~((205.01))~~ 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 \$~~((1.18))~~ 1.35 per weighted pupil-mile for the 1990-91 school year.

(3) A maximum of \$~~((25,330,000))~~ 30,351,000 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. 506. Section 505, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR SCHOOL EMPLOYEE INSURANCE BENEFIT INCREASES

General Fund Appropriation \$ ~~((21,111,000))~~
25,695,000

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 ~~((in the 1989-90 and 1990-91 school years, effective October 1, 1989;))~~ 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 ~~\$(16,939,000))~~ 20,465,000 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 ~~\$(2,226,000))~~ 2,843,000 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 ~~\$(108,000))~~ 130,000 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 ~~\$(1,838,000))~~ 2,257,000 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. 507. Section 507, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR PUPIL TRANSPORTATION
General Fund Appropriation \$ ~~((250,821,000))~~
252,938,000

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 ~~\$((111,468,000))~~ 112,197,000 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. 508. Section 508, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR VOCATIONAL-TECHNICAL INSTITUTES AND ADULT EDUCATION AT VOCATIONAL-TECHNICAL INSTITUTES
General Fund Appropriation \$ ~~((82,884,000))~~
83,284,000

The appropriation in this section is subject to the following conditions and limitations:

- (1) Funding for vocational programs during the 1989-90 school year shall be distributed at a rate of \$3,267 per student for a maximum of 12,655 full time equivalent students. This amount includes \$154 per student solely to replace out-of-date or worn-out equipment.
- (2) Funding for vocational programs during the 1990-91 school year shall be distributed at a rate of \$3,268 per student for a maximum of 12,655 full time equivalent students. This amount includes \$154 per student solely to replace out-of-date or worn-out equipment.
- (3) Funding for adult basic education programs during the 1989-90 school year shall be distributed at a rate of \$1.46 per hour of student service for a maximum of 288,690 hours.

(4) Funding for adult basic education programs during the 1990-91 school year shall be distributed at a rate of \$1.48 per hour of student service for a maximum of 288,690 hours.

(5) \$400,000 of the appropriation is provided solely for pilot programs established under section 5(4) of Engrossed Senate Bill No. 6411. The pilot programs shall use innovative approaches for integrating adult education instruction with vocational training. If the bill is not enacted by June 30, 1990, the amount provided in this subsection shall lapse.

(6)(a) For the 1989-90 and 1990-91 school years, school districts receiving allocations under this section may not increase direct or indirect charges for central district administrative support for vocational technical institute programs above the percentage rate charged in the 1988-89 school year. This restriction on use of vocational technical institute funding for central administrative costs shall apply to state grants under this section and any federal grants, tuition, and other revenues generated by vocational technical institute programs. The remaining funding shall be expended solely for vocational training programs and related adult education programs conducted by vocational technical institutes.

(b) The vocational technical institutes shall develop an inventory of all facilities, equipment, and real or personal property, excluding consumable supplies, acquired for or in use by vocational technical institutes as of April 1, 1990. The office of financial management shall assist the vocational technical institutes in obtaining third party verification of the inventory. School districts receiving grants under this section shall not remove inventoried facilities, equipment, or property from the jurisdiction or use of the vocational technical institutes so as to benefit or be available for use in other K-12 programs.

Sec. 509. Section 510, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR HANDICAPPED EDUCATION PROGRAMS

General Fund Appropriation—State	\$ ((503,593,000))
	528,627,000
General Fund Appropriation—Federal	\$ 59,000,000
Total Appropriation	\$ ((562,593,000))
	587,627,000

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

(1) \$((48,111,000)) 48,101,000 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 ~~\$(440,000))~~ 527,000 may be expended from the general fund—state appropriation to fund ~~((4.66))~~ 5.43 full time equivalent teachers and ~~((one aide))~~ 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. 510. Section 513, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR LOCAL EFFORT ASSISTANCE

General Fund Appropriation \$ ~~((82,700,900))~~
95,844,000

The appropriation in this section is subject to the following conditions and limitations: \$((82,700,000)) 95,844,000 is provided for state matching funds pursuant to RCW 28A.41.155.

Sec. 511. Section 515, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR INSTITUTIONAL EDUCATION PROGRAMS	
General Fund Appropriation—State	\$ ((20,566,000))
	<u>21,939,000</u>
General Fund Appropriation—Federal	\$ 8,006,000
Total Appropriation	\$ ((28,572,000))
	<u>29,945,000</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) \$((+0,+65,000)) 11,374,000 of the general fund—state appropriation is provided solely for the 1989–90 school year, distributed as follows:

(a) \$((3,293,000)) 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 \$((+0,903)) 11,144 per full time equivalent student.

(b) \$((3,647,000)) 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 \$((6,728)) 6,750 per full time equivalent student.

(c) \$((+18,000)) 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,+66)) 5,344 per full time equivalent student.

(d) \$((727,000)) 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 \$((+772)) 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) \$((2,080,000)) 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 \$((4,871)) 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 $\$((10,847))$ 11,128 per full time equivalent student and a total allocation of no more than $\$((2,885,000))$ 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 $\$((6,741))$ 6,761 per full time equivalent student and a total allocation of no more than $\$((3,701,000))$ 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 $\$((5,177))$ 5,489 per full time equivalent student and a total allocation of no more than $\$((419,000))$ 445,000 for that school year.

(d) State funding for juvenile parole learning center programs may be distributed at a maximum rate averaged over all of these programs of $\$((1,789))$ 2,021 per full time equivalent student and a total allocation of no more than $\$((723,000))$ 816,000 for that school year, 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 $\$((4,882))$ 4,987 per full time equivalent student and a total allocation of no more than $\$((2,080,000))$ 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 subsections (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. 512. Section 516, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR PROGRAMS FOR HIGHLY CAPABLE STUDENTS	
General Fund Appropriation	\$ ((7,090,000))
	<u>7,115,000</u>

The appropriation in this section is subject to the following conditions and limitations:

(1) \$((534,000)) 532,000 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 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. 513. Section 517, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR SCHOOL DISTRICT SUPPORT	
General Fund Appropriation—State	\$ ((5,684,000))
	<u>5,784,000</u>
General Fund Appropriation—Federal	5,131,000
Total Appropriation	\$ ((10,815,000))
	<u>10,915,000</u>

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) \$2,029,000 of the general fund—state appropriation is provided solely for operation by the educational service districts of regional computer demonstration centers and computer information centers.

(4) \$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).

(5) \$1,500,000 of the general fund—state appropriation is provided solely for training of paraprofessional classroom assistants and classroom teachers to whom the assistants are assigned. The funding is intended to provide a training program of at least twenty-five hours for approximately one thousand classroom assistants, and at least a one-day training program for approximately two thousand assigned teachers. A maximum of \$175,000 of this amount may be spent by the superintendent for state administrative costs of this program.

(6) \$350,000 of the general fund—state appropriation is provided solely for grants to school districts for multicultural inservice training. In the 1990-91 school year, grants may be provided for up to ten school districts. Districts shall be selected according to the percentage of their minority student population and their demonstrated need to address disproportionality in student achievement.

(7) \$100,000 of the general fund—state appropriation is provided solely to contract with the Henry M. Jackson school of international studies at the University of Washington to provide inservice training programs, technical assistance to school districts, and dissemination of curriculum materials related to international education.

Sec. 514. Section 518, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR SPECIAL AND PILOT PROGRAMS

General Fund Appropriation—State	\$	((15,991,000))
		<u>25,141,000</u>
General Fund Appropriation—Federal	\$	((5,973,000))
		<u>7,857,000</u>
Total Appropriation	\$	((21,964,000))
		<u>32,998,000</u>

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

(1) \$1,731,000 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. \$815,000 of this amount is provided to expand the travelling van program to serve approximately 50 percent of public elementary schools annually, and to expand the on-site instruction program to serve approximately 70,000 students and teachers each year.

(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) ~~\$(3,975,000)~~ 5,759,000 of the general fund—federal appropriation is provided solely for substance abuse prevention programs.

(4) ~~\$(5,719,000)~~ 7,429,000 of the general fund—state appropriation ~~((and \$1,710,000 of the general fund—federal appropriation are))~~ is provided solely for the schools for the twenty-first century pilot programs established by RCW 28A.100.030 through 28A.100.068. ~~((The general fund—federal appropriation shall be expended))~~ \$1,710,000 of this amount is provided solely to establish a maximum of twelve new projects in fiscal year 1991.

(5) \$3,560,000 of the general fund—state appropriation is provided solely for the beginning teachers assistance program established under RCW 28A.67.240. Moneys shall be distributed under this subsection at a maximum rate per mentor/beginning teacher team of \$1,780 per year.

(6) \$204,000 of the general fund—state appropriation is provided solely for child abuse education provisions of RCW 28A.03.512 through 28A.03.514.

(7) \$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.130.010 through 28A.130.020. 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.

(8) \$82,000 of the general fund—state appropriation is provided solely for in-service training and other costs associated with the development of a comprehensive K-12 health education curriculum, including an integral component relating to acquired immunodeficiency syndrome.

(9) ~~\$(250,000)~~ 500,000 of the general fund—state appropriation is provided solely for the continuation in the 1989-90 and 1990-91 school

years of student teaching pilot projects initially established under ((En-grossed Senate Bill No. 5826. If the bill is not enacted by June 30, 1989; the amount provided in this subsection shall lapse)) RCW 28A.70.400.

(10) ~~\$(2,712,000)~~ 1,202,000 of the general fund—state appropriation and ~~\$(288,000)~~ 1,998,000 of the general fund—federal appropriation are provided solely for grants for drop-out prevention and retrieval programs established under RCW 28A.120.060 through 28A.120.072. The general fund—federal appropriation shall be allocated to school districts for projects that meet federal criteria for targeted services eligible for funding under chapter 2 of the education consolidation and improvement act, to assist in establishing new services and innovative programs for students at risk. \$200,000 of the amounts provided in this subsection is provided solely for grants to a school district or districts participating in a drop-out tracking project established by the superintendent of public instruction. Districts participating in the drop-out tracking project shall contact students who have dropped out of school; gather information on their reasons for leaving school and on any subsequent educational or employment experiences; provide information on educational programs and community resources; and assist the students in taking advantage of these opportunities. The superintendent of public instruction shall compile and analyze the data gathered, disseminate the information and analyses, make recommendations, and develop a model drop-out tracking program.

(11) (a) \$126,000 of the general fund—state appropriation is provided solely to establish and operate a toll-free telephone number at the Lifeline Institute to assist school districts in youth suicide prevention.

(b) \$100,000 of the general fund—federal appropriation is provided solely for youth suicide prevention and intervention services, of which \$50,000 is provided solely for the south King county multi-service center and \$50,000 is provided solely for the youth suicide prevention center of Bothell.

(12) \$450,000 of the general fund—state appropriation is provided solely for: grants to school districts in the 1990-91 school year 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.

(13) \$750,000 of the general fund—state appropriation is provided solely to contract for teacher training in identification and prevention of child abuse.

(14) \$4,500,000 of the general fund—state appropriation is provided solely for early intervention and prevention services. Early intervention and prevention services include but are not limited to services provided by school

counselors, school psychologists, school nurses, school social workers, licensed mental health professionals, child psychiatrists, appropriate health care providers, and social service caseworkers or social workers on contract. Services may be provided by private contractors. School districts and educational service districts receiving moneys under this subsection shall be required to establish formal agreements for coordinated case management with lead mental health agencies and other public or private social service agencies in the community. The allocations may be used to hire additional staff, to contract for staff or services, or to conduct training related to the district's early intervention and prevention program. 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. Each school district or educational service district that receives a grant under this subsection shall conduct an evaluation of the effectiveness of its intervention program and submit a report to the superintendent of public instruction by June 30, 1991.

(15) \$1,500,000 of the general fund—state appropriation is provided solely for grants to 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 not be used to supplant other moneys used previously for magnet schools, other than to offset reductions in total federal magnet school grants received by the district. 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.

(16) \$250,000 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.

(17) \$1,250,000 of the general fund—state appropriation is provided solely for start-up grants for before- and after-school child care programs for school-age children. A school district may receive a grant under this subsection only if the district has adopted a fee schedule based on the projected costs of services and has submitted to the superintendent of public instruction an operating plan demonstrating that, after its initial twenty-four months of operation, the program is expected to be fully supported through fees and other local revenues. The grants may be used for establishing new programs or for expanding existing programs, but may not be used for costs incurred more than twenty-four months after the establishment of a before- and after-school program at a particular site. No grant may support more than seventy-five percent of a district's program costs during the initial twenty-four months. The grants may be used for community needs assessments, planning and design of programs, equipment and supplies, capital improvements including portables, and compensation costs, for the first three months of employment only, for employees filling new positions. School districts shall be selected to receive grants based on documented demand for expansion of child care services and, in particular, demand from low-income families.

(18) If state-level administrative costs are necessary to implement subsections (13) through (17) of this section, the superintendent of public instruction shall not expend more than two percent from the moneys provided under subsections (13) through (17) of this section for state-level administrative costs.

Sec. 515. Section 520, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR TRANSITIONAL BILINGUAL PROGRAMS
General Fund Appropriation \$ ((+4,772,000))
17,035,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$((+476,000)) 1,521,000 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. 516. Section 521, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR THE LEARNING ASSISTANCE PROGRAM

General Fund Appropriation	\$	((70,417,000))
		<u>71,839,000</u>

The appropriation in this section is subject to the following conditions and limitations:

(1) \$~~((5,899,000))~~ 5,847,000 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.

Sec. 517. Section 523, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—LOCAL EDUCATION PROGRAM ENHANCEMENT FUNDS

General Fund Appropriation	\$	54,463,000
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The appropriation in this section is subject to the following conditions and limitations:

(1) \$5,053,000 of the general fund appropriation is provided solely for the remaining months of the 1988-89 school year.

(2) A school district may be eligible to receive an allocation from this appropriation if the school district's board of directors has:

- (a) Assessed the needs of the schools within the district;
- (b) Prioritized the identified needs; and
- (c) Developed an expenditure plan for the allocation and an evaluation methodology to assess benefits to students.

(3) 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.

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.

(4)(a) Allocations to eligible school districts for the 1989-90 and 1990-91 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

(iii) 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.48.010.

NEW SECTION. Sec. 518. FOR THE STATE BOARD OF EDUCATION

Common School Construction Fund Appropria-
tion \$ 156,430,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is provided solely for public school building construction.

(2) Funding for common school construction and modernization in fiscal year 1991 is provided for projects for which the voters of a school district have authorized bonds prior to January 1, 1990, as identified in Table 14 of the report of the superintendent of public instruction dated March 28, 1990.

(3) During the 1989-91 biennium, any funding of projects subsequent to the July 1990 priority funding process shall be limited to modernization projects that are ready to proceed to construction prior to June 30, 1991.

PART VI
HIGHER EDUCATION

Sec. 601. Section 601, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

The appropriations in sections 602 through 608 of this act are subject to the following conditions and limitations:

(1) For the purposes of this section and sections 602 through 608 of this act, "institutions of higher education" means the institutions receiving appropriations pursuant to sections 602 through 608 of this act.

(2)(a) Student Quality Standard: Each institution shall adhere to biennial budgeted enrollment levels. During the 1989-91 fiscal biennium, each institution of higher education shall not spend less than the average biennial amount listed in this subsection per full time equivalent student, plus or minus two percent. The amounts include 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	\$	9,270
Washington State University	\$	7,496
Eastern Washington University	\$	5,495
Central Washington University	\$	5,610
The Evergreen State College	\$	6,905
Western Washington University	\$	5,339
State Board for Community College Education	\$	3,281

(b) Facilities Quality Standard: During the 1989-91 biennium, no institution of higher education may allow its expenditures for plant operation and maintenance to fall more than five percent below the general fund—state appropriation and the general fund—local amounts allotted for this purpose.

(3)(a) The following are maximum amounts that each institution may spend from the appropriations in sections 602 through 608 and 610 of this act for ((faculty, graduate assistants, and exempt)) staff salary increases on January 1, 1990, and January 1, 1991, excluding classified staff salary increases, and are subject to all the limitations contained in this section. ((For the purpose of allocating these funds, "faculty" includes all instructional and research faculty, teaching and research assistants, academic deans, department chairpersons, librarians, and community college counselors who are not part of the state classified service system. "Exempt staff" includes all professional and administrative employees who are not part of the state classified service system.)) The amount shown for the state board for community college education may be used for compensation increases pursuant to chapter 135, Laws of 1990.

University of Washington	\$	((18,348,000))	
			<u>18,416,000</u>
Washington State University	\$	((9,603,000))	
			<u>9,245,000</u>
Eastern Washington University	\$	((2,864,000))	
			<u>2,836,000</u>
Central Washington University	\$	((2,553,000))	
			<u>2,409,000</u>
The Evergreen State College	\$	((1,210,000))	
			<u>1,206,000</u>
Western Washington University	\$	((3,435,000))	
			<u>3,259,000</u>
State Board for Community College Education	\$	((19,753,000))	
			<u>20,415,000</u>
Higher Education Coordinating Board	\$		66,000

(b) For the January 1, 1990, salary increases, the amounts listed in (a) of this subsection are intended to provide faculty, exempt staff, teaching and research assistants, and medical residents at each four-year institution and the community college system as a whole, a maximum of the average percentage increase indicated in this subsection, including increments((-listed below on the effective dates indicated:)). For the purpose of allocating these funds, "faculty" includes all instructional and research faculty, teaching and research assistants, academic deans, department chairpersons, librarians, and community college counselors who are not part of the state classified

service system. "Exempt staff" includes all professional and administrative employees who are not part of the state classified service system.

((Faculty and Exempt Staff))

	January 1, 1990	((January 1, 1991))
University of Washington	6.1%	((6.1%))
Washington State University	6.1%	((6.1%))
Eastern Washington University	6.4%	((6.4%))
Central Washington University	6.4%	((6.4%))
The Evergreen State College	6.4%	((6.4%))
Western Washington University	6.4%	((6.4%))
State Board for Community College Education	6.2%	((6.2%))
Exempt staff (all institutions)	2.5%	((6.0%))
Higher Education Coordinating Board	2.5%	((6.0%))

(c) For the January 1, 1991, salary increase, consistent with the office of financial management classification study under this section, the following employee classifications shall receive as a whole, a maximum of the average percentage increase indicated in this subsection: Faculty, academic administrators, academic librarians, and teaching/research assistants.

	January 1, 1991
University of Washington	6.1%
Washington State University	6.1%
Eastern Washington University	6.4%
Central Washington University	6.4%
The Evergreen State College	6.4%
Western Washington University	6.4%

(d) For the January 1, 1991, salary increase, consistent with the office of financial management classification study under this section, the following employee classifications shall receive as a whole, a maximum of the average percentage increase indicated in this subsection: Four-year counselors, administrators, and other professionals.

	January 1, 1991
University of Washington	6.0%
Washington State University	6.0%
Eastern Washington University	6.0%
Central Washington University	6.0%
The Evergreen State College	6.0%
Western Washington University	6.0%
Higher Education Coordinating Board	6.0%

(c) Effective, January 1, 1991, community college faculty and exempt staff shall receive an average 6.2 percent salary increase, including increments. "Community college faculty" includes all community college instructional faculty, librarians, and counselors who are not part of the state classified service system. "Exempt staff" includes all presidents, chancellors, administrative deans, and professional personnel who are exempt from the state classified service system.

(f) Regardless of whether the maximum amounts authorized in this subsection are granted, they will be considered granted by the higher education coordinating board when comparing faculty salaries to other institutions for the purpose of determining salary increase requirements.

~~((d))~~ (g) 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.

~~((e))~~ (h) The state board for community college education shall allocate the amounts authorized in this subsection among the community college districts according to policies and guidelines established by the board that may include policies for achieving more equitable salary levels among districts and more equitable salary levels between part-time and full-time faculty.

(4) The following amounts from the appropriations in sections 602 through 608 of this act, or as much thereof as may be necessary, shall be spent to provide higher education personnel board classified employees with a 2.5 percent across-the-board salary increase effective January 1, 1990, and an additional 6.0 percent across-the-board salary increase effective January 1, 1991. These increases shall be implemented in compliance and conformity with all requirements of the comparable worth agreement ratified by 1986 Senate Concurrent Resolution No. 126. No salary increase may be paid under this subsection to any person whose salary has been Y-rated pursuant to rules adopted by the higher education personnel board.

University of Washington	\$	4,484,000
Washington State University	\$	2,950,000
Eastern Washington University	\$	747,000
Central Washington University	\$	574,000
The Evergreen State College	\$	427,000
Western Washington University	\$	792,000
State Board for Community College Education	\$	4,011,000
Higher Education Coordinating Board	\$	35,000

(5) The following amounts from the appropriations in sections 602 through 608 of this act are provided solely for student employee salary increases:

University of Washington	\$	130,000
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Washington State University	\$	73,000
Eastern Washington University	\$	21,000
Central Washington University	\$	18,000
The Evergreen State College	\$	9,000
Western Washington University	\$	25,000
State Board for Community College Education	\$	142,000

(6) Any institution that grants an average salary increase in excess of the amounts authorized in subsection (3) of this section is ineligible to receive any funds appropriated for salary increases in sections 603 through 608 of this act. Any community college district that grants an average salary increase in excess of the amounts authorized in subsection (3) of this section, as allocated by the state board for community college education, is ineligible to receive any funds appropriated for salary increases in section 602 of this act. The office of financial management shall adjust an institution's allotment as necessary to enforce the restrictions imposed by this section.

(7) The office of financial management shall by November 1, 1989, develop an employee classification system for the purpose of allocating the appropriations in this act for higher education salary increases. In developing the classification system, the office of financial management shall consult with the institutions of higher education, the senate committee on ways and means, and the house of representatives committee on appropriations. The classification system shall be consistent among the institutions and shall provide for uniform application of each employee classification, including instructional and research faculty, academic and administrative deans, department chairpersons, exempt and classified staff, presidents, chancellors, vice-presidents, librarians, and counselors. ~~((An institution of higher education shall not grant any salary increase under this section unless the office of financial management determines that the increase is consistent with the classification system required by this subsection.))~~ It is the intent of the legislature to adjust the appropriations in this act during the 1990 legislative session to reflect the classification system; the appropriation adjustments shall result in a total expenditure level that is less than or equal to the total amount allocated for salary increases under this section to all institutions. The classification system shall be used solely for the purpose of salary increase allocations for the January 1, 1991, increase under this section and shall not affect any employee rights under the state higher education personnel law, chapter 28B.16 RCW.

(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. 602. Section 602, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION

General Fund Appropriation \$ ~~((629,466,000))~~
633,678,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The state board for community college education shall establish compensation guidelines for salary levels of the top administrative position at community colleges. The guidelines should take into account criteria such as institutional size, level of responsibility, experience, and longevity.

~~((3))~~ (2) The enrollment increases funded by this appropriation shall be distributed among all the community college districts based on the weighted percentage enrollment plan developed by the state board for community college education, and contained in the legislative budget notes.

~~((4))~~ (3)(a) At least \$400,000 shall be spent on assessment of student outcomes. The institutions shall strive to improve the quality of instruction in areas such as instructor contact time and student writing requirements.

(b) At least \$1,620,000 shall be spent on college-specific assessment of student outcomes. The state board for community college education shall approve college-specific assessment plans before releasing funds to the individual community colleges. The institutions shall strive to improve the quality of instruction in areas such as instructor contact time and student writing requirements.

~~((5))~~ (4) At least \$50,000 shall be spent to fund the comparable worth salary adjustments for employees in community college childcare centers.

~~((6))~~ (5) \$5,430,000 is provided to enhance the institution's appropriation for equipment.

(6) \$1,350,000 is provided solely for deposit in the community college faculty awards trust fund for expenditure pursuant to chapter 29, Laws of 1990.

(7) \$580,000 is provided solely for the pilot projects authorized under section 5(2) of Senate Bill No. 6411. If the bill is not enacted by June 30, 1990, the amount provided in this subsection shall lapse.

Sec. 603. Section 603, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE UNIVERSITY OF WASHINGTON

General Fund Appropriation	\$	((613,671,000))
		<u>615,849,000</u>
Medical Aid Fund Appropriation	\$	3,518,000
Accident Fund Appropriation	\$	3,517,000
Death Investigations Account Appropriation	\$	957,000
Total Appropriation	\$	((621,663,000))
		<u>623,841,000</u>

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

(1) At least \$6,620,000 of the general fund appropriation shall be spent to begin off-campus upper-division course offerings in Tacoma and Bothell.

(2) The University of Washington shall establish an evening degree credit program. ~~\$((391,000))~~ 1,651,000 of the general fund appropriation is provided ~~((to facilitate))~~ solely for this purpose.

(3) At least \$400,000 shall be spent on assessment of student outcomes. The institution shall strive to improve the quality of instruction in areas such as professor contact time and student writing requirements.

(4) \$4,587,000 is provided to enhance the institution's appropriation for equipment.

(5) \$250,000 of the general fund appropriation is provided solely for the mathematics, engineering, and science achievement program (MESA) pursuant to Engrossed House Bill No. 2413. If the bill is not enacted by June 30, 1990, the amount provided in this subsection shall lapse.

(6) \$500,000 of the general fund appropriation is provided solely for the Warren G. Magnuson institute trust fund, pursuant to Second Substitute House Bill No. 2443 (Magnuson biomedical institute). If the bill is not enacted by June 30, 1990, the amount provided in this subsection shall lapse.

(7) \$100,000 of the general fund appropriation is provided solely for the pacific northwest leadership conference to be conducted by the University of Washington's institute for public policy and management.

Sec. 604. Section 604, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR WASHINGTON STATE UNIVERSITY

General Fund Appropriation	\$	((337,969,000))
		<u>337,973,000</u>

The appropriation in this section is subject to the following conditions and limitations:

(1) At least \$2,012,000 shall be spent to expand upper-division and graduate off-campus course offerings.

(2) Washington State University shall continue funding three faculty positions associated with Tri-Cities diversification.

(3) At least \$400,000 shall be spent on assessment of student outcomes. The institution shall strive to improve the quality of instruction in areas such as professor contact time and student writing requirements.

(4) \$1,237,000 is provided to enhance the institution's appropriation for equipment.

(5) \$300,000 is provided solely for implementing programs for gender equity in athletics.

(6) \$337,000 is provided solely for the instructional programs at the Tri-Cities branch campus.

Sec. 605. Section 605, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR EASTERN WASHINGTON UNIVERSITY

General Fund Appropriation \$ ((92,656,000))
92,744,000

The appropriation in this section is subject to the following conditions and limitations:

(1) It is intended that enrollment increases be directed to resident students and that priority be given to students seeking entrance to upper-division courses with the intent to complete a bachelor's degree.

(2) At least \$400,000 shall be spent on assessment of student outcomes. The institution shall strive to improve the quality of instruction in areas such as professor contact time and student writing requirements.

(3) \$516,000 is provided to enhance the institution's appropriation for equipment.

Sec. 606. Section 606, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR CENTRAL WASHINGTON UNIVERSITY

General Fund Appropriation \$ ((78,366,000))
78,666,000

The appropriation in this section is subject to the following conditions and limitations:

(1) It is intended that enrollment increases be directed to resident students and that priority be given to students seeking entrance to upper-division courses with the intent to complete a bachelor's degree.

(2) At least \$599,000 shall be spent to provide upper-division courses in Yakima.

(3) At least \$400,000 shall be spent on assessment of student outcomes. The institution shall strive to improve the quality of instruction in areas such as professor contact time and student writing requirements.

(4) \$316,000 is provided to enhance the institution's appropriation for equipment.

(5) \$560,000 is provided solely for the purchase of a twin-engine flight simulator. Any additional cost shall be paid by private donations.

Sec. 607. Section 607, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE EVERGREEN STATE COLLEGE

General Fund Appropriation	\$	((48,375,000))
		<u>49,005,000</u>

The appropriation in this section is subject to the following conditions and limitations:

(1) It is intended that enrollment increases be directed to resident students and that priority be given to students seeking entrance to upper-division courses with the intent to complete a bachelor's degree.

(2) At least \$400,000 shall be spent on assessment of student outcomes. The institution shall strive to improve the quality of instruction in areas such as professor contact time and student writing requirements.

(3) \$377,000 is provided to enhance the institution's appropriation for equipment.

(4) \$315,000 is provided to the Washington state institute for public policy at The Evergreen State College for the purpose of beginning a research and evaluation effort to examine the effectiveness of sex offender and victims' programs, including treatment, pursuant to chapter 3, Laws of 1990. The institute may allocate moneys to research projects to assist the research and evaluation. Decisions regarding the allocation of moneys shall be made in consultation with an advisory panel. The advisory panel shall establish criteria to ensure that the funded projects meet the highest standards of methodological rigor and will be of value to state policy makers. In order to provide timely information to policy makers, a portion of the projects shall cover retrospective studies and another portion shall involve the design of longitudinal studies. The institute shall consider applicants from for-profit and nonprofit organizations in addition to public universities and colleges in making awards under this subsection. The advisory panel shall consist of:

(a) Three academicians from state public and private universities, to be selected by the institute's board of directors;

(b) The secretary of corrections or the secretary's designee;

(c) One legislator appointed by the majority leader of the senate and one legislator appointed by the speaker of the house of representatives;

(d) A representative of crime victims, to be appointed by the governor; and

(e) The research director of the sentencing guidelines commission.

The institute shall submit a report to the appropriate fiscal and policy committees of the legislature by November 1, 1990, on the retrospective study portion of the research and submit a progress report on the evaluation effort and longitudinal study design.

(5) \$140,000 is provided solely for the study "Special Sex Offender Sentencing Alternative: A Study of Recidivism and Community Attitudes"

to be conducted by the Washington institute of public policy through the Harborview Medical Center's special assault center and its subcontractors in satisfaction of the requirement in RCW 9.94A.124 to study the effectiveness of the special sexual sentencing standard.

Sec. 608. Section 608, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR WESTERN WASHINGTON UNIVERSITY

General Fund Appropriation	\$	((102,936,000))
		<u>102,760,000</u>

The appropriation in this section is subject to the following conditions and limitations:

- (1) It is intended that enrollment increases be directed to resident students and that priority be given to students seeking entrance to upper-division courses with the intent to complete a bachelor's degree.
- (2) At least \$400,000 shall be spent on assessment of student outcomes. The institution shall strive to improve the quality of instruction in areas such as professor contact time and student writing requirements.
- (3) \$805,000 is provided to enhance the institution's appropriation for equipment.

Sec. 609. Section 610, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE HIGHER EDUCATION COORDINATING BOARD

General Fund Appropriation—State	\$	((58,248,000))
		<u>63,587,300</u>
General Fund Appropriation—Federal	\$	4,152,000
State Educational Grant Account Appropriation	\$	40,000
Total Appropriation	\$	((62,440,000))
		<u>67,779,300</u>

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

- (1) \$53,943,000 of the general fund—state appropriation is provided solely for student financial aid, including administrative costs. Of that amount:
 - (a) At least \$18,100,000 shall be expended for work study grants;
 - (b) \$31,609,000 of the general fund—state appropriation is provided solely for the state need grant program. The need grant award to any individual shall not exceed the amount received by a student attending a state research university;
 - (c) \$250,000 is provided solely for additions to the conditional scholarship program for nurses;
 - (d) \$300,000 is provided solely for additions to the conditional scholarship program for teachers;

(c) \$500,000 is provided solely for the educational opportunity grant program;

(f) \$100,000 is provided solely for a community scholarship demonstration project to make matching awards of \$2,000 to community scholarship foundations that:

(i) After the effective date of this act, begin a higher education scholarship program and raise at least \$2,000 for the program;

(ii) Obtain and maintain tax-exempt status under section 501(c)(3) of the internal revenue code for the fund supporting the scholarship program; and

(iii) Have not previously received a matching award from the amount provided in this subsection (1)(f).

(2) \$70,000 of the general fund—state appropriation is provided solely for the rural physician and midwife scholarship program as prescribed in Second Substitute Senate Bill No. 6418. \$20,000 of this amount is for program administration. If the bill is not enacted by June 30, 1990, the amount provided in this subsection shall lapse.

(3) \$71,300 of the general fund—state appropriation is provided solely for the development of a state plan for nursing education under section 713, chapter 9, Laws of 1989 1st ex. sess.

(4) \$321,000 of the general fund—state appropriation is provided solely for the summer motivation and academic residential training program (SMART). This demonstration project shall include an analysis of the subsequent high school performance of former participants, including their grades, attendance, and graduation rates.

(5) \$3,000,000 of the general fund—state appropriation is provided for transfer to the Washington distinguished professorship trust fund.

(a) For the biennium ending June 30, 1991, all appropriations to the Washington distinguished professorship trust fund shall be allocated as provided in this subsection. The state treasurer shall reserve the following amounts in the trust fund for distribution to four-year higher education institutions at such time as qualifying gifts for distinguished professorships have been deposited pursuant to RCW 28B.10.866 through 28B.10.874:

(i) \$1,250,000 of the appropriation for the University of Washington;

(ii) \$750,000 of the appropriation for Washington State University;

and

(iii) \$1,000,000 of the appropriation divided among Eastern Washington University, Central Washington University, Western Washington University, and The Evergreen State College. An institution of higher education is not eligible for any funds under this subsection (iii) until the institution has requested designation of the funds guaranteed to the institution under section 4, chapter 125, Laws of 1988.

(b) As of June 30, 1991, if any funds reserved in subsection (2)(a) of this section have not been designated as matching funds for qualifying gifts,

any four-year institution of higher education that has otherwise fully utilized the professorships allocated to it by this subsection may be eligible for such funds under rules promulgated by the higher education coordinating board.

(6) \$1,500,000 of the general fund—state appropriation is provided solely for transfer to the Washington graduate fellowship trust fund.

(a) For the biennium ending June 30, 1991, all appropriations to the Washington graduate fellowship trust fund shall be allocated as provided in this subsection. The state treasurer shall reserve the following amounts in the trust fund for distribution to four-year higher education institutions at the time qualifying gifts for graduate fellows have been deposited:

(i) \$900,000 of the appropriation for the University of Washington;

(ii) \$450,000 of the appropriation for Washington State University;

(iii) \$150,000 of the appropriation divided equally among Eastern Washington University, Central Washington University, Western Washington University, and The Evergreen State College.

(b) As of June 30, 1991, if any funds reserved in (a) of this subsection have not been designated as matching funds for qualifying gifts, any four-year institution of higher education that has otherwise fully utilized the graduate student fellowships allocated to it by this subsection may be eligible for such funds under rules promulgated by the higher education coordinating board.

(7) \$250,000 of the general fund—state appropriation is provided solely for deposit into the American Indian endowed scholarship trust fund, pursuant to Engrossed Substitute House Bill No. 2831. If the bill is not enacted by June 30, 1990, the amount provided in this subsection shall lapse.

(8) The higher education coordinating board shall, by November 1, 1990, complete an analysis of higher education salary levels, including comparisons with peer institutions, for the employee groups defined in the office of financial management employee classification system, except for classified staff and students.

(9) The higher education coordinating board shall include in its tuition and financial aid recommendations for 1991, recommendations regarding tuition waiver and fee reduction programs. The recommendations shall give special consideration to maximizing the amount of waivers that are granted on the basis of financial need.

(10) \$20,000 of the general fund—state appropriation is provided solely for the publication and distribution of a resource guide to assist single parents in higher education. The resource guide shall include, but not be limited to, information on:

(a) Sources of financial assistance, with application deadlines;

(b) Educational opportunities;

(c) Ways to acquire information on career options;

(d) Admissions requirements, including application deadlines;

- (e) Opportunities for basic skills and remediation classes;
- (f) Educational costs and benefits; and
- (g) Sources of support services.

(11) \$32,000 of the general fund—state appropriation is provided solely for a Pacific rim language scholarship program demonstration project. Under the project, the higher education coordinating board shall select up to four high school seniors from each congressional district to receive a Washington state Pacific rim scholarship. Of the four students selected, one shall be a proficient speaker of Spanish, one of Russian, one of Japanese, and one of Chinese, and all shall have shown the most improvement in their ability to speak the language during their high school careers. The scholarships shall not exceed one thousand dollars per student which shall not be disbursed until the student is enrolled at a college or university in the state of Washington that is accredited by an accrediting association recognized as such by rule of the higher education coordinating board.

NEW SECTION, Sec. 610. The sum of \$50,000, or as much thereof as may be necessary, is appropriated from the general fund to the higher education coordinating board for the biennium ending June 30, 1991, solely for the establishment of a Washington state writing demonstration project to be administered by the board or its designee. Under the project, proposals shall be competitively selected which enhance the skills of writing teachers in grades kindergarten through twelve in Washington public schools.

NEW SECTION, Sec. 611. FOR THE WASHINGTON INSTITUTE OF APPLIED TECHNOLOGY

1991 Applied Technology Reserve Account Appropriation \$ 1,500,000

The appropriation in this section is subject to the following conditions and limitations:

(1) By June 1, 1990, the Washington institute of applied technology shall have in place a budget and program-based enrollment plan for the remainder of the 1989-91 biennium that has been approved by the office of financial management.

(2) The office of financial management shall monitor the financial status of the institute and report quarterly to the budget committees of the house of representatives and the senate.

(3) By July 15, 1990, the institute shall complete a specific plan leading to an application by September 1, 1990, for accreditation to the superintendent of public instruction and the national association of trade and technical schools, and shall review the plan with representatives from both of these organizations.

(4) By July 15, 1990, the institute's board of directors shall adopt an updated mission statement.

(5) By September 1, 1990, all of the institute's instructors are required to be certified by either the superintendent of public instruction or the state board for community college education.

(6) By September 1, 1990, the institute shall publish a catalog describing its mission, services, programs, and courses.

(7) On September 15, 1990, and on January 15, 1991, the institute shall report to the state board for vocational education on the status of each of the requirements contained in subsections (1) through (6) of this section. The reports shall also describe the status of implementing recommendations contained in the January 1990 study of the institute prepared by the state board for vocational education.

Sec. 612. Section 614, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR WASHINGTON STATE LIBRARY

General Fund Appropriation—State	\$	((11,013,000))
		<u>12,554,000</u>
General Fund Appropriation—Federal	\$	4,620,000
General Fund Appropriation—Private/Local	\$	112,000
Western Library Network Computer System		
Revolving Fund Appropriation—		
Private/Local	\$	14,073,000
Total Appropriation	\$	((29,818,000))
		<u>31,359,000</u>

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

(1) \$2,331,000 of the general fund—state and the general fund—federal appropriations are provided solely for a contract with the Seattle public library for library services for the blind and physically handicapped.

(2) \$50,000 of the general fund—state appropriation is provided solely to implement Substitute Senate Bill No. 6764 (learn-in-libraries grant program). If the bill is not enacted by June 30, 1990, the amount provided in this subsection shall lapse.

Sec. 613. Section 618, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE STATE CAPITOL HISTORICAL ASSOCIATION

General Fund Appropriation	\$	((873,000))
		<u>973,000</u>
State Capitol Historical Association Museum		
Account Appropriation	\$	119,000
Total Appropriation	\$	((992,000))
		<u>1,092,000</u>

The appropriations in this section are subject to the following conditions and limitations: \$100,000 of the general fund appropriation is provided

solely for the continuation of a technical assistance program for local heritage organizations.

PART VII
SPECIAL APPROPRIATIONS

Sec. 701. Section 701, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE STATE TREASURER—STATE REVENUES FOR
DISTRIBUTION

General Fund Appropriation for fire insurance premiums tax distribution	\$ ((5,239,000))
	<u>4,300,000</u>
General Fund Appropriation for public utility district excise tax distribution	\$ ((22,854,000))
	<u>23,700,000</u>
General Fund Appropriation for prosecuting attorneys' salaries	\$ 2,277,000
General Fund Appropriation for motor vehicle excise tax distribution	\$ ((68,719,000))
	<u>70,000,000</u>
General Fund Appropriation for local mass transit assistance.....	\$ ((208,213,000))
	<u>215,000,000</u>
General Fund Appropriation for camper and travel trailer excise tax distribution	\$ ((2,600,000))
	<u>2,200,000</u>
<u>General Fund Appropriation for Boating Safety/Education and Law Enforcement Distribution.....</u>	<u>\$ 1,100,000</u>
Aquatic Lands Enhancement Account Appropriation for harbor improvement revenue distribution	\$ ((80,000))
	<u>90,000</u>
Liquor Excise Tax Fund Appropriation for liquor excise tax distribution	\$ ((18,667,000))
	<u>19,900,000</u>
Motor Vehicle Fund Appropriation for motor vehicle fuel tax and overload penalties distribution	\$ ((296,025,000))
	<u>316,000,000</u>
Liquor Revolving Fund Appropriation for liquor profits distribution	\$ ((41,250,000))
	<u>48,750,000</u>

Timber Tax Distribution Account Appropria- tion for distribution to "Timber" counties	\$	((57,544,000))
		<u>96,200,000</u>
Municipal Sales and Use Tax Equalization Ac- count Appropriation	\$	((37,002,000))
		<u>37,200,000</u>
County Sales and Use Tax Equalization Ac- count Appropriation	\$	((12,695,000))
		<u>12,800,000</u>
Death Investigations Account Appropriation for distribution to counties for publicly funded autopsies	\$	((636,000))
		<u>736,000</u>
Total Appropriation	\$	((767,801,000))
		<u>850,253,000</u>

Sec. 702. Section 702, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE STATE TREASURER—FEDERAL REVENUES FOR DISTRIBUTION

Forest Reserve Fund Appropriation for federal forest reserve fund distribution	\$	((70,000,000))
		<u>100,000,000</u>
General Fund Appropriation for federal flood control funds distribution	\$	70,000
General Fund Appropriation for federal grazing fees distribution	\$	50,000
((Geothermal Account Appropriation—Fed- eral	\$	20,000))
General Fund Appropriation for distribution of federal funds to counties in conformance with Public Law 97-99	\$	720,000
Total Appropriation	\$	((70,860,000))
		<u>100,840,000</u>

NEW SECTION. Sec. 703. FOR THE GOVERNOR—SELF-INSURANCE FUND PREMIUMS

General Fund Appropriation	\$	5,229,000
Agency Self-Insurance Liability Premium Re- volving Fund Appropriation	\$	4,271,000
Total Appropriation	\$	9,500,000

The appropriations in this section are subject to the following conditions and limitations: To facilitate payment of self-insurance fund premiums from special funds, the state treasurer is directed to transfer sufficient

moneys from each special fund to the agency self-insurance liability premium revolving fund, hereby created, 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 self-insurance fund premiums due.

NEW SECTION. Sec. 704. FOR THE GOVERNOR—FOR TRANSFER TO THE TORT CLAIMS REVOLVING FUND

General Fund Appropriation	\$	9,391,000
Motor Vehicle Fund Appropriation	\$	3,963,000
Wildlife Fund Appropriation	\$	242,000
Accident Fund Appropriation	\$	348,000
Horse Racing Fund Appropriation	\$	225,000
Liquor Revolving Fund Appropriation	\$	104,000
Resource Management Cost Account Appropriation	\$	82,000
Total Appropriation	\$	14,355,000

**Sec. 705. Section 708, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:*

FOR THE GOVERNOR—EMERGENCY FUND

General Fund Appropriation	\$	2,000,000
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The appropriation in this section is subject to the following conditions and limitations:

(1) 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.

(2) Any loan extended prior to January 1, 1990, from the governor's emergency fund to a city incorporated prior to March 1, 1990, shall be forgiven.

*Sec. 705 was vetoed, see message at end of chapter.

Sec. 706. Section 712, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR 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 \$ 1,140,000

(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, 1991, except as otherwise noted.

To reimburse the general fund for expenditures from belated claims appropriations to be disbursed on vouchers approved by the office of financial management:

Medical Disciplinary Account	\$	520
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Institutional Impact Account	\$	((26,153))
		<u>28,188</u>
ORV (Off-Road-Vehicle) Account	\$	23
Hospital Commission Account	\$	15,224
Centennial Commission Account	\$	940
Public Safety and Education Account	\$	1151
Health Professions Account	\$	((734))
		<u>679</u>
Forest Development Account	\$	6,122
Real Estate Commission Account	\$	1,614
Reclamation Revolving Account	\$	((103))
		<u>207</u>
Landowner Contingency Forest Fire Suppres- sion Account	\$	600
Capitol Building Construction Account	\$	40,251
Resource Management Cost Account	\$	9,295
Litter Control Account	\$	34,305
State Building Construction Account	\$	35
Outdoor Recreation Account	\$	1,958
Local Governance Study Commission Account	\$	42
Grade Crossing Protective Fund	\$	1,029
State Patrol Highway Account	\$	25,745
Motorcycle Safety Education Fund	\$	266
Fire Service Training Account	\$	447
Seed Fund	\$	3,023
Electrical License Fund	\$	724
State Wildlife Fund	\$	((20,500))
		<u>22,400</u>
Highway Safety Fund	\$	7,774
Motor Vehicle Fund	\$	((14,046))
		<u>13,733</u>
Puget Sound Ferry Operations Account	\$	12
Public Service Revolving Fund	\$	((6,042))
		<u>6,104</u>
Insurance Commissioner's Regulatory Account	\$	1,910
State Treasurer's Service Fund	\$	1,053
Legal Services Revolving Fund	\$	2,557
Municipal Revolving Fund	\$	5,671
Department of Personnel Service Fund	\$	((6,472))
		<u>7,120</u>
State Auditing Services Revolving Fund	\$	1,240
Liquor Revolving Fund	\$	15,445
Department of Retirement Systems Expense Fund	\$	2,982

Accident Fund	\$	62,964
Medical Aid Fund	\$	57,948
Western Library Network Computer System		
Revolving Fund	\$	460
Pressure Systems Safety Fund.....	\$	32

NEW SECTION. Sec. 707. 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, firms, and corporations for sundry claims. These appropriations are to be disbursed on vouchers approved by the director of the department 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, Carlton, Washington \$ 6,046.86
 - (b) Harold Weber, Grand Coulee, Washington \$ 3,238.38
 - (c) James Fleishman, Chinook, Washington \$ 4,692.84
- (2) Juanita Mullen, Lori O'Grady, Lawra C. Hill-Hodges, and Sandra Colvin, in settlement of all claims per order of Thurston County Superior Court, Cause No. 87-2-02413-7: PROVIDED, That \$434,382.00 is from federal funds \$ 783,703.00
- (3) Office of Thurston County Prosecutor, in settlement of all claims for expenses incurred under the institutional impact program \$ 29,606.77
- (4) R. Frederickson, in settlement of all claims per order of Seattle Municipal court, Cause No. 88-183-0175, pursuant to RCW 9A.16.110, including interest \$ 3,758.90
- (5) Mervin Ledford, in settlement of all claims per order of Snohomish County Superior Court, Cause No. 87-1-01087-7, pursuant to RCW 9A.16.110, including interest \$ 11,659.21
- (6) M. Bartholomew, in settlement of all claims per order of Pierce County Superior Court, Cause No. 88-1-01288-3, pursuant to RCW 9A.16.110, including interest \$ 11,284.10
- (7) Rober Hurtado, in settlement of all claims per order of Douglas County Superior Court, Cause No. 89-1-00014-1, pursuant

to RCW 9A.16.110, including interest	\$	26,902.86
(8) Robert Carey, in settlement of all claims per order of Pierce County Superior Court, Cause No. 88-1-01288-3, pursuant to RCW 9A.16.110, including interest	\$	24,722.01
(9) Tom Peters, in settlement of all claims per order of Longview Municipal Court, Cause No. 51656, pursuant to RCW 9A.16.110, including interest	\$	3,475.20
(10) Maurilio Martinez, in settlement of all claims per Yakima County Superior Court, Cause No. 89-1-00515-3, pursuant to RCW 9A.16.110, including interest	\$	26,582.62
(11) Jacques Gauron, in settlement of all claims per Renton District Court, King County, Cause No. J022378, pursuant to RCW 9A.16.110, including interest	\$	4,123.93
(12) Robert Joswick, in settlement of all claims per Buckley District Court, Pierce County, Cause No. 77334, pursuant to RCW 9A.16.110, including interest	\$	2,527.10
(13) Halpin's Pharmacy, Spokane, in settlement of medical assistance billings during the 1987-89 biennium: PROVIDED, That \$12,696 is from federal funds	\$	23,954.61

Sec. 708. Section 714, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE GOVERNOR—COMPENSATION—SALARY AND INSURANCE BENEFITS		
General Fund Appropriation—State	\$	((65,080,000)) 75,449,000
General Fund Appropriation—Federal	\$	((20,015,000)) 24,009,000
Special Fund Salary and Insurance Contribution		
Increase Revolving Fund Appropriation	\$	((47,638,000)) 63,676,000
Wildlife Fund Appropriation—State	\$	1,285,000
<u>Insurance Commissioner's Regulatory Account</u>		
Appropriation	\$	215,000
Total Appropriation	\$	((132,733,000)) 164,634,000

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) \$40,060,000 of the general fund—state appropriation, \$13,311,000 of the general fund—federal appropriation, and \$31,888,000 of the special fund salary and insurance contribution increase revolving fund appropriation are provided for a 2.5 percent across-the-board salary increase effective January 1, 1990, and an additional 6.0 percent across-the-board salary increase effective January 1, 1991, for all classified and exempt employees under the state personnel board (SPB), and commissioned officers of the Washington state patrol. These increases shall be implemented in compliance and conformity with all requirements of the comparable worth agreement ratified by 1986 Senate Concurrent Resolution No. 126, where applicable.

(2) The governor shall allocate to state agencies from the general fund—state appropriation \$3,327,000 for fiscal year 1990 and \$6,654,000 for fiscal year 1991, from the general fund—federal appropriation \$513,000 for fiscal year 1990 and \$1,027,000 for fiscal year 1991, and from the special fund salary and insurance contribution increase revolving fund appropriation \$2,587,000 for fiscal year 1990 and \$5,173,000 for fiscal year 1991 to fulfill the 1989–91 obligations of the comparable worth agreement ratified by 1986 Senate Concurrent Resolution No. 126.

(3)(a) The monthly contributions for insurance benefit premiums shall not exceed \$239.86 per eligible employee for fiscal year 1990, and \$246.24 for fiscal year 1991.

(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 \$16.21 per eligible employee for fiscal year 1990, and \$9.83 for fiscal year 1991.

(c) Any returns of funds to the health care authority resulting from favorable claims experienced during the 1989–91 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.

(4) \$285,000 of the general fund—state appropriation and \$1,285,000 of the wildlife fund—state appropriation are provided solely to fund personnel reclassifications for biologists, enforcement personnel, and program managers in the department of wildlife. Expenditure of \$48,000

from the general fund—state appropriation and \$104,000 from the wild-life fund appropriation is contingent on state personnel board approval of the program manager reclassification.

(5) \$481,000 of the general fund—state appropriation is provided solely to fund personnel reclassifications for biologists and related job classes in the department of fisheries. Expenditure of this amount is contingent on state personnel board approval of the reclassifications.

(6) \$5,000,000 of the general fund—state appropriation and \$9,450,000 of the special fund salary and insurance contribution increase revolving fund appropriation are provided solely for salary increases effective January 1, 1991, for classified personnel under the state personnel board and under the higher education personnel board.

The amounts provided shall be used for increases for those employees furthest from prevailing rate as determined by the 1988 trend salary survey findings. Increases may be granted only in whole-range increments. To implement these increases, those employees furthest from prevailing rate shall be given a one-range increase. This process shall be repeated until this appropriation is expended or all employee salaries are moved to within twenty percent of prevailing rate, whichever comes first.

The findings of the 1988 salary survey (catch-up plus keep-up), expressed as the number of ranges behind prevailing rate, shall be used to determine which employees are furthest from prevailing rate. In determining salary increases under this subsection, the number of ranges behind prevailing rate shall be the same as the survey findings as originally adopted by the state personnel board and higher education personnel board, unless a job reclassification has been approved after June 1, 1988. If a reclassification has been approved, the number of ranges behind prevailing rate shall be adjusted based on the change resulting from the reclassification.

Calculations for determining the increases granted in this subsection shall be made subsequent to the calculations for the general salary increases granted in subsection (1) of this section. The general salary increases granted in subsection (1) of this section, and on January 1, 1989, shall not be considered to have reduced the number of ranges between employee salaries and prevailing rate as shown in the findings of the 1988 survey.

In no case may this appropriation be used to close the salary gap to less than twenty percent of prevailing rate. None of these funds may be used to grant salary increases to the attendant counselor job classifications granted salary increases under subsection (8) of this section.

(7) \$1,455,000 of the general fund—state appropriation, \$395,000 of the general fund—federal appropriation, and \$40,000 of the special fund salary and insurance contribution increase revolving fund appropriation are provided solely to add five steps beyond step K to the salary schedule for registered nurses and related classifications, effective October 1, 1990. Each of the steps shall be two and one-half percent. Expenditure of these

amounts is contingent on approval by the state personnel board of the additional steps. These amounts shall be allocated as follows:

(a) \$86,000 from the general fund—state appropriation to the department of corrections;

(b) \$17,000 from the general fund—state appropriation to the department of health;

(c) \$40,000 from the general fund—state appropriation, \$40,000 from the general fund—federal appropriation, and \$40,000 from the special fund salary and insurance contribution increase revolving fund appropriation to the department of veterans' affairs; and

(d) \$1,312,000 from the general fund—state appropriation and \$355,000 from the general fund—federal appropriation to the department of social and health services.

(8) \$3,093,000 of the general fund—state appropriation and \$3,599,000 of the general fund—federal appropriation are provided solely for salary increases for attendant care counselors in the developmental disabilities program. These increases shall be implemented in two phases of the following amounts: Phase one—\$1,816,000 general fund—state and \$2,101,000 general fund—federal; and phase two—\$1,277,000 general fund—state and \$1,498,000 general fund—federal.

(9) \$215,000 of the insurance commissioner's regulatory account appropriation is provided solely to fund personnel reclassifications for compliance officers, analysts, and actuaries in the office of the insurance commissioner.

(10) 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.

((5)) (11) 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.

((6)) (12) 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.

((7) Moneys from the) (13) \$4,470,000 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 in accordance with the 1989-91 transportation appropriations act.

Sec. 709. Section 715, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

**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 1990	FY 1991
General Fund Appropriation	\$ 63,000,000	((62,167,000))
		<u>3,300,000</u>
Total Appropriation	\$ ((125,167,000))	
	<u>66,300,000</u>	

~~((The appropriation in this subsection is subject to the following conditions and limitations: If Substitute Senate Bill No. 5418 is enacted before June 30, 1989, the FY 1991 appropriation in this subsection shall lapse.))~~

(2) There is appropriated for contributions to the judicial retirement system:

	FY 1990	FY 1991
General Fund Appropriation	\$ ((1,100,000—1,100,000))	1,100,000
	<u>2,400,000</u>	<u>2,500,000</u>
Total Appropriation	\$ ((2,200,000))	
	<u>4,900,000</u>	

(3) There is appropriated for contributions to the judges retirement system:

	FY 1990	FY 1991
General Fund Appropriation	\$ 250,000	250,000
Total Appropriation	\$500,000	

~~((If Substitute Senate Bill No. 5418 is enacted by June 30, 1989.))~~
The initial employer trust fund contribution rate for all employers of members of the retirement system governed by chapter 41.32 RCW (the teachers' retirement system) shall be set at 11.34% of earnable compensation, beginning July 1, 1989, and 12.60% of earnable compensation, beginning September 1, 1990. ((If Substitute Senate Bill No. 5418 is not enacted by June 30, 1989, the initial employer trust fund contribution rate for all employers of members of the retirement system governed by chapter 41.32 RCW (the teachers' retirement system) shall be set at 11.34% of earnable compensation, beginning July 1, 1989.))

~~((If Substitute Senate Bill No. 5418 is enacted by June 30, 1989.))~~
The initial employer trust fund contribution rate for all employers of members of the retirement system governed by chapter 41.40 RCW (the public

employees' retirement system) shall be set at 5.99% of compensation earnable, beginning July 1, 1989, and 7.1% of earnable compensation, beginning September 1, 1990. ~~((If Substitute Senate Bill No. 5418 is not enacted by June 30, 1989, the initial employer trust fund contribution rate for all employers of members of the retirement system governed by chapter 41.40 RCW (the public employees' retirement system) shall be set at 5.99% of compensation earnable, beginning July 1, 1989.))~~

(6) The employer rate for all employers of members of the retirement system governed by chapter 43.43 RCW (the state patrol retirement system) shall be set at 19.88% of compensation ~~((for the 1989-91 biennium))~~ beginning July 1, 1989, and 21.47% of compensation beginning September 1, 1990.

Sec. 710. Section 716, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT—CONTRIBUTIONS TO RETIREMENT SYSTEMS

	FY 1990	FY 1991
General Fund—State Appropriation \$	2,334,000	((9,283,000)) <u>9,313,000</u>
General Fund—Federal Appropriation \$	480,000	2,012,000
State Patrol Highway Account \$		<u>448,000</u>
Retirement Contribution Increase Revolving Fund Appropriation \$	1,954,000	9,494,000
Total Appropriation \$	((25,557,000)) <u>26,035,000</u>	

The appropriation in this section is subject to the following conditions and limitations:

(1) \$231,000 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 public employees' retirement system.

(2) \$4,108,000 of the general fund—state appropriation, \$948,000 of the general fund—federal appropriation, and \$4,349,000 of the 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 resulting from Engrossed Substitute House Bill No. 1322. ~~((If the bill is not enacted by June 30, 1989, the amount provided in this subsection shall lapse.))~~

(3) \$6,544,000 of the general fund—state appropriation, \$1,486,000 of the general fund—federal appropriation, and \$7,157,000 of the 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 resulting from Engrossed Substitute Senate Bill No. 5418. (~~if the bill is not enacted by June 30, 1989, the amount provided in this subsection shall lapse.~~)

(4) \$343,000, or as much as may be necessary, shall be distributed to state agencies to increase state contributions to the teachers' retirement fund resulting from Engrossed Substitute House Bill No. 1322. (~~if the bill is not enacted by June 30, 1989, the amount provided in this subsection shall lapse.~~)

(5) \$391,000, or as much thereof as may be necessary, shall be distributed to state agencies to increase state contributions to the teachers' retirement fund resulting from Substitute Senate Bill No. 5418. (~~if the bill is not enacted by June 30, 1989, the amount provided in this subsection shall lapse.~~)

(6) \$30,000 of the general fund—state appropriation and \$448,000 of the state patrol highway account appropriation or as much thereof as may be necessary, shall be distributed to state agencies for increased contributions to the Washington state patrol retirement system under chapter 273, Laws of 1989.

Sec 711. Section 718, chapter 19, Laws of 1989 1st ex. sess. (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>General Fund Appropriation: For transfer to the Miscellaneous Fund—Tort Claims Revolving Fund</u>	<u>\$ 796,539</u>
<u>Liquor Revolving Account Appropriation: For transfer to the Miscellaneous Fund—Tort Claims Revolving Fund</u>	<u>\$ 160,000</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
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	\$	((3,110,000)) <u>2,400,000</u>
<u>Public Facility Construction Loan Revolving Account: For transfer to the Public Facilities Construction Loan and Grant Revolving Account</u>	\$	<u>430,000</u>
<u>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</u>	\$	<u>430,000</u>
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
<u>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</u>	\$	<u>20,000,000</u>

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
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	\$	((62,167,000)) <u>60,267,000</u>
Conservation Areas Account: For transfer to the Natural Resources Conservation Area Stewardship Account	\$	((364,000)) <u>2,832,000</u>

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 this act.

Sec. 802. Section 7, chapter 40, Laws of 1982 1st ex. sess. as amended by section 4, chapter 60, Laws of 1983 1st ex. sess. and RCW 43.160.070 are each amended to read as follows:

(1) Public facilities loans and grants, when authorized by the board, are subject to the following conditions:

(a) The moneys in the public facilities construction loan revolving ~~((account))~~ fund shall be used solely to fulfill commitments arising from loans or grants authorized in this chapter or, during the 1989-91 fiscal biennium, for economic development purposes as appropriated by the legislature. The total outstanding amount which the board shall dispense at any time pursuant to this section shall not exceed the moneys available from the ~~((account))~~ fund. The total amount of outstanding loans and grants in Pierce, King, and Snohomish counties shall never exceed sixty percent of the total amount of outstanding loans and grants disbursed by the board.

(b) Financial assistance through the loans or grants may be used directly or indirectly for any facility for public purposes, including, but not

limited to, sewer or other waste disposal facilities, arterials, bridges, access roads, port facilities, or water distribution and purification facilities.

(c) On contracts made for public facilities loans the board shall determine the interest rate which loans shall bear. The interest rate shall not exceed ten percent per annum. The board may provide reasonable terms and conditions for repayment for loans as the board determines. The loans shall not exceed twenty years in duration.

(d) Repayments of loans made under the contracts for public facilities construction loans shall be paid into the public facilities construction loan revolving (~~account~~) fund.

(2) When every feasible effort has been made to provide loans and loans are not possible, the board may provide grants upon finding that unique circumstances exist.

NEW SECTION, Sec. 803. 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. 804. 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 1, 1990.

Passed the House April 1, 1990.

Approved by the Governor April 23, 1990, with the exception of certain items which were vetoed.

Filed in Office of Secretary of State April 23, 1990.

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

"I am returning herewith, without my approval as to section 116(7), section 120(5), section 206(1)(a)(iv), section 207(1)(g), section 208(14), section 218(7), section 221(8), section 225(25), section 225(27), section 229(2)(c), section 229(3)(b), section 302(20), section 302(25), section 306(17), section 306(18), section 306(19), section 306(26), and section 705 of Substitute Senate Bill No. 6407 entitled:

"AN ACT Relating to fiscal matters."

My reasons for vetoing these sections are as follows:

Section 116(7)

This section directs the Office of Financial Management to study the Schools for the Deaf and Blind to determine the management organization and fiscal practices necessary for maximum operational and financial efficiency.

I am vetoing this item because these studies have already been done. Another study will not improve the operations of these schools. I will direct the Office of Financial Management to assist the schools to improve their efficiency and fiscal practices, but I do not feel another study at this time is needed.

Section 120(5)

Section 120(5) directs the Department of Revenue to immediately promulgate and implement a rule providing for fair and equitable applications of the business and occupation tax to persons engaged in business as tour operators. The Department has

processes in place through which any taxpayer or group of taxpayers can appeal their treatment under the state's tax laws and Administrative Code. I am vetoing this subsection because it constitutes an inappropriate intrusion into the appeal and due process provisions already present in tax law and the Washington Administrative Code.

Section 206(1)(a)(iv)

Section 206(1)(a)(iv) requires that mentally ill nursing-home residents who do not need a nursing-home level of care be transferred and provided services through regional support networks. Further, the person may not be transferred without his or her consent or consent of his or her guardian.

This requirement for consent is in conflict with federal Medicaid requirements for nursing-homes, as amended by the Omnibus Budget Reconciliation Act of 1987. The federal law requires that, in some cases, mentally ill nursing-home residents who do not need a nursing-home level of care must be discharged. Were the state to allow persons meeting the federal discharge criteria to reside in Medicaid-funded nursing-homes, the federal government would not share in the nursing home cost of care.

Section 207(1)(g)

This item directs that portions of the money appropriated in section 207 are provided solely for salary and benefit increases for employees of community-contracted facilities serving the developmentally disabled. The chairs of the legislative fiscal committees have indicated by letter that the intent of the Legislature was that these funds be provided only to residential facilities serving the developmentally disabled. Therefore, to ensure that these funds are expended as intended, I am vetoing this item and directing the Department of Social and Health Services to expend the funds to provide salary and benefit increases effective May 1, 1990, for employees of community-contracted residential facilities serving the developmentally disabled.

Section 208(14)

This subsection directs that mentally ill persons not in need of nursing home care may be referred to residences outside regional support networks. Senate Bill No. 5400 and the 1989 Biennial Budget bill directed the Department of Social and Health Services to implement the federal Omnibus Budget and Reconciliation Act of 1987 (OBRA). Senate Bill No. 5400 requires that funding be distributed to regional support networks for residential services for a variety of populations, including persons transferred from nursing homes. The budget bill appropriated all OBRA funding to the regional support networks. The Department, with legislative endorsement, is implementing OBRA beds incrementally in areas of the state with regional support networks. At this point of the biennium, the Department cannot shift course and reallocate funding differently and jeopardize programs being developed under the policies of Senate Bill No. 5400. I am vetoing this subsection to avoid this conflict.

Section 218(7)

This subsection restores chiropractic services to the medical assistance program but limits payments to ten treatments per recipient per twelve-month period. Limiting the number of chiropractic treatments by budget proviso is overly prescriptive. The Department of Social and Health Services intends to provide limited chiropractic services within the funds appropriated for this purpose. The Department has options to limit the number of treatments covered, which will ensure that the service can be provided within available funds. Within these general limits, the Department needs the ability to approve, on an exception basis, a greater number of treatments if it is determined to be medically necessary.

Section 221(8)

Section 221(8) limits to \$250,000 the amount of the General Fund-State appropriation that may be expended on the Automated Clients Eligibility System (ACES). If the cost of the project in this biennium exceeds the limit by any amount, the Department of Social and Health Services would not be able to continue with the project until review in the 1991 session.

The Department of Social and Health Services estimates the 1989-91 cost of ACES planning and development at \$339,000 General Fund-State. This estimate was provided to legislative staff, the Office of Financial Management, the Department of Information Services and the relevant federal agencies.

It is difficult to predict the federal match for the project. The amount of match currently assumed is tentative and could be revised by the participating federal agencies after the project is underway, making it impossible for the Department to guarantee that ACES expenditures will not exceed \$250,000 General Fund-State before executing a contract.

The Department will continue to comply with the requirements of section 802, chapter 19, Laws of 1989, 1st Extraordinary Session, which requires ongoing review of information system projects by the Department of Information Systems and the Office of Financial Management.

Section 225(25)

This subsection requires the Department of Community Development to establish a new and significant children's ombudsman program. I am vetoing this appropriation because \$90,000 is insufficient to create and properly administer a program of this scope. I will consider developing a budget item for inclusion in the 1991-93 biennium budget. The \$90,000 will be placed in reserve, and not used for any other purpose.

Section 225(27)

This subsection unduly restricts the Department of Community Development from adequately administering the Housing Trust Fund program by providing that none of the housing trust fund appropriation may be used for administrative expenses. While it is my expectation that the \$10 million appropriated will be expended on direct program activity, I am vetoing this subsection to make it clear that some of the interest earned on the \$10 million will be expended on administration, as allowed under the statute governing the Housing Trust Fund. The Department must have the ability to staff the program adequately in order to expedite the availability of these funds for local programs and to ensure that projects and contracts are monitored, that repayments be managed, and that site visits be conducted.

Section 229(2)(c)

This subsection states that the civil commitment of sexual predators pursuant to chapter 3, Laws of 1990, shall be at the Twin Rivers Corrections Center. Flexibility is needed to place the program where it can be operated most efficiently and effectively within the Monroe correctional facilities.

Section 229(3)(b)

Section 229(3)(b) provides prison impact funding. I recognize that some local jurisdictions may experience extraordinary costs relating to expansion of correctional institutions. The language of this subsection restricts the use of the appropriation to a few local jurisdictions for new purposes. In the interest of equitable distribution of impact funds, I am directing the Department of Corrections to develop revisions to the Washington Administrative Code that will specify how local jurisdictions are to be reimbursed for these new actual costs that are clearly related to offender populations.

Section 302(20)

Section 302(20)(a) provides \$600,000 for grants to local jurisdictions to develop local wetlands protection and management programs. Section 302(20)(b) provides \$600,000 to the Department of Ecology, contingent on a wetlands protection bill being enacted. The Legislature did not pass a wetlands protection bill, and if section 302(20)(b) remains, the funding will lapse.

In the absence of a comprehensive wetlands protection bill, this money is necessary for the Department of Ecology to more fully utilize existing authority to protect wetlands. I am vetoing this subsection and am directing the Department of Ecology

to use these funds for the stricter implementation and enforcement of current statutes and to provide a portion of the aforementioned grants to local jurisdictions.

Section 302(25)

Section 302(25) limits the Department of Ecology's June 1991 FTE level to not more than 154 above the agency's June 30, 1990, FTE level. This limitation on FTE growth unnecessarily limits the agency's ability to perform its required duties. The restriction on FTEs may not be sufficient to meet the Department of Ecology's growth assumed in the Supplemental Budget or those assumed in bills passed by the 1990 Legislature. In vetoing this section, I am directing the Department of Ecology to identify savings as a result of vacancies in Fiscal Year 1991 and directing that those savings remain unexpended.

Section 306(17)

Subsection 17 directs the Department of Community Development to implement a self-employment loan program as described in subsection 84 of Engrossed House Bill 2929. Encouraging self-employment as an option for dislocated and low-income individuals is a worthwhile idea. However, the Public Facilities Construction Loan Revolving Fund is an inappropriate funding source. These funds are legislatively dedicated for use by the Community Economic Revitalization Board. The fund is intended to be a renewable resource, originally capitalized through General Obligation Bonds, for economic development that requires expansion to local infrastructure. The Public Facilities Construction Loan Revolving Fund is needed for one-time projects in which there is critical need, and should not be used for programs that are clearly ongoing and operating in nature. The proposed self-employment loan program would be ongoing and would require support from the General Fund-State for continued operation in the next biennium.

Section 306(18)

Subsection 18 creates an industrial competitiveness program in the Department of Trade and Economic Development, as described in subsection 75 of Engrossed House Bill 2929. It is important to encourage the growth of value-added manufacturing in the state and to encourage smaller firms to work together to increase their competitiveness. However, again the Public Facilities Construction Loan Revolving Fund is an inappropriate funding source. These funds are legislatively dedicated for use by the Community Economic Revitalization Board. The fund is intended to be a renewable resource, originally capitalized through General Obligation Bond sales, for economic development that requires expansion to local infrastructure. The Public Facilities Construction Loan Revolving Fund is needed for one-time projects in which there is critical need, and should not be used for programs that are clearly ongoing and operating in nature. The industrial competitiveness program would be ongoing and would require support from the General Fund-State for continued operation in the next biennium. I am directing the Department of Trade and Economic Development to use existing general fund monies to provide assistance to facilitate efforts by small businesses to develop cooperative networks in order to increase their competitiveness.

Section 306(19)

Subsection 19 directs the Department of Community Development to provide grants for technical assistance for community-based organizations as described in subsection 83 of Engrossed House Bill 2929. Efforts to increase the capacity of community-based organizations in low-income communities are valuable and worthwhile. However, the provisions contained in this section are overly prescriptive and have the potential to reduce the effectiveness of the existing successful Local Development Matching Fund program. Once again, the Public Facilities Construction Loan Revolving Fund is an inappropriate funding source. These funds are legislatively dedicated for use by the Community Economic Revitalization Board. The fund is intended to be a renewable resource, originally capitalized through General Obligation Bonds, for economic development that requires expansion to local infrastructure. The Public Facilities Construction Loan Revolving Fund is needed for one-time projects in which there is critical need, and should not be used for programs that are

clearly ongoing and operating in nature. I am directing the Department of Community Development to explore opportunities to provide training and technical assistance to community-based organizations serving low-income rural and urban areas.

Section 306(26)

Subsection 26 provides for a review of state-supported advanced-technology and technology-transfer economic development activities. While I applaud the Legislature for examining these important issues, the language contained in section 76 of Engrossed House Bill 2929 is overly prescriptive given the size of the appropriation to support the review. I am directing the Department of Trade and Economic Development to utilize the available funds to evaluate existing state-supported applied research and technology transfer activities in the state. I am also directing the Department of Trade and Economic Development to conduct an initial examination of opportunities for collaboration between higher education, industry and the state as a way to increase the economic competitiveness of the state.

Section 705

This section forgives loans made to the cities of Federal Way and Sea-Tac that were supported by an Emergency Fund allocation to the Department of Community Development for that purpose. In modifying the Executive's decision in the matter of the allocation to the Department of Community Development in this way, the Legislature makes an unacceptable encroachment into gubernatorial authority and responsibility for the Governor's Emergency Fund.

With the exceptions of sections 116(7), 120(5), 206(1)(a)(iv), 207(1)(g), 208(14), 218(7), 221(8), 225(25), 225(27), 229(2)(e), 229(3)(b), 302(20), 302(25), 306(17), 306(18), 306(19), 306(26) and 705, Substitute Senate Bill No. 6407 is approved."

CHAPTER 17

[Substitute House Bill No. 2929]

GROWTH MANAGEMENT

AN ACT Relating to growth; amending RCW 35A.40.210, 36.94.040, 56.08.020, 57.16-.010, 82.46.010, 82.46.030, 82.46.040, 82.46.050, 82.46.060, 82.02.020, 58.17.060, 58.17.110, 36.81.121, 35.77.010, 35.58.2795, 76.09.050, 76.09.060, 43.210.010, 43.210.020, 43.31.005, 43.31.035, 43.63A.065, 43.160.060, 43.168.050, 43.155.070, and 43.63A.078; adding new sections to chapter 43.63A RCW; adding a new section to chapter 35.63 RCW; adding a new section to chapter 35A.63 RCW; adding a new section to chapter 36.70 RCW; adding a new section to chapter 35.22 RCW; adding a new section to chapter 35.23 RCW; adding a new section to chapter 36.32 RCW; adding a new section to chapter 36.77 RCW; adding a new section to chapter 35.13 RCW; adding a new section to chapter 35A.14 RCW; adding a new section to chapter 43.62 RCW; adding a new section to chapter 82.46 RCW; adding new sections to chapter 82.02 RCW; adding new sections to chapter 59.18 RCW; adding a new section to chapter 19.27 RCW; adding new sections to chapter 43.31 RCW; adding a new section to chapter 43.17 RCW; adding a new section to chapter 43.19 RCW; adding a new section to chapter 82.32 RCW; adding a new chapter to Title 36 RCW; adding a new chapter to Title 47 RCW; and creating new sections.

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

NEW SECTION. Sec. 1. FINDINGS AND INTENT. The legislature finds that uncoordinated and unplanned growth, together with a lack of common goals expressing the public's interest in the conservation and the wise use of our lands, pose a threat to the environment, sustainable economic development, and the health, safety, and high quality of life enjoyed

by residents of this state. It is in the public interest that citizens, communities, local governments, and the private sector cooperate and coordinate with one another in comprehensive land use planning. Further, the legislature finds that it is in the public interest that economic development programs be shared with communities experiencing insufficient economic growth.

PART I GOALS AND PLANNING

NEW SECTION. Sec. 2. **PLANNING GOALS.** The following goals are adopted to guide the development and adoption of comprehensive plans and development regulations of those counties and cities that are required or choose to plan under section 4 of this act. The following goals are not listed in order of priority and shall be used exclusively for the purpose of guiding the development of comprehensive plans and development regulations:

(1) **Urban growth.** Encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner.

(2) **Reduce sprawl.** Reduce the inappropriate conversion of undeveloped land into sprawling, low-density development.

(3) **Transportation.** Encourage efficient multimodal transportation systems that are based on regional priorities and coordinated with county and city comprehensive plans.

(4) **Housing.** Encourage the availability of affordable housing to all economic segments of the population of this state, promote a variety of residential densities and housing types, and encourage preservation of existing housing stock.

(5) **Economic development.** Encourage economic development throughout the state that is consistent with adopted comprehensive plans, promote economic opportunity for all citizens of this state, especially for unemployed and for disadvantaged persons, and encourage growth in areas experiencing insufficient economic growth, all within the capacities of the state's natural resources, public services, and public facilities.

(6) **Property rights.** Private property shall not be taken for public use without just compensation having been made. The property rights of landowners shall be protected from arbitrary and discriminatory actions.

(7) **Permits.** Applications for both state and local government permits should be processed in a timely and fair manner to ensure predictability.

(8) **Natural resource industries.** Maintain and enhance natural resource-based industries, including productive timber, agricultural, and fisheries industries. Encourage the conservation of productive forest lands and productive agricultural lands, and discourage incompatible uses.

(9) Open space and recreation. Encourage the retention of open space and development of recreational opportunities, conserve fish and wildlife habitat, increase access to natural resource lands and water, and develop parks.

(10) Environment. Protect the environment and enhance the state's high quality of life, including air and water quality, and the availability of water.

(11) Citizen participation and coordination. Encourage the involvement of citizens in the planning process and ensure coordination between communities and jurisdictions to reconcile conflicts.

(12) Public facilities and services. Ensure that those public facilities and services necessary to support development shall be adequate to serve the development at the time the development is available for occupancy and use without decreasing current service levels below locally established minimum standards.

(13) Historic preservation. Identify and encourage the preservation of lands, sites, and structures, that have historical or archaeological significance.

NEW SECTION. Sec. 3. DEFINITIONS. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Adopt a comprehensive land use plan" means to enact a new comprehensive land use plan or to update an existing comprehensive land use plan.

(2) "Agricultural land" means land primarily devoted to the commercial production of horticultural, viticultural, floricultural, dairy, apiary, vegetable, or animal products or of berries, grain, hay, straw, turf, seed, Christmas trees not subject to the excise tax imposed by RCW 84.33.100 through 84.33.140, or livestock, and that has long-term commercial significance for agricultural production.

(3) "City" means any city or town, including a code city.

(4) "Comprehensive land use plan," "comprehensive plan," or "plan" means a generalized coordinated land use policy statement of the governing body of a county or city that is adopted pursuant to this chapter.

(5) "Critical areas" include the following areas and ecosystems: (a) Wetlands; (b) areas with a critical recharging effect on aquifers used for potable water; (c) fish and wildlife habitat conservation areas; (d) frequently flooded areas; and (e) geologically hazardous areas.

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

(7) "Development regulations" means any controls placed on development or land use activities by a county or city, including, but not limited to, zoning ordinances, official controls, planned unit development ordinances, subdivision ordinances, and binding site plan ordinances.

(8) "Forest land" means land primarily useful for growing trees, including Christmas trees subject to the excise tax imposed under RCW 84.33.100 through 84.33.140, for commercial purposes, and that has long-term commercial significance for growing trees commercially.

(9) "Geologically hazardous areas" means areas that because of their susceptibility to erosion, sliding, earthquake, or other geological events, are not suited to the siting of commercial, residential, or industrial development consistent with public health or safety concerns.

(10) "Long-term commercial significance" includes the growing capacity, productivity, and soil composition of the land for long-term commercial production, in consideration with the land's proximity to population areas, and the possibility of more intense uses of the land.

(11) "Minerals" include gravel, sand, and valuable metallic substances.

(12) "Public facilities" include streets, roads, highways, sidewalks, street and road lighting systems, traffic signals, domestic water systems, storm and sanitary sewer systems, parks and recreational facilities, and schools.

(13) "Public services" include fire protection and suppression, law enforcement, public health, education, recreation, environmental protection, and other governmental services.

(14) "Urban growth" refers to growth that makes intensive use of land for the location of buildings, structures, and impermeable surfaces to such a degree as to be incompatible with the primary use of such land for the production of food, other agricultural products, or fiber, or the extraction of mineral resources. When allowed to spread over wide areas, urban growth typically requires urban governmental services. "Characterized by urban growth" refers to land having urban growth located on it, or to land located in relationship to an area with urban growth on it as to be appropriate for urban growth.

(15) "Urban growth areas" means those areas designated by a county pursuant to section 11 of this act.

(16) "Urban governmental services" include those governmental services historically and typically delivered by cities, and include storm and sanitary sewer systems, domestic water systems, street cleaning services, fire and police protection services, public transit services, and other public utilities associated with urban areas and normally not associated with nonurban areas.

(17) "Wetland" or "wetlands" means areas that are inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from nonwetland sites, including, but not limited to, irrigation and drainage

ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities. However, wetlands may include those artificial wetlands intentionally created from nonwetland areas created to mitigate conversion of wetlands, if permitted by the county or city.

NEW SECTION. Sec. 4. WHO MUST PLAN. (1) Each county that has both a population of fifty thousand or more and has had its population increase by more than ten percent in the previous ten years, and the cities located within such county, and any other county regardless of its population that has had its population increase by more than twenty percent in the previous ten years, and the cities located within such county, shall adopt comprehensive land use plans and development regulations under this chapter. However, the county legislative authority of such a county with a population of less than fifty thousand population may adopt a resolution removing the county, and the cities located within the county, from the requirements of adopting comprehensive land use plans and development regulations under this chapter if this resolution is adopted and filed with the department by December 31, 1990. Once a county meets either of these criteria, the requirement to conform with sections 4 through 16 of this act remains in effect, even if the county no longer meets one of these criteria.

(2) The county legislative authority of any county that does not meet the requirements of subsection (1) of this section may adopt a resolution indicating its intention to have subsection (1) of this section apply to the county. Each city, located in a county that chooses to plan under this subsection, shall adopt a comprehensive land use plan in accordance with this chapter. Once such a resolution has been adopted, the county cannot remove itself from the requirements of this chapter.

(3) Any county or city that is required to adopt a comprehensive land use plan under subsection (1) of this section shall adopt the plan on or before July 1, 1993. Any county or city that is required to adopt a comprehensive land use plan under subsection (2) of this section shall adopt the plan not later than three years from the date the county legislative body takes action as required by subsection (2) of this section.

(4) If the office of financial management certifies that the population of a county has changed sufficiently to meet the requirements of subsection (1) of this section, and the county legislative authority has not adopted a resolution removing the county from these requirements as provided in subsection (1) of this section, the county and each city within such county shall adopt: (a) Development regulations under section 6 of this act within one year of the certification by the office of financial management; (b) a comprehensive land use plan under this chapter within three years of the certification by the office of financial management; and (c) development regulations pursuant to this chapter within one year of having adopted its comprehensive land use plan.

NEW SECTION. Sec. 5. GUIDELINES TO CLASSIFY AGRICULTURE, FOREST, AND MINERAL LANDS AND CRITICAL AREAS. (1) Subject to the definitions provided in section 3 of this act, the department shall adopt guidelines, under chapter 34.05 RCW, no later than September 1, 1990, to guide the classification of: (a) Agricultural lands; (b) forest lands; (c) mineral resource lands; and (d) critical areas. The department shall consult with the department of agriculture regarding guidelines for agricultural lands, the department of natural resources regarding forest lands and mineral resource lands, and the department of ecology regarding critical areas.

(2) In carrying out its duties under this section, the department shall consult with interested parties, including but not limited to: (a) Representatives of cities; (b) representatives of counties; (c) representatives of developers; (d) representatives of builders; (e) representatives of owners of agricultural lands, forest lands, and mining lands; (f) representatives of local economic development officials; (g) representatives of environmental organizations; (h) representatives of special districts; (i) representatives of the governor's office and federal and state agencies; and (j) representatives of Indian tribes. In addition to the consultation required under this subsection, the department shall conduct public hearings in the various regions of the state. The department shall consider the public input obtained at such public hearings when adopting the guidelines.

(3) The guidelines under subsection (1) of this section shall be minimum guidelines that apply to all jurisdictions, but also shall allow for regional differences that exist in Washington state. The intent of these guidelines is to assist counties and cities in designating the classification of agricultural lands, forest lands, mineral resource lands, and critical areas under section 17 of this act.

(4) The guidelines established by the department under this section regarding classification of forest lands shall not be inconsistent with guidelines adopted by the department of natural resources.

NEW SECTION. Sec. 6. NATURAL RESOURCE LANDS AND CRITICAL AREAS—DEVELOPMENT REGULATIONS. (1) Each county that is required or chooses to plan under section 4 of this act, 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 section 17 of this act. Regulations adopted under this section may not prohibit uses permitted prior to their adoption and shall remain in effect until a county adopts development regulations pursuant to section 12 of this act. 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, of these designated lands for the production of food, agricultural products, or timber, or for the extraction of minerals.

Each county that is required or chooses to plan under section 4 of this act, 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 critical areas that are required to be designated under section 17 of this act.

(2) Such counties and cities shall review these designations and development regulations when adopting their comprehensive plans under section 4 of this act and implementing development regulations under section 12 of this act and may alter such designations and development regulations to insure consistency.

NEW SECTION. Sec. 7. COMPREHENSIVE PLANS—MANDATORY ELEMENTS. The comprehensive plan of a county or city that is required or chooses to plan under section 4 of this act shall consist of a map or maps, and descriptive text covering objectives, principles, and standards used to develop the comprehensive plan. The plan shall be an internally consistent document and all elements shall be consistent with the future land use map. A comprehensive plan shall be adopted and amended with public participation as provided in section 14 of this act.

Each comprehensive plan shall include a plan, scheme, or design for each of the following:

(1) A land use element designating the proposed general distribution and general location and extent of the uses of land, where appropriate, for agriculture, timber production, housing, commerce, industry, recreation, open spaces, public utilities, public facilities, and other land uses. The land use element shall include population densities, building intensities, and estimates of future population growth. The land use element shall provide for protection of the quality and quantity of ground water used for public water supplies. Where applicable, the land use element shall review drainage, flooding, and storm water run-off in the area and nearby jurisdictions and provide guidance for corrective actions to mitigate or cleanse those discharges that pollute waters of the state, including Puget Sound or waters entering Puget Sound.

(2) A housing element recognizing the vitality and character of established residential neighborhoods that: (a) Includes an inventory and analysis of existing and projected housing needs; (b) includes a statement of goals, policies, and objectives for the preservation, improvement, and development of housing; (c) identifies sufficient land for housing, including, but not limited to, government-assisted housing, housing for low-income families, manufactured housing, multifamily housing, and group homes and foster care facilities; and (d) makes adequate provisions for existing and projected needs of all economic segments of the community.

(3) A capital facilities plan element consisting of: (a) An inventory of existing capital facilities owned by public entities, showing the locations and capacities of the capital facilities; (b) a forecast of the future needs for such

capital facilities; (c) the proposed locations and capacities of expanded or new capital facilities; (d) at least a six-year plan that will finance such capital facilities within projected funding capacities and clearly identifies sources of public money for such purposes; and (e) a requirement to reassess the land use element if probable funding falls short of meeting existing needs and to ensure that the land use element, capital facilities plan element, and financing plan within the capital facilities plan element are coordinated and consistent.

(4) A utilities element consisting of the general location, proposed location, and capacity of all existing and proposed utilities, including, but not limited to, electrical lines, telecommunication lines, and natural gas lines.

(5) Counties shall include a rural element including lands that are not designated for urban growth, agriculture, forest, or mineral resources. The rural element shall permit land uses that are compatible with the rural character of such lands and provide for a variety of rural densities.

(6) A transportation element that implements, and is consistent with, the land use element. The transportation element shall include the following subelements:

(a) Land use assumptions used in estimating travel;

(b) Facilities and services needs, including:

(i) An inventory of air, water, and land transportation facilities and services, including transit alignments, to define existing capital facilities and travel levels as a basis for future planning;

(ii) Level of service standards for all arterials and transit routes to serve as a gauge to judge performance of the system. These standards should be regionally coordinated;

(iii) Specific actions and requirements for bringing into compliance any facilities or services that are below an established level of service standard;

(iv) Forecasts of traffic for at least ten years based on the adopted land use plan to provide information on the location, timing, and capacity needs of future growth;

(v) Identification of system expansion needs and transportation system management needs to meet current and future demands;

(c) Finance, including:

(i) An analysis of funding capability to judge needs against probable funding resources;

(ii) A multiyear financing plan based on the needs identified in the comprehensive plan, the appropriate parts of which shall serve as the basis for the six-year street, road, or transit program required by RCW 35.77-.010 for cities, RCW 36.81.121 for counties, and RCW 35.58.2795 for public transportation systems;

(iii) If probable funding falls short of meeting identified needs, a discussion of how additional funding will be raised, or how land use assumptions will be reassessed to ensure that level of service standards will be met;

(d) Intergovernmental coordination efforts, including an assessment of the impacts of the transportation plan and land use assumptions on the transportation systems of adjacent jurisdictions;

(e) Demand-management strategies.

After adoption of the comprehensive plan by jurisdictions required to plan or who choose to plan under section 4 of this act, local jurisdictions must adopt and enforce ordinances which prohibit development approval if the development causes the level of service on a transportation facility to decline below the standards adopted in the transportation element of the comprehensive plan, unless transportation improvements or strategies to accommodate the impacts of development are made concurrent with the development. These strategies may include increased public transportation service, ride sharing programs, demand management, and other transportation systems management strategies. For the purposes of this subsection (6) "concurrent with the development" shall mean that improvements or strategies are in place at the time of development, or that a financial commitment is in place to complete the improvements or strategies within six years.

The transportation element described in this subsection, and the six-year plans required by RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW 35.58.2795 for public transportation systems, must be consistent.

NEW SECTION. Sec. 8. OPTIONAL ELEMENTS. (1) A comprehensive plan may include additional elements, items, or studies dealing with other subjects relating to the physical development within its jurisdiction, including, but not limited to:

- (a) Conservation;
- (b) Solar energy; and
- (c) Recreation.

(2) A comprehensive plan may include, where appropriate, subarea plans, each of which is consistent with the comprehensive plan.

NEW SECTION. Sec. 9. INNOVATIVE TECHNIQUES. A comprehensive plan should provide for innovative land use management techniques, including, but not limited to, density bonuses, cluster housing, planned unit developments, and the transfer of development rights.

NEW SECTION. Sec. 10. COMPREHENSIVE PLANS—MUST BE COORDINATED. The comprehensive plan of each county or city that is adopted pursuant to section 4 of this act shall be coordinated with, and consistent with, the comprehensive plans adopted pursuant to section 4 of this act of other counties or cities with which the county or city has, in part, common borders or related regional issues.

NEW SECTION. Sec. 11. COMPREHENSIVE PLANS—URBAN GROWTH AREAS. (1) Each county that is required or chooses to

adopt a comprehensive land use plan under section 4 of this act 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 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 the effective date of this section, 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.

NEW SECTION. Sec. 12. **COMPREHENSIVE PLANS—DEVELOPMENT REGULATIONS AND CAPITAL PLANS—IMPLEMENTATION IN CONFORMITY.** Within one year of the adoption of its comprehensive plan, each county and city that is required or chooses to plan under section 4 of this act shall enact development regulations that are consistent with and implement the comprehensive plan. These counties and cities shall perform their activities and make capital budget decisions in conformity with their comprehensive plans.

NEW SECTION. Sec. 13. **COMPREHENSIVE PLANS—AMENDMENTS.** (1) Each comprehensive land use plan and development regulations shall be subject to continuing evaluation and review by the county or city that adopted them.

Any amendment or revision to a comprehensive land use plan shall conform to this chapter, and any change to development regulations shall be consistent with and implement the comprehensive plan.

(2) Each county and city shall establish procedures whereby proposed amendments or revisions of the comprehensive plan are considered by the governing body of the county or city no more frequently than once every year. All proposals shall be considered by the governing body concurrently so the cumulative effect of the various proposals can be ascertained. However, a county or city may adopt amendments or revisions to its comprehensive plan that conform with this chapter whenever an emergency exists.

(3) Each county that designates urban growth areas under section 11 of this act shall review, at least every ten years, its designated urban growth area or areas, and the densities permitted within both the incorporated and unincorporated portions of each urban growth area. In conjunction with this review by the county, each city located within an urban growth area shall review the densities permitted within its boundaries, and the extent to which the urban growth occurring within the county has located within each city and the unincorporated portions of the urban growth areas. The county comprehensive plan designating urban growth areas, and the densities permitted in the urban growth areas by the comprehensive plans of the county and each city located within the urban growth areas, shall be revised to accommodate the urban growth projected to occur in the county for the succeeding twenty-year period.

NEW SECTION. Sec. 14. COMPREHENSIVE PLANS—ENSURE PUBLIC PARTICIPATION. Each county and city that is required or chooses to plan under section 4 of this act shall establish procedures providing for early and continuous public participation in the development and amendment of comprehensive land use plans and development regulations implementing such plans. The procedures shall provide for broad dissemination of proposals and alternatives, opportunity for written comments, public meetings after effective notice, provision for open discussion, communication programs, information services, and consideration of and response to public comments. Errors in exact compliance with the established procedures shall not render the comprehensive land use plan or development regulations invalid if the spirit of the procedures is observed.

NEW SECTION. Sec. 15. Each county and city that is required or chooses to prepare a comprehensive land use plan under section 4 of this act shall identify lands useful for public purposes such as utility corridors, transportation corridors, landfills, sewage treatment 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.

NEW SECTION. Sec. 16. Each county and city that is required or chooses to prepare a comprehensive land use plan under section 4 of this act shall identify open space corridors within and between urban growth areas. They shall include lands useful for recreation, wildlife habitat, trails, and connection of critical areas as defined in section 3 of this act.

The city or county may seek to acquire by purchase the fee simple or lesser interests in these open space corridors using funds authorized by RCW 84.34.230 or other sources.

NEW SECTION. Sec. 17. **NATURAL RESOURCE LANDS AND CRITICAL AREAS—DESIGNATIONS.** (1) On or before September 1, 1991, each county, and each city, shall designate where appropriate:

(a) Agricultural lands that are not already characterized by urban growth and that have long-term significance for the commercial production of food or other agricultural products;

(b) Forest lands that are not already characterized by urban growth and that have long-term significance for the commercial production of timber;

(c) Mineral resource lands that are not already characterized by urban growth and that have long-term significance for the extraction of minerals; and

(d) Critical areas.

(2) In making the designations required by this section, counties and cities shall consider the guidelines established pursuant to section 5 of this act.

***NEW SECTION.** Sec. 18. **COMPREHENSIVE PLANS—SPECIAL DISTRICTS MUST CONFORM.** (1) *All special districts shall perform their activities which affect land use, including capital budget decisions, in conformity with the state policy goals and the comprehensive land use plan of the county or city having jurisdiction in the area where the activities occur.*

(2) *Not later than one year after the adoption of a comprehensive plan by a county or city pursuant to section 4 of this act, each special district located within such a county or city, that provides one or more of the public facilities or public services listed in this subsection, shall adopt or amend a capital facilities plan for its facilities that is consistent with the comprehensive plan and indicates the existing and projected capital facilities that are necessary to serve the projected growth for the area that is served by the special district. These public facilities or public services are: (a) Sanitary sewers; (b) potable water facilities; (c) park and recreation facilities; (d) fire suppression; (e) libraries; (f) schools; and (g) transportation, including mass transit.*

(3) This section shall not apply to port districts or municipal airports.

*Sec. 18 was vetoed, see message at end of chapter.

NEW SECTION. Sec. 19. REPORT ON PLANNING PROGRESS.

(1) It is the intent of the legislature that counties and cities required to adopt a comprehensive plan under section 4(1) of this act begin implementing this chapter on or before July 1, 1990, including but not limited to: (a) Inventorying, designating, and conserving agricultural, forest, and mineral resource lands, and critical areas; and (b) considering the modification or adoption of comprehensive land use plans and development regulations implementing the comprehensive land use plans. It is also the intent of the legislature that funds be made available to counties and cities beginning July 1, 1990, to assist them in meeting the requirements of this chapter.

(2) Each county and city that adopts a plan under section 4 (1) or (2) of this act shall report to the department annually for a period of five years, beginning on January 1, 1991, and each five years thereafter, on the progress made by that county or city in implementing this chapter.

NEW SECTION. Sec. 20. TECHNICAL ASSISTANCE, GRANTS, AND MEDIATION SERVICES. (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 section 4 of this act. 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 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.

(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 section 14 of this act.

NEW SECTION. Sec. 21. A new section is added to chapter 43.63A RCW to read as follows:

INVENTORYING AND COLLECTING DATA. (1) The department shall assist in the process of inventorying and collecting data on public and private land for the acquisition of data describing land uses, demographics, infrastructure, critical areas, transportation corridors physical features, housing, and other information useful in managing growth throughout the state. For this purpose the department shall contract with the department of information services and shall form an advisory group consisting of representatives from state, local, and federal agencies, colleges and universities, and private firms with expertise in land planning, and geographic information systems.

(2) The department shall establish a sequence for acquiring data, giving priority to rapidly growing areas. The data shall be retained in a manner to facilitate its use in preparing maps, aggregating with data from multiple jurisdictions, and comparing changes over time. Data shall further be retained in a manner which permits its access via computer.

(3) By December 1, 1990, the department shall report to the appropriate committees of the house of representatives and senate on the availability of existing data; specific data which is needed but not currently available; data compatibility across jurisdictions; the suitability of various types of data for retention on computer; the cost of collecting, storing, updating, mapping, and manipulating data on a computer; and recommendations on how to maintain an inventory of data which is accessible to any user and whether to maintain the data at a central repository or decentralized repositories.

(4) The department shall work with other state agencies, local governments, and private organizations that are inventorying public and private lands to ensure close coordination and to ensure that duplication of efforts does not occur.

NEW SECTION. Sec. 22. A new section is added to chapter 35.63 RCW to read as follows:

Beginning July 1, 1992, the development regulations of each city and county that does not plan under section 4 of this act shall not be inconsistent with the city's or county's comprehensive plan. For the purposes of this section, "development regulations" has the same meaning as set forth in section 3 of this act.

NEW SECTION. Sec. 23. A new section is added to chapter 35A.63 RCW to read as follows:

Beginning July 1, 1992, the development regulations of each code city that does not plan under section 4 of this act shall not be inconsistent with the city's comprehensive plan. For the purposes of this section, "development regulations" has the same meaning as set forth in section 3 of this act.

NEW SECTION. Sec. 24. A new section is added to chapter 36.70 RCW to read as follows:

Beginning July 1, 1992, the development regulations of each county that does not plan under section 4 of this act shall not be inconsistent with the county's comprehensive plan. For the purposes of this section, "development regulations" has the same meaning as set forth in section 3 of this act.

***NEW SECTION.** Sec. 25. A new section is added to chapter 35.22 RCW to read as follows:

CONTRACTS WITH DEVELOPERS AUTHORIZED. *Notwithstanding RCW 35.22.620, a first class city may contract with a developer for the construction or improvement of public facilities directly related to the developer's project.*

*Sec. 25 was vetoed, see message at end of chapter.

***NEW SECTION.** Sec. 26. A new section is added to chapter 35.23 RCW to read as follows:

CONTRACTS WITH DEVELOPERS AUTHORIZED. *Notwithstanding RCW 35.23.352, a second class city, third class city, or town may contract with a developer for the construction or improvement of public facilities directly related to the developer's project.*

*Sec. 26 was vetoed, see message at end of chapter.

*Sec. 27. Section 3, chapter 89, Laws of 1979 ex. sess. as amended by section 8, chapter 11, Laws of 1989 and RCW 35A.40.210 are each amended to read as follows:

Procedures for any public work or improvement contracts or purchases for code cities shall be governed by the following statutes, as indicated:

(1) For code cities of twenty thousand population or over, RCW 35.22-.620; and

(2) For code cities under twenty thousand population, RCW 35.23.352.

However, a code city may contract with a developer for the construction or improvement of public facilities directly related to the developer's project.

*Sec. 27 was vetoed, see message at end of chapter.

***NEW SECTION.** Sec. 28. A new section is added to chapter 36.32 RCW to read as follows:

CONTRACTS WITH DEVELOPERS AUTHORIZED. *Notwithstanding RCW 36.32.250, a county may contract with a developer for the construction or improvement of public facilities directly related to the developer's project.*

*Sec. 28 was vetoed, see message at end of chapter.

***NEW SECTION.** *Sec. 29. A new section is added to chapter 36.77 RCW to read as follows:*

CONTRACTS WITH DEVELOPERS AUTHORIZED. *Notwithstanding RCW 36.77.020 and 36.77.040, a county may contract with a developer for the construction or improvement of county roads directly related to the developer's project.*

*Sec. 29 was vetoed, see message at end of chapter.

NEW SECTION. *Sec. 30. A new section is added to chapter 35.13 RCW to read as follows:*

COMPREHENSIVE PLANS—ANNEXATIONS BEYOND URBAN GROWTH AREAS PROHIBITED. No city or town located in a county in which urban growth areas have been designated under section 11 of this act may annex territory beyond an urban growth area.

NEW SECTION. *Sec. 31. A new section is added to chapter 35A.14 RCW to read as follows:*

COMPREHENSIVE PLANS—ANNEXATIONS BEYOND URBAN GROWTH AREAS PROHIBITED. No code city located in a county in which urban growth areas have been designated under section 11 of this act may annex territory beyond an urban growth area.

NEW SECTION. *Sec. 32. A new section is added to chapter 43.62 RCW 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 population forecast required by section 11 of this act for each county that adopts a comprehensive plan under section 4 of this act.

Sec. 33. Section 4, chapter 72, Laws of 1967 and RCW 36.94.040 are each amended to read to read as follows:

The sewerage and/or water general plan must incorporate the provisions of existing comprehensive plans relating to sewerage and water systems of cities, towns, municipalities, and private utilities, to the extent they have been implemented.

~~((In any county in which a metropolitan municipal corporation is authorized to perform the sewerage disposal or water supply function, any sewerage and/or water general plan shall be approved by the metropolitan municipal corporation prior to adoption by the county:))~~

Sec. 34. Section 11, chapter 210, Laws of 1941 as last amended by section 1, chapter 213, Laws of 1982 and RCW 56.08.020 are each amended to read as follows:

The sewer commissioners before ordering any improvements hereunder or submitting to vote any proposition for incurring indebtedness shall adopt a general comprehensive plan for a system of sewers for the district. They shall investigate all portions and sections of the district and select a general comprehensive plan for a system of sewers for the district suitable and adequate for present and reasonably foreseeable future needs thereof. The general comprehensive plan shall provide for treatment plants and other methods for the disposal of sewage and industrial and other liquid wastes now produced or which may reasonably be expected to be produced within the district and shall, for such portions of the district as may then reasonably be served, provide for the acquisition or construction and installation of laterals, trunk sewers, intercepting sewers, syphons, pumping stations, or other sewage collection facilities. The general comprehensive plan shall provide the method of distributing the cost and expense of the sewer system provided therein against the district and against utility local improvement districts within the district, including any utility local improvement district lying wholly or partially within any other political subdivision included in the district; and provide whether the whole or some part of the cost and expenses shall be paid from sewer revenue bonds. The commissioners may employ such engineering and legal services as they deem necessary in carrying out the purposes hereof.

The general comprehensive plan shall be adopted by resolution and submitted to an engineer designated by the legislative authority of the county in which fifty-one percent or more of the area of the district is located, and to the director of health of the county in which the district or any portion thereof is located, and must be approved in writing by the engineer and director of health. The general comprehensive plan shall be approved, conditionally approved, or rejected by the director of health within sixty days of the plan's receipt and by the designated engineer within sixty days of the plan's receipt. However, this sixty-day time limitation may be extended by the director of health or engineer for up to an additional sixty days if sufficient time is not available to review adequately the general comprehensive plans.

Before becoming effective, the general comprehensive plan shall also be submitted to, and approved by resolution of, the legislative authority of every county within whose boundaries all or a portion of the sewer district

lies. The general comprehensive plan shall be approved, conditionally approved, or rejected by each of these county legislative authorities pursuant to the criteria in RCW 56.02.060 for approving the formation, reorganization, annexation, consolidation, or merger of sewer districts, and the resolution, ordinance, or motion of the legislative body which rejects the comprehensive plan or a part thereof shall specifically state in what particular the comprehensive plan or part thereof rejected fails to meet these criteria. The ~~((legislative body may not impose requirements restricting the maximum size of the sewer system facilities provided for in the))~~ general comprehensive plan~~((: PROVIDED, That))~~ shall not provide for the extension or location of facilities that are inconsistent with the requirements of section 11 of this act. Nothing in this chapter shall preclude a county from rejecting a proposed plan because it is in conflict with the criteria in RCW 56.02.060. Each general comprehensive plan shall be deemed approved if the county legislative authority fails to reject or conditionally approve the plan within ninety days of submission to the county legislative authority or within thirty days of a hearing on the plan when the hearing is held within ninety days of the plan's submission to the county legislative authority~~((: PROVIDED, That))~~. However, a county legislative authority may extend this ninety-day time limitation by up to an additional ninety days where a finding is made that ninety days is insufficient to review adequately the general comprehensive plan. In addition, the sewer commissioners and the county legislative authority may mutually agree to an extension of the deadlines in this section.

If the district includes portions or all of one or more cities or towns, the general comprehensive plan shall be submitted also to, and approved by resolution of, the ~~((legislative authority))~~ governing body of such cities and towns before becoming effective. The general comprehensive plan shall be deemed approved by the city or town ~~((legislative authority))~~ governing body if the city or town ~~((legislative authority))~~ governing body fails to reject or conditionally approve the plan within ninety days of the plan's submission to the city or town or within thirty days of a hearing on the plan when the hearing is held within ninety days of submission to the county legislative authority. However, a city or town governing body may extend this time limitation by up to an additional ninety days where a finding is made that insufficient time exists to adequately review the general comprehensive plan within these time limitations. In addition, the sewer commissioners and the city or town governing body may mutually agree to an extension of the deadlines in this section.

Before becoming effective, any amendment to, alteration of, or addition to, a general comprehensive plan shall also be subject to such approval as if it were a new general comprehensive plan: PROVIDED, That only if the amendment, alteration, or addition, affects a particular city or town, shall

the amendment, alteration, or addition be subject to approval by such particular city or town (~~(legislative authority)~~) governing body.

Sec. 35. Section 6, chapter 18, Laws of 1959 as last amended by section 10, chapter 389, Laws of 1989 and RCW 57.16.010 are each amended to read as follows:

The water district commissioners before ordering any improvements hereunder or submitting to vote any proposition for incurring any indebtedness shall adopt a general comprehensive plan of water supply for the district. They shall investigate the several portions and sections of the district for the purpose of determining the present and reasonably foreseeable future needs thereof; shall examine and investigate, determine and select a water supply or water supplies for such district suitable and adequate for present and reasonably foreseeable future needs thereof; and shall consider and determine a general system or plan for acquiring such water supply or water supplies; and the lands, waters and water rights and easements necessary therefor, and for retaining and storing any such waters, erecting dams, reservoirs, aqueducts and pipe lines to convey the same throughout such district. There may be included as part of the system the installation of fire hydrants at suitable places throughout the district, and the purchase and maintenance of necessary fire fighting equipment and apparatus, together with facilities for housing same. The water district commissioners shall determine a general comprehensive plan for distributing such water throughout such portion of the district as may then reasonably be served by means of subsidiary aqueducts and pipe lines, and the method of distributing the cost and expense thereof against such water district and against local improvement districts or utility local improvement districts within such water district for any lawful purpose, and including any such local improvement district or utility local improvement district lying wholly or partially within the limits of any city or town in such district, and shall determine whether the whole or part of the cost and expenses shall be paid from water revenue bonds. After July 23, 1989, when the district adopts a general comprehensive plan or plans for an area annexed as provided for in RCW 57.16.010, the district shall include a long-term plan for financing the planned projects. The commissioners may employ such engineering and legal service as in their discretion is necessary in carrying out their duties.

The general comprehensive plan shall be adopted by resolution and submitted to an engineer designated by the legislative authority of the county in which fifty-one percent or more of the area of the district is located, and to the director of health of the county in which the district or any portion thereof is located, and must be approved in writing by the engineer and director of health. The general comprehensive plan shall be approved, conditionally approved, or rejected by the director of health within sixty days of the plan's receipt and by the designated engineer within sixty days of the plan's receipt. However, this sixty-day time limitation may be

extended by the director of health or engineer for up to an additional sixty days if sufficient time is not available to review adequately the general comprehensive plans.

Before becoming effective, the general comprehensive plan shall also be submitted to, and approved by resolution of, the legislative authority of every county within whose boundaries all or a portion of the water district lies. The general comprehensive plan shall be approved, conditionally approved, or rejected by each of these county legislative authorities pursuant to the criteria in RCW 57.02.040 for approving the formation, reorganization, annexation, consolidation, or merger of water districts, and the resolution, ordinance, or motion of the legislative body which rejects the comprehensive plan or a part thereof shall specifically state in what particular the comprehensive plan or part thereof rejected fails to meet these criteria. The ~~((legislative body may not impose requirements restricting the maximum size of the water supply facilities provided for in the))~~ general comprehensive plan~~((: PROVIDED, That))~~ shall not provide for the extension or location of facilities that are inconsistent with the requirements of section 11 of this act. Nothing in this chapter shall preclude a county from rejecting a proposed plan because it is in conflict with the criteria in RCW 57.02.040. Each general comprehensive plan shall be deemed approved if the county legislative authority fails to reject or conditionally approve the plan within ninety days of the plan's submission to the county legislative authority or within thirty days of a hearing on the plan when the hearing is held within ninety days of submission to the county legislative authority~~((: PROVIDED, That))~~. However, a county legislative authority may extend this ninety-day time limitation by up to an additional ninety days where a finding is made that ninety days is insufficient to review adequately the general comprehensive plan. In addition, the water commissioners and the county legislative authority may mutually agree to an extension of the deadlines in this section.

If the district includes portions or all of one or more cities or towns, the general comprehensive plan shall be submitted also to, and approved by resolution of, the ~~((legislative authority))~~ governing bodies of such cities and towns before becoming effective. The general comprehensive plan shall be deemed approved by the city or town ~~((legislative authority))~~ governing body if the city or town ~~((legislative authority))~~ governing body fails to reject or conditionally approve the plan within ninety days of the plan's submission to the city or town or within thirty days of a hearing on the plan when the hearing is held within ninety days of submission to the county legislative authority. However, a city or town governing body may extend this time limitation by up to an additional ninety days where a finding is

made that insufficient time exists to adequately review the general comprehensive plan within these time limitations. In addition, the sewer commissioners and the city or town governing body may mutually agree to an extension of the deadlines in this section.

Before becoming effective, any amendment to, alteration of, or addition to, a general comprehensive plan shall also be subject to such approval as if it were a new general comprehensive plan: PROVIDED, That only if the amendment, alteration, or addition affects a particular city or town, shall the amendment, alteration or addition be subject to approval by such particular city or town (~~legislative authority~~) governing body.

Sec. 36. Section 11, chapter 49, Laws of 1982 1st ex. sess. and RCW 82.46.010 are each amended to read as follows:

(1) (~~Subject to the enactment into law of the 1982 amendment to RCW 82.02.020 by section 5, chapter 49, Laws of 1982 1st ex. sess.;~~) The governing body of any county or any city may impose an 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. The revenues from this tax shall be used by the respective jurisdictions for local capital improvements, including those listed in RCW 35.43.040.

After the effective date of this section, revenues generated from the tax imposed under this subsection in counties and cities that are required or choose to plan under section 4 of this act shall be used primarily for financing capital projects specified in a capital facilities plan element of a comprehensive plan and housing relocation assistance under sections 49 and 50 of this act. However, revenues (a) pledged by such counties and cities to debt retirement prior to the effective date of this section may continue to be used for that purpose until all outstanding debt is retired, or (b) committed prior to the effective date of this section by such counties or cities to a capital project may continue to be used for that purpose until the project is completed.

(2) (~~Subject to the enactment into law of the 1982 amendment to RCW 82.02.020 by section 5, chapter 49, Laws of 1982 1st ex. sess.;~~) In lieu of imposing the tax authorized in RCW 82.14.030(2), the governing body of any county or any city 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-half of one percent of the selling price.

(3) Taxes imposed under this section shall be collected from persons who are taxable by the state under chapter 82.45 RCW upon the occurrence of any taxable event within the unincorporated areas of the county or within the corporate limits of the city, as the case may be.

(4) Taxes imposed under this section shall comply with all applicable rules, regulations, laws, and court decisions regarding real estate excise taxes as imposed by the state under chapter 82.45 RCW.

(5) As used in this section, "city" means any city or town.

Sec. 37. Section 13, chapter 49, Laws of 1982 1st ex. sess. and RCW 82.46.030 are each amended to read as follows:

(1) The county treasurer shall place one percent of the proceeds of the taxes imposed under RCW 82.46.010 in the county current expense fund to defray costs of collection.

(2) The remaining proceeds from the county tax under RCW 82.46.010(1) shall be placed in a county capital improvements fund. The remaining proceeds from city or town taxes under RCW 82.46.010(1) shall be distributed to the respective cities and towns monthly and placed by the city treasurer in a municipal capital improvements fund. (~~These capital improvements funds shall be used by the respective jurisdictions for local improvements, including those listed in RCW 35.43.040.~~)

(3) This section does not limit the existing authority of any city, town, or county to impose special assessments on property specially benefited thereby in the manner prescribed by law.

NEW SECTION. Sec. 38. A new section is added to chapter 82.46 RCW to read as follows:

(1) The governing body of any county or any city that plans under section 4(1) of this act 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 section 4(2) of this act 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.

Sec. 39. Section 14, chapter 49, Laws of 1982 1st ex. sess. and RCW 82.46.040 are each amended to read as follows:

Any tax imposed under (~~RCW 82.46.010~~) this chapter and any interest or penalties thereon is a specific lien upon each piece of real property sold from the time of sale until the tax is paid, which lien may be enforced in the manner prescribed for the foreclosure of mortgages.

Sec. 40. Section 15, chapter 49, Laws of 1982 1st ex. sess. and RCW 82.46.050 are each amended to read as follows:

The taxes levied under (~~RCW 82.46.010~~) this chapter are the obligation of the seller and may be enforced through an action of debt against the seller or in the manner prescribed for the foreclosure of mortgages. Resort to one course of enforcement is not an election not to pursue the other.

Sec. 41. Section 16, chapter 49, Laws of 1982 1st ex. sess. and RCW 82.46.060 are each amended to read as follows:

Any taxes imposed under (~~RCW 82.46.010~~) this chapter shall be paid to and collected by the treasurer of the county within which is located the real property which was sold. The treasurer shall act as agent for any city within the county imposing the tax. 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. A receipt issued by the county treasurer for the payment of the tax imposed under (~~RCW 82.46.010~~) this chapter shall be evidence of the satisfaction of the lien imposed in RCW 82.46.040 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 may be accepted by the county auditor for filing or recording until the tax is paid and the stamp affixed thereto; in case the tax is not due on the transfer, the instrument shall not be accepted until suitable notation of this fact is made on the instrument by the treasurer.

Sec. 42. Section 82.02.020, chapter 15, Laws of 1961 as last amended by section 6, chapter 179, Laws of 1988 and RCW 82.02.020 are each amended to read as follows:

Except only as expressly provided in RCW 67.28.180 and 67.28.190 and the provisions of chapter 82.14 RCW, the state preempts the field of imposing taxes upon retail sales of tangible personal property, the use of tangible personal property, parimutuel wagering authorized pursuant to RCW 67.16.060, conveyances, and cigarettes, and no county, town, or other municipal subdivision shall have the right to impose taxes of that nature. Except as provided in sections 43 through 48 of this act, no county, city, town, or other municipal corporation shall impose any tax, fee, or charge, either direct or indirect, on the construction or reconstruction of residential buildings, commercial buildings, industrial buildings, or on any other building or building space or appurtenance thereto, or on the development, subdivision, classification, or reclassification of land. However, this section does

not preclude dedications of land or easements (~~(pursuant to RCW 58.17-110)~~) within the proposed development or plat which the county, city, town, or other municipal corporation can demonstrate are reasonably necessary as a direct result of the proposed development or plat to which the dedication of land or easement is to apply.

This section does not prohibit voluntary agreements with counties, cities, towns, or other municipal corporations that allow a payment in lieu of a dedication of land or to mitigate a direct impact that has been identified as a consequence of a proposed development, subdivision, or plat. A local government shall not use such voluntary agreements for local off-site transportation improvements within the geographic boundaries of the area or areas covered by an adopted transportation program authorized by chapter 39.92 RCW. Any such voluntary agreement is subject to the following provisions:

(1) The payment shall be held in a reserve account and may only be expended to fund a capital improvement agreed upon by the parties to mitigate the identified, direct impact;

(2) The payment shall be expended in all cases within five years of collection; and

(3) Any payment not so expended shall be refunded with interest at the rate applied to judgments to the property owners of record at the time of the refund; however, if the payment is not expended within five years due to delay attributable to the developer, the payment shall be refunded without interest.

No county, city, town, or other municipal corporation shall require any payment as part of such a voluntary agreement which the county, city, town, or other municipal corporation cannot establish is reasonably necessary as a direct result of the proposed development or plat.

Nothing in this section prohibits cities, towns, counties, or other municipal corporations from collecting reasonable fees from an applicant for a permit or other governmental approval to cover the cost to the city, town, county, or other municipal corporation of processing applications, inspecting and reviewing plans, or preparing detailed statements required by chapter 43.21C RCW.

This section does not limit the existing authority of any county, city, town, or other municipal corporation to impose special assessments on property specifically benefitted thereby in the manner prescribed by law.

Nothing in this section prohibits counties, cities, or towns from imposing or permits counties, cities, or towns to impose water, sewer, natural gas, drainage utility, and drainage system charges: **PROVIDED**, That no such charge shall exceed the proportionate share of such utility or system's capital costs which the county, city, or town can demonstrate are attributable to the property being charged: **PROVIDED FURTHER**, That these provisions shall not be interpreted to expand or contract any existing authority of counties, cities, or towns to impose such charges.

Nothing in this section prohibits a transportation benefit district from imposing fees or charges authorized in RCW 36.73.120 nor prohibits the legislative authority of a county, city, or town from approving the imposition of such fees within a transportation benefit district.

Nothing in this section prohibits counties, cities, or towns from imposing transportation impact fees authorized pursuant to chapter 39.92 RCW.

Nothing in this section prohibits counties, cities, or towns from requiring property owners to provide relocation assistance to tenants under sections 49 and 50 of this act.

This section does not apply to special purpose districts formed and acting pursuant to Titles 54, 56, 57, or 87 RCW, nor is the authority conferred by these titles affected.

NEW SECTION. Sec. 43. A new section is added to chapter 82.02 RCW to read as follows:

(1) It is the intent of the legislature:

(a) To ensure that adequate facilities are available to serve new growth and development;

(b) To promote orderly growth and development by establishing standards by which counties, cities, and towns may require, by ordinance, that new growth and development pay a proportionate share of the cost of new facilities needed to serve new growth and development; and

(c) To ensure that impact fees are imposed through established procedures and criteria so that specific developments do not pay arbitrary fees or duplicative fees for the same impact.

(2) Counties, cities, and towns that are required or choose to plan under section 4 of this act are authorized to impose impact fees on development activity as part of the financing for public facilities, provided that the financing for system improvements to serve new development must provide for a balance between impact fees and other sources of public funds and cannot rely solely on impact fees.

(3) The impact fees:

(a) Shall only be imposed for system improvements that are reasonably related to the new development;

(b) Shall not exceed a proportionate share of the costs of system improvements that are reasonably related to the new development; and

(c) Shall be used for system improvements that will reasonably benefit the new development.

(4) Impact fees may be collected and spent only for the public facilities defined in section 48 of this act which are addressed by a capital facilities plan element of a comprehensive land use plan adopted pursuant to the provisions of section 7 of this act or the provisions for comprehensive plan adoption contained in chapter 36.70, 35.63, or 35A.63 RCW. After July 1, 1993, continued authorization to collect and expend impact fees shall be contingent on the county, city, or town adopting or revising a comprehensive

plan in compliance with section 7 of this act, and on the capital facilities plan identifying:

(a) Deficiencies in public facilities serving existing development and the means by which existing deficiencies will be eliminated within a reasonable period of time;

(b) Additional demands placed on existing public facilities by new development; and

(c) Additional public facility improvements required to serve new development.

If the capital facilities plan of the county, city, or town is complete other than for the inclusion of those elements which are the responsibility of a special district, the county, city, or town may impose impact fees to address those public facility needs for which the county, city, or town is responsible.

NEW SECTION. Sec. 44. A new section is added to chapter 82.02 RCW to read as follows:

The local ordinance by which impact fees are imposed:

(1) Shall include a schedule of impact fees which shall be adopted for each type of development activity that is subject to impact fees, specifying the amount of the impact fee to be imposed for each type of system improvement. The schedule shall be based upon a formula or other method of calculating such impact fees. In determining proportionate share, the formula or other method of calculating impact fees shall incorporate, among other things, the following:

(a) The cost of public facilities necessitated by new development;

(b) An adjustment to the cost of the public facilities for past or future payments made or reasonably anticipated to be made by new development to pay for particular system improvements in the form of user fees, debt service payments, taxes, or other payments earmarked for or proratable to the particular system improvement;

(c) The availability of other means of funding public facility improvements;

(d) The cost of existing public facilities improvements; and

(e) The methods by which public facilities improvements were financed;

(2) May provide an exemption for low-income housing, and other development activities with broad public purposes, from these impact fees, provided that the impact fees for such development activity shall be paid from public funds other than impact fee accounts;

(3) Shall provide a credit for the value of any dedication of land for, improvement to, or new construction of any system improvements provided by the developer, to facilities that are identified in the capital facilities plan and that are required by the county, city, or town as a condition of approving the development activity;

(4) Shall allow the county, city, or town imposing the impact fees to adjust the standard impact fee at the time the fee is imposed to consider unusual circumstances in specific cases to ensure that impact fees are imposed fairly;

(5) Shall include a provision for calculating the amount of the fee to be imposed on a particular development that permits consideration of studies and data submitted by the developer to adjust the amount of the fee;

(6) Shall establish one or more reasonable service areas within which it shall calculate and impose impact fees for various land use categories per unit of development;

(7) May provide for the imposition of an impact fee for system improvement costs previously incurred by a county, city, or town to the extent that new growth and development will be served by the previously constructed improvements provided such fee shall not be imposed to make up for any system improvement deficiencies.

****NEW SECTION. Sec. 45. A new section is added to chapter 82.02 RCW to read as follows:***

(1) Payment of an impact fee in regard to the system improvement for which the impact fee is paid shall constitute full and complete compliance with the county, city, or town requirements for the provision of the particular public facility. No other payment may be required for the same system improvement by any county, city, or town by any other means.

(2) The county, city, or town may determine that a system improvement needs to be constructed prior to final completion of the development activity and may condition the development approval accordingly. Pursuant to an agreement with the county, city, or town, the developer may elect to construct the needed system improvement, provided the developer receives a credit for the costs of the construction that exceed the impact fee which otherwise would have applied.

(3) In the event that a developer enters into an agreement with a county, city, or town to construct, fund, or contribute system improvements such that the amount of the credit created by such construction, funding, or contribution is in excess of the impact fees which would otherwise have been paid for the development project, the developer shall be reimbursed for such excess construction, funding, or contribution from impact fees paid by other development located in the service area which is benefited by such improvements.

(4) Fees shall be collected upon the issuance of a building permit unless the fee is to be used for a system improvement to be undertaken within one year of the development approval, in which case the fee may be collected upon final development approval.

(5) Notwithstanding any other provision of sections 43 through 48 of this act, that portion of a project for which a valid building permit has been issued prior to the effective date of a county, city, or town impact fee ordinance, adopted pursuant to sections 43 through 48 of this act, shall not be

subject to impact fees under such ordinance so long as the building permit remains valid and construction is commenced and is pursued according to the terms of the permit.

(6) Prior to adopting an ordinance imposing impact fees, each county, city, or town shall establish an advisory committee composed of not less than six persons, plus a nonvoting chairperson selected by the advisory committee, to advise the governing body on possible features to be included in an impact fees ordinance and to periodically review the ordinance. Half of the members of the advisory committee shall represent the development industry, the building industry, and realtors, while the other half shall represent the environmental community and community groups.

(7) If impact fees are imposed to finance system improvements to be undertaken by a different local government or taxing district than the one collecting the fee, the collecting entity shall enter into an interlocal agreement with that local government or taxing district that will make the service improvements to ensure compliance with the requirements established for impact fees.

*Sec. 45 was vetoed, see message at end of chapter.

NEW SECTION. Sec. 46. A new section is added to chapter 82.02 RCW to read as follows:

(1) Impact fee receipts shall be earmarked specifically and retained in special interest-bearing accounts. Separate accounts shall be established for each type of public facility for which impact fees are collected. All interest shall be retained in the account and expended for the purpose or purposes for which the impact fees were imposed. Annually, each county, city, or town imposing impact fees shall provide a report on each impact fee account showing the source and amount of all moneys collected, earned, or received and system improvements that were financed in whole or in part by impact fees.

(2) Impact fees for system improvements shall be expended only in conformance with the capital facilities plan element of the comprehensive plan.

(3) Impact fees shall be expended or encumbered for a permissible use within six years of receipt, unless there exists an extraordinary and compelling reason for fees to be held longer than six years. Such extraordinary or compelling reasons shall be identified in written findings by the governing body of the county, city, or town.

(4) Impact fees may be paid under protest in order to obtain a permit or other approval of development activity.

(5) Each county, city, or town that imposes impact fees shall provide for an administrative appeals process for the appeal of an impact fee; the process may follow the appeal process for the underlying development approval or the county, city, or town may establish a separate appeals process. The impact fee may be modified upon a determination that it is proper to do

so based on principles of fairness. The county, city, or town may provide for the resolution of disputes regarding impact fees by arbitration.

NEW SECTION. Sec. 47. A new section is added to chapter 82.02 RCW to read as follows:

(1) The current owner of property on which an impact fee has been paid may receive a refund of such fees if the county, city, or town fails to expend or encumber the impact fees within six years of when the fees were paid or other such period of time established pursuant to section 46(3) of this act on public facilities intended to benefit the development activity for which the impact fees were paid. In determining whether impact fees have been encumbered, impact fees shall be considered encumbered on a first in, first out basis. The county, city, or town shall notify potential claimants by first class mail deposited with the United States postal service at the last known address of claimants.

The request for a refund must be submitted to the county, city, or town governing body in writing within one year of the date the right to claim the refund arises or the date that notice is given, whichever is later. Any impact fees that are not expended within these time limitations, and for which no application for a refund has been made within this one-year period, shall be retained and expended on the indicated capital facilities. Refunds of impact fees under this subsection shall include interest earned on the impact fees.

(2) When a county, city, or town seeks to terminate any or all impact fee requirements, all unexpended or unencumbered funds, including interest earned, shall be refunded pursuant to this section. Upon the finding that any or all fee requirements are to be terminated, the county, city, or town shall place notice of such termination and the availability of refunds in a newspaper of general circulation at least two times and shall notify all potential claimants by first class mail to the last known address of claimants. All funds available for refund shall be retained for a period of one year. At the end of one year, any remaining funds shall be retained by the local government, but must be expended for the indicated public facilities. This notice requirement shall not apply if there are no unexpended or unencumbered balances within an account or accounts being terminated.

(3) A developer may request and shall receive a refund, including interest earned on the impact fees, when the developer does not proceed with the development activity and no impact has resulted.

NEW SECTION. Sec. 48. A new section is added to chapter 82.02 RCW to read as follows:

Unless the context clearly requires otherwise, the following definitions shall apply in sections 43 through 48 of this act:

(1) "Development activity" means any construction or expansion of a building, structure, or use, any change in use of a building or structure, or any changes in the use of land, that creates additional demand and need for public facilities.

(2) "Development approval" means any written authorization from a county, city, or town which authorizes the commencement of development activity.

(3) "Impact fee" means a payment of money imposed upon development as a condition of development approval to pay for public facilities needed to serve new growth and development, and that is reasonably related to the new development that creates additional demand and need for public facilities, that is a proportionate share of the cost of the public facilities, and that is used for facilities that reasonably benefit the new development. "Impact fee" does not include a reasonable permit or application fee.

(4) "Owner" means the owner of record of real property, although when real property is being purchased under a real estate contract, the purchaser shall be considered the owner of the real property if the contract is recorded.

(5) "Proportionate share" means that portion of the cost of public facility improvements that are reasonably related to the service demands and needs of new development.

(6) "Project improvements" mean site improvements and facilities that are planned and designed to provide service for a particular development project and that are necessary for the use and convenience of the occupants or users of the project, and are not system improvements. No improvement or facility included in a capital facilities plan approved by the governing body of the county, city, or town shall be considered a project improvement.

(7) "Public facilities" means the following capital facilities owned or operated by government entities: (a) Public streets and roads; (b) publicly owned parks, open space, and recreation facilities; (c) school facilities; and (d) fire protection facilities in jurisdictions that are not part of a fire district.

(8) "Service area" means a geographic area defined by a county, city, town, or intergovernmental agreement in which a defined set of public facilities provide service to development within the area. Service areas shall be designated on the basis of sound planning or engineering principles.

(9) "System improvements" mean public facilities that are included in the capital facilities plan and are designed to provide service to service areas within the community at large, in contrast to project improvements.

NEW SECTION. Sec. 49. A new section is added to chapter 59.18 RCW to read as follows:

(1) Any city, town, county, or municipal corporation that is required to develop a comprehensive plan under section 4(1) of this act is authorized to require, after reasonable notice to the public and a public hearing, property owners to provide their portion of reasonable relocation assistance to low-income tenants upon the demolition, substantial rehabilitation whether due to code enforcement or any other reason, or change of use of residential

property, or upon the removal of use restrictions in an assisted-housing development. No city, town, county, or municipal corporation may require property owners to provide relocation assistance to low-income tenants, as defined in this chapter, upon the demolition, substantial rehabilitation, upon the change of use of residential property, or upon the removal of use restrictions in an assisted-housing development, except as expressly authorized herein or when authorized or required by state or federal law. As used in this section, "assisted housing development" means a multifamily rental housing development that either receives government assistance and is defined as federally assisted housing in RCW 59.28.020, or that receives other federal, state, or local government assistance and is subject to use restrictions.

(2) As used in this section, "low-income tenants" means tenants whose combined total income per dwelling unit is at or below fifty percent of the median income, adjusted for family size, in the county where the tenants reside.

The department of community development shall adopt rules defining county median income in accordance with the definitions promulgated by the federal department of housing and urban development.

(3) A requirement that property owners provide relocation assistance shall include the amounts of such assistance to be provided to low-income tenants. In determining such amounts, the jurisdiction imposing the requirement shall evaluate, and receive public testimony on, what relocation expenses displaced tenants would reasonably incur in that jurisdiction including:

- (a) Actual physical moving costs and expenses;
- (b) Advance payments required for moving into a new residence such as the cost of first and last month's rent and security and damage deposits;
- (c) Utility connection fees and deposits; and
- (d) Anticipated additional rent and utility costs in the residence for one year after relocation.

(4)(a) Relocation assistance provided to low-income tenants under this section shall not exceed two thousand dollars for each dwelling unit displaced by actions of the property owner under subsection (1) of this section. A city, town, county, or municipal corporation may make future annual adjustments to the maximum amount of relocation assistance required under this subsection in order to reflect any changes in the housing component of the consumer price index as published by the United States department of labor, bureau of labor statistics.

(b) The property owner's portion of any relocation assistance provided to low-income tenants under this section shall not exceed one-half of the required relocation assistance under (a) of this subsection in cash or services.

(c) The portion of relocation assistance not covered by the property owner under (b) of this subsection shall be paid by the city, town, county, or municipal corporation authorized to require relocation assistance under subsection (1) of this section. The relocation assistance may be paid from proceeds collected from the excise tax imposed under section 36 of this act.

(5) A city, town, county, or municipal corporation requiring the provision of relocation assistance under this section shall adopt policies, procedures, or regulations to implement such requirement. Such policies, procedures, or regulations shall include provisions for administrative hearings to resolve disputes between tenants and property owners relating to relocation assistance or unlawful detainer actions during relocation, and shall require a decision within thirty days of a request for a hearing by either a tenant or property owner.

Judicial review of an administrative hearing decision relating to relocation assistance may be had by filing a petition, within ten days of the decision, in the superior court in the county where the residential property is located. Judicial review shall be confined to the record of the administrative hearing and the court may reverse the decision only if the administrative findings, inferences, conclusions, or decision is:

(a) In violation of constitutional provisions;

(b) In excess of the authority or jurisdiction of the administrative hearing officer;

(c) Made upon unlawful procedure or otherwise is contrary to law; or

(d) Arbitrary and capricious.

(6) Any city, town, county, or municipal corporation may require relocation assistance, under the terms of this section, for otherwise eligible tenants whose living arrangements are exempted from the provisions of this chapter under RCW 59.18.040(3) and if the living arrangement is considered to be a rental or lease pursuant to RCW 67.28.180(1).

(7)(a) Persons who move from a dwelling unit prior to the application by the owner of the dwelling unit for any governmental permit necessary for the demolition, substantial rehabilitation, or change of use of residential property or prior to any notification or filing required for condominium conversion shall not be entitled to the assistance authorized by this section.

(b) Persons who move into a dwelling unit after the application for any necessary governmental permit or after any required condominium conversion notification or filing shall not be entitled to the assistance authorized by this section if such persons receive written notice from the property owner prior to taking possession of the dwelling unit that specifically describes the activity or condition that may result in their temporary or permanent displacement and advises them of their ineligibility for relocation assistance.

NEW SECTION. Sec. 50. A new section is added to chapter 59.18 RCW to read as follows:

Relocation assistance payments received by tenants under section 50 of this act shall not be considered as income or otherwise affect the eligibility for or amount of assistance paid under any government benefit program.

PART II SUBDIVISIONS

Sec. 51. Section 6, chapter 271, Laws of 1969 ex. sess. as last amended by section 2, chapter 330, Laws of 1989 and RCW 58.17.060 are each amended to read as follows:

(1) The legislative body of a city, town, or county shall adopt regulations and procedures, and appoint administrative personnel for the summary approval of short plats and short subdivisions or alteration or vacation thereof. When an alteration or vacation involves a public dedication, the alteration or vacation shall be processed as provided in RCW 58.17.212 or 58.17.215. Such regulations shall be adopted by ordinance and shall provide that a short plat and short subdivision may be approved only if written findings that are appropriate, as provided in RCW 58.17.110, are made by the administrative personnel, and may contain wholly different requirements than those governing the approval of preliminary and final plats of subdivisions and may require surveys and monumentations and shall require filing of a short plat, or alteration or vacation thereof, for record in the office of the county auditor: PROVIDED, That such regulations must contain a requirement that land in short subdivisions may not be further divided in any manner within a period of five years without the filing of a final plat, except that when the short plat contains fewer than four parcels, nothing in this section shall prevent the owner who filed the short plat from filing an alteration within the five-year period to create up to a total of four lots within the original short plat boundaries: PROVIDED FURTHER, That such regulations are not required to contain a penalty clause as provided in RCW 36.32.120 and may provide for wholly injunctive relief.

An ordinance requiring a survey shall require that the survey be completed and filed with the application for approval of the short subdivision.

(2) Cities, towns, and counties shall include in their short plat regulations and procedures pursuant to subsection (1) of this section provisions for considering sidewalks and other planning features that assure safe walking conditions for students who walk to and from school.

Sec. 52. Section 11, chapter 271, Laws of 1969 ex. sess. as last amended by section 3, chapter 330, Laws of 1989 and RCW 58.17.110 are each amended to read as follows:

(1) The city, town, or county legislative body shall inquire into the public use and interest proposed to be served by the establishment of the subdivision and dedication. It shall determine: (a) If appropriate provisions are made for, but not limited to, the public health, safety, and general welfare, for open spaces, drainage ways, streets or roads, alleys, other public

ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, ((sites for)) schools and schoolgrounds, and shall consider all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school(~~(, and determine)~~); and (b) whether the public interest will be served by the subdivision and dedication. (~~(if it finds that the proposed plat makes)~~)

(2) A proposed subdivision and dedication shall not be approved unless the city, town, or county legislative body makes written findings that: (a) Appropriate provisions are made for the public health, safety, and general welfare and for such open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, ((sites for)) schools and schoolgrounds and all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school(, and that); and (b) the public use and interest will be served by the platting of such subdivision(, then it shall be approved) and dedication. If it finds that the proposed (~~(plat does not)~~) subdivision and dedication make such appropriate provisions (~~(or)~~) and that the public use and interest will (~~(not)~~) be served, then the legislative body (~~(may disapprove)~~) shall approve the proposed (~~(plat)~~) subdivision and dedication. Dedication of land to any public body, provision of public improvements to serve the subdivision, and/or impact fees imposed under sections 43 through 48 of this act may be required as a condition of subdivision approval (~~(and)~~). Dedications shall be clearly shown on the final plat. No dedication, provision of public improvements, or impact fees imposed under sections 43 through 48 of this act shall be allowed that constitutes an unconstitutional taking of private property. The legislative body shall not as a condition to the approval of any (~~(plat)~~) subdivision require a release from damages to be procured from other property owners.

PART III

REGIONAL TRANSPORTATION PLANS

NEW SECTION. Sec. 53. INTENT—TRANSPORTATION PLANNING. The legislature finds that while the transportation system in Washington is owned and operated by numerous public jurisdictions, it should function as one interconnected and coordinated system. Transportation planning, at all jurisdictional levels, should be coordinated with local comprehensive plans. Further, local jurisdictions and the state should cooperate to achieve both state-wide and local transportation goals. To facilitate this coordination and cooperation among state and local jurisdictions, the legislature declares it to be in the state's interest to establish a coordinated planning program for regional transportation systems and facilities throughout the state.

NEW SECTION. Sec. 54. REGIONAL TRANSPORTATION PLANNING ORGANIZATIONS AUTHORIZED. The legislature hereby authorizes creation of regional transportation planning organizations within the state. Each regional transportation planning organization shall be formed through the voluntary association of local governments within a county, or within geographically contiguous counties. Each organization shall:

- (1) Encompass at least one complete county;
- (2) Have a population of at least one hundred thousand, or contain a minimum of three counties; and
- (3) Have as members all counties within the region, and at least sixty percent of the cities and towns within the region representing a minimum of seventy-five percent of the cities' and towns' population.

The state department of transportation must verify that each regional transportation planning organization conforms with the requirements of this section.

In urbanized areas, the regional transportation planning organization is the same as the metropolitan planning organization designated for federal transportation planning purposes.

NEW SECTION. Sec. 55. REGIONAL TRANSPORTATION PLANNING ORGANIZATIONS—DUTIES. (1) Each regional transportation planning organization shall:

(a) Certify that the transportation elements of comprehensive plans adopted by counties, cities, and towns within the region conform with the requirements of section 7 of this act, and are consistent with regional transportation plans as provided for in (b) of this subsection;

(b) Develop and adopt a regional transportation plan that is consistent with county, city, and town comprehensive plans and state transportation plans. Regional transportation planning organizations are encouraged to use county, city, and town comprehensive plans that existed prior to the effective date of this section as the basis of its regional transportation plan whenever possible. Such plans shall address existing or planned transportation facilities and services that exhibit one or more of the following characteristics:

- (i) Physically crosses member county lines;
- (ii) Is or will be used by a significant number of people who live or work outside the county in which the facility, service, or project is located;
- (iii) Significant impacts are expected to be felt in more than one county;
- (iv) Potentially adverse impacts of the facility, service, or project can be better avoided or mitigated through adherence to regional policies;
- (v) Transportation needs addressed by a project have been identified by the regional transportation planning process and the remedy is deemed to have regional significance;

(c) Designate a lead planning agency to coordinate preparation of the regional transportation plan. The lead planning agency may be a regional council, a county, city, or town agency, or a Washington state department of transportation district;

(d) Review the regional transportation plan biennially for currency; and

(e) Forward the adopted plan, and documentation of the biennial review of it, to the state department of transportation.

(2) All transportation projects within the region that have an impact upon regional facilities or services must be consistent with the plan.

(3) In order to ensure state-wide consistency in the regional transportation planning process, the state department of transportation shall:

(a) In cooperation with regional transportation planning organizations, establish minimum standards for development of a regional transportation plan;

(b) Facilitate coordination between regional transportation planning organizations; and

(c) Through the regional transportation planning process, and through state planning efforts as required by RCW 47.01.071, identify and jointly plan improvements and strategies within those corridors important to moving people and goods on a regional or state-wide basis.

NEW SECTION. Sec. 56. **TRANSPORTATION POLICY BOARDS.** Each regional transportation planning organization shall create a transportation policy board. Transportation policy boards shall provide policy advice to the regional transportation planning organization and shall allow representatives of major employers within the region, the department of transportation, transit districts, port districts, and member cities, towns, and counties within the region to participate in policy making.

NEW SECTION. Sec. 57. **ALLOCATION OF REGIONAL TRANSPORTATION PLANNING FUNDS.** Biennial appropriations to the department of transportation to carry out the regional transportation planning program shall set forth the amounts to be allocated as follows:

(1) A base amount per county for each county within each regional transportation planning organization, to be distributed to the lead planning agency;

(2) An amount to be distributed to each lead planning agency on a per capita basis; and

(3) An amount to be administered by the department of transportation as a discretionary grant program for special regional planning projects, including grants to allow counties which have significant transportation interests in common with an adjoining region to also participate in that region's planning efforts.

Sec. 58. Section 20, chapter 49, Laws of 1983 1st ex. sess. as amended by section 8, chapter 167, Laws of 1988 and RCW 36.81.121 are each amended to read as follows:

TRANSPORTATION PLANS MUST CONFORM TO COMPREHENSIVE PLAN. (1) Before July 1st of each year, the legislative authority of each county with the advice and assistance of the county road engineer, and pursuant to one or more public hearings thereon, shall prepare and adopt a comprehensive road program for the ensuing six calendar years. If the county has adopted a comprehensive plan pursuant to chapter 35.63 or 36.70 RCW, the inherent authority of a charter county derived from its charter, or chapter 36.— RCW (sections 1 through 20 of this act), the program shall be consistent with this comprehensive plan.

The program shall include proposed road and bridge construction work, and for those counties operating ferries shall also include a separate section showing proposed capital expenditures for ferries, docks, and related facilities. Copies of the program shall be filed with the county road administration board and with the state secretary of transportation not more than thirty days after its adoption by the legislative authority. The purpose of this section is to assure that each county shall perpetually have available advanced plans looking to the future for not less than six years as a guide in carrying out a coordinated road construction program. The program may at any time be revised by a majority of the legislative authority but only after a public hearing thereon.

(2) The six-year program of each county having an urban area within its boundaries shall contain a separate section setting forth the six-year program for arterial road construction based upon its long-range construction plan and formulated in accordance with regulations of the transportation improvement board. The six-year program for arterial road construction shall be submitted to the transportation improvement board forthwith after its annual revision and adoption by the legislative authority of each county. The six-year program for arterial road construction shall be based upon estimated revenues available for such construction together with such additional sums as the legislative authority of each county may request for urban arterials from the urban arterial trust account or the transportation improvement account for the six-year period. The arterial road construction program shall provide for a more rapid rate of completion of the long-range construction needs of principal arterial roads than for minor and collector arterial roads, pursuant to regulations of the transportation improvement board.

(3) Each six-year program forwarded to the secretary in compliance with subsection (1) of this section shall contain information as to how a county will expend its moneys, including funds made available pursuant to chapter 47.30 RCW, for bicycles, pedestrians, and equestrian purposes.

Sec. 59. Section 35.77.010, chapter 7, Laws of 1965 as last amended by section 6, chapter 167, Laws of 1988 and RCW 35.77.010 are each amended to read as follows:

TRANSPORTATION PLANS MUST CONFORM TO COMPREHENSIVE PLAN. (1) The legislative body of each city and town, pursuant to one or more public hearings thereon, shall prepare and adopt a comprehensive street program for the ensuing six calendar years ~~((and shall file))~~; If the city or town has adopted a comprehensive plan pursuant to chapter 35.63 or 35A.63 RCW, the inherent authority of a first class city derived from its charter, or chapter 36.— RCW (sections 1 through 20 of this act), the program shall be consistent with this comprehensive plan.

The program shall be filed with the secretary of transportation not more than thirty days after its adoption. Annually thereafter the legislative body of each city and town shall review the work accomplished under the program and determine current city street needs. Based on these findings each such legislative body shall prepare and after public hearings thereon adopt a revised and extended comprehensive street program before July 1st of each year, and each one-year extension and revision shall be filed with the secretary of transportation not more than thirty days after its adoption. The purpose of this section is to assure that each city and town shall perpetually have available advanced plans looking to the future for not less than six years as a guide in carrying out a coordinated street construction program. The program may at any time be revised by a majority of the legislative body of a city or town, but only after a public hearing.

The six-year program of each city lying within an urban area shall contain a separate section setting forth the six-year program for arterial street construction based upon its long range construction plan and formulated in accordance with rules of the transportation improvement board. The six-year program for arterial street construction shall be submitted to the transportation improvement board forthwith after its annual revision and adoption by the legislative body of the city. The six-year program for arterial street construction shall be based upon estimated revenues available for such construction together with such additional sums as the legislative authority may request for urban arterials from the urban arterial trust account or the transportation improvement account for the six-year period. The arterial street construction program shall provide for a more rapid rate of completion of the long-range construction needs of principal arterial streets than for minor and collector arterial streets, pursuant to rules of the transportation improvement board: PROVIDED, That urban arterial trust funds made available to the group of incorporated cities lying outside the boundaries of federally approved urban areas within each region need not be divided between functional classes of arterials but shall be available for any designated arterial street.

(2) Each six-year program forwarded to the secretary in compliance with subsection (1) of this section shall contain information as to how a city or town will expend its moneys, including funds made available pursuant to chapter 47.30 RCW, for bicycle, pedestrian, and equestrian purposes.

Sec. 60. Section 1, chapter 396, Laws of 1989 and RCW 35.58.2795 are each amended to read as follows:

TRANSPORTATION PLANS MUST CONFORM TO COMPREHENSIVE PLAN. By April 1st of each year, the legislative authority of each municipality, as defined in RCW 35.58.272, shall prepare a six-year transit development and financial program for that calendar year and the ensuing five years. The program shall be consistent with the comprehensive plans adopted by counties, cities, and towns, pursuant to chapter 35.63, 35A.63, or 36.70 RCW, the inherent authority of a first class city or charter county derived from its charter, or chapter 36.— RCW (sections 1 through 20 of this act). The program shall contain information as to how the municipality intends to meet state and local long-range priorities for public transportation, capital improvements, significant operating changes planned for the system, and how the municipality intends to fund program needs. Each municipality shall file the six-year program with the state department of transportation, the transportation improvement board, and cities, counties, and regional planning councils within which the municipality is located.

In developing its program, the municipality shall consider those policy recommendations affecting public transportation contained in the state transportation policy plan approved by the state transportation commission and, where appropriate, adopted by the legislature. The municipality shall conduct one or more public hearings while developing its program and for each annual update.

PART IV FOREST PRACTICES AND WATER

Sec. 61. Section 5, chapter 137, Laws of 1974 ex. sess. as last amended by section 47, chapter 36, Laws of 1988 and RCW 76.09.050 are each amended to read as follows:

(1) The board shall establish by rule which forest practices shall be included within each of the following classes:

Class I: Minimal or specific forest practices that have no direct potential for damaging a public resource that may be conducted without submitting an application or a notification;

Class II: Forest practices which have a less than ordinary potential for damaging a public resource that may be conducted without submitting an application and may begin five calendar days, or such lesser time as the department may determine, after written notification by the operator, in the manner, content, and form as prescribed by the department, is received by the department. Class II shall not include forest practices:

(a) On lands platted after January 1, 1960, or being converted to another use;

(b) Which require approvals under the provisions of the hydraulics act, RCW 75.20.100;

(c) Within "shorelines of the state" as defined in RCW 90.58.030; or

(d) Excluded from Class II by the board;

Class III: Forest practices other than those contained in Class I, II, or IV. A Class III application must be approved or disapproved by the department within thirty calendar days from the date the department receives the application;

Class IV: Forest practices other than those contained in Class I or II: (a) On lands platted after January 1, 1960, (b) on lands being converted to another use, (c) on lands which, pursuant to RCW 76.09.070 as now or hereafter amended, are not to be reforested because of the likelihood of future conversion to urban development, and/or (d) which have a potential for a substantial impact on the environment and therefore require an evaluation by the department as to whether or not a detailed statement must be prepared pursuant to the state environmental policy act, chapter 43.21C RCW. Such evaluation shall be made within ten days from the date the department receives the application: PROVIDED, That nothing herein shall be construed to prevent any local or regional governmental entity from determining that a detailed statement must be prepared for an action pursuant to a Class IV forest practice taken by that governmental entity concerning the land on which forest practices will be conducted. A Class IV application must be approved or disapproved by the department within thirty calendar days from the date the department receives the application, unless the department determines that a detailed statement must be made, in which case the application must be approved or disapproved by the department within sixty calendar days from the date the department receives the application, unless the commissioner of public lands, through the promulgation of a formal order, determines that the process cannot be completed within such period.

Forest practices under Classes I, II, and III are exempt from the requirements for preparation of a detailed statement under the state environmental policy act.

(2) No Class II, Class III, or Class IV forest practice shall be commenced or continued after January 1, 1975, unless the department has received a notification with regard to a Class II forest practice or approved an application with regard to a Class III or Class IV forest practice containing all information required by RCW 76.09.060 as now or hereafter amended: PROVIDED, That any person commencing a forest practice during 1974 may continue such forest practice until April 1, 1975, if such person has

submitted an application to the department prior to January 1, 1975: PROVIDED, FURTHER, That in the event forest practices regulations necessary for the scheduled implementation of this chapter and RCW 90.48.420 have not been adopted in time to meet such schedules, the department shall have the authority to regulate forest practices and approve applications on such terms and conditions consistent with this chapter and RCW 90.48.420 and the purposes and policies of RCW 76.09.010 until applicable forest practices regulations are in effect.

(3) If a notification or application is delivered in person to the department by the operator or his agent, the department shall immediately provide a dated receipt thereof. In all other cases, the department shall immediately mail a dated receipt to the operator.

(4) Forest practices shall be conducted in accordance with the forest practices regulations, orders and directives as authorized by this chapter or the forest practices regulations, and the terms and conditions of any approved applications.

(5) The department of natural resources shall notify the applicant in writing of either its approval of the application or its disapproval of the application and the specific manner in which the application fails to comply with the provisions of this section or with the forest practices regulations. Except as provided otherwise in this section, if the department fails to either approve or disapprove an application or any portion thereof within the applicable time limit, the application shall be deemed approved and the operation may be commenced: PROVIDED, That this provision shall not apply to applications which are neither approved nor disapproved pursuant to the provisions of subsection (7) of this section: PROVIDED, FURTHER, That if seasonal field conditions prevent the department from being able to properly evaluate the application, the department may issue an approval conditional upon further review within sixty days: PROVIDED, FURTHER, That the department shall have until April 1, 1975, to approve or disapprove an application involving forest practices allowed to continue to April 1, 1975, under the provisions of subsection (2) of this section. Upon receipt of any notification or any satisfactorily completed application the department shall in any event no later than two business days after such receipt transmit a copy to the departments of ecology, wildlife, and fisheries, and to the county (~~in which~~), city, or town in whose jurisdiction the forest practice is to be commenced. Any comments by such agencies shall be directed to the department of natural resources.

(6) If the county, city, or town believes that an application is inconsistent with this chapter, the forest practices regulations, or any local authority consistent with RCW 76.09.240 as now or hereafter amended, it may so notify the department and the applicant, specifying its objections.

(7) The department shall not approve portions of applications to which a county, city, or town objects if:

(a) The department receives written notice from the county, city, or town of such objections within fourteen business days from the time of transmittal of the application to the county, city, or town, or one day before the department acts on the application, whichever is later; and

(b) The objections relate to lands either:

(i) Platted after January 1, 1960; or

(ii) Being converted to another use.

The department shall either disapprove those portions of such application or appeal the county, city, or town objections to the appeals board. If the objections related to subparagraphs (b) (i) and (ii) of this subsection are based on local authority consistent with RCW 76.09.240 as now or hereafter amended, the department shall disapprove the application until such time as the county, city, or town consents to its approval or such disapproval is reversed on appeal. The applicant shall be a party to all department appeals of county, city, or town objections. Unless the county, city, or town either consents or has waived its rights under this subsection, the department shall not approve portions of an application affecting such lands until the minimum time for county, city, or town objections has expired.

(8) In addition to any rights under the above paragraph, the county, city, or town may appeal any department approval of an application with respect to any lands within its jurisdiction. The appeals board may suspend the department's approval in whole or in part pending such appeal where there exists potential for immediate and material damage to a public resource.

(9) Appeals under this section shall be made to the appeals board in the manner and time provided in RCW 76.09.220(8). In such appeals there shall be no presumption of correctness of either the county, city, or town or the department position.

(10) The department shall, within four business days notify the county, city, or town of all notifications, approvals, and disapprovals of an application affecting lands within the county, city, or town, except to the extent the county, city, or town has waived its right to such notice.

(11) A county, city, or town may waive in whole or in part its rights under this section, and may withdraw or modify any such waiver, at any time by written notice to the department.

Sec. 62. Section 6, chapter 137, Laws of 1974 ex. sess. as amended by section 3, chapter 200, Laws of 1975 1st ex. sess. and RCW 76.09.060 are each amended to read as follows:

(1) The department shall prescribe the form and contents of the notification and application. The forest practices regulations shall specify by whom and under what conditions the notification and application shall be signed. The application or notification shall be delivered in person or sent by certified mail to the department. The information required may include, but shall not be limited to:

(a) Name and address of the forest land owner, timber owner, and operator;

(b) Description of the proposed forest practice or practices to be conducted;

(c) Legal description of the land on which the forest practices are to be conducted;

(d) Planimetric and topographic maps showing location and size of all lakes and streams and other public waters in and immediately adjacent to the operating area and showing all existing and proposed roads and major tractor roads;

(e) Description of the silvicultural, harvesting, or other forest practice methods to be used, including the type of equipment to be used and materials to be applied;

(f) Proposed plan for reforestation and for any revegetation necessary to reduce erosion potential from roadsides and yarding roads, as required by the forest practices regulations;

(g) Soil, geological, and hydrological data with respect to forest practices;

(h) The expected dates of commencement and completion of all forest practices specified in the application;

(i) Provisions for continuing maintenance of roads and other construction or other measures necessary to afford protection to public resources; and

(j) An affirmation that the statements contained in the notification or application are true.

(2) At the option of the applicant, the application or notification may be submitted to cover a single forest practice or any number of forest practices within reasonable geographic or political boundaries as specified by the department. Long range plans may be submitted to the department for review and consultation.

(3) The application shall indicate whether any land covered by the application will be converted or is intended to be converted to a use other than commercial timber production within three years after completion of the forest practices described in it.

(a) If the application states that any such land will be or is intended to be so converted:

(i) The reforestation requirements of this chapter and of the forest practices regulations shall not apply if the land is in fact so converted unless applicable alternatives or limitations are provided in forest practices regulations issued under RCW 76.09.070 as now or hereafter amended;

(ii) Completion of such forest practice operations shall be deemed conversion of the lands to another use for purposes of chapters 84.28, 84.33, and 84.34 RCW unless the conversion is to a use permitted under a current use tax agreement permitted under chapter 84.34 RCW;

(iii) The forest practices described in the application are subject to applicable county, city, town, and regional governmental authority permitted under RCW 76.09.240 as now or hereafter amended as well as the forest practices regulations.

(b) If the application does not state that any land covered by the application will be or is intended to be so converted:

(i) For six years after the date of the application the county (~~(or)~~), city, town, and regional governmental entities may deny any or all applications for permits or approvals, including building permits and subdivision approvals, relating to nonforestry uses of land subject to the application;

(ii) Failure to comply with the reforestation requirements contained in any final order or decision shall constitute a removal from classification under the provisions of RCW 84.28.065, a removal of designation under the provisions of RCW 84.33.140, and a change of use under the provisions of RCW 84.34.080, and, if applicable, shall subject such lands to the payments and/or penalties resulting from such removals or changes; and

(iii) Conversion to a use other than commercial timber operations within three years after completion of the forest practices without the consent of the county (~~(or municipality)~~), city, or town shall constitute a violation of each of the county, municipal city, town, and regional authorities to which the forest practice operations would have been subject if the application had so stated.

(c) The application shall be either signed by the land owner or accompanied by a statement signed by the land owner indicating his or her intent with respect to conversion and acknowledging that he or she is familiar with the effects of this subsection.

(4) Whenever an approved application authorizes a forest practice which, because of soil condition, proximity to a water course or other unusual factor, has a potential for causing material damage to a public resource, as determined by the department, the applicant shall, when requested on the approved application, notify the department two days before the commencement of actual operations.

(5) Before the operator commences any forest practice in a manner or to an extent significantly different from that described in a previously approved application or notification, there shall be submitted to the department a new application or notification form in the manner set forth in this section.

(6) The notification to or the approval given by the department to an application to conduct a forest practice shall be effective for a term of one year from the date of approval or notification and shall not be renewed unless a new application is filed and approved or a new notification has been filed.

(7) Notwithstanding any other provision of this section, no prior application or notification shall be required for any emergency forest practice

necessitated by fire, flood, windstorm, earthquake, or other emergency as defined by the board, but the operator shall submit an application or notification, whichever is applicable, to the department within forty-eight hours after commencement of such practice.

NEW SECTION. Sec. 63. A new section is added to chapter 19.27 RCW to read as follows:

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. An application for a water right shall not be sufficient proof of an adequate water supply.

Buildings that do not need potable water facilities are exempt from the provisions of this section. The department of ecology may adopt rules to implement this section.

PART V

ENCOURAGING ECONOMIC GROWTH STATE-WIDE

NEW SECTION. Sec. 64. INTENT. The legislature finds that the Puget Sound region is experiencing economic prosperity and the challenges associated with rapid growth; much of the rest of the state is not experiencing economic prosperity, and faces challenges associated with slow economic growth. It is the intent of the legislature to encourage economic prosperity and balanced economic growth throughout the state.

In order to accomplish this goal, growth must be managed more effectively in the Puget Sound region, and rural areas must build local capacity to accommodate additional economic activity in their communities. Where possible, rural economies and low-income areas should be linked with prosperous urban economies to share economic growth for the benefit of all areas and the state.

To accomplish this goal it is the intent of the legislature to: (1) Assure equitable opportunities to secure prosperity for distressed areas, rural communities, and disadvantaged populations by promoting urban-rural economic links, and by promoting value-added product development, business networks, and increased exports from rural areas; (2) improve the economic development service delivery system to be better able to serve these areas, communities, and populations; (3) redirect the priorities of the state's economic development programs to focus economic development efforts into areas and sectors of the greatest need; (4) build local capacity so that communities are better able to plan for growth and achieve self-reliance; (5) administer grant programs to promote new feasibility studies and project development on projects of interest to rural areas or areas outside of the Puget Sound region; and (6) develop a coordinated economic investment

strategy involving state economic development programs, businesses, educational and vocational training institutions, local governments and local economic development organizations, ports, and others.

Sec. 65. Section 1, chapter 20, Laws of 1983 1st ex. sess. as amended by section 1, chapter 231, Laws of 1985 and RCW 43.210.010 are each amended to read as follows:

EXPORT ASSISTANCE CENTER—ENCOURAGE URBAN-RURAL LINKS. The legislature finds:

(1) The exporting of goods and services from Washington to international markets is an important economic stimulus to the growth, development, and stability of the state's businesses in both urban and rural areas, and that these economic activities create needed jobs for Washingtonians.

(2) Impediments to the entry of many small and medium-sized businesses into export markets have restricted growth in exports from the state.

(3) Particularly significant impediments for many small and medium-sized businesses are the lack of easily accessible information about export opportunities and financing alternatives.

(4) There is a need for a small business export finance assistance center which will specialize in providing export assistance to small and medium-sized businesses throughout the state in acquiring information about export opportunities and financial alternatives for exporting.

Sec. 66. Section 2, chapter 20, Laws of 1983 1st ex. sess. as amended by section 2, chapter 231, Laws of 1985 and RCW 43.210.020 are each amended to read as follows:

EXPORT ASSISTANCE CENTER—ENCOURAGE URBAN-RURAL LINKS. A nonprofit corporation, to be known as the small business export finance assistance center, and branches subject to its authority, may be formed under chapter 24.03 RCW for the following public purposes:

(1) To assist small and medium-sized businesses in both urban and rural areas in the financing of export transactions.

(2) To provide, singly or in conjunction with other organizations, information and assistance to these businesses about export opportunities and financing alternatives.

(3) To provide information to and assist those businesses interested in exporting products, including the opportunities available to them in organizing 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.

NEW SECTION. Sec. 67. A new section is added to chapter 43.63A RCW to read as follows:

BUILDING LOCAL CAPACITY. (1) The department shall administer a grant program which makes grants to local nonprofit organizations for

rural economic development or for sharing economic growth outside the Puget Sound region. The grants shall be used to: (a) Develop urban-rural links; (b) build local capacity for economic growth; or (c) improve the export of products or services from rural areas to locations outside the United States.

(2) The department shall consult with, and if necessary form an advisory committee including, a diverse group of private sector representatives including, but not limited to, major corporations, commercial financial institutions, venture capitalists, small businesses, natural resource businesses, and developers to determine what opportunities for new investment and business growth might be available for areas outside high-growth counties. The department shall also consult with the department of trade and economic development. The department shall seek to maximize and link new investment opportunities to grant projects under this section.

(3) The department may enact rules to carry out this section.

Sec. 68. Section 1, chapter 466, Laws of 1985 and RCW 43.31.005 are each amended to read as follows:

DEPARTMENT OF TRADE AND ECONOMIC DEVELOPMENT—ENCOURAGE GROWTH STATE-WIDE. The legislature of the state of Washington finds that economic development is an essential public purpose which requires the active involvement of state government. The state's primary economic strategy is to encourage the retention and expansion of existing businesses, to attract new businesses and industries, ((and)) to foster the formation of new businesses, and to economically link rural communities with urban areas. In order to aid the citizens of Washington to obtain desirable employment and achieve adequate incomes, it is necessary for the state to encourage balanced growth and economic prosperity and to promote a more diversified and healthy economy throughout the state.

The legislature finds that the state needs to improve its level of employment, business activity, and revenue growth. In order to increase job opportunities and revenues, a broader and more stable economic base is needed. The state shall take primary responsibility to encourage the balanced growth of the economy consistent with the preservation of Washington's quality of life and environment. A healthy economy can be achieved through partnership efforts with the private sector to facilitate increased investment in Washington. It is the policy of the state of Washington to encourage and promote an economic development program that provides sufficient employment opportunities for our current resident work force and those individuals who will enter the state's work force in the future.

The legislature finds that the state of Washington has the potential to become a major world trade gateway. In order for Washington to fulfill its potential and compete successfully with other states and provinces, it must

articulate a consistent, long-term trade policy. It is the responsibility of the state to monitor and ensure that such traditional functions of state government as transportation, infrastructure, education, taxation, regulation and public expenditures contribute to the international trade focus the state of Washington must develop.

Sec. 69. Section 4, chapter 466, Laws of 1985 and RCW 43.31.035 are each amended to read as follows:

DEPARTMENT OF TRADE AND ECONOMIC DEVELOPMENT—ENCOURAGE GROWTH STATE-WIDE. The department shall pursue a coordinated approach for the state's economic development policies and programs to achieve a more diversified and healthy economy. The department shall support and work cooperatively with other state agencies, public and private organizations, and units of local government, as well as the federal government, to strengthen and coordinate economic development programs ~~((m))~~ throughout the state. The department's activities shall include, but not be limited to:

(1) Providing economic development advisory assistance to the governor, other state agencies, and the legislature on economic-related issues, and other matters affecting the economic well-being of the state and all its citizens.

(2) Providing staff and support to cabinet level interagency economic development coordinating activities.

(3) Representing and monitoring the state's interests with the federal government in its formulation of policies and programs in economic development.

(4) Assisting in the development and implementation of a long-term economic strategy for the state that encourages a balance in economic growth between urban and rural areas and that stimulates economic development in areas not experiencing problems associated with rapid growth, and assisting the continual update of information and strategies contained in the long-term economic program for the state.

Sec. 70. Section 5, chapter 125, Laws of 1984 as amended by section 137, chapter 266, Laws of 1986 and RCW 43.63A.065 are each amended to read as follows:

DEPARTMENT OF COMMUNITY DEVELOPMENT—PRIORITIZE BASED ON NEED. The department shall have the following functions and responsibilities:

(1) Cooperate with and provide technical and financial assistance to the local governments and to the local agencies serving the communities of the state for the purpose of aiding and encouraging orderly, productive, and coordinated development of the state, and, unless stipulated otherwise, give priority to local communities with the greatest relative need and the fewest resources.

(2) Administer state and federal grants and programs which are assigned to the department by the governor or the legislature.

(3) Administer community services programs through private, non-profit organizations and units of general purpose local government; these programs are directed to the poor and infirm and include community-based efforts to foster self-sufficiency and self-reliance, energy assistance programs, head start, and weatherization.

(4) Study issues affecting the structure, operation, and financing of local government as well as those state activities which involve relations with local government and report the results and recommendations to the governor, legislature, local government, and citizens of the state.

(5) Assist the governor in coordinating the activities of state agencies which have an impact on local governments and communities.

(6) Provide technical assistance to the governor and the legislature on community development policies for the state.

(7) Assist in the production, development, rehabilitation, and operation of owner-occupied or rental housing for low and moderate income persons, and qualify as a participating state agency for all programs of the Department of Housing and Urban Development or its successor.

(8) Support and coordinate local efforts to promote volunteer activities throughout the state.

(9) Participate with other states or subdivisions thereof in interstate programs and assist cities, counties, municipal corporations, governmental conferences or councils, and regional planning commissions to participate with other states or their subdivisions.

(10) Hold public hearings and meetings to carry out the purposes of this chapter.

(11) Provide a comprehensive state-level focus for state fire protection services, funding, and policy.

(12) Administer a program to identify, evaluate, and protect properties which reflect outstanding elements of the state's cultural heritage.

(13) Coordinate a comprehensive state program for mitigating, preparing for, responding to, and recovering from emergencies and disasters.

NEW SECTION. Sec. 71. A new section is added to chapter 43.31 RCW to read as follows:

ASSOCIATE DEVELOPMENT ORGANIZATION NETWORK FORMALIZED. (1) There is established in the department the local economic development service program. This program shall coordinate the delivery of economic development services to local communities or regional areas. It shall encourage a partnership between the public and private sectors and between state and local officials to encourage appropriate economic growth in communities throughout the state.

(2) The department's local economic development service program shall promote local economic development by assisting businesses to start-

up, maintain, or expand their operations, by encouraging public infrastructure investment and private capital investment in local communities, and by expanding employment opportunities.

(3) The department's local economic development service program shall, among other things, (a) contract with local economic development nonprofit corporations, called "associate development organizations," for the delivery of economic development services to local communities or regional areas; (b) enter into interagency agreements with appropriate state agencies, such as the department of community development, the department of agriculture, and the employment security department, to coordinate the delivery of economic development services to local communities or regional areas; (c) enter into agreements with other public organizations or institutions that provide economic development services, such as the small business development center, the Washington technology center, community colleges, vocational-technical institutes, the University of Washington, Washington State University, four-year colleges and universities, the federal small business administration, ports, and others, to coordinate the delivery of economic development services to local communities and regional areas; and (d) provide training, through contracts with public or private organizations, and other assistance to associate development organizations to the extent resources allow.

(4) It is the intent of the legislature that the associate development organizations shall promote and coordinate, through local service agreements or other methods, the delivery of economic development services in their areas that are provided by public and private organizations, including state agencies.

(5) The legislature encourages local associate development organizations to form partnerships with other associate development organizations in their region to combine resources for better access to available services, to encourage regional delivery of state services, and to more effectively build the local capacity of communities in the region.

NEW SECTION. Sec. 72. THE SERVICE DELIVERY TASK FORCE. The service delivery task force is established. The purpose of the task force is to review the current system for delivering economic development services in Washington and to make recommendations for improving the effectiveness of state economic development services, especially in rural areas.

(1) The task force shall consider existing studies and reports in its analysis, and shall seek input from the key persons or organizations delivering and receiving state economic development services. These key organizations include: (a) The University of Washington and Washington State

University, (b) ports, (c) community colleges, (d) vocational-technical institutes, (e) the small business administration, (f) the Washington technology center, (g) nonprofit community action organizations, (h) local businesses and chambers of commerce.

(2) The recommendations shall consider, but not be limited to, the following: (a) What should be the structure for delivering state economic development services to enhance local capacity? and (b) How can state programs be better coordinated to avoid duplication and fragmentation of services?

(3) The task force shall consist of: (a) Four legislators, one from each major caucus in the house of representatives appointed by the speaker of the house and one from each major caucus in the senate appointed by the president of the senate; (b) one citizen member involved in economic development appointed by the governor; (c) the director, or the director's designee, of each of the following departments: (i) The department of trade and economic development, (ii) the department of community development, (iii) the department of agriculture, and (iv) the employment security department; (d) two representatives of local governments appointed by the governor in consultation with the association of Washington cities and the Washington state association of counties, with one from east of the Cascades; (e) two representatives of associate development organizations, appointed by the chair of the associate development organization state council, with one representative from east of the Cascades; (f) two representatives of small businesses appointed by the governor, with one representative from east of the Cascades; and (g) one representative each from the Northwest policy center at the University of Washington and the public policy institute at The Evergreen State College appointed by their directors.

(4) Staff services for the task force shall be jointly provided by the department of trade and economic development and the department of community development.

(5) The governor shall appoint the chair of the task force.

(6) Task force members may be reimbursed as provided by RCW 43.03.050 and 43.03.060.

(7) The task force may create subcommittees and may invite non-members of the task force to participate in the subcommittees.

(8) The task force shall report on its findings and make its recommendations to the house of representatives trade and economic development committee, the senate economic development and labor committee, and the governor by November 1, 1990, and shall expire on January 31, 1991.

Sec. 73. Section 6, chapter 40, Laws of 1982 1st ex. sess. as last amended by section 62, chapter 431, Laws of 1989 and RCW 43.160.060 are each amended to read as follows:

COMMUNITY ECONOMIC REVITALIZATION BOARD—
CONSIDER BENEFITS TO RURAL COMMUNITIES. The board is

authorized to make direct loans to political subdivisions of the state for the purposes of assisting the political subdivisions in financing the cost of public facilities, including development of land and improvements for public facilities, as well as the acquisition, construction, rehabilitation, alteration, expansion, or improvement of the facilities. A grant may also be authorized for purposes designated in this chapter, but only when, and to the extent that, a loan is not reasonably possible, given the limited resources of the political subdivision.

Application for funds shall be made in the form and manner as the board may prescribe. In making grants or loans the board shall conform to the following requirements:

(1) The board shall not make a grant or loan:

(a) For a project the primary purpose of which is to facilitate or promote a retail shopping development or expansion.

(b) For any project that (~~(probably)~~) evidence exists would result in a development or expansion that would displace existing jobs in any other community in the state.

(c) For the acquisition of real property, including buildings and other fixtures which are a part of real property.

(2) The board shall only make grants or loans:

(a) For those projects which would result in specific private developments or expansions (i) in manufacturing, production, food processing, assembly, warehousing, and industrial distribution; (ii) for processing recyclable materials or for facilities that support recycling, including processes not currently provided in the state, including but not limited to, deinking facilities, mixed waste paper, plastics, yard waste, and problem-waste processing; (iii) for manufacturing facilities that rely significantly on recyclable materials, including but not limited to waste tires and mixed waste paper; (~~(or)~~) (iv) which support the relocation of businesses from nondistressed urban areas to distressed rural areas; or (v) which substantially support the trading of goods or services outside of the state's borders.

(b) For projects which it finds will improve the opportunities for the successful maintenance, establishment, or expansion of industrial or commercial plants or will otherwise assist in the creation or retention of long-term economic opportunities.

(c) When the application includes convincing evidence that a specific private development or expansion is ready to occur and will occur only if the grant or loan is made.

(3) The board shall prioritize each proposed project according to the relative benefits provided to the community by the jobs the project would create, not just the total number of jobs it would create after the project is completed and according to the unemployment rate in the area in which the jobs would be located. As long as there is more demand for loans or grants

than there are funds available for loans or grants, the board is instructed to fund projects in order of their priority.

(4) A responsible official of the political subdivision shall be present during board deliberations and provide information that the board requests.

Before any loan or grant application is approved, the political subdivision seeking the loan or grant must demonstrate to the community economic revitalization board that no other timely source of funding is available to it at costs reasonably similar to financing available from the community economic revitalization board.

Sec. 74. Section 5, chapter 164, Laws of 1985 as last amended by section 9, chapter 430, Laws of 1989 and RCW 43.168.050 are each amended to read as follows:

DEVELOPMENT LOAN FUND COMMITTEE—CONSIDER BENEFITS TO RURAL COMMUNITIES. (1) The committee may only approve an application providing a loan for a project which the committee finds:

(a) Will result in the creation of employment opportunities or the maintenance of threatened employment;

(b) Has been approved by the director as conforming to federal rules and regulations governing the spending of federal community development block grant funds;

(c) Will be of public benefit and for a public purpose, and that the benefits, including increased or maintained employment, improved standard of living, and the employment of disadvantaged workers, will primarily accrue to residents of the area;

(d) Will probably be successful;

(e) Would probably not be completed without the loan because other capital or financing at feasible terms is unavailable or the return on investment is inadequate.

(2) The committee shall, subject to federal block grant criteria, give higher priority to economic development projects that contain provisions for child care.

(3) The committee may not approve an application if it fails to provide for adequate reporting or disclosure of financial data to the committee. The committee may require an annual or other periodic audit of the project books.

(4) The committee may require that the project be managed in whole or in part by a local development organization and may prescribe a management fee to be paid to such organization by the recipient of the loan or grant.

(5) (a) Except as provided in (b) of this subsection, the committee shall not approve any application which would result in a loan or grant in excess of three hundred fifty thousand dollars.

(b) The committee may approve an application which results in a loan or grant of up to seven hundred thousand dollars if the application has been approved by the director.

(6) The committee shall fix the terms and rates pertaining to its loans.

(7) Should there be more demand for loans than funds available for lending, the committee shall provide loans for those projects which will lead to the greatest amount of employment or benefit to a community. In determining the "greatest amount of employment or benefit" the committee shall also consider the employment which would be saved by its loan and the benefit relative to the community, not just the total number of new jobs or jobs saved.

(8) To the extent permitted under federal law the committee shall require applicants to provide for the transfer of all payments of principal and interest on loans to the Washington state development loan fund created under this chapter. Under circumstances where the federal law does not permit the committee to require such transfer, the committee shall give priority to applications where the applicants on their own volition make commitments to provide for the transfer.

(9) The committee shall not approve any application to finance or help finance a shopping mall.

(10) The committee shall make at least eighty percent of the appropriated funds available to projects located in distressed areas, and may make up to twenty percent available to projects located in areas not designated as distressed. The committee shall not make funds available to projects located in areas not designated as distressed if the fund's net worth is less than seven million one hundred thousand dollars.

(11) If an objection is raised to a project on the basis of unfair business competition, the committee shall evaluate the potential impact of a project on similar businesses located in the local market area. A grant may be denied by the committee if a project is not likely to result in a net increase in employment within a local market area.

****NEW SECTION. Sec. 75. A new section is added to chapter 43.31 RCW to read as follows:***

INDUSTRIAL COMPETITIVENESS PROGRAM. The business assistance center within the department of trade and economic development shall create an industrial competitiveness program to encourage value-added manufacturing in Washington state. The program shall (1) assist in the creation of self-supporting industry associations that develop cooperative programs for enhancing the competitiveness of their members; (2) provide industry modernization services in targeted sectors; and (3) conduct an industrial census for use in sectoral assistance. The department shall contract with educational institutions, private consultants, or nonprofit organizations to facilitate the program's efforts.

The department shall report to the legislature by January 1, 1991, on the work of the program and make recommendations to the legislature on strategies and delivery systems for improving the competitiveness of new and mature manufacturing sectors in the state.

*Sec. 75 was vetoed, see message at end of chapter.

***NEW SECTION.** *Sec. 76. EVALUATION OF RESEARCH AND DEVELOPMENT PROGRAMS. (1) The department of trade and economic development shall contract for an evaluation of publicly supported programs in the state that conduct research and development, provide technology transfer and commercialization services, and provide industrial extension services. The evaluation shall focus on the economic development and educational links to such programs.*

(2) The department shall contract with a national expert on public sector involvement and shall consult with local advisers and public service organizations in science and technology and the utilization of applied research to support economic development.

(3) The evaluation shall analyze, among other things:

(a) The current public and private sector science and technology efforts in Washington state;

(b) The current public and private sector technology development, transfer, and commercialization efforts in Washington state;

(c) The current university-industry and private-public sector relationships in science and technology in Washington state;

(d) The current industrial extension activities of state educational institutions;

(e) The extent to which the efforts in (a), (b), (c), and (d) of this subsection are organized and coordinated on a state-wide basis;

(f) The current public sector efforts to transfer or protect new technology, including (i) the office of technology transfer at the University of Washington, (ii) the Washington research foundation, and (iii) the Washington State University research foundation; and

(g) The Washington technology center, created under RCW 28B.20.285, by conducting a comprehensive program strategy evaluation assessing the accomplishments and activities of the center regarding its perceived goals and objectives. The program strategy evaluation shall consider, but not be limited to:

(i) The science and technology areas focused on by the center in relation to the strengths and opportunities in the region and the state;

(ii) The economic impact of the Washington technology center to date;

(iii) Access to the Washington technology center throughout the state and by small and medium-sized businesses;

(iv) The commercialization of the Washington technology center's new technology;

(v) *Whether the research is basic or applied and academically driven or industry-driven; and*

(vi) *The quality of the research.*

(4) *The evaluation required under this section shall include recommendations to the governor and the legislature. The recommendations shall be based on the reviews conducted under subsection (3) of this section and shall consider the efforts of other states in science and technology. The recommendations shall include, but not be limited to, the following:*

(a) *What structures the state should consider to most effectively identify and manage its science and technology interests;*

(b) *How the state can better coordinate public and private efforts in science and technology, particularly technology development, commercialization, and industrial extension;*

(c) *How the state can encourage and facilitate a greater number of entrepreneurs and small and medium-sized businesses having input and access to the Washington technology center, as well as access to commercially promising research being done at the state's universities and colleges;*

(d) *How the state can better assist in the formation of new business and the expansion of existing business to develop commercially promising technology into products and processes that result in more jobs and capital in the state;*

(e) *How public funds invested in science and technology can be effectively accounted for and evaluated; and*

(f) *Should the Washington technology center's structure or goals be changed based on the evaluation under subsection (3)(g) of this section.*

(5) *The department shall submit the evaluation and recommendations to the legislature and the governor by December 1, 1990.*

*Sec. 76 was vetoed, see message at end of chapter.

NEW SECTION. Sec. 77. A new section is added to chapter 43.17 RCW to read as follows:

EXPEDITIOUS EXERCISE OF POWER TO ISSUE PERMITS, LICENSES, CERTIFICATIONS, CONTRACTS, AND GRANTS—COOPERATION. 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.

*NEW SECTION. Sec. 78. A new section is added to chapter 43.31 RCW to read as follows:

ASSISTANCE IN OBTAINING PERMITS, LICENSES, CERTIFICATIONS, AND GRANTS—RECOMMENDATIONS. (1) *The business*

assistance center is authorized to assist individuals, businesses, local governments, and public or private organizations in obtaining permits, licenses, certifications, contracts, and grants that relate to economic development in the state and are required by law to be issued by state agencies.

(2) The business assistance center shall make recommendations to the governor and the legislature by January 1, 1991, regarding improvements in the processing of permits, licenses, certifications, contracts, and grants by state agencies. Such recommendations shall include recommendations on a process for resolving disputes that may arise when state agencies are requested to issue a permit, license, certification, contract, or grant.

**Sec. 78 was vetoed, see message at end of chapter.*

****NEW SECTION.** Sec. 79. A new section is added to chapter 43.31 RCW to read as follows:*

***BID INFORMATION.** The business assistance center of the department of trade and economic development shall make available on its electronic bulletin board a listing of all open bids issued by state agencies. The business assistance center shall develop and implement a marketing plan for this service to businesses and associate development organizations in the state.*

The information made available on each bid shall include:

(1) A summary of the goods or services being requested;
(2) The start or delivery date specified in the bid request;
(3) The name, address, and telephone number of an individual from whom a business can obtain a complete bid package and further information; and

(4) When the bid is due.

The bid information may also be made available on a subscription basis through the mail. The business assistance center may charge a fee for bid information provided either electronically or through the mail to offset its costs. Associate development organizations shall receive bid information free of charge.

**Sec. 79 was vetoed, see message at end of chapter.*

****NEW SECTION.** Sec. 80. A new section is added to chapter 43.19 RCW to read as follows:*

***BID INFORMATION—NOTIFICATION.** All state institutions, colleges, community colleges, and universities, the offices of the elective state officers, the supreme court, the court of appeals, the administrative and other departments of state government, and the offices of all appointive officers of the state shall, when soliciting bids, notify the business assistance center of the department of trade and economic development in a format prescribed by the business assistance center and where possible by direct input to the electronic bulletin board, or if not possible by direct input, by either providing the information on a compatible data disk or if a compatible data disk is not reasonably possible, in writing, of the bid solicitation so that the information*

may be made available on the center's electronic bulletin board. The notification to the business assistance center shall include:

- (1) A summary of the goods or services being requested;
- (2) The start or delivery date specified in the bid request;
- (3) The name, address, and telephone number of an individual from whom a business can obtain a complete bid package and further information; and
- (4) When the bid is due.

The requirement of this section shall not apply to telephone requests for quotes authorized by the Washington state information services board created under chapter 43.105 RCW.

*Sec. 80 was vetoed, see message at end of chapter.

***NEW SECTION.** Sec. 81. A new section is added to chapter 82.32 RCW to read as follows:

BID INFORMATION—NOTICE TO BUSINESSES. The department of revenue shall send out a notice on the availability of bid information provided by the business assistance center under section 79 of this act twice during fiscal year 1991 and once yearly thereafter to all businesses paying taxes in this state.

*Sec. 81 was vetoed, see message at end of chapter.

Sec. 82. Section 12, chapter 446, Laws of 1985 as last amended by section 6, chapter 133, Laws of 1990 and RCW 43.155.070 are each amended to read as follows:

PUBLIC WORKS ASSISTANCE FUND—CONSIDER BENEFITS TO COMMUNITY. (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.

(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; ((and))

(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. 83. Section 7, chapter 125, Laws of 1984 as amended by section 33, chapter 505, Laws of 1987 and RCW 43.63A.078 are each amended to read as follows:*

TECHNICAL ASSISTANCE GRANTS. *(1) The department shall develop and administer a local development matching fund program. To be eligible to receive funds under this program, an organization must be a local government or a nonprofit local development entity. Any local government or entity requesting funds must demonstrate the participation of a cross-section of the local community in the economic development project, including business, labor, education and training, and the public sector. Under this program, the department shall provide matching funds which shall be used for the formulation of local economic development strategies, including the technical analysis necessary to designate and carry out the strategies. A technical analysis can include, but is not limited to, the development and dissemination of data on local markets, demographics, comparative business costs, site availability, labor force characteristics, and local incentives. Funds are to be used primarily to foster new developments and expansions which result in the trading of goods and services outside of the state's borders. Funds may be made available for assisting local businesses in utilizing state and federal programs in exporting, training, and financing. Funds may also be used to provide technical assistance to businesses in the areas of land use, transportation, site location, and manpower training. Matching funds cannot be used for entertainment, capital expenses, hosting, or marketing. Funds granted for economic development projects must be matched by local resources on a dollar-for-dollar basis. Not more than fifty thousand dollars of state matching funds as provided by this section may be used for any one project.*

(2) The department shall set aside, within its general fund appropriation, a sum of two hundred thousand dollars per biennium for technical assistance grants to assist community-based organizations in their efforts contributing to the redevelopment and economic well-being of low-income areas.

A maximum of forty percent of the funds set aside for technical assistance purposes provided in this subsection may be made available for technical assistance in organizational and board development to those organizations demonstrating a reasonable probability that such assistance will help them undertake a development project. A minimum of sixty percent of the funds set aside for technical assistance purposes shall be used for projects which meet the following standards:

(a) Community-based organizations have or will have a minimum ten percent ownership of the development project;

(b) The project is within a low-income area;

(c) The project has provided reasonable assurance that it will conform to all applicable environmental, zoning, and building laws;

(d) The benefits of the project, including the addition or retention of employment and of capital in the low-income area, shall primarily accrue to the residents of the area;

(e) There is a reasonable expectation that the project will be successful, and that the eligible organization and project participants are responsible parties;

(f) Alternative sources, including other agencies or institutions of the state or federal government, have been sought and are either insufficient or unavailable to meet the needs of the project;

(g) The technical assistance to be provided is essential to the success of the project;

(h) Provision has been made for the active participation in the project of residents of the low-income area; and

(i) Provisions have been made for reporting by the eligible organization concerning the manner in which the technical assistance is used on the project and the extent to which it achieves its intended results.

The amount required to be set aside under this section for the biennium ending June 30, 1991, shall be reduced or eliminated if a specific appropriation for the full amount required under this subsection is not made to the department by June 30, 1990.

Grant recipients under this subsection may be community-based organizations or state-wide organizations which provide technical assistance to community-based organizations.

(3) For purposes of subsection (2) of this section, "community-based organization" means:

(a) A nonprofit corporation organized under state law that:

(i) Is organized to operate within a specific substate area;

(ii) Has experience operating programs which directly benefit low-income citizens;

(iii) Has low-income people or representatives of organizations serving the low income on its board of directors.

(b) Any Native American tribal governing body.

*Sec. 83 was vetoed, see message at end of chapter.

*NEW SECTION. Sec. 84. A new section is added to chapter 43.63A RCW to read as follows:

LOW-INCOME SELF EMPLOYMENT. The department of community development shall implement a self-employment loan program. The program shall provide grants to local development organizations to use solely in revolving loan funds to finance the small businesses of low-income persons. Grants are to be distributed through a competitive application process to be administered by the department in consultation with an advisory committee. Any organization receiving a grant must: (1) Demonstrate the need for a low-income, self-employment project in its community; (2) demonstrate the capacity of the organization to administer the project; and (3) describe the loan

procedure and the self-employment training and support programs into which the loan fund will be incorporated. No grant shall be greater than sixty thousand dollars. An organization may provide loans from the grant award of no greater than five thousand dollars. No more than ten percent of any appropriation to the department for the program may be used by the department for administrative costs.

*Sec. 84 was vetoed, see message at end of chapter.

NEW SECTION. Sec. 85. If funding for the purposes of section 67, 72, 75, or 84 of this act is not provided by June 30, 1990, in Substitute Senate Bill No. 6407, the supplemental appropriations act, referencing this act by bill number, then each of the sections whose purpose is not funded shall be null and void.

PART VI MISCELLANEOUS

NEW SECTION. Sec. 86. **ROLE OF GROWTH STRATEGIES COMMISSION.** The growth strategies commission created by executive order shall:

(1) Analyze different methods for assuring that county and city comprehensive plans adopted under chapter 36.— RCW (sections 1 through 20 of this act) are consistent with the planning goals under section 2 of this act and with other requirements of chapter 36.— RCW (sections 1 through 20 of this act);

(2) Recommend to the legislature and the governor by October 1, 1990, a specific structure or process that, among other things:

(a) Ensures county and city comprehensive plans adopted under chapter 36.— RCW (sections 1 through 20 of this act) are coordinated and comply with planning goals and other requirements under chapter 36.— RCW (sections 1 through 20 of this act);

(b) Requires state agencies to comply with this chapter and to consider and be consistent with county and city comprehensive plans in actions by state agencies, including the location, financing, and expansion of transportation systems and other public facilities;

(c) Defines the state role in growth management;

(d) Addresses lands and resources of state-wide significance, including to:

(i) Protect these lands and resources of state-wide significance by developing standards for their preservation and protection and suggesting the appropriate structure to monitor and enforce the preservation of these lands and resources; and

(ii) Consider the environmental, economic, and social values of the lands and resources with state-wide significance;

(e) Identifies potential state funds that may be withheld and incentives that promote county and city compliance with chapter 36.— RCW (sections 1 through 20 of this act);

(f) Increases affordable housing state-wide and promotes linkages between land use and transportation;

(g) Addresses vesting of rights; and

(h) Addresses short subdivisions; and

(3) Develop recommendations to provide for the resolution of disputes over urban growth areas between counties and cities, including incorporations and annexations.

NEW SECTION. Sec. 87. (1) Sections 1 through 20 of this act shall constitute a new chapter in Title 36 RCW.

(2) Sections 53 through 57 of this act shall constitute a new chapter in Title 47 RCW.

NEW SECTION. Sec. 88. 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. 89. Part and section headings as used in this act do not constitute any part of the law.

Passed the House April 1, 1990.

Passed the Senate April 1, 1990.

Approved by the Governor April 24, 1990, with the exception of certain items which were vetoed.

Filed in Office of Secretary of State April 24, 1990.

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

"I am returning herewith, without my approval as to sections 18, 25, 26, 27, 28, 29, 45, 75, 76, 78, 79, 80, 81, 83 and 84, Engrossed Substitute House Bill No. 2929, [entitled]:

"AN ACT Relating to growth."

Engrossed Substitute House Bill No. 2929 takes an important first step towards the goal of managing growth in this state's fastest growing counties.

I commend the Legislature for recognizing the importance of this issue and for the sustained commitment and hard work that went into this bill.

I welcome this measure, and am pleased to sign it into law.

This is an act that will benefit all of us, and all of our children. It will allow our most economically dynamic counties to preserve the endowment of clean air, pure water and natural beauty that is now threatened by rampant uncontrolled growth. It will encourage continuing economic prosperity by reforming decision-making processes that have all too often been unpredictable and disjointed. But most important, this bill is a cogent response to the concerns of thousands upon thousands of this state's citizens and taxpayers, who have insisted that we strike a better balance between economic development and environmental preservation.

It is important to recognize that this legislation is only the first step. In June, I will receive the recommendations of the Growth Strategies Commission. Those recommendations will be the basis for executive request legislation in the 1991 session.

We fully intend to pursue further actions to ensure that measure is strengthened and clarified.

The crafting of this intricate bill in a single legislative session has resulted in a number of technical problems that require my veto of several sections. Because my veto power is limited to entire sections, in several cases, I must veto provisions that I support because of flaws that appear within the same section.

Although I regret some of these actions, I am confident that we can resolve the problems during the next legislative session.

Section 18

This section requires special districts to act in conformity with policy goals in the act and with local comprehensive plans. Ensuring consistency between county and local governments and the numerous overlapping special districts that provide needed services is necessary for successful growth management. However, the exemptions provided in subsection 3 for port districts and municipal airports do not promote consistency and may unintentionally result in ports and municipal airports being exempted from all land use requirements. Because I am unable to partially veto sections to eliminate technical or policy concerns, I must veto section 18. Despite my veto, I believe the consistency mandate is addressed by existing case law.

Sections 25, 26, 27, 28, and 29

These sections authorize local governments to contract with developers for construction of facilities related to specific projects. Lack of clarity opens up a wide range of questions concerning the application of the state's prevailing wage laws. While these sections offer a good tool to permit local governments to work with developers to construct needed infrastructure for growth, the legal uncertainty on prevailing wage impacts is too great. Policy in this area should be debated as part of future growth management efforts.

Section 45

Local governments are increasingly short of funds to make necessary public improvements. The money to pay for new or improved roads, water systems, sewage facilities, parks, and schools has traditionally come from general tax revenues or utility charges. However, explosive growth is currently outpacing the ability to finance public facilities necessitated by that growth.

With the exception of one sub-section, this bill captures all the essential elements of a legally permissible impact fee process to enable local governments planning under the provisions of this bill to require that certain public facilities be financed by development necessitating such facilities.

In addition to financing public facilities through the imposition of impact fees, the substantive authority under the State Environmental Policy Act allows a local jurisdiction to approve a project subject to a requirement that the developer mitigate or pay a fee to mitigate specific adverse environmental impacts. I am concerned that subsection (1) of section 45 limits substantive authority under the State Environmental Policy Act without considering the full impact of such limitation.

While I agree that the imposition of impact fees and the authority under the State Environmental Policy Act should not be used to impose duplicative fees or requirements on developers, I am unwilling to affect the State Environmental Policy Act without full knowledge of the consequences. Larger jurisdictions may well be able to plan for or anticipate the system needs associated with growth. I am concerned, however, that smaller jurisdictions, who were not involved in the negotiations surrounding this section, may not have the staff to fully understand the importance of these sections and as a result may lose the ability to mitigate for unanticipated needs related to growth. Despite the veto of section 45, protection against arbitrary or duplicative fees is present in section 43 of this bill.

Because I am unable to partially veto sections to eliminate technical or policy concerns, I must veto all of section 45, despite important provisions contained in subsections (2) through (7). My veto is necessitated by the cloud section 45(1) places over the State Environmental Policy Act.

Sections 75, 83, & 84

These three sections undertake new program initiatives in the departments of Trade and Economic Development and Community Development. While the contemplated programs are thoughtful, the use of Community Economic Revitalization Board funds to fund ongoing programs of this kind is inappropriate. Therefore, I am vetoing these sections. I am however, directing the Department of Trade and Economic Development to assist efforts by small businesses to increase their competitiveness through the use of cooperative networks, using funds provided in the budget, and I am directing the Department of Community Development to explore opportunities to provide training and technical assistance to community-based organizations serving low-income urban and rural areas.

Sections 76, 78, 79, 80 & 81

These sections authorize new activities and program initiatives in the Department of Trade and Economic Development. These activities lack legislative funding and are authorized in an overly prescriptive fashion by the Legislature. However, I am directing the Department to utilize the available funds to evaluate existing state-supported applied research and technology transfer activities in the state. I am also directing the Department to conduct an initial examination of opportunities for collaboration between higher education, industry and the state as a way to increase the economic competitiveness of the state. Further, I am directing the Department to continue to explore ways to provide bid information to small businesses through the electronic bulletin board system.

With the exception of sections 18, 25, 26, 27, 28, 29, 45, 75, 76, 78, 79, 80, 81, 83, and 84, I am approving Engrossed Substitute House Bill No. 2929."

WASHINGTON LAWS

1990 SECOND EXTRAORDINARY SESSION

CHAPTER 1

[Senate Bill No. 6913]

LOCAL CRIMINAL JUSTICE FISCAL ASSISTANCE

AN ACT Relating to local government; amending RCW 82.14.050, 82.14.060, 43.84.090, 43.84.092, 63.29.190, 46.16.216, 46.20.270, 84.52.054, 17.28.100, 17.28.252, 35.58.090, 35.58.116, 35.61.210, 36.58.150, 36.60.040, 36.68.480, 36.69.140, 36.83.030, 56.04.050, 57.04.050, 67.38.130, 70.44.060, 70.94.091, 84.52.010, 84.52.043, 84.52.052, 84.52.053, 84.52.056, 84.69.020, 43.135.060, 82.44.110, 82.14.210, 42.17.310, and 81.— (section 43, chapter 43, Laws of 1990); reenacting and amending RCW 36.68.520; adding a new section to chapter 82.44 RCW; adding new sections to chapter 82.14 RCW; adding a new section to chapter 63.29 RCW; adding a new section to chapter 84.52 RCW; repealing RCW 29.30.111, 36.68.525, 36.69.145, and 84.52.069; creating new sections; making appropriations; providing expiration dates; providing effective dates; providing a contingent effective date; and declaring an emergency.

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

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Part II	Local Sales Tax Distributions
Part III	Unclaimed Property
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Part IX	Local Sales Tax
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NEW SECTION. Sec. 1. The legislature finds and declares that local government criminal justice systems are in need of assistance. Many counties and cities are unable to provide sufficient funding for additional police protection, mitigation of congested court systems, and relief of overcrowded jails.

In order to ensure public safety, it is necessary to provide fiscal assistance to help local governments to respond immediately to these criminal justice problems, while initiating a review of the criminal justice needs of cities and counties and the resources available to address those needs.

To provide for a more efficient and effective response to these problems, the legislature encourages cities and counties to coordinate strategies against crime and use multijurisdictional and innovative approaches in addressing criminal justice problems.

The legislature intends to provide fiscal assistance to counties and cities in the manner provided in this act until the report of the task force created under section 1001 of this act is available for consideration by the legislature.

PART I
CRIMINAL JUSTICE FUNDING

NEW SECTION. Sec. 101. A new section is added to chapter 82.44 RCW to read as follows:

On the last day of July, the state treasurer based upon information provided by the department of licensing shall make the following apportionment and distribution of motor vehicle excise taxes deposited in the general fund, except taxes collected under RCW 82.44.020(6), in addition to the distributions under RCW 82.44.150.

(1) A sum equal to 7.4729 percent thereof shall be allocable to the county criminal justice assistance account for distribution under section 102 of this act;

(2) A sum equal to 1.4946 percent thereof shall be allocable to the municipal criminal justice assistance account for distribution under section 104 of this act;

(3) A sum equal to 1.4946 percent shall be allocable to the municipal criminal justice account for distribution under section 105 of this act.

This section expires September 1, 1990.

NEW SECTION. Sec. 102. A new section is added to chapter 82.14 RCW 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 sections 104 and 105 of this act:

(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.

(4) This section expires January 1, 1994.

NEW SECTION. Sec. 103. A new section is added to chapter 82.14 RCW 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.

(3) This section expires July 1, 1991.

NEW SECTION. Sec. 104. A new section is added to chapter 82.14 RCW 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 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.

NEW SECTION. Sec. 105. A new section is added to chapter 82.14 RCW 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.

(3) This section expires January 1, 1994.

NEW SECTION. Sec. 106. For the biennium ending June 30, 1991, the state treasurer shall transfer the following sums from the state general fund:

(1) Seven million five hundred thousand dollars to the county criminal justice assistance account; and

(2) Ten million dollars to the municipal criminal justice assistance account.

PART II

LOCAL SALES TAX DISTRIBUTIONS

Sec. 201. Section 6, chapter 94, Laws of 1970 ex. sess. as last amended by section 81, chapter 57, Laws of 1985 and RCW 82.14.050 are each amended to read as follows:

The counties, (~~((metropolitan municipal corporations and))~~) cities, and transportation authorities under RCW 82.14.045 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, (~~((metropolitan municipal corporations, and))~~) cities, and transportation authorities 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. 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, and transportation authorities monthly.

Sec. 202. Section 7, chapter 94, Laws of 1970 ex. sess. as last amended by section 11, chapter 4, Laws of 1981 2nd ex. sess. and RCW 82.14.060 are each amended to read as follows:

~~((Bimonthly))~~ Monthly the state treasurer shall make distribution from the local sales and use tax account to the counties, (~~((metropolitan municipal corporations and))~~) cities, and transportation authorities the amount of tax collected on behalf of each county, (~~((metropolitan municipal corporation or))~~) city, or transportation authority, less the deduction provided for in RCW 82.14.050. The state treasurer shall make the distribution under this section without appropriation.

In the event that any ordinance or resolution imposes a sales and use tax at a rate in excess of the applicable limits contained herein, such ordinance or resolution shall not be considered void in toto, but only with respect to that portion of the rate which is in excess of the applicable limits contained herein.

Sec. 203. Section 43.84.090, chapter 8, Laws of 1965 as last amended by section 5, chapter 106, Laws of 1990 and RCW 43.84.090 are each amended to read as follows:

Except as otherwise provided by RCW 43.250.030 (~~and~~), 67.40.025, and 82.14.050, twenty percent of all income received from such investments shall be deposited in the state general fund.

Sec. 204. Section 51, chapter 57, Laws of 1985 as amended by section 12, chapter 419, Laws of 1989 and RCW 43.84.092 are each amended to read as follows:

Except as provided in RCW 43.84.090, 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.

~~((On or before July 20 of each year))~~ Except as provided in RCW 82.14.050, the state treasurer shall distribute ((and)), 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 various accounts and funds in the state treasury their proportionate share of earnings based upon each fund's average daily balance for the period: PROVIDED, That 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 ~~((, and the local sales and use 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.

NEW SECTION. Sec. 205. Sections 201 through 204 of this act shall not be effective for earnings on balances prior to July 1, 1990, regardless of when a distribution is made.

PART III UNCLAIMED PROPERTY

NEW SECTION. Sec. 301. A new section is added to chapter 63.29 RCW to read as follows:

A local government holding abandoned intangible property that is not forwarded to the department of revenue, as authorized under RCW 63.29-.190, shall not be required to maintain current records of this property for longer than five years after the property is presumed to be abandoned, and at that time may archive records of this intangible property and transfer the intangible property to its general fund. However, the local government shall

remain liable to pay the intangible property to a person or entity subsequently establishing its ownership of this intangible property.

Sec. 302. Section 19, chapter 179, Laws of 1983 and RCW 63.29.190 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, 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 section 301 of this 1990 act. 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. 303. Any funds covered by RCW 63.29.190 that were received by the state prior to the effective date of this section shall be retained by the state of Washington, and any such funds not remitted to the state prior to the effective date of this section may be retained as provided for under RCW 63.29.190.

PART IV
PARKING VIOLATIONS

Sec. 401. Section 1, chapter 224, Laws of 1984 and RCW 46.16.216 are each amended to read as follows:

(1) To renew a vehicle license, an applicant shall satisfy all listed standing, stopping, and parking violations for the vehicle incurred while the vehicle was registered in the applicant's name and forwarded to the department pursuant to RCW 46.20.270(3). For the purposes of this section, "listed" standing, stopping, and parking violations include only those violations for which notice has been received from local agencies by the department one hundred (~~fifty~~) twenty days or more before the date the vehicle license expires and that are placed on the records of the department. Notice of such violations received by the department later than one hundred (~~fifty~~) twenty days before that date that are not satisfied shall be considered by the department in connection with any applications for license renewal in any subsequent license year. The renewal application may be processed by the department or its agents only if the applicant:

(a) Presents a preprinted renewal application showing no listed standing, stopping, and parking violations, or in the absence of such presentation, the agent verifies the information that would be contained on the preprinted renewal application; or

(b) If listed standing, stopping, and parking violations exist, presents proof of payment and pays a (~~ten~~) fifteen dollar surcharge.

(2) The (~~ten-dollar~~) surcharge shall be allocated as follows:

(a) (~~Five~~) Ten dollars shall be deposited in the motor vehicle fund to be used exclusively for the administrative costs of the department of licensing; and

(b) Five dollars shall be retained by the agent handling the renewal application to be used by the agent for the administration of this section.

(3) If there is a change in the registered owner of the vehicle, the department shall forward the information regarding the change to the local charging jurisdiction and release any hold on the renewal of the vehicle license resulting from parking violations incurred while the certificate of license registration was in a previous registered owner's name.

(4) The department shall send to all registered owners of vehicles who have been reported to have outstanding listed parking violations, at the time of renewal, a statement setting out the dates and jurisdictions in which the violations occurred as well as the amounts of unpaid fines and penalties relating to them and the surcharge to be collected.

Sec. 402. Section 46.20.270, chapter 12, Laws of 1961 as last amended by section 42, chapter 250, Laws of 1990 and RCW 46.20.270 are each amended to read as follows:

(1) Whenever any person is convicted of any offense for which this title makes mandatory the suspension or revocation of the driver's license of such

person by the department, the privilege of the person to operate a vehicle is suspended until the department takes the action required by this chapter, and the court in which such conviction is had shall forthwith secure the immediate forfeiture of the driver's license of such convicted person and immediately forward such driver's license to the department, and on failure of such convicted person to deliver such driver's license the judge shall cause such person to be confined for the period of such suspension or revocation or until such driver's license is delivered to such judge: PROVIDED, That if the convicted person testifies that he or she does not and at the time of the offense did not have a current and valid vehicle driver's license, the judge shall cause such person to be charged with the operation of a motor vehicle without a current and valid driver's license and on conviction punished as by law provided, and the department may not issue a driver's license to such persons during the period of suspension or revocation: PROVIDED, ALSO, That if the driver's license of such convicted person has been lost or destroyed and such convicted person makes an affidavit to that effect, sworn to before the judge, the convicted person may not be so confined, but the department may not issue or reissue a driver's license for such convicted person during the period of such suspension or revocation: PROVIDED, That perfection of notice of appeal shall stay the execution of sentence including the suspension and/or revocation of the driver's license.

(2) Every court having jurisdiction over offenses committed under this chapter, or any other act of this state or municipal ordinance adopted by a local authority regulating the operation of motor vehicles on highways, or any federal authority having jurisdiction over offenses substantially the same as those set forth in Title 46 RCW which occur on federal installations within this state, shall forward to the department within ten days of a forfeiture of bail or collateral deposited to secure the defendant's appearance in court, a payment of a fine or penalty, a plea of guilty or a finding of guilt, or a finding that any person has committed a traffic infraction an abstract of the court record in the form prescribed by rule of the supreme court, showing the conviction of any person or the finding that any person has committed a traffic infraction in said court for a violation of any said laws other than regulations governing standing, stopping, parking, and pedestrian offenses.

(3) Every municipality having jurisdiction over offenses committed under this chapter, or under any other act of this state or municipal ordinance adopted by a local authority regulating the operation of motor vehicles on highways, may forward to the department within ten days of failure to respond, failure to pay a penalty, failure to appear at a hearing to contest the determination that a violation of any statute, ordinance, or regulation relating to standing, stopping, or parking has been committed, or failure to appear at a hearing to explain mitigating circumstances, an abstract of the citation record in the form prescribed by rule of the department, showing

the finding by such municipality that ~~((three))~~ two or more violations of laws governing standing, stopping, and parking have been committed and indicating the nature of the defendant's failure to act. Such violations may not have occurred while the vehicle is stolen from the registered owner or is leased or rented under a bona fide commercial vehicle lease or rental agreement between a lessor engaged in the business of leasing vehicles and a lessee who is not the vehicle's registered owner. The department may enter into agreements of reciprocity with the duly authorized representatives of the states for reporting to each other violations of laws governing standing, stopping, and parking.

(4) For the purposes of Title 46 RCW the term "conviction" means a final conviction in a state or municipal court or by any federal authority having jurisdiction over offenses substantially the same as those set forth in Title 46 RCW which occur on federal installations in this state, an unvacated forfeiture of bail or collateral deposited to secure a defendant's appearance in court, the payment of a fine, a plea of guilty, or a finding of guilt on a traffic law violation charge, regardless of whether the imposition of sentence or sanctions are deferred or the penalty is suspended, but not including entry into a deferred prosecution agreement under chapter 10.05 RCW.

(5) For the purposes of Title 46 RCW the term "finding that a traffic infraction has been committed" means a failure to respond to a notice of infraction or a determination made by a court pursuant to this chapter. Payment of a monetary penalty made pursuant to RCW 46.63.070(2) is deemed equivalent to such a finding.

PART V SIX-YEAR LEVIES

Sec. 501. Section 84.52.054, chapter 15, Laws of 1961 as last amended by section 2, chapter 133, Laws of 1986 and RCW 84.52.054 are each amended to read as follows:

Except as provided in RCW 84.52.056, every ballot proposition authorizing the imposition of property taxes, including the additional taxes provided for in ((subparagraph (a) of the seventeenth amendment to)) Article VII, section 2(a) of the state Constitution ((as amended by Amendment 59 and as thereafter amended)), and specifically authorized by RCW 84.52.052, ((as now or hereafter amended, and RCW)) 84.52.053, and 84.52.0531, shall be set forth in terms of either dollars ((on the ballot of the proposition to be submitted to the voters)), together with an estimate of the dollar rate or rates of tax levy that will be required to produce the dollar amount((, and)) or amounts, or in terms of a dollar rate or rates of tax levy. If the additional tax is expressed in terms of dollars, the county assessor, in spreading this tax upon the rolls, shall determine the eventual dollar rate required to produce the amount of dollars so voted upon, regardless of the

estimate of dollar rate of tax levy carried in said proposition. In the case of a ~~((school district))~~ proposition to authorize levies for a particular period of from two to six years, the tax for each year shall be set forth in terms of either a dollar amount and the corresponding estimate of the dollar rate of tax levy ~~((shall be set forth))~~, or a dollar rate of tax levy, for each of the years in that period. The dollar amount or rate of tax levy for each annual levy in the particular period may be equal or in different amounts.

Sec. 502. Section 10, chapter 153, Laws of 1957 as last amended by section 1, chapter 217, Laws of 1982 and RCW 17.28.100 are each amended to read as follows:

At the same election there shall be submitted to the voters residing within the district, for their approval or rejection, a proposition authorizing the mosquito control district, if formed, to levy at the earliest time permitted by law on all taxable property located within the mosquito control district a general tax, for one year, of up to twenty-five cents per thousand dollars of assessed value in excess of any constitutional or statutory limitation for authorized purposes of the mosquito control district. The proposition shall be expressed on the ballots in substantially the following form:

"ONE YEAR CENTS PER THOUSAND
DOLLARS OF ASSESSED VALUE LEVY

"Shall the mosquito control district, if formed, levy a general tax of cents per thousand dollars of assessed value for one year upon all the taxable property within said district in excess of the constitutional and/or statutory tax limits for authorized purposes of the district?

YES
NO

Such proposition to be effective must be approved by a majority of at least three-fifths of the persons voting on the proposition to levy such tax in the manner set forth in Article VII, section 2(a) of the Constitution of this state(~~(; as amended by Amendment 59 and as thereafter amended)~~).

Sec. 503. Section 4, chapter 64, Laws of 1959 as amended by section 3, chapter 195, Laws of 1973 1st ex. sess. and RCW 17.28.252 are each amended to read as follows:

A mosquito control district shall have the power to levy additional taxes in excess of the constitutional and/or statutory limitations for any of the authorized purposes of such district, not in excess of fifty cents per thousand dollars of assessed value per year for up to a six-year period when authorized so to do by the electors of such district by a three-fifths majority of those voting on the proposition in the manner set forth in Article VII, section 2(a) of the Constitution of this state, ~~((as amended by Amendment 59 and as thereafter amended))~~ at such time as may be fixed by the board of trustees for the district, which special election may be called by the board

of trustees of the district, at which special election the proposition of authorizing such excess levy or levies shall be submitted in such form as to enable the voters favoring the proposition to vote "Yes" and those opposing thereto to vote "No". Nothing herein shall be construed to prevent holding the foregoing special election at the same time as that fixed for a general election.

Sec. 504. Section 35.58.090, chapter 7, Laws of 1965 as amended by section 23, chapter 195, Laws of 1973 1st ex. sess. and RCW 35.58.090 are each amended to read as follows:

The election on the formation of the metropolitan municipal corporation shall be conducted by the auditor of the central county in accordance with the general election laws of the state and the results thereof shall be canvassed by the county canvassing board of the central county, which shall certify the result of the election to the ~~((board of))~~ county ~~((commissioners))~~ legislative authority of the central county, and shall cause a certified copy of such canvass to be filed in the office of the secretary of state. Notice of the election shall be published in one or more newspapers of general circulation in each component county in the manner provided in the general election laws. No person shall be entitled to vote at such election unless he is a qualified voter under the laws of the state in effect at the time of such election and has resided within the metropolitan area for at least thirty days preceding the date of the election. The ballot proposition shall be in substantially the following form:

"FORMATION OF METROPOLITAN MUNICIPAL CORPORATION

Shall a metropolitan municipal corporation be established for the area described in a resolution of the ~~((board of commissioners))~~ legislative authority of county adopted on the day of, 19.., to perform the metropolitan functions of (here insert the title of each of the functions to be authorized as set forth in the petition or initial resolution).

YES
NO

If a majority of the persons voting on the proposition residing within the central city shall vote in favor thereof and a majority of the persons voting on the proposition residing in the metropolitan area outside of the central city shall vote in favor thereof, the metropolitan municipal corporation shall thereupon be established and the ~~((board of commissioners))~~ county legislative authority of the central county shall adopt a resolution setting a time and place for the first meeting of the metropolitan council which shall be held not later than thirty days after the date of such election. A copy of such resolution shall be transmitted to the legislative body of

each component city and county and of each special district which shall be affected by the particular metropolitan functions authorized.

At the same election there shall be submitted to the voters residing within the metropolitan area, for their approval or rejection, a proposition authorizing the metropolitan municipal corporation, if formed, to levy at the earliest time permitted by law on all taxable property located within the metropolitan municipal corporation a general tax, for one year, of twenty-five cents per thousand dollars of assessed value in excess of any constitutional or statutory limitation for authorized purposes of the metropolitan municipal corporation. The proposition shall be expressed on the ballots in substantially the following form:

**"ONE YEAR TWENTY-FIVE CENTS
PER THOUSAND DOLLARS OF
ASSESSED VALUE LEVY**

Shall the metropolitan municipal corporation, if formed, levy a general tax of twenty-five cents per thousand dollars of assessed value for one year upon all the taxable property within said corporation in excess of the constitutional and/or statutory tax limits for authorized purposes of the corporation?

- YES.....
- NO

Such proposition to be effective must be approved by a majority of at least three-fifths of the persons voting on the proposition to levy such tax in the manner set forth in Article VII, section 2(a) of the Constitution of this state(~~(, as amended by Amendment 59 and as thereafter amended)~~).

Sec. 505. Section 9, chapter 105, Laws of 1967 and RCW 35.58.116 are each amended to read as follows:

The metropolitan council may at the same election called to authorize the performance of an additional function or at a special election called by the council after it has been authorized to perform any metropolitan function submit a proposition for the issuance of general obligation bonds for capital purposes as provided in RCW 35.58.450 or a proposition for the levy of a general tax or taxes for any authorized purpose for ~~((one year))~~ up to a six-year period in such total dollar amount or amounts, or rate or rates, as the metropolitan council may determine and specify in such proposition. Any such proposition to be effective must be assented to by ~~((at least three-fifths of the persons voting thereon and the number of persons voting on such proposition shall constitute not less than forty percent of the total number of votes cast within the metropolitan area at the last preceding state general election))~~ the voters of the metropolitan municipal corporation as provided in Article VII, section 2 (a) and (b). Any such proposition shall

only be effective if the performance of the additional function shall be authorized at such election or shall have been authorized prior thereto.

Sec. 506. Section 35.61.210, chapter 7, Laws of 1965 as last amended by section 3, chapter 234, Laws of 1990 and RCW 35.61.210 are each amended to read as follows:

The board of park commissioners may levy or cause to be levied a general tax on all the property located in said park district each year not to exceed fifty cents per thousand dollars of assessed value of the property in such park district. In addition, the board of park commissioners may levy or cause to be levied a general tax on all property located in said park district each year not to exceed twenty-five cents per thousand dollars of assessed valuation. Although park districts are authorized to impose two separate regular property tax levies, the levies shall be considered to be a single levy for purposes of the one hundred six percent limitation provided for in chapter 84.55 RCW.

The board is hereby authorized to levy a general tax or taxes for up to a six-year period in excess of its regular property tax levy or levies when authorized so to do at a special election conducted in accordance with and subject to all the requirements of the Constitution and laws of the state now in force or hereafter enacted governing the limitation of tax levies. The board is hereby authorized to call a special election for the purpose of submitting to the qualified voters of the park district a proposition to levy a tax in excess of the seventy-five cents per thousand dollars of assessed value herein specifically authorized. The manner of submitting any such proposition, of certifying the same, and of giving or publishing notice thereof, shall be as provided by law for the submission of propositions by cities or towns.

The board shall include in its general tax levy for each year a sufficient sum to pay the interest on all outstanding bonds and may include a sufficient amount to create a sinking fund for the redemption of all outstanding bonds. The levy shall be certified to the proper county officials for collection the same as other general taxes and when collected, the general tax shall be placed in a separate fund in the office of the county treasurer to be known as the "metropolitan park district fund" and paid out on warrants.

Sec. 507. Section 6, chapter 175, Laws of 1982 as last amended by section 25, chapter 186, Laws of 1984 and RCW 36.58.150 are each amended to read as follows:

(1) A solid waste disposal district shall not have the power to levy an annual levy without voter approval, but it shall have the power to levy a tax or taxes, in excess of the one percent limitation, upon the property within the district for up to a (~~one-year~~) six-year period to be used for operating or capital purposes whenever authorized by the electors of the district pursuant to RCW 84.52.052 and Article VII, section 2(a) of the state Constitution.

A solid waste disposal district may issue general obligation bonds for capital purposes only, subject to the limitations prescribed in RCW 39.36.020(1), and may provide for the retirement of the bonds by voter-approved bond retirement tax levies pursuant to Article VII, section 2(b) of the state Constitution and RCW 84.52.056. Such general obligation bonds shall be issued and sold in accordance with chapter 39.46 RCW.

A solid waste disposal district may issue revenue bonds to fund its activities. Such revenue bonds may be in any form, including bearer bonds or registered bonds as provided in RCW 39.46.030.

(2) Notwithstanding subsection (1) of this section, such revenue bonds may be issued and sold in accordance with chapter 39.46 RCW.

Sec. 508. Section 11, chapter 303, Laws of 1983 and RCW 36.60.040 are each amended to read as follows:

A county rail district is not authorized to impose a regular ad valorem property tax levy but may:

(1) Levy an ad valorem property tax or taxes, in excess of the one percent limitation, upon the property within the district for up to a (~~one-year~~) six-year period to be used for operating or capital purposes whenever authorized by the voters of the district pursuant to RCW 84.52.052 and Article VII, section 2(a) of the state Constitution.

(2) Provide for the retirement of voter approved general obligation bonds, issued for capital purposes only, by levying bond retirement ad valorem property tax levies, in excess of the one percent limitation, whenever authorized by the voters of the district pursuant to Article VII, section 2(b) of the state Constitution and RCW 84.52.056.

Sec. 509. Section 9, chapter 218, Laws of 1963 as last amended by section 7, chapter 131, Laws of 1984 and RCW 36.68.480 are each amended to read as follows:

If the petition or resolution initiating the formation of the proposed park and recreation service area proposes that the initial capital or operational costs are to be financed by (~~regular property tax levies for a six-year period as authorized by RCW 36.68.525, or~~) an annual excess levy or levies, or that proposed capital costs are to be financed by the issuance of general obligation bonds and bond retirement levies, a proposition or propositions for such purpose or purposes shall be submitted to the voters of the proposed service area at the same election. A proposition or propositions for (~~regular property tax levies for a six-year period as authorized by RCW 36.68.525;~~) an annual excess levy or levies, or the issuance of general obligation bonds and bond retirement levies, may also be submitted to the voters at any general or special election.

Sec. 510. Section 13, chapter 218, Laws of 1963 as last amended by section 8, chapter 131, Laws of 1984 and by section 29, chapter 186, Laws

of 1984 and RCW 36.68.520 are each reenacted and amended to read as follows:

(1) A park and recreation service area shall have the power to levy an annual excess levy or levies upon the property included within the service area if authorized at a special election called for the purpose in the manner prescribed by section 2, Article VII of the Constitution and by RCW 84.52.052.

~~((This))~~ The excess levy or levies may be either for operating fund or for capital outlay, or for a cumulative reserve fund.

(2) A service area may issue general obligation bonds for capital purposes only, not to exceed an amount, together with any outstanding nonvoter approved general obligation indebtedness, equal to three-eighths of one percent of the value of the taxable property within the district. Such districts additionally may issue general obligation bonds equal to two and one-half percent of the value of the taxable property within the district, as the term "value of the taxable property" is defined in RCW 39.36.015, when such bonds are approved by the voters of the district at a special election called for the purpose in accordance with the provisions of Article VIII, section 6 of the Constitution. Such bonds shall be issued and sold in accordance with chapter 39.46 RCW.

Bonds may be retired by excess property tax levies when such levies are approved by the voters at a special election in accordance with the provisions of Article VII, section 2 of the Constitution and RCW 84.52.056.

Any elections shall be held as provided in RCW 39.36.050.

Sec. 511. Section 36.69.140, chapter 4, Laws of 1963 as last amended by section 30, chapter 186, Laws of 1984 and RCW 36.69.140 are each amended to read as follows:

A park and recreation district shall have the power to levy an excess levy or levies upon the property included within the district, in the manner prescribed by Article VII, section 2, of the Constitution and by RCW 84.52.052. Such excess levy or levies may be either for operating funds or for capital outlay, or for a cumulative reserve fund. A park and recreation district may issue general obligation bonds for capital purposes only, not to exceed an amount, together with any outstanding nonvoter approved general obligation indebtedness equal to three-eighths of one percent of the value of the taxable property within such district, as the term "value of the taxable property" is defined in RCW 39.36.015. A park and recreation district may additionally issue general obligation bonds equal to one and one-fourth percent of the value of the taxable property within the district, as the term "value of the taxable property" is defined in RCW 39.36.015, when such bonds are approved by three-fifths of the voters of the district at a general or special election called for that purpose and may provide for the retirement thereof by levies in excess of dollar rate limitations in accordance with the provisions of RCW 84.52.056. When authorized by the voters of the

district, the district may issue interest bearing warrants payable out of and to the extent of excess levies authorized in the year in which the excess levy was approved. These elections shall be held as provided in RCW 39.36.050. Such bonds and warrants shall be issued and sold in accordance with chapter 39.46 RCW.

Sec. 512. Section 3, chapter 130, Laws of 1983 and RCW 36.83.030 are each amended to read as follows:

(1) A service district may levy an ad valorem property tax or taxes, in excess of the one percent limitation, upon the property within the district for up to a ((one-year)) six-year period whenever authorized by the voters of the district pursuant to RCW 84.52.052 and Article VII, section 2(a) of the state Constitution.

(2) A service district may provide for the retirement of voter approved general obligation bonds, issued for capital purposes only, by levying bond retirement ad valorem property tax levies, in excess of the one percent limitation, whenever authorized by the voters of the district pursuant to Article VII, section 2(b) of the state Constitution and RCW 84.52.056.

Sec. 513. Section 4, chapter 210, Laws of 1941 as last amended by section 22, chapter 259, Laws of 1990 and RCW 56.04.050 are each amended to read as follows:

Upon entry of the findings of the final hearing on the petition, if the ((commissioners)) county legislative authority finds the proposed sewer system will be conducive to the public health, welfare, and convenience and be of special benefit to the land within the boundaries of the proposed or reorganized district, ((they)) it shall call a special election by presenting a resolution to the county auditor at least forty-five days prior to the proposed election date. A special election will be held on a date decided by the ((commissioners)) county legislative authority in accordance with RCW 29.13.010 and 29.13.020. The ((commissioners)) county legislative authority shall cause to be published a notice of such election at least once a week for four successive weeks in a newspaper of general circulation in the county, setting forth the hours during which the polls will be open, the boundaries of the proposed or reorganized district as finally adopted, and the object of the election, and the notice shall also be posted for ten days in ten public places in the proposed or reorganized district. The proposition shall be expressed on the ballots in the following terms:

- Sewer District YES
- Sewer District NO

or in the reorganization of a district, the proposition shall be expressed on the ballot in the following terms:

- Sewer District Reorganization YES
- Sewer District Reorganization NO

giving in each instance the name of the district as decided by the board.

At the same election the county legislative authority shall submit a proposition to the voters, for their approval or rejection, authorizing the sewer district, if formed, to levy at the earliest time permitted by law on all property located in the district a general tax for one year, in excess of the tax limitations provided by law, in the amount specified in the petition to create the district, not to exceed one dollar and twenty-five cents per thousand dollars of assessed value, for general preliminary expenses of the district, the proposition to be expressed on the ballots in the following terms:

- One year dollars and cents per thousand dollars of assessed value tax YES
- One year dollars and cents per thousand dollars of assessed value tax NO

Such proposition to be effective must be approved by a majority of at least three-fifths of the registered voters thereof voting on the proposition in the manner set forth in Article VII, section 2(a) of the Constitution of this state(~~(, as amended by Amendment 59 and as thereafter amended)~~).

Sec. 514. Section 3, chapter 114, Laws of 1929 as last amended by section 28, chapter 259, Laws of 1990 and RCW 57.04.050 are each amended to read as follows:

Upon entry of the findings of the final hearing on the petition if one or more county legislative authorities find that the proposed district will be conducive to the public health, welfare, and convenience and be of special benefit to the land therein, they shall call a special election by presenting a resolution to the county auditor at least forty-five days prior to the proposed election date. A special election will be held on a date decided by the commissioners in accordance with RCW 29.13.010 and 29.13.020. The commissioners shall cause to be published a notice of the election for four successive weeks in a newspaper of general circulation in the proposed district, which notice shall state the hours during which the polls will be open, the boundaries of the district as finally adopted and the object of the election, and the notice shall also be posted for ten days in ten public places in the proposed district. In submitting the proposition to the voters, it shall be expressed on the ballots in the following terms:

- Water District YES
- Water District NO

giving the name of the district as provided in the petition.

At the same election a proposition shall be submitted to the voters, for their approval or rejection, authorizing the water district, if formed, to levy at the earliest time permitted by law on all property located in the district a general tax for one year, in excess of the limitations provided by law, in the amount specified in the petition to create the district, not to exceed one

dollar and twenty-five cents per thousand dollars of assessed value, for general preliminary expenses of the district, the proposition to be expressed on the ballots in the following terms:

- One year dollars and
 cents per thousand dol-
 lars of assessed value tax YES
- One year dollars and
 cents per thousand dol-
 lars of assessed value tax NO

Such proposition to be effective must be approved by a majority of at least three-fifths of the registered voters thereof voting on the proposition in the manner set forth in Article VII, section 2(a) of the Constitution of this state(~~(, as amended by Amendment 59 and as thereafter amended)~~).

Sec. 515. Section 13, chapter 22, Laws of 1982 1st ex. sess. as amended by section 4, chapter 131, Laws of 1984 and RCW 67.38.130 are each amended to read as follows:

The governing body of a cultural arts, stadium and convention district may levy or cause to levy the following ad valorem taxes:

(1) ~~((Regular ad valorem property tax levies in an amount equal to twenty-five cents or less per thousand dollars of the assessed value of property in the district in each year for six consecutive years when specifically authorized so to do by a majority of at least three-fifths of the electors thereof approving a proposition authorizing the levies submitted at a general or special election, at which election the number of persons voting "yes" on the proposition shall constitute three-fifths of a number equal to forty percentum of the total votes cast in such taxing district at the last preceding general election; or by a majority of at least three-fifths of the electors thereof voting on the proposition when the number of electors voting yes on the proposition exceeds forty percentum of the total votes cast in such taxing district in the last preceding general election. Ballot propositions shall conform with RCW 29.30.111.~~

~~In the event a cultural arts, stadium and convention district is levying property taxes, which in combination with property taxes levied by other taxing districts subject to the one percent limitation provided for in Article VII, section 2, of our state Constitution result in taxes in excess of the limitation provided for in RCW 84.52.043, the cultural arts, stadium and convention district property tax levy shall be reduced or eliminated before the property tax levies of other taxing districts are reduced. PROVIDED, That no cultural arts, stadium, and convention district may pledge anticipated revenues derived from the property tax herein authorized as security for payments of bonds issued pursuant to subsection (1) of this section. PROVIDED, FURTHER, That such limitation shall not apply to property taxes approved pursuant to subsections (2) and (3) of this section.~~

~~The limitation in RCW 84.55.010 shall apply to levies after the first levy authorized under this section following the approval of such levy by voters pursuant to this section.~~

~~(2))~~ An annual excess ad valorem property tax or taxes for general district purposes when authorized by the district voters in the manner prescribed by section 2, Article VII of the Constitution and by RCW 84.52.052.

~~((3))~~ (2) Multi-year excess ad valorem property tax levies used to retire general obligation bond issues when authorized by the district voters in the manner prescribed by section 2, Article VII of the Constitution and by RCW 84.52.056.

~~((The district shall include in its regular property tax levy for each year a sum sufficient to pay the interest and principal on all outstanding general obligation bonds issued without voter approval pursuant to RCW 67.38.110 and may include a sum sufficient to create a sinking fund for the redemption of all outstanding bonds.))~~

Sec. 516. Section 6, chapter 264, Laws of 1945 as last amended by section 2, chapter 234, Laws of 1990 and RCW 70.44.060 are each amended to read as follows:

All public hospital districts organized under the provisions of this chapter shall have power:

(1) To make a survey of existing hospital and other health care facilities within and without such district.

(2) To construct, condemn and purchase, purchase, acquire, lease, add to, maintain, operate, develop and regulate, sell and convey all lands, property, property rights, equipment, hospital and other health care facilities and systems for the maintenance of hospitals, buildings, structures, and any and all other facilities, and to exercise the right of eminent domain to effectuate the foregoing purposes or for the acquisition and damaging of the same or property of any kind appurtenant thereto, and such right of eminent domain shall be exercised and instituted pursuant to a resolution of the commission and conducted in the same manner and by the same procedure as in or may be provided by law for the exercise of the power of eminent domain by incorporated cities and towns of the state of Washington in the acquisition of property rights: PROVIDED, That no public hospital district shall have the right of eminent domain and the power of condemnation against any health care facility.

(3) To lease existing hospital and other health care facilities and equipment and/or other property used in connection therewith, including ambulances, and to pay such rental therefor as the commissioners shall deem proper; to provide hospital and other health care services for residents of said district by facilities located outside the boundaries of said district, by contract or in any other manner said commissioners may deem expedient or necessary under the existing conditions; and said hospital district shall have

the power to contract with other communities, corporations, or individuals for the services provided by said hospital district; and they may further receive in said hospitals and other health care facilities and furnish proper and adequate services to all persons not residents of said district at such reasonable and fair compensation as may be considered proper: PROVIDED, That it must at all times make adequate provision for the needs of the district and residents of said district shall have prior rights to the available hospital and other health care facilities of said district, at rates set by the district commissioners.

(4) For the purpose aforesaid, it shall be lawful for any district so organized to take, condemn and purchase, lease, or acquire, any and all property, and property rights, including state and county lands, for any of the purposes aforesaid, and any and all other facilities necessary or convenient, and in connection with the construction, maintenance, and operation of any such hospitals and other health care facilities, subject, however, to the applicable limitations provided in subsection (2) of this section.

(5) To contract indebtedness or borrow money for corporate purposes on the credit of the corporation or the revenues of the hospitals thereof, and the revenues of any other facilities or services that the district is or hereafter may be authorized by law to provide, and to issue and sell: (a) Revenue bonds, revenue warrants, or other revenue obligations therefor payable solely out of a special fund or funds into which the district may pledge such amount of the revenues of the hospitals thereof, and the revenues of any other facilities or services that the district is or hereafter may be authorized by law to provide, to pay the same as the commissioners of the district may determine, such revenue bonds, warrants, or other obligations to be issued and sold in the same manner and subject to the same provisions as provided for the issuance of revenue bonds, warrants, or other obligations by cities or towns under the Municipal Revenue Bond Act, chapter 35.41 RCW(~~as may hereafter be amended~~); (b) general obligation bonds therefor in the manner and form as provided in RCW 70.44.110 and 70.44.130(~~as may hereafter be amended~~); or (c) interest-bearing warrants to be drawn on a fund pending deposit in such fund of money sufficient to redeem such warrants and to be issued and paid in such manner and upon such terms and conditions as the board of commissioners may deem to be in the best interest of the district; and to assign or sell hospital accounts receivable, and accounts receivable for the use of other facilities or services that the district is or hereafter may be authorized by law to provide, for collection with or without recourse. General obligation bonds shall be issued and sold in accordance with chapter 39.46 RCW. Revenue bonds, revenue warrants, or other revenue obligations may be issued and sold in accordance with chapter 39.46 RCW.

(6) To raise revenue by the levy of an annual tax on all taxable property within such public hospital district not to exceed fifty cents per thousand dollars of assessed value, and an additional annual tax on all taxable property within such public hospital district not to exceed twenty-five cents per thousand dollars of assessed value, or such further amount as has been or shall be authorized by a vote of the people. Although public hospital districts are authorized to impose two separate regular property tax levies, the levies shall be considered to be a single levy for purposes of the one hundred six percent limitation provided for in chapter 84.55 RCW. Public hospital districts are authorized to levy such a general tax or taxes in excess of their regular property taxes when authorized so to do at a special election conducted in accordance with and subject to all of the requirements of the Constitution and the laws of the state of Washington now in force or hereafter enacted governing the limitation of tax levies. The said board of district commissioners is authorized and empowered to call a special election for the purpose of submitting to the qualified voters of the hospital district a proposition or propositions to levy taxes in excess of its regular property taxes. The superintendent shall prepare a proposed budget of the contemplated financial transactions for the ensuing year and file the same in the records of the commission on or before the first Monday in September. Notice of the filing of said proposed budget and the date and place of hearing on the same shall be published for at least two consecutive weeks in a newspaper printed and of general circulation in said county. On the first Monday in October the commission shall hold a public hearing on said proposed budget at which any taxpayer may appear and be heard against the whole or any part of the proposed budget. Upon the conclusion of said hearing, the commission shall, by resolution, adopt the budget as finally determined and fix the final amount of expenditures for the ensuing year. Taxes levied by the commission shall be certified to and collected by the proper county officer of the county in which such public hospital district is located in the same manner as is or may be provided by law for the certification and collection of port district taxes. The commission is authorized, prior to the receipt of taxes raised by levy, to borrow money or issue warrants of the district in anticipation of the revenue to be derived by such district from the levy of taxes for the purpose of such district, and such warrants shall be redeemed from the first money available from such taxes when collected, and such warrants shall not exceed the anticipated revenues of one year, and shall bear interest at a rate or rates as authorized by the commission.

(7) To enter into any contract with the United States government or any state, municipality, or other hospital district, or any department of those governing bodies, for carrying out any of the powers authorized by this chapter.

(8) To sue and be sued in any court of competent jurisdiction: PROVIDED, That all suits against the public hospital district shall be brought in the county in which the public hospital district is located.

(9) To pay actual necessary travel expenses and living expenses incurred while in travel status for (a) qualified physicians who are candidates for medical staff positions, and (b) other qualified persons who are candidates for superintendent or other managerial and technical positions, when the district finds that hospitals or other health care facilities owned and operated by it are not adequately staffed and determines that personal interviews with said candidates to be held in the district are necessary or desirable for the adequate staffing of said facilities.

(10) To make contracts, employ superintendents, attorneys, and other technical or professional assistants and all other employees; to make contracts with private or public institutions for employee retirement programs; to print and publish information or literature; and to do all other things necessary to carry out the provisions of this chapter.

Sec. 517. Section 15, chapter 238, Laws of 1967 as last amended by section 84, chapter 195, Laws of 1973 1st ex. sess. and RCW 70.94.091 are each amended to read as follows:

An activated authority shall have the power to levy additional taxes in excess of the constitutional and/or statutory tax limitations for any of the authorized purposes of such activated authority, not in excess of twenty-five cents per thousand dollars of assessed value in each year for up to a ((year)) six-year period when authorized so to do by the ~~((electors))~~ voters of such authority ~~((by a three-fifths majority of those voting on the proposition at a special election, to be held in the year in which the levy is made;))~~ in the manner set forth in Article VII, section 2 (a) of the Constitution of this state ~~((, as amended by Amendment 59 and as thereafter amended))~~. Nothing herein shall be construed to prevent holding the foregoing special election at the same time as that fixed for a general election. The expense of all special elections held pursuant to this section shall be paid by the authority.

Sec. 518. Section 84.52.010, chapter 15, Laws of 1961 as last amended by section 4, chapter 234, Laws of 1990 and RCW 84.52.010 are each amended to read as follows:

~~((Except as is permitted under RCW 84.55.050;))~~ All taxes shall be levied ~~((or voted))~~ in specific dollar amounts.

The rate percent of all taxes for state and county purposes, and purposes of taxing districts coextensive with the county, shall be determined, calculated and fixed by the county assessors of the respective counties, within the limitations provided by law, upon the assessed valuation of the property of the county, as shown by the completed tax rolls of the county, and the rate percent of all taxes levied for purposes of taxing districts within any county shall be determined, calculated and fixed by the county assessors

of the respective counties, within the limitations provided by law, upon the assessed valuation of the property of the taxing districts respectively.

When a county assessor finds that the aggregate rate of tax levy on any property, that is subject to the limitations set forth in RCW 84.52.043 or 84.52.050(~~(, as now or hereafter amended;)~~) exceeds the limitations provided in either of these sections, the assessor shall recompute and establish a consolidated levy in the following manner:

(1) The full certified rates of tax levy for state, county, county road district, and city or town purposes shall be extended on the tax rolls in amounts not exceeding the limitations established by law(~~(, subject to subsection (2)(c) of this section)~~); however any state levy shall take precedence over all other levies and shall not be reduced for any purpose other than that required by RCW 84.55.010; and

(2) The certified rates of tax levy subject to these limitations by all junior taxing districts imposing taxes on such property shall be reduced or eliminated as follows to bring the consolidated levy of taxes on such property within the provisions of these limitations:

(a) First, (~~(the certified property tax levy rates of those junior taxing districts authorized under RCW 36.68.525, 36.69.145, and 67.38.130 shall be reduced on a pro rata basis or eliminated;~~

~~(b) Second, if the consolidated tax levy rate still exceeds these limitations;)~~ the certified property tax levy rates of flood control zone districts shall be reduced on a pro rata basis or eliminated;

~~((c) Third))~~ (b) Second, if the consolidated tax levy rate still exceeds these limitations, the certified property tax levy rates of all other junior taxing districts, other than fire protection districts, library districts, the first fifty cent per thousand dollars of assessed valuation levies for metropolitan park districts, and the first fifty cent per thousand dollars of assessed valuation levies for public hospital districts, shall be reduced on a pro rata basis or eliminated;

~~((d) Fourth))~~ (c) Third, if the consolidated tax levy rate still exceeds these limitations, the certified property tax levy rates authorized to fire protection districts under RCW 52.16.140 and 52.16.160 shall be reduced on a pro rata basis or eliminated; and

~~((e) Fifth))~~ (d) Fourth, if the consolidated tax levy rate still exceeds these limitations, the certified property tax levy rates authorized for fire protection districts under RCW 52.16.130, library districts, metropolitan park districts under their first fifty cent per thousand dollars of assessed valuation levy, and public hospital districts under their first fifty cent per thousand dollars of assessed valuation levy, shall be reduced on a pro rata basis or eliminated.

Sec. 519. Section 134, chapter 195, Laws of 1973 1st ex. sess. as last amended by section 1, chapter 234, Laws of 1990 and RCW 84.52.043 are each amended to read as follows:

Within and subject to the limitations imposed by RCW 84.52.050 ((as amended)), the regular ad valorem tax levies upon real and personal property by the taxing districts hereafter named shall be as follows:

(1) Levies of the senior taxing districts shall be as follows: (a) The levy by the state shall not exceed three dollars and sixty cents per thousand dollars of assessed value adjusted to the state equalized value in accordance with the indicated ratio fixed by the state department of revenue to be used exclusively for the support of the common schools; (b) the levy by any county shall not exceed one dollar and eighty cents per thousand dollars of assessed value; (c) the levy by any road district shall not exceed two dollars and twenty-five cents per thousand dollars of assessed value; and (d) the levy by any city or town shall not exceed three dollars and thirty-seven and one-half cents per thousand dollars of assessed value. However any county is hereby authorized to increase its levy from one dollar and eighty cents to a rate not to exceed two dollars and forty-seven and one-half cents per thousand dollars of assessed value for general county purposes if the total levies for both the county and any road district within the county do not exceed four dollars and five cents per thousand dollars of assessed value, and no other taxing district has its levy reduced as a result of the increased county levy.

(2) Except as provided in RCW 84.52.100, the aggregate levies of junior taxing districts and senior taxing districts, other than the state, shall not exceed five dollars and ninety cents per thousand dollars of assessed valuation. The term "junior taxing districts" includes all taxing districts other than the state, counties, road districts, cities, towns, port districts, and public utility districts. The limitations provided in this subsection shall not apply to: (a) Levies at the rates provided by existing law by or for any port or public utility district; (b) excess property tax levies authorized in Article VII, section 2 of the state Constitution; and (c) levies for acquiring conservation futures as authorized under RCW 84.34.230(~~(, and (d) levies for emergency medical care or emergency medical services imposed under RCW 84.52.069~~)).

Sec. 520. Section 18, chapter 1, Laws of 1988 ex. sess. as amended by section 4, chapter 53, Laws of 1989 and RCW 84.52.052 are each amended to read as follows:

The limitations imposed by RCW 84.52.050 through 84.52.056, and RCW 84.52.043 shall not prevent the levy of additional taxes by any taxing district except school districts in which a larger levy is necessary in order to prevent the impairment of the obligation of contracts.

Any county, metropolitan park district, park and recreation service area, park and recreation district, sewer district, water district, solid waste disposal district, public facilities district, flood control zone district, county rail district, service district, public hospital district, road district, rural

county library district, island library district, intercounty rural library district, fire protection district, cemetery district, emergency medical service district, city, town, ((or)) cultural arts, stadium, ((~~transportation benefit district~~)) and convention district, or transportation benefit district may levy taxes at a rate or rates in excess of the rate specified in RCW 84.52.050 through 84.52.056 and 84.52.043, or RCW 84.55.010 through 84.55.050, when authorized so to do by the ((~~electors~~)) voters of such ((~~county, metropolitan park district, park and recreation service area, park and recreation district, sewer district, water district, solid waste disposal district, public facilities district, flood control zone district, county rail district, service district, public hospital district, road district, rural county library district, island library district, intercounty rural library district, fire protection district, cemetery district, city, town, or cultural arts, stadium, transportation benefit district, and convention~~)) taxing district in the manner set forth in Article VII, section 2(a) of the Constitution of this state ((~~as amended by Amendment 64 and as thereafter amended~~)) at a special or general election to be held in the year in which the initial levy is made.

A special election may be called and the time therefor fixed by the ((~~county legislative authority, or council, board of commissioners, or other~~)) governing body of ((~~any metropolitan park district, park and recreation service area, park and recreation district, sewer district, water district, solid waste disposal district, public facilities district, flood control zone district, county rail district, service district, public hospital district, road district, rural county library district, island library district, intercounty rural library district, fire protection district, cemetery district, transportation benefit district, city, town, or cultural arts, stadium, and convention~~)) such taxing district, by giving notice thereof by publication in the manner provided by law for giving notices of general elections, at which special election the proposition authorizing such excess levy or levies shall be submitted in such form as to enable the voters favoring the proposition to vote "yes" and those opposed thereto to vote "no."

NEW SECTION. Sec. 521. A new section is added to chapter 84.52 RCW to read as follows:

(1) Any county, city, town, fire protection district, public hospital district, or emergency medical services district that has received voter approval for a regular property tax levy under RCW 84.52.069 may continue to impose the levies for the duration of the period for which such levies were authorized. However, these levies shall be reduced or eliminated if regular property taxes exceed the limitation contained in RCW 84.52.050.

(2) This section expires January 1, 1998.

Sec. 522. Section 3, chapter 325, Laws of 1977 ex. sess. as last amended by section 103, chapter 2, Laws of 1987 1st ex. sess. and RCW 84.52.053 are each amended to read as follows:

The limitations imposed by RCW 84.52.050 through 84.52.056, and RCW 84.52.043 shall not prevent the levy of additional taxes by school districts, when authorized so to do by the electors of such school district in the manner and for the purposes and number of years allowable under Article VII, section 2(a) of the Constitution of this state(~~(, as amended by Amendment 79 and as thereafter amended,)~~) at a special or general election to be held in the year in which the levy is made or, in the case of a proposition authorizing two-year through six-year levies for maintenance and operation support of a school district, or (~~(authorizing two-year through six-year levies)~~) to support the construction, modernization, or remodeling of school facilities, or both, at a special or general election to be held in the year in which the first annual levy is made: PROVIDED, That once additional tax levies have been authorized for maintenance and operation support of a school district for a (~~(two-year)~~) period of from two to six years, no further additional tax levies for maintenance and operation support of the district for that period may be authorized.

A special election may be called and the time therefor fixed by the board of school directors, by giving notice thereof by publication in the manner provided by law for giving notices of general elections, at which special election the proposition authorizing such excess levy shall be submitted in such form as to enable the voters favoring the proposition to vote "yes" and those opposed thereto to vote "no".

Sec. 523. Section 84.52.056, chapter 15, Laws of 1961 as last amended by section 104, chapter 195, Laws of 1973 1st ex. sess. and RCW 84.52.056 are each amended to read as follows:

Any municipal corporation otherwise authorized by law to issue general obligation bonds for capital purposes may, at an election duly held after giving notice thereof as required by law, authorize the issuance of general obligation bonds for capital purposes only, which shall not include the replacement of equipment, and provide for the payment of the principal and interest of such bonds by annual levies in excess of the tax limitations contained in RCW 84.52.050 to 84.52.056, inclusive and RCW 84.52.043. Such an election shall not be held oftener than twice a calendar year, and the proposition to issue any such bonds and to exceed said tax limitation must receive the affirmative vote of a three-fifths majority of those voting on the proposition and the total number of persons voting at such election must constitute not less than forty percent of the voters in said municipal corporation who voted at the last preceding general state election.

Any taxing district shall have the right by vote of its governing body to refund any general obligation bonds of said district issued for capital purposes only, and to provide for the interest thereon and amortization thereof by annual levies in excess of the tax limitations provided for in RCW 84.52.050 to 84.52.056, inclusive and RCW 84.52.043.

The ballot proposition for the imposition of property taxes under this section shall indicate that approval is being sought for the imposition of excess property tax levies sufficient to retire the particular dollar value of general obligation bonds, and need not describe a dollar amount of the tax levies, nor the dollar rates of the tax levies.

Sec. 524. Section 84.69.020, chapter 15, Laws of 1961 as last amended by section 17, chapter 378, Laws of 1989 and RCW 84.69.020 are each amended to read as follows:

Ad valorem taxes paid before or after delinquency shall be refunded if they were:

- (1) Paid more than once; or
- (2) Paid as a result of manifest error in description; or
- (3) Paid as a result of a clerical error in extending the tax rolls; or
- (4) Paid as a result of other clerical errors in listing property; or
- (5) Paid with respect to improvements which did not exist on assessment date; or
- (6) Paid under levies or statutes adjudicated to be illegal or unconstitutional; or
- (7) Paid as a result of mistake, inadvertence, or lack of knowledge by any person exempted from paying real property taxes or a portion thereof pursuant to RCW 84.36.381 through 84.36.389(~~(; as now or hereafter amended)~~); or
- (8) Paid or overpaid as a result of mistake, inadvertence, or lack of knowledge by either a public official or employee or by any person paying the same or paid as a result of mistake, inadvertence, or lack of knowledge by either a public official or employee or by any person paying the same with respect to real property in which the person paying the same has no legal interest; or
- (9) Paid on the basis of an assessed valuation which was appealed to the county board of equalization and ordered reduced by the board; or
- (10) Paid on the basis of an assessed valuation which was appealed to the state board of tax appeals and ordered reduced by the board: PROVIDED, That the amount refunded under subsections (9) and (10) shall only be for the difference between the tax paid on the basis of the appealed valuation and the tax payable on the valuation adjusted in accordance with the board's order; or
- (11) Paid as a state property tax levied upon property, the assessed value of which has been established by the state board of tax appeals for the year of such levy: PROVIDED, HOWEVER, That the amount refunded shall only be for the difference between the state property tax paid and the amount of state property tax which would, when added to all other property taxes within the one percent limitation of Article VII, section 2 (~~(Amendment 59))~~) of the state Constitution equal one percent of the assessed value established by the board;

(12) Paid on the basis of an assessed valuation which was adjudicated to be unlawful or excessive: PROVIDED, That the amount refunded shall be for the difference between the amount of tax which was paid on the basis of the valuation adjudged unlawful or excessive and the amount of tax payable on the basis of the assessed valuation determined as a result of the proceeding; or

(13) Paid on property acquired under RCW 84.60.050, and canceled under RCW 84.60.050(2).

No refunds under the provisions of this section shall be made because of any error in determining the valuation of property, except as authorized in subsections (9), (10), (11), and (12).

The county treasurer of each county shall, by the first Monday in January of each year, report to the county legislative authority a list of all refunds made under this section during the previous year. The list is to include the name of the person receiving the refund, the amount of the refund, and the reason for the refund.

NEW SECTION. Sec. 525. The following acts or parts of acts are each repealed:

(1) Section 3, chapter 131, Laws of 1984 and RCW 29.30.111;

(2) Section 9, chapter 131, Laws of 1984 and RCW 36.68.525;

(3) Section 18, chapter 210, Laws of 1981, section 6, chapter 131, Laws of 1984 and RCW 36.69.145; and

(4) Section 1, chapter 200, Laws of 1979 ex. sess., section 5, chapter 131, Laws of 1984, section 1, chapter 348, Laws of 1985 and RCW 84.52-.069.

PART VI INITIATIVE 62 REVISIONS

Sec. 601. Section 6, chapter 1, Laws of 1980 as amended by section 2, chapter 184, Laws of 1990 and RCW 43.135.060 are each amended to read as follows:

(1) The legislature shall not impose responsibility for new programs or increased levels of service under existing programs on any taxing district unless the districts are reimbursed for the costs thereof by the state.

(2) ~~((That proportion of state tax revenue which consists of direct state appropriations to taxing districts taken as a group shall not be decreased below that proportion appropriated in the biennium immediately preceding January 1, 1980. PROVIDED, This proportion shall be decreased in any fiscal year only if: (a) The legislature decreases the state tax revenue limit for that fiscal year by an amount equal to the dollar amount of any decrease in direct state appropriations to taxing districts taken as a whole; or (b) the state tax revenue limit has been increased under RCW 43.135.050(3) or 43.135.060(3) and the decrease of the proportion is commensurate with the~~

increase in the state tax revenue limit.)) The amount of increased local revenue and state appropriations and distributions that are received or could be received by a taxing district as a result of legislative enactments after 1979 shall be included as reimbursement under this section. This subsection does not affect litigation pending on January 1, 1990.

(3) If by order of any court, or legislative enactment, the costs of a federal or taxing district program are transferred to or from the state, the otherwise applicable state tax revenue limit shall be increased or decreased, as the case may be, by the dollar amount of the costs of the program.

(4) The legislature, in consultation with the office of financial management or its successor agency, shall determine the costs of any new programs or increased levels of service under existing programs imposed on any taxing district or transferred to or from the state.

(5) Subsection (1) of this section does not apply to the costs incurred for voting devices or machines under RCW 29.04.— (section 1, chapter 184, Laws of 1990).

PART VII

SALES TAX EQUALIZATION FOR NEW CITIES

Sec. 701. Section 22, chapter 49, Laws of 1982 1st ex. sess. as last amended by section 314, chapter 42, Laws of 1990 and RCW 82.14.210 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). Funds in this account shall be allocated by the state treasurer according to the following procedure:

(1) Prior to ~~((April))~~ January 1st of each year the ~~((director))~~ department of revenue shall ~~((inform the state treasurer of))~~ 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, ~~((as now or hereafter amended;))~~ 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.— (section 309, chapter 42, Laws of 1990), 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, ~~((as now or hereafter amended;))~~ 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 ~~((5))~~ (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, ~~((as now or hereafter amended;))~~ 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 ~~((5))~~ (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) ((or)), (4), or (5) of this section, then the distributions under subsections (3) ((or)), (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) ~~((and))~~, (4), and (5) of this section to the cities.

~~((6))~~ (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 ~~((4))~~ (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.

~~((7)) For a city or town initially incorporated on or after January 1, 1983, at the time distributions are made under subsection (3) of this section, the state treasurer shall place into a separate designated account for such city or town a pro rata amount of the revenues received under RCW 82.44.110(5) equal to the city's or town's population multiplied by the amount of equalization funds to which the city or town would be entitled if its per capita yield the previous calendar year were zero. Such account shall take effect on January 1st of the first full calendar year during which the city or town imposes the taxes authorized by RCW 82.14.030(1) and shall cease to exist on December 31st of that year.))~~

(8) All earnings of investments of balances in the municipal sales and use tax equalization account shall be credited to the general fund.

~~((At the time that sales and use tax distributions are made pursuant to RCW 82.14.060, the revenues in such designated account shall be added to the city's or town's sales and use tax distributions so as to provide to such city or town an amount which reflects what such jurisdiction's entitlement from the municipal sales and use tax equalization account would have been if the actual distributions of sales and use tax revenues to such city or town had been received the previous full calendar year. Any excess revenues remaining in such designated account upon its expiration shall be apportioned according to subsection (6) of this section. If the department of revenue determines during the year that any funds in the designated account are not necessary for the purposes of distribution under this subsection, the department may deposit those funds in the municipal sales and use tax equalization account to be apportioned according to subsection (6) of this section.))~~

PART VIII GAS TAX RECONCILIATION

Sec. 801. Section 82.44.110, chapter 15, Laws of 1961 as last amended by section 306, chapter 42, Laws of 1990 and RCW 82.44.110 are each amended to read as follows:

The county auditor shall regularly, when remitting license fee receipts, pay over and account to the director of licensing for the excise taxes collected under the provisions of this chapter. The director shall forthwith transmit the excise taxes to the state treasurer.

The state treasurer shall deposit the excise taxes collected under RCW 82.44.020(1) as follows:

(1) 1.60 percent into the motor vehicle fund to defray administrative and other expenses incurred by the department in the collection of the excise tax.

(2) 8.15 percent into the Puget Sound capital construction account in the motor vehicle fund.

(3) 4.07 percent into the Puget Sound ferry operations account in the motor vehicle fund.

(4) 8.83 percent into the general fund to be distributed under RCW 82.44.— (section 309, chapter 42, Laws of 1990).

(5) 4.75 percent into the municipal sales and use tax equalization account in the general fund created in RCW 82.14.210.

(6) 1.60 percent into the county sales and use tax equalization account in the general fund created in RCW 82.14.200.

(7) ~~((7+))~~ 62.6440 percent into the general fund through June 30, 1993, ~~((and 66))~~ 57.6440 percent into the general fund beginning July 1, 1993, and 66 percent into the general fund beginning January 1, 1994.

(8) 5 percent into the transportation fund created in RCW 82.44.— (section 312, chapter 42, Laws of 1990) beginning July 1, 1993.

(9) 5.9686 percent into the county criminal justice assistance account created in section 102 of this act through December 31, 1993.

(10) 1.1937 percent into the municipal criminal justice assistance account for distribution under section 104 of this act through December 31, 1993.

(11) 1.1937 percent into the municipal criminal justice assistance account for distribution under section 105 of this act through December 31, 1993.

The state treasurer shall deposit the excise taxes collected under RCW 82.44.020(2) into the transportation fund.

PART IX LOCAL SALES TAX

NEW SECTION. Sec. 901. A new section is added to chapter 82.14 RCW to read as follows:

The legislative authority of any county with a population of two hundred 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.

This section expires January 1, 1994.

Sec. 902. Section 43, chapter 43, Laws of 1990 and RCW 81.— are each amended to read as follows:

The legislative bodies of cities that operate transit systems, county transportation authorities, metropolitan municipal corporations, and public transportation benefit areas, solely for the purpose of providing high capacity transportation service may submit an authorizing proposition to the voters 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 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, county transportation authority, metropolitan municipal corporation, or public transportation benefit area, as the case may be. The maximum rate of such tax shall be approved by the voters and shall not exceed 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 maximum rate of such tax that may be imposed shall not exceed nine-tenths of one percent if a tax is imposed in the county under section 901 of this 1990 act.

PART X

TASK FORCE ON CITY AND COUNTY FINANCES

NEW SECTION. Sec. 1001. (1) A task force on city and county finances is established, to consist of:

(a) Five members of the senate, with no more than three members from the majority caucus, to be appointed by the president of the senate;

(b) Five members of the house of representatives, with no more than three members from the majority caucus, to be appointed by the speaker of the house of representatives;

(c) Two nonvoting representatives of the governor, to be appointed by the governor.

(2) The task force shall examine and make recommendations on the following subjects:

(a) The need for additional fiscal assistance to cities and counties, including the local criminal justice system such as law enforcement agencies, the courts, indigent defense, and county jails;

(b) The adequacy of city and county revenues, including direct and indirect state assistance, local revenue and debt capacity, and local option taxes;

(c) Statutory or administrative changes that will promote efficiencies in local government, including the multijurisdictional coordination of services; and

(d) Revisions to RCW 43.135.060 (Initiative 62).

(3) In conducting its business, the task force shall seek the cooperation and participation of appropriate state agencies, legislative committees, and organizations representing city and county governments and officials. The task force shall coordinate its work with, and not duplicate, the efforts of other legislative task forces and select committees.

(4) By September 1, 1992, the task force shall submit a report, including its findings and recommendations, to the governor and appropriate committees of the legislature.

(5) Administrative and staff support of the task force shall be provided by the senate and house of representatives.

(6)(a) The sum of fifty thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the general fund to the senate for the purposes of this section.

(b) The sum of fifty thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the general fund to the house of representatives for the purposes of this section.

(7) This section expires on December 31, 1992.

PART XI
MISCELLANEOUS

NEW SECTION. Sec. 1101. (1) The sum of thirty-two million five hundred thousand dollars is appropriated from the county criminal justice assistance account to the state treasurer for the biennium ending June 30, 1991, for distribution under section 102 of this act.

(2) The sum of two million five hundred thousand dollars is appropriated from the general fund to the state treasurer for the biennium ending June 30, 1991, for distribution under section 103 of this act.

(3) The sum of ten million dollars is appropriated from the municipal criminal justice assistance account to the state treasurer for the biennium ending June 30, 1991, for distribution under section 104 of this act.

(4) The sum of ten million dollars is appropriated from the municipal criminal justice assistance account to the state treasurer for the biennium ending June 30, 1991, for distribution under section 105 of this act.

NEW SECTION. Sec. 1102. The transfers in section 106 of this act and the appropriation in section 1101(2) of this act shall not be made to the extent that the total general fund—state appropriations for the 1989-91 fiscal biennium exceed the sum of (1) of the official revenue forecast adopted by the economic and revenue forecast council under RCW 82.01.130 and (2) any undesignated fund balance from the prior biennium.

Sec. 1103. Section 1, chapter 256, Laws of 1990 and RCW 42.17.310 are each amended to read as follows:

(1) The following are exempt from public inspection and copying:

(a) Personal information in any files maintained for students in public schools, patients or clients of public institutions or public health agencies, or welfare recipients.

(b) Personal information in files maintained for employees, appointees, or elected officials of any public agency to the extent that disclosure would violate their right to privacy.

(c) Information required of any taxpayer in connection with the assessment or collection of any tax if the disclosure of the information to other persons would (i) be prohibited to such persons by RCW 82.32.330 or (ii) violate the taxpayer's right to privacy or result in unfair competitive disadvantage to the taxpayer.

(d) Specific intelligence information and specific investigative records compiled by investigative, law enforcement, and penology agencies, and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy.

(e) Information revealing the identity of persons who file complaints with investigative, law enforcement, or penology agencies, other than the public disclosure commission, if disclosure would endanger any person's life,

physical safety, or property. If at the time the complaint is filed the complainant indicates a desire for disclosure or nondisclosure, such desire shall govern. However, all complaints filed with the public disclosure commission about any elected official or candidate for public office must be made in writing and signed by the complainant under oath.

(f) Test questions, scoring keys, and other examination data used to administer a license, employment, or academic examination.

(g) Except as provided by chapter 8.26 RCW, the contents of real estate appraisals, made for or by any agency relative to the acquisition or sale of property, until the project or prospective sale is abandoned or until such time as all of the property has been acquired or the property to which the sale appraisal relates is sold, but in no event shall disclosure be denied for more than three years after the appraisal.

(h) Valuable formulae, designs, drawings, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss.

(i) Preliminary drafts, notes, recommendations, and intra-agency memorandums in which opinions are expressed or policies formulated or recommended except that a specific record shall not be exempt when publicly cited by an agency in connection with any agency action.

(j) Records which are relevant to a controversy to which an agency is a party but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts.

(k) Records, maps, or other information identifying the location of archaeological sites in order to avoid the looting or depredation of such sites.

(l) Any library record, the primary purpose of which is to maintain control of library materials, or to gain access to information, which discloses or could be used to disclose the identity of a library user.

(m) Financial information supplied by or on behalf of a person, firm, or corporation for the purpose of qualifying to submit a bid or proposal for (a) a ferry system construction or repair contract as required by RCW 47.60.680 through 47.60.750 or (b) highway construction or improvement as required by RCW 47.28.070.

(n) Railroad company contracts filed with the utilities and transportation commission under RCW 81.34.070, except that the summaries of the contracts are open to public inspection and copying as otherwise provided by this chapter.

(o) Financial and commercial information and records supplied by private persons pertaining to export services provided pursuant to chapter 43.163 RCW and chapter 53.31 RCW.

(p) Financial disclosures filed by private vocational schools under chapter 28C.10 RCW.

(q) Records filed with the utilities and transportation commission or attorney general under RCW 80.04.095 that a court has determined are confidential under RCW 80.04.095.

(r) Financial and commercial information and records supplied by businesses during application for loans or program services provided by chapter 43.163 RCW and chapters 43.31, 43.63A, and 43.168 RCW.

(s) Membership lists or lists of members or owners of interests of units in timeshare projects, subdivisions, camping resorts, condominiums, land developments, or common-interest communities affiliated with such projects, regulated by the department of licensing, in the files or possession of the department.

(t) All applications for public employment, including the names of applicants, resumes, and other related materials submitted with respect to an applicant.

(u) The residential addresses and residential telephone numbers of employees or volunteers of a public agency which are held by the agency in personnel records, employment or volunteer rosters, or mailing lists of employees or volunteers.

(v) The residential addresses and residential telephone numbers of the customers of a public utility contained in the records or lists held by the public utility of which they are customers.

(w) Information obtained by the board of pharmacy as provided in RCW 69.45.090.

(x) Information obtained by the board of pharmacy and its representatives as provided in RCW 69.41.044 and 69.41.280.

(y) Financial information, business plans, examination reports, and any information produced or obtained in evaluating or examining a business and industrial development corporation organized or seeking certification under chapter 31.24 RCW.

(z) Financial and commercial information supplied to the state investment board by any person when the information relates to the investment of public trust or retirement funds and when disclosure would result in loss to such funds or in private loss to the providers of this information.

(aa) Financial and valuable trade information under RCW 51.36.120.

(bb) Effective March 1, 1991, the work and home addresses, other than the city of residence, of a person shall remain undisclosed or be omitted from all documents made available for public review if that person requests in writing, under oath, that these addresses be kept private because disclosure would endanger his or her life, physical safety, or property. This provision does not in any way restrict the sharing or collection of information by state and local governmental agencies required for the daily administration of their duties. The secretary of state shall administer this provision and establish the procedures and rules that are necessary for its

operation. An agency that has not been furnished with a request for confidentiality of address information is not liable for damages resulting from its disclosure of the information. For purpose of service of process, the secretary of state shall serve as agent for each person who submits a request under this subsection. A request shall be of no force or effect if the requester does not include a statement, along with or part of the request, designating the secretary of state as agent of the requester for purposes of service of process.

(2) Except for information described in subsection (1)(c)(i) of this section and confidential income data exempted from public inspection pursuant to RCW 84.40.020, the exemptions of this section are inapplicable to the extent that information, the disclosure of which would violate personal privacy or vital governmental interests, can be deleted from the specific records sought. No exemption may be construed to permit the nondisclosure of statistical information not descriptive of any readily identifiable person or persons.

(3) Inspection or copying of any specific records exempt under the provisions of this section may be permitted if the superior court in the county in which the record is maintained finds, after a hearing with notice thereof to every person in interest and the agency, that the exemption of such records is clearly unnecessary to protect any individual's right of privacy or any vital governmental function.

(4) Agency responses refusing, in whole or in part, inspection of any public record shall include a statement of the specific exemption authorizing the withholding of the record (or part) and a brief explanation of how the exemption applies to the record withheld.

NEW SECTION. Sec. 1104. 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. 1105. 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:

- (1) Sections 101 through 106 of this act shall take effect July 1, 1990;
- (2) Sections 701 and 801 of this act shall take effect September 1, 1990;
- (3) Section 1103 of this act shall take effect June 7, 1990; and
- (4) Sections 501 through 525 of this act shall take effect January 1, 1991, if the proposed amendment to Article VII, section 2 of the state Constitution, that permits the levying of property tax levies in excess of the one percent limitation for up to six consecutive years, is validly submitted to

and is approved and ratified by the voters at a general election held in November 1990.

Passed the Senate June 5, 1990.

Passed the House June 5, 1990.

Approved by the Governor June 6, 1990.

Filed in Office of Secretary of State June 6, 1990.

PROPOSED CONSTITUTIONAL AMENDMENT
ADOPTED AT THE 1990 REGULAR SESSION
FOR SUBMISSION TO THE VOTERS
AT THE STATE GENERAL ELECTION, NOVEMBER 1990
SECOND SUBSTITUTE SENATE JOINT RESOLUTION NO. 8212

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 VII, section 11 of the Constitution of the state of Washington to read as follows:

Article VII, section 11. Nothing in this Article VII as amended shall prevent the legislature from providing, subject to such conditions as it may enact, that the true and fair value in money (a) of farms, agricultural lands, standing timber, and timberlands, ~~((and))~~ (b) of other open space lands ~~((which))~~ that are used for recreation or for enjoyment of their scenic or natural beauty, or (c) of properties with dwelling units that comply with health and safety standards, are devoted to low-income housing, and contain five or more low-income dwelling units, shall be based on the use to which such property is currently applied, and such values shall be used in computing the assessed valuation of such property in the same manner as the assessed valuation is computed for all property.

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 8, 1990.

Passed the Senate March 8, 1990.

Filed in Office of Secretary of State March 12, 1990.

PROPOSED CONSTITUTIONAL AMENDMENT
ADOPTED AT THE 1990 REGULAR SESSION
FOR SUBMISSION TO THE VOTERS
AT THE STATE GENERAL ELECTION, NOVEMBER 1990
HOUSE JOINT RESOLUTION NO. 4203

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, section 3 of the state Constitution to read as follows:

Article XI, section 3. No new counties shall be established, or annexation shall occur, which ~~((shall))~~ at the time of such action reduces any county to a population less than ~~((four))~~ ten thousand ~~((4,000), nor shall a)~~. No new county shall be formed containing a ~~((less))~~ population of less than ~~((two))~~ ten thousand ~~((2,000))~~, except by the consolidation of two or more counties. ~~((There shall be no territory stricken from any county unless a majority of the voters living in such territory shall petition therefor and then only under such other conditions as may be prescribed by a general law applicable to the whole state.))~~

Notwithstanding the provisions of Article 2, section 28 of this Constitution, county boundaries shall be described in special laws enacted by the legislature. All portions of the state shall be in a county.

County boundaries shall be altered as follows:

(1) A new county shall be established when: (a) First, the action is initiated by petition of a majority of the voters residing in the proposed new county, but when the proposed new county would take territory out of more than one county the action must be initiated by petition of a majority of the voters residing in each portion of the proposed new county that is located within each county; (b) second, the petitions referred to in (a) are certified by voting precinct; (c) third, the legislature enacts a special law authorizing the creation of the new county; and (d) fourth, a ballot proposition authorizing the creation of the new county is approved by the voters residing in the proposed county. The legislature may establish the boundaries of the new county notwithstanding the boundaries proposed by the petition.

(2) An existing county may annex territory from another county when: (a) First, the action is initiated by either resolution of the legislative authority of the annexing county or petition of twenty-five percent of the voters residing in the area within a county proposed to be annexed; (b) second, the legislative authority of the county from which the area would be removed adopts a resolution authorizing the annexation; (c) third, the legislature enacts a special law providing for the annexation; and (d) fourth, a ballot proposition authorizing the annexation is approved by the voters residing in that area.

(3) Two or more counties may consolidate when: (a) First, the action is initiated in each of the counties proposed to be consolidated by either resolution of the county legislative authority or petition by twenty-five percent of the voters residing in the county; (b) second, the legislature enacts a special law providing for the consolidation; and (c) third, a ballot proposition authorizing the consolidation is approved by the voters of each of the counties.

The legislature may implement this section and may place additional requirements or conditions on the altering of county boundaries by enacting general laws applicable to the entire state.

Notwithstanding the provisions of section 2 of this Article, the legislature shall enact general laws applicable to the entire state to establish procedures whereby, at the time of a vote under subsection (1), (2), or (3) of this section, the voters also select the location of a county seat whenever two or more counties consolidate, or the location of a county seat in that portion of a county remaining after an annexation or creation of a new county, if the old county seat is located in the territory removed from the county.

Every county which shall be enlarged or created from territory taken from any other county or counties shall be liable for a just proportion of the existing debts and liabilities of the county or counties from which such territory shall be taken: PROVIDED, That in such accounting neither county shall be charged with any debt or liability then existing incurred in the purchase of any county property, or in the purchase or construction of any county buildings then in use, or under construction, which shall fall within and be retained by the county: PROVIDED FURTHER, That this shall not be construed to affect the rights of creditors.

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 January 12, 1990.

Passed the Senate February 26, 1990.

Filed in Office of Secretary of State March 5, 1990.

**PROPOSED CONSTITUTIONAL AMENDMENT
ADOPTED AT THE 1990 SECOND EXTRAORDINARY SESSION
FOR SUBMISSION TO THE VOTERS
AT THE STATE GENERAL ELECTION, NOVEMBER 1990
HOUSE JOINT RESOLUTION NO. 4231**

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 VII, section 2 of the Constitution of the state of Washington to read as follows:

Article VII, section 2. Except as hereinafter provided and notwithstanding any other provision of this Constitution, the aggregate of all tax levies upon real and personal property by the state and all taxing districts

now existing or hereafter created, shall not in any year exceed one ((per centum)) percent of the true and fair value of such property in money: PROVIDED, HOWEVER, That nothing herein shall prevent levies at the rates now provided by law by or for any port or public utility district. The term "taxing district" for the purposes of this section shall mean any political subdivision, municipal corporation, district, or other governmental agency authorized by law to levy, or have levied for it, ad valorem taxes on property, other than a port or public utility district. Such aggregate limitation or any specific limitation imposed by law in conformity therewith may be exceeded only

(a) By any taxing district for each of six or fewer consecutive years and for a stated purpose or purposes, as specified in a ballot proposition authorizing the levy or levies, when specifically authorized so to do by a majority of at least three-fifths of the ((electors)) voters thereof voting on the proposition to levy such additional taxes submitted not more than twelve months prior to the date on which the proposed initial levy is to be made and not oftener than twice in such twelve month period, either at a special election or at the regular election of such taxing district, at which election the number of ((persons)) voters voting "yes" on the proposition shall constitute three-fifths of a number equal to forty ((per centum)) percent of the total ((votes cast)) number of voters voting in such taxing district at the last preceding general election when the number of ((electors)) voters voting on the proposition does not exceed forty ((per centum)) percent of the total ((votes cast)) number of voters voting in such taxing district in the last preceding general election; or by a majority of at least three-fifths of the ((electors)) voters thereof voting on the proposition to levy when the number of ((electors)) voters voting on the proposition exceeds forty ((per centum)) percent of the total ((votes cast)) number of voters voting in such taxing district in the last preceding general election((- PROVIDED, That notwithstanding any other provision of this Constitution, any proposition pursuant to this subsection to levy additional tax for the support of the common schools may provide such support for a two year period and any proposition to levy an additional tax to support the construction, modernization, or remodelling of school facilities may provide such support for a period not exceeding six years));

(b) By any taxing district otherwise authorized by law to issue general obligation bonds for capital purposes, for the sole purpose of making the required payments of principal and interest on general obligation bonds issued solely for capital purposes, other than the replacement of equipment, when authorized so to do by majority of at least three-fifths of the ((electors)) voters thereof voting on the proposition to issue such bonds and to pay the principal and interest thereon by an annual tax levy in excess of the limitation herein provided during the term of such bonds, submitted not oftener than twice in any calendar year, at an election held in the manner provided by law for bond elections in such taxing district, at which election

the total number of ~~((persons))~~ voters voting on the proposition shall constitute not less than forty ~~((per centum))~~ percent of the total number of ~~((votes cast))~~ voters voting in such taxing district at the last preceding general election: **PROVIDED**, That any such taxing district shall have the right by vote of its governing body to refund any general obligation bonds of said district issued for capital purposes only, and to provide for the interest thereon and amortization thereof by annual levies in excess of the tax limitation provided for herein, **AND PROVIDED FURTHER**, That the provisions of this section shall also be subject to the limitations contained in Article VIII, Section 6, of this Constitution;

(c) By the state or any taxing district for the purpose of paying the principal or interest on general obligation bonds outstanding on December 6, 1934; or for the purpose of preventing the impairment of the obligation of a contract when ordered so to do by a court of last resort.

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 June 5, 1990.

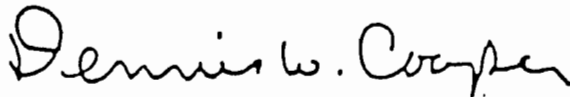
Passed the Senate June 5, 1990.

Filed in Office of Secretary of State June 6, 1990

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 1990 regular and first and second extraordinary sessions (51st Legislature), chapters 138 through 302, 1 through 17, and 1, 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 13th day of June, 1990.

A handwritten signature in black ink that reads "Dennis W. Cooper". The signature is written in a cursive style with a large initial "D".

DENNIS W. COOPER
Code Reviser

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2.08.062	AMD	186	1	9.26A	ADD 11 1
2.08.065	AMD	186	2	9.26A.090	AMD 11 3
2.10.144	AMD	249	13	9.40.100	AMD 177 1
2.10.146	AMD	249	2	9.41.070	REMD 195 6
2.10.155	AMD	274	14	9.45.180	RECD 11 5
2.24.010	AMD	191	1	9.45.190	RECD 11 5
2.32.180	AMD	186	3	9.45.240	AMD 11 2
2.36.095	AMD	140	1	9.45.240	RECD 11 5
2.42.200	RECD	183	2	9.68A.070	AMD 155 1
2.42.210	RECD	183	2		(Effective 7/1/90)
2.42.220	AMD	183	1	9.92.151	AMD 3 201
2.42.220	RECD	183	2		(Effective 7/1/90)
2.42.230	RECD	183	2	9.94A	ADD 3 122-124
2.42.240	RECD	183	2	9.94A	ADD 3 601
2.42.250	RECD	183	2		(Effective 7/1/90)
2.42.260	RECD	183	2	9.94A	ADD 155 2
2.42.270	RECD	183	2		(Effective 7/1/90)
3.38.070	AMD	257	1	9.94A.030	REMD 3 602
3.62.060	AMD	172	2		(Effective 7/1/90)
4.24	ADD	2	8	9.94A.120	AMD 3 705
	(Effective 7/1/90)				(Effective 7/1/90)
4.24	ADD	3	117	9.94A.150	AMD 3 202
	(Effective 7/1/91)				(Effective 7/1/90)
4.92.130	AMD	284	29	9.94A.155	AMD 3 121
	(Effective 7/1/90)			9.94A.310	REMD 3 701
5.44	ADD	175	1		(Effective 7/1/90)
6.15.020	AMD	237	1	9.94A.320	REMD 3 702
7	ADD	11	4		(Effective 7/1/90)
7.48.050	AMD	152	1	9.94A.350	AMD 3 703
7.48.052	AMD	152	2		(Effective 7/1/90)
7.48.054	AMD	152	3	9.94A.360	AMD 3 706
7.48A.010	AMD	152	4		(Effective 7/1/90)
7.48A.020	AMD	152	5	9.94A.390	AMD 3 603
7.64	ADD	227	5,9		(Effective 7/1/90)
7.64.010	AMD	227	1	9.94A.400	REMD 3 704
7.64.020	AMD	227	2		(Effective 7/1/90)
7.64.035	AMD	227	3	9.95	ADD 3 127
7.64.045	AMD	227	4	9.95.009	AMD 3 707
7.64.050	AMD	227	6	9.95.140	AMD 3 126
7.64.060	REP	227	10	9A.32.030	AMD 200 1
7.64.080	REP	227	10	9A.36.031	AMD 236 1
7.64.090	REP	227	10	9A.44	ADD 3 402,408
7.64.100	AMD	227	7	9A.44	ADD 150 2
7.64.110	AMD	227	8	9A.44.050	AMD 3 901
7.64.120	REP	227	10		(Effective 7/1/90)
7.68.020	AMD	73	1	9A.44.076	AMD 3 903
	(Effective 10/1/90)				(Effective 7/1/90)
7.68.060	AMD	3	501	9A.44.083	AMD 3 902
7.68.070	AMD	3	502		(Effective 7/1/90)
7.68.080	AMD	3	503	9A.88.010	AMD 3 904
7.68.085	AMD	3	504		(Effective 7/1/90)
7.75	ADD	172	1	10.01	ADD 3 404
	(Effective 7/1/90)			10.05.060	AMD 250 13
8.12.020	AMD	189	2		(Effective 1/1/91)
8.25	ADD	133	9	10.77	ADD 3 104,105

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10.77.165	AMD	3	107		(Effective 7/1/91)
10.77.210	AMD	3	108	11.92.040	AMD 122 20
10.95.160	AMD	263	1		(Effective 7/1/91)
10.95.200	AMD	263	2	11.92.050	AMD 122 23
10.97.030	AMD	3	128		(Effective 7/1/91)
10.97.050	AMD	3	129	11.92.053	AMD 122 24
11.02	ADD	180	7-9		(Effective 7/1/91)
11.08	ADD	225	3	11.92.056	AMD 122 25
11.08.111	AMD	225	2		(Effective 7/1/91)
11.08.170	AMD	225	1	11.92.060	AMD 122 26
11.12.020	AMD	79	1		(Effective 7/1/91)
11.44.061	REP	180	10	11.92.090	AMD 122 27
11.44.066	AMD	180	1		(Effective 7/1/91)
11.56.030	AMD	180	2	11.92.100	AMD 122 28
11.56.280	AMD	180	3		(Effective 7/1/91)
11.62.020	AMD	180	4	11.92.110	AMD 122 29
11.68.110	AMD	180	5		(Effective 7/1/91)
11.86.075	REP	180	10	11.92.115	AMD 122 30
11.88	ADD	122	9,13		(Effective 7/1/91)
	(Effective 7/1/91)			11.92.130	AMD 122 31
11.88.005	AMD	122	1		(Effective 7/1/91)
	(Effective 7/1/91)			11.92.140	AMD 122 32
11.88.010	AMD	122	2		(Effective 7/1/91)
	(Effective 7/1/91)			11.92.150	AMD 122 33
11.88.020	AMD	122	3		(Effective 7/1/91)
	(Effective 7/1/91)			11.92.160	AMD 122 34
11.88.030	AMD	122	4		(Effective 7/1/91)
	(Effective 7/1/91)			11.92.170	AMD 122 35
11.88.040	AMD	122	5		(Effective 7/1/91)
	(Effective 7/1/91)			11.92.180	AMD 122 36
11.88.045	AMD	122	6		(Effective 7/1/91)
	(Effective 7/1/91)			11.92.185	AMD 122 37
11.88.080	AMD	122	7		(Effective 7/1/91)
	(Effective 7/1/91)			11.96.070	AMD 179 1
11.88.090	AMD	122	8	11.108.010	AMD 224 2
	(Effective 7/1/91)			11.108.025	AMD 179 2
11.88.100	AMD	122	10	11.108.050	AMD 179 3
	(Effective 7/1/91)			12.40.020	AMD 172 3
11.88.105	AMD	122	11		(Effective 7/1/90)
	(Effective 7/1/91)			13.04.033	AMD 284 35
11.88.107	AMD	122	12		(Effective 7/1/90)
	(Effective 7/1/91)			13.04.145	AMD 33 551
11.88.120	AMD	122	14	13.32A	ADD 276 12-15
	(Effective 7/1/91)			13.32A	ADD 284 24
11.88.125	AMD	122	15		(Effective 7/1/90)
	(Effective 7/1/91)			13.32A.020	AMD 276 2
11.88.130	AMD	122	16	13.32A.030	AMD 276 3
	(Effective 7/1/91)			13.32A.040	AMD 276 4
11.88.140	AMD	122	17	13.32A.050	AMD 276 5
	(Effective 7/1/91)			13.32A.090	AMD 276 6
11.88.150	AMD	122	18	13.32A.120	AMD 276 7
	(Effective 7/1/91)			13.32A.130	AMD 276 8
11.92	ADD	122	21,22	13.32A.140	AMD 276 9
	(Effective 7/1/91)			13.32A.150	AMD 276 10

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13.32A.160	AMD	276	11	15.52.070	REP 197 1
13.32A.250	REMD	276	16	15.52.080	REP 197 1
13.34	ADD	284	25	15.52.090	REP 197 1
	(Effective 7/1/90)			15.52.100	REP 197 1
13.34.020	AMD	284	31	15.52.110	REP 197 1
	(Effective 7/1/90)			15.52.120	REP 197 1
13.34.060	AMD	246	1	15.52.130	REP 197 1
13.34.070	AMD	246	2	15.52.140	REP 197 1
13.34.080	AMD	246	3	15.52.150	REP 197 1
13.34.090	AMD	246	4	15.52.160	REP 197 1
13.34.130	AMD	246	5	15.52.170	REP 197 1
13.34.130	AMD	284	32	15.52.180	REP 197 1
	(Effective 7/1/90)			15.52.320	REP 197 1
13.34.150	AMD	246	6	15.52.330	REP 197 1
13.34.180	AMD	246	7	15.52.340	REP 197 1
13.34.190	AMD	284	33	15.52.900	REP 197 1
	(Effective 7/1/90)			15.90.010	AMD 20 1
13.40	ADD	3	101,112	15.90.020	AMD 20 2
13.40	ADD	3	60,4	15.90.030	AMD 20 3
	(Effective 7/1/90)			15.90.040	AMD 20 4
13.40.020	AMD	3	301	16.52	ADD 226 1
	(Effective 7/1/90)			17.28	ADD 300 2,3
13.40.020	AMD	12	E1	17.28.100	AMD 1 E2 502
13.40.110	AMD	3	30,3		(Effective 1/1/91)
	(Effective 7/1/90)			17.28.252	AMD 1 E2 503
13.40.150	AMD	3	60,5		(Effective 1/1/91)
	(Effective 7/1/90)			18	ADD 3 801-809
13.40.160	AMD	3	30,2	18	ADD 177 2-8,10
	(Effective 7/1/90)				(Effective 5/1/91)
13.40.205	AMD	3	103	18.06	ADD 297 15,16
13.40.210	AMD	3	304	18.06.900	REP 297 26
	(Effective 7/1/90)			18.06.901	REP 297 26
13.50.010	AMD	246	8	18.19	ADD 297 28
13.50.050	AMD	3	125	18.22	ADD 147 6,7,
13.50.100	AMD	246	9		10,14,19
14.08.120	AMD	215	1	18.22.005	AMD 147 1
15	ADD	142	1-7	18.22.010	AMD 147 2
15.13.250	AMD	261	1	18.22.013	AMD 147 3
15.13.260	AMD	261	2	18.22.014	AMD 147 4
15.13.270	AMD	261	3	18.22.015	AMD 147 5
15.13.310	AMD	261	4	18.22.030	REP 147 20
15.13.320	AMD	261	5	18.22.040	AMD 147 8
15.13.335	AMD	261	6	18.22.050	REP 147 20
15.13.350	AMD	261	7	18.22.060	AMD 147 9
15.13.370	AMD	261	8	18.22.081	REP 147 20
15.13.380	AMD	261	9	18.22.083	AMD 147 11
15.13.410	AMD	261	10	18.22.110	AMD 147 12
15.13.420	AMD	261	11	18.22.120	AMD 147 13
15.13.440	AMD	261	12	18.22.130	REP 147 20
15.13.470	AMD	261	13	18.22.185	REP 147 20
15.13.490	AMD	261	14	18.22.191	AMD 147 15
15.17.100	AMD	19	1	18.22.210	AMD 147 16
15.52.010	REP	197	1	18.22.230	AMD 147 17
15.52.050	REP	197	1	18.22.930	REP 147 20
15.52.060	REP	197	1	18.27.100	AMD 46 1

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18.36A	ADD	297	28	19.27.040	AMD 2 11
18.44.070	AMD	203	1		(Effective 1/1/91)
18.51	ADD	297	28	19.27.080	AMD 33 555
18.59.090	AMD	13	1	19.27A	ADD 2 2,4-6
18.64.005	AMD	83	1	19.27A.010	REP 2 12
18.71.015	AMD	196	11		(Effective 1/1/91)
18.71.030	AMD	33	552	19.27A.020	AMD 2 3
18.71.030	AMD	196	12	19.27A.030	REP 2 12
18.71.095	AMD	160	1		(Effective 1/1/91)
18.71.205	AMD	269	18	19.27A.040	REP 2 12
18.71.212	AMD	269	19		(Effective 1/1/91)
18.71.215	AMD	269	20	19.31.020	AMD 70 1
18.71A	ADD	196	10	19.31.245	AMD 70 2
18.71A.010	AMD	196	1	19.36	ADD 211 1-5
18.71A.020	AMD	196	2		(Effective 7/1/90)
18.71A.030	AMD	196	3	19.86.110	AMD 199 1
18.71A.040	RECD	196	4	19.94	ADD 27 1
18.71A.050	AMD	196	5	19.98	ADD 124 1-7
18.71A.060	AMD	196	6		(Effective 7/1/90)
18.71A.070	AMD	196	7	19.118.021	AMD 239 1
18.71A.080	REP	196	9	19.118.901	REP 297 26
18.73	ADD	297	28	19.142.010	AMD 33 556
18.73.010	AMD	269	22	19.142.010	AMD 55 1
18.73.030	AMD	269	23	19.142.040	AMD 55 2
18.73.040	AMD	269	6	19.142.050	AMD 55 3
18.73.050	AMD	269	7	23B.01.220	AMD 178 1
18.73.060	AMD	269	14		(Effective 7/1/90)
18.73.060	RECD	269	27	23B.01.410	AMD 178 2
18.73.070	REP	269	28		(Effective 7/1/90)
18.73.073	AMD	269	15	23B.01.510	AMD 178 3
18.73.073	RECD	269	27		(Effective 7/1/90)
18.73.081	AMD	269	24	23B.01.580	AMD 178 4
18.73.085	AMD	269	16		(Effective 7/1/90)
18.73.085	RECD	269	27	23B.06.400	AMD 178 10
18.73.130	AMD	269	25		(Effective 7/1/90)
18.74.010	AMD	297	17	23B.07.270	AMD 178 11
					(Effective 7/1/90)
18.74.012	AMD	297	19	23B.12.010	AMD 178 12
18.76.050	AMD	269	21		(Effective 7/1/90)
18.83	ADD	297	8	23B.14.200	AMD 178 5
18.85.230	AMD	85	1		(Effective 7/1/90)
18.118.010	AMD	33	553	23B.14.340	AMD 178 6
18.120.010	AMD	33	554		(Effective 7/1/90)
18.130.040	REMD	3	810	23B.15.010	AMD 178 7
19	ADD	44	1-13		(Effective 7/1/90)
19	ADD	102	1-9	23B.15.020	AMD 178 8
					(Effective 7/1/90)
19.02	ADD	264	2	23B.15.300	AMD 178 9
					(Effective 7/1/90)
19.02.070	AMD	264	1	26.09	ADD 2 E1 23,26
					(Effective 7/1/90)
19.16.100	AMD	190	1	26.09.100	AMD 2 E1 1
19.27	ADD	2	7	26.09.170	AMD 2 E1 2
19.27	ADD	17 E1	63	26.09.175	AMD 2 E1 3
				26.09.225	AMD 2 E1 18
				26.09.909	AMD 2 E1 16

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26.10	ADD	2	E1 24,27	28A.02.050	RECD	33	4
26.16.205	AMD	2	E1 13	28A.02.061	RECD	33	4
26.18	ADD	2	E1 17	28A.02.070	RECD	33	4
26.19	ADD	2	E1 6,7, 9,10,12	28A.02.070	AMD	33	241
26.19.020	AMD	2	E1 19	28A.02.080	RECD	33	4
26.19.030	REP	2	E1 29	28A.02.090	RECD	33	4
26.19.040	AMD	2	E1 20	28A.02.100	RECD	33	4
26.19.050	AMD	2	E1 5	28A.02.110	RECD	33	4
26.23.090	AMD	165	2	28A.02.110	AMD	33	361
26.26	ADD	2	E1 28	28A.02.201	RECD	33	4
26.26.040	AMD	175	2	28A.02.201	REMD	33	176
26.33	ADD	145	1,2	28A.02.220	RECD	33	4
26.33	ADD	285	4	28A.02.230	RECD	33	4
26.33.020	AMD	146	1	28A.02.240	RECD	33	4
26.33.160	AMD	146	2	28A.02.240	AMD	33	177
26.33.190	AMD	146	3	28A.02.250	RECD	33	4
26.33.200	AMD	146	4	28A.02.260	RECD	33	4
26.33.300	AMD	146	5	28A.02.260	AMD	33	411
26.33.330	AMD	145	3	28A.02.300	RECD	33	4
26.33.340	AMD	145	4	28A.02.300	AMD	33	429
26.33.350	AMD	145	4	28A.02.310	RECD	33	4
26.33.350	AMD	146	6	28A.02.310	AMD	33	430
26.33.390	AMD	146	7	28A.02.320	RECD	33	4
26.44	ADD	3	1301	28A.02.325	RECD	33	4
	(Effective 7/1/91)			28A.02.325	AMD	33	519
26.44.115	AMD	246	10	28A.03.010	RECD	33	4
27.04	ADD	68	1	28A.03.010	AMD	33	250
27.12.040	AMD	259	1	28A.03.020	RECD	33	4
28A	ADD	8	6	28A.03.028	RECD	33	4
28A	ADD	9	E1 203, 205-209, 401-412	28A.03.030	RECD	33	4
28A	ADD	10	E1 1-7	28A.03.030	AMD	33	251
28A	ADD	11	E1 4-6	28A.03.300	RECD	33	4
28A	ADD	90	1	28A.03.300	AMD	33	129
28A	ADD	101	1-5	28A.03.310	RECD	33	4
28A	ADD	103	1	28A.03.320	RECD	33	4
28A	ADD	148	2,3	28A.03.320	AMD	33	130
28A	ADD	208	8	28A.03.350	RECD	33	4
28A	ADD	241	11	28A.03.350	AMD	33	253
28A	ADD	243	9	28A.03.360	RECD	33	4
28A	ADD	301	2	28A.03.360	AMD	101	6
28A.01.010	RECD	33	4	28A.03.365	RECD	33	4
28A.01.020	RECD	33	4	28A.03.367	RECD	33	4
28A.01.020	AMD	33	101	28A.03.367	AMD	33	131
28A.01.025	RECD	33	4	28A.03.370	RECD	33	4
28A.01.055	RECD	33	4	28A.03.375	RECD	33	4
28A.01.060	RECD	33	4	28A.03.375	AMD	33	252
28A.01.100	RECD	33	4	28A.03.415	RECD	33	4
28A.01.110	RECD	33	4	28A.03.417	RECD	33	4
28A.01.130	RECD	33	4	28A.03.419	RECD	33	4
28A.01.130	AMD	33	102	28A.03.419	AMD	33	254
28A.02.010	RECD	33	4	28A.03.423	RECD	33	4
28A.02.020	RECD	33	4	28A.03.423	AMD	33	248
28A.02.030	RECD	33	4	28A.03.425	RECD	33	4
				28A.03.425	AMD	33	255
				28A.03.430	RECD	33	4

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RCW	CH.	SEC.	RCW	CH.	SEC.		
28A.03.432	RECD	33	4	28A.04.127	RECD	33	4
28A.03.432	AMD	286	1	28A.04.127	AMD	33	267
28A.03.434	RECD	33	4	28A.04.130	RECD	33	4
28A.03.436	RECD	33	4	28A.04.131	RECD	33	4
28A.03.438	RECD	33	4	28A.04.132	RECD	33	4
28A.03.438	AMD	33	521	28A.04.133	RECD	33	4
28A.03.440	RECD	33	4	28A.04.134	RECD	33	4
28A.03.442	RECD	33	4	28A.04.135	RECD	33	4
28A.03.444	RECD	33	4	28A.04.140	RECD	33	4
28A.03.446	RECD	33	4	28A.04.145	RECD	33	4
28A.03.500	RECD	33	4	28A.04.155	RECD	33	4
28A.03.510	RECD	33	4	28A.04.165	RECD	33	4
28A.03.511	RECD	33	4	28A.04.167	DECD	33	602
28A.03.511	AMD	33	256	28A.04.170	DECD	33	602
28A.03.512	RECD	33	4	28A.04.172	DECD	33	602
28A.03.514	RECD	33	4	28A.04.174	DECD	33	602
28A.03.520	RECD	33	4	28A.04.176	RECD	33	4
28A.03.520	AMD	33	513	28A.04.176	AMD	33	268
28A.03.523	RECD	33	4	28A.04.178	RECD	33	4
28A.03.523	AMD	33	514	28A.04.178	AMD	33	269
28A.03.523	AMD	77	1	28A.04.180	RECD	33	4
28A.03.526	RECD	33	4	28A.05.005	RECD	33	4
28A.03.529	RECD	33	4	28A.05.005	AMD	33	237
28A.03.529	AMD	33	515	28A.05.010	RECD	33	4
28A.03.532	RECD	33	4	28A.05.015	RECD	33	4
28A.03.532	AMD	33	516	28A.05.030	RECD	33	4
28A.03.535	RECD	33	4	28A.05.040	RECD	33	4
28A.03.535	AMD	33	517	28A.05.050	RECD	33	4
28A.03.538	RECD	33	4	28A.05.055	RECD	33	4
28A.03.538	AMD	33	518	28A.05.060	RECD	33	4
28A.03.550	RECD	33	4	28A.05.062	RECD	33	4
28A.04.010	RECD	33	4	28A.05.062	AMD	33	239
28A.04.010	AMD	33	257	28A.05.064	RECD	33	4
28A.04.020	RECD	33	4	28A.05.064	AMD	33	240
28A.04.020	AMD	33	258	28A.05.070	RECD	33	4
28A.04.030	RECD	33	4	28A.08.005	RECD	33	4
28A.04.030	AMD	33	259	28A.08.010	RECD	33	4
28A.04.040	RECD	33	4	28A.08.010	AMD	33	218
28A.04.040	AMD	33	260	28A.08.020	RECD	33	4
28A.04.050	RECD	33	4	28A.08.070	RECD	33	4
28A.04.050	AMD	33	261	28A.08.080	RECD	33	4
28A.04.060	RECD	33	4	28A.08.900	RECD	33	4
28A.04.060	AMD	33	262	28A.13.005	RECD	33	4
28A.04.065	RECD	33	4	28A.13.005	AMD	33	120
28A.04.070	RECD	33	4	28A.13.010	RECD	33	4
28A.04.070	AMD	33	263	28A.13.010	AMD	33	121
28A.04.080	RECD	33	4	28A.13.020	RECD	33	4
28A.04.080	AMD	33	264	28A.13.020	AMD	33	122
28A.04.090	RECD	33	4	28A.13.030	RECD	33	4
28A.04.100	RECD	33	4	28A.13.030	AMD	33	123
28A.04.100	AMD	33	265	28A.13.040	RECD	33	4
28A.04.110	RECD	33	4	28A.13.040	AMD	33	124
28A.04.120	RECD	33	4	28A.13.045	RECD	33	4
28A.04.120	REMD	33	266	28A.13.045	AMD	33	125
28A.04.122	RECD	33	4	28A.13.050	RECD	33	4

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RCW	CH.	SEC.	RCW	CH.	SEC.		
28A.13.060	RECD	33	4	28A.21.120	RECD	33	4
28A.13.060	AMD	33	126	28A.21.120	AMD	33	284
28A.13.070	RECD	33	4	28A.21.130	RECD	33	4
28A.13.070	AMD	33	127	28A.21.135	RECD	33	4
28A.13.080	RECD	33	4	28A.21.135	AMD	33	285
28A.13.080	AMD	33	128	28A.21.136	RECD	33	4
28A.16.040	RECD	33	4	28A.21.136	AMD	33	286
28A.16.050	RECD	33	4	28A.21.137	RECD	33	4
28A.16.050	AMD	33	168	28A.21.138	RECD	33	4
28A.16.060	RECD	33	4	28A.21.138	AMD	33	287
28A.21.010	RECD	33	4	28A.21.140	RECD	33	4
28A.21.020	RECD	33	4	28A.21.160	RECD	33	4
28A.21.020	AMD	33	270	28A.21.170	RECD	33	4
28A.21.030	RECD	33	4	28A.21.170	AMD	33	288
28A.21.030	AMD	33	271	28A.21.195	RECD	33	4
28A.21.0303	RECD	33	4	28A.21.200	RECD	33	4
28A.21.0304	RECD	33	4	28A.21.200	AMD	33	289
28A.21.0305	RECD	33	4	28A.21.210	RECD	33	4
28A.21.0306	RECD	33	4	28A.21.210	AMD	33	290
28A.21.031	RECD	33	4	28A.21.220	RECD	33	4
28A.21.032	RECD	33	4	28A.21.255	RECD	33	4
28A.21.033	RECD	33	4	28A.21.300	RECD	33	4
28A.21.034	RECD	33	4	28A.21.310	RECD	33	4
28A.21.034	AMD	33	272	28A.21.310	AMD	33	291
28A.21.035	RECD	33	4	28A.21.350	RECD	33	4
28A.21.035	AMD	33	273	28A.21.355	RECD	33	4
28A.21.037	RECD	33	4	28A.21.360	RECD	33	4
28A.21.040	RECD	33	4	28A.21.900	RECD	33	4
28A.21.040	AMD	33	274	28A.24.055	RECD	33	4
28A.21.050	RECD	33	4	28A.24.055	AMD	33	132
28A.21.050	AMD	33	275	28A.24.065	RECD	33	4
28A.21.060	RECD	33	4	28A.24.065	AMD	33	133
28A.21.071	RECD	33	4	28A.24.100	RECD	33	4
28A.21.086	RECD	33	4	28A.24.110	RECD	33	4
28A.21.086	AMD	33	276	28A.24.111	RECD	33	4
28A.21.088	RECD	33	4	28A.24.111	AMD	33	134
28A.21.088	AMD	33	277	28A.24.112	RECD	33	4
28A.21.090	RECD	33	4	28A.24.120	RECD	33	4
28A.21.090	AMD	33	278	28A.24.120	AMD	33	135
28A.21.090	AMD	159	1	28A.24.170	RECD	33	4
28A.21.092	RECD	33	4	28A.24.170	AMD	33	136
28A.21.095	RECD	33	4	28A.24.172	RECD	33	4
28A.21.100	RECD	33	4	28A.24.172	AMD	33	137
28A.21.102	RECD	33	4	28A.24.175	RECD	33	4
28A.21.102	AMD	33	279	28A.24.175	AMD	33	138
28A.21.105	RECD	33	4	28A.24.178	RECD	33	4
28A.21.105	AMD	33	280	28A.24.180	RECD	33	4
28A.21.106	RECD	33	4	28A.27.010	RECD	33	4
28A.21.106	AMD	33	281	28A.27.010	AMD	33	219
28A.21.110	RECD	33	4	28A.27.020	RECD	33	4
28A.21.111	RECD	33	4	28A.27.022	RECD	33	4
28A.21.112	RECD	33	4	28A.27.022	AMD	33	220
28A.21.112	AMD	33	282	28A.27.030	RECD	33	4
28A.21.113	RECD	33	4	28A.27.030	AMD	33	221
28A.21.113	AMD	33	283	28A.27.040	RECD	33	4

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28A.27.040	AMD	33	222	28A.31.104	RECD	33	4
28A.27.070	RECD	33	4	28A.31.104	AMD	33	192
28A.27.070	AMD	33	223	28A.31.106	RECD	33	4
28A.27.080	RECD	33	4	28A.31.106	AMD	33	193
28A.27.080	AMD	33	224	28A.31.110	RECD	33	4
28A.27.090	RECD	33	4	28A.31.110	AMD	33	194
28A.27.090	AMD	33	225	28A.31.112	RECD	33	4
28A.27.100	RECD	33	4	28A.31.112	AMD	33	195
28A.27.100	AMD	33	226	28A.31.114	RECD	33	4
28A.27.102	RECD	33	4	28A.31.114	AMD	33	196
28A.27.102	AMD	33	227	28A.31.115	RECD	33	4
28A.27.104	RECD	33	4	28A.31.115	AMD	33	197
28A.27.104	AMD	33	228	28A.31.116	RECD	33	4
28A.27.110	RECD	33	4	28A.31.116	AMD	33	198
28A.27.110	AMD	33	229	28A.31.117	RECD	33	4
28A.27.120	RECD	33	4	28A.31.118	RECD	33	4
28A.27.120	AMD	33	230	28A.31.118	AMD	33	199
28A.27.130	RECD	33	4	28A.31.120	RECD	33	4
28A.27.130	AMD	33	231	28A.31.120	AMD	33	200
28A.27.140	RECD	33	4	28A.31.130	RECD	33	4
28A.27.140	AMD	33	232	28A.31.130	AMD	33	201
28A.27.310	RECD	33	4	28A.31.132	RECD	33	4
28A.27.310	AMD	33	178	28A.31.132	AMD	33	202
28A.27.320	RECD	33	4	28A.31.134	RECD	33	4
28A.27.320	AMD	33	179	28A.31.134	AMD	33	203
28A.29.010	RECD	33	4	28A.31.136	RECD	33	4
28A.29.020	RECD	33	4	28A.31.136	AMD	33	204
28A.29.020	AMD	33	242	28A.31.138	RECD	33	4
28A.29.030	RECD	33	4	28A.31.138	AMD	33	205
28A.29.040	RECD	33	4	28A.31.139	RECD	33	4
28A.30.010	RECD	33	4	28A.31.139	AMD	33	206
28A.30.020	RECD	33	4	28A.31.140	RECD	33	4
28A.30.030	RECD	33	4	28A.31.142	RECD	33	4
28A.30.030	AMD	33	243	28A.31.142	AMD	33	207
28A.30.040	RECD	33	4	28A.31.150	RECD	33	4
28A.30.050	RECD	33	4	28A.31.155	RECD	33	4
28A.30.060	RECD	33	4	28A.31.155	AMD	33	208
28A.30.060	AMD	33	244	28A.31.160	RECD	33	4
28A.30.070	RECD	33	4	28A.31.165	RECD	33	4
28A.30.070	AMD	33	245	28A.31.165	AMD	33	209
28A.30.080	RECD	33	4	28A.31.170	RECD	33	4
28A.30.080	AMD	33	246	28A.34.010	RECD	33	4
28A.31.005	RECD	33	4	28A.34.020	RECD	33	4
28A.31.010	RECD	33	4	28A.34.020	AMD	33	210
28A.31.020	RECD	33	4	28A.34.040	RECD	33	4
28A.31.030	RECD	33	4	28A.34.040	AMD	33	211
28A.31.040	RECD	33	4	28A.34.050	RECD	33	4
28A.31.040	AMD	33	188	28A.34.100	RECD	33	4
28A.31.050	RECD	33	4	28A.34.110	RECD	33	4
28A.31.050	AMD	33	189	28A.34.110	AMD	33	216
28A.31.060	RECD	33	4	28A.34.120	RECD	33	4
28A.31.100	RECD	33	4	28A.34.130	RECD	33	4
28A.31.100	AMD	33	190	28A.34.130	AMD	33	217
28A.31.102	RECD	33	4	28A.34.150	RECD	33	4
28A.31.102	AMD	33	191	28A.34.150	AMD	33	212

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28A.34A.010	RECD	33	4	28A.41.505	AMD	33	141
28A.34A.020	RECD	33	4	28A.41.510	RECD	33	4
28A.34A.020	AMD	33	213	28A.41.510	AMD	33	142
28A.34A.030	RECD	33	4	28A.41.515	RECD	33	4
28A.34A.040	RECD	33	4	28A.41.515	AMD	33	143
28A.34A.050	RECD	33	4	28A.41.520	RECD	33	4
28A.34A.060	RECD	33	4	28A.41.520	AMD	33	144
28A.34A.070	RECD	33	4	28A.41.525	RECD	33	4
28A.34A.080	RECD	33	4	28A.41.525	AMD	33	145
28A.34A.090	RECD	33	4	28A.41.540	RECD	33	4
28A.34A.090	AMD	33	214	28A.41.540	AMD	33	146
28A.34A.100	RECD	33	4	28A.44.045	RECD	33	4
28A.34A.110	RECD	33	4	28A.44.095	RECD	33	4
28A.34A.110	AMD	33	215	28A.44.150	RECD	33	4
28A.34A.900	RECD	33	4	28A.44.150	AMD	33	488
28A.34A.904	RECD	33	4	28A.44.160	RECD	33	4
28A.34A.906	RECD	33	4	28A.44.160	AMD	33	489
28A.34A.908	RECD	33	4	28A.44.170	RECD	33	4
28A.40.010	RECD	33	4	28A.44.180	RECD	33	4
28A.40.020	RECD	33	4	28A.44.180	AMD	33	490
28A.40.100	RECD	33	4	28A.44.190	RECD	33	4
28A.41.040	RECD	33	4	28A.44.190	AMD	33	491
28A.41.050	RECD	33	4	28A.44.200	RECD	33	4
28A.41.050	AMD	33	115	28A.44.200	AMD	33	492
28A.41.053	RECD	33	4	28A.44.210	RECD	33	4
28A.41.053	AMD	33	116	28A.44.210	AMD	33	493
28A.41.055	RECD	33	4	28A.44.220	RECD	33	4
28A.41.055	AMD	33	117	28A.44.220	AMD	33	494
28A.41.110	RECD	33	4	28A.44.230	RECD	33	4
28A.41.110	AMD	33	103	28A.44.230	AMD	33	495
28A.41.112	RECD	33	4	28A.46.010	RECD	33	4
28A.41.112	AMD	33	118	28A.47.050	RECD	33	4
28A.41.130	RECD	33	4	28A.47.060	RECD	33	4
28A.41.130	AMD	33	107	28A.47.073	RECD	33	4
28A.41.140	RECD	33	4	28A.47.075	RECD	33	4
28A.41.140	AMD	33	108	28A.47.080	RECD	33	4
28A.41.143	RECD	33	4	28A.47.090	RECD	33	4
28A.41.145	RECD	33	4	28A.47.090	AMD	33	431
28A.41.145	AMD	33	112	28A.47.100	RECD	33	4
28A.41.150	RECD	33	4	28A.47.105	RECD	33	4
28A.41.150	AMD	33	113	28A.47.120	RECD	33	4
28A.41.155	RECD	33	4	28A.47.775	RECD	33	4
28A.41.160	RECD	33	4	28A.47.776	RECD	33	4
28A.41.160	AMD	33	109	28A.47.776	AMD	33	432
28A.41.160	AMD	33	110	28A.47.777	RECD	33	4
28A.41.162	RECD	33	4	28A.47.777	AMD	33	433
28A.41.162	AMD	33	114	28A.47.778	RECD	33	4
28A.41.170	RECD	33	4	28A.47.778	AMD	33	434
28A.41.170	AMD	33	111	28A.47.779	RECD	33	4
28A.41.172	RECD	33	4	28A.47.779	AMD	33	435
28A.41.175	RECD	33	4	28A.47.780	RECD	33	4
28A.41.175	AMD	33	119	28A.47.780	AMD	33	436
28A.41.180	RECD	33	4	28A.47.781	RECD	33	4
28A.41.180	AMD	33	147	28A.47.781	AMD	33	437
28A.41.505	RECD	33	4	28A.47.782	RECD	33	4

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RCW	CH.	SEC.	RCW	CH.	SEC.		
28A.47.782	AMD	33	438	28A.47.810	AMD	33	463
28A.47.783	RECD	33	4	28A.47.811	RECD	33	4
28A.47.783	AMD	33	439	28A.47.811	AMD	33	464
28A.47.784	RECD	33	4	28A.47.820	RECD	33	4
28A.47.784	AMD	33	440	28A.47.830	RECD	33	4
28A.47.785	RECD	33	4	28A.47.830	AMD	33	465
28A.47.785	AMD	33	441	28A.47.840	RECD	33	4
28A.47.786	RECD	33	4	28A.47.841	RECD	33	4
28A.47.786	AMD	33	442	28A.47.842	RECD	33	4
28A.47.787	RECD	33	4	28A.47.842	AMD	33	466
28A.47.787	AMD	33	443	28A.47.843	RECD	33	4
28A.47.788	RECD	33	4	28A.47.843	AMD	33	467
28A.47.788	AMD	33	444	28A.47.844	RECD	33	4
28A.47.789	RECD	33	4	28A.47.844	AMD	33	468
28A.47.789	AMD	33	445	28A.47.845	RECD	33	4
28A.47.790	RECD	33	4	28A.47.845	AMD	33	469
28A.47.790	AMD	33	446	28A.47.846	RECD	33	4
28A.47.791	RECD	33	4	28A.47.846	AMD	33	470
28A.47.791	AMD	33	447	28A.47B.010	RECD	33	4
28A.47.792	RECD	33	4	28A.47B.010	AMD	33	471
28A.47.792	AMD	33	448	28A.47B.020	RECD	33	4
28A.47.793	RECD	33	4	28A.47B.020	AMD	33	472
28A.47.794	RECD	33	4	28A.47B.030	RECD	33	4
28A.47.794	AMD	33	449	28A.47B.040	RECD	33	4
28A.47.795	RECD	33	4	28A.47B.040	AMD	33	473
28A.47.795	AMD	33	450	28A.47B.050	RECD	33	4
28A.47.796	RECD	33	4	28A.47B.050	AMD	33	474
28A.47.796	AMD	33	451	28A.47B.060	RECD	33	4
28A.47.797	RECD	33	4	28A.47B.060	AMD	33	475
28A.47.798	RECD	33	4	28A.47B.070	RECD	33	4
28A.47.798	AMD	33	452	28A.47B.070	AMD	33	476
28A.47.799	RECD	33	4	28A.47B.080	RECD	33	4
28A.47.799	AMD	33	453	28A.47B.080	AMD	33	477
28A.47.7991	RECD	33	4	28A.48.010	RECD	33	4
28A.47.7991	AMD	33	454	28A.48.010	AMD	33	426
28A.47.7992	RECD	33	4	28A.48.030	RECD	33	4
28A.47.800	RECD	33	4	28A.48.030	AMD	33	427
28A.47.801	RECD	33	4	28A.48.055	RECD	33	4
28A.47.801	AMD	33	455	28A.48.100	RECD	33	4
28A.47.802	RECD	33	4	28A.48.100	AMD	33	428
28A.47.802	AMD	33	456	28A.51.010	RECD	33	4
28A.47.803	RECD	33	4	28A.51.020	RECD	33	4
28A.47.803	AMD	33	457	28A.51.020	AMD	33	478
28A.47.804	RECD	33	4	28A.51.070	RECD	33	4
28A.47.804	AMD	33	458	28A.51.180	RECD	33	4
28A.47.805	RECD	33	4	28A.51.190	RECD	33	4
28A.47.805	AMD	33	459	28A.51.190	AMD	33	479
28A.47.806	RECD	33	4	28A.51.200	RECD	33	4
28A.47.807	RECD	33	4	28A.51.200	AMD	33	480
28A.47.807	AMD	33	460	28A.51.220	RECD	33	4
28A.47.808	RECD	33	4	28A.52.010	RECD	33	4
28A.47.808	AMD	33	461	28A.52.020	RECD	33	4
28A.47.809	RECD	33	4	28A.52.020	AMD	33	481
28A.47.809	AMD	33	462	28A.52.030	RECD	33	4
28A.47.810	RECD	33	4	28A.52.030	AMD	33	482

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RCW	CH.	SEC.	RCW	CH.	SEC.		
28A.52.040	RECD	33	4	28A.57.120	RECD	33	4
28A.52.050	RECD	33	4	28A.57.120	AMD	33	305
28A.52.060	RECD	33	4	28A.57.130	RECD	33	4
28A.52.060	AMD	33	483	28A.57.140	RECD	33	4
28A.52.070	RECD	33	4	28A.57.140	AMD	33	306
28A.52.080	RECD	33	4	28A.57.145	RECD	33	4
28A.52.080	AMD	33	484	28A.57.150	RECD	33	4
28A.56.005	RECD	33	4	28A.57.160	RECD	33	4
28A.56.010	RECD	33	4	28A.57.170	RECD	33	4
28A.56.020	RECD	33	4	28A.57.180	RECD	33	4
28A.56.030	RECD	33	4	28A.57.190	RECD	33	4
28A.56.040	RECD	33	4	28A.57.195	RECD	33	4
28A.56.040	AMD	33	485	28A.57.195	AMD	33	307
28A.56.050	RECD	33	4	28A.57.196	RECD	33	4
28A.56.060	RECD	33	4	28A.57.196	AMD	33	308
28A.56.060	AMD	33	486	28A.57.200	RECD	33	4
28A.56.070	RECD	33	4	28A.57.210	RECD	33	4
28A.56.070	AMD	33	487	28A.57.220	RECD	33	4
28A.56.075	RECD	33	4	28A.57.230	RECD	33	4
28A.56.170	RECD	33	4	28A.57.230	AMD	33	309
28A.56.200	RECD	33	4	28A.57.240	RECD	33	4
28A.57.010	RECD	33	4	28A.57.245	RECD	33	4
28A.57.010	AMD	33	292	28A.57.245	AMD	33	310
28A.57.020	RECD	33	4	28A.57.250	RECD	33	4
28A.57.020	AMD	33	293	28A.57.255	RECD	33	4
28A.57.029	RECD	33	4	28A.57.255	AMD	33	311
28A.57.029	AMD	33	294	28A.57.260	RECD	33	4
28A.57.030	RECD	33	4	28A.57.260	AMD	33	312
28A.57.031	RECD	33	4	28A.57.270	RECD	33	4
28A.57.032	RECD	33	4	28A.57.280	RECD	33	4
28A.57.032	AMD	33	295	28A.57.280	AMD	33	313
28A.57.033	RECD	33	4	28A.57.290	RECD	33	4
28A.57.034	RECD	33	4	28A.57.300	RECD	33	4
28A.57.034	AMD	33	296	28A.57.312	RECD	33	4
28A.57.035	RECD	33	4	28A.57.313	RECD	33	4
28A.57.040	RECD	33	4	28A.57.314	RECD	33	4
28A.57.040	AMD	33	297	28A.57.314	AMD	59	98
28A.57.050	RECD	33	4		(Effective 7/1/92)		
28A.57.050	AMD	33	298	28A.57.314	AMD	161	4
28A.57.050	AMD	161	2	28A.57.316	RECD	33	4
28A.57.055	RECD	33	4	28A.57.318	RECD	33	4
28A.57.055	AMD	33	299	28A.57.322	RECD	33	4
28A.57.057	RECD	33	4	28A.57.322	AMD	33	314
28A.57.060	RECD	33	4	28A.57.324	RECD	33	4
28A.57.060	AMD	33	300	28A.57.324	AMD	33	315
28A.57.070	RECD	33	4	28A.57.325	RECD	33	4
28A.57.070	AMD	33	301	28A.57.326	RECD	33	4
28A.57.075	RECD	33	4	28A.57.327	RECD	33	4
28A.57.080	RECD	33	4	28A.57.328	RECD	33	4
28A.57.080	AMD	33	302	28A.57.328	AMD	33	316
28A.57.090	RECD	33	4	28A.57.334	RECD	33	4
28A.57.090	AMD	33	303	28A.57.334	AMD	33	317
28A.57.100	RECD	33	4	28A.57.336	RECD	33	4
28A.57.110	RECD	33	4	28A.57.336	AMD	33	318
28A.57.110	AMD	33	304	28A.57.342	RECD	33	4

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RCW	CH.	SEC.	RCW	CH.	SEC.		
28A.57.342	AMD	33	319	28A.58.053	RECD	33	4
28A.57.342	AMD	161	5	28A.58.055	RECD	33	4
28A.57.344	RECD	33	4	28A.58.070	RECD	33	4
28A.57.344	AMD	161	6	28A.58.075	RECD	33	4
28A.57.355	RECD	33	4	28A.58.075	AMD	33	359
28A.57.355	AMD	33	320	28A.58.080	RECD	33	4
28A.57.356	RECD	33	4	28A.58.080	AMD	33	339
28A.57.356	AMD	33	321	28A.58.081	RECD	33	4
28A.57.357	RECD	33	4	28A.58.082	RECD	33	4
28A.57.357	AMD	33	322	28A.58.082	AMD	33	249
28A.57.358	RECD	33	4	28A.58.085	RECD	33	4
28A.57.358	AMD	33	323	28A.58.085	AMD	33	333
28A.57.390	RECD	33	4	28A.58.087	RECD	33	4
28A.57.390	AMD	33	324	28A.58.090	RECD	33	4
28A.57.410	RECD	33	4	28A.58.090	AMD	33	334
28A.57.410	AMD	33	325	28A.58.094	RECD	33	4
28A.57.410	AMD	161	7	28A.58.0951	AMD	11	E1 2
28A.57.415	RECD	33	4	28A.58.0951	RECD	33	4
28A.57.415	AMD	33	326	28A.58.0951	AMD	33	381
28A.57.415	AMD	161	3	28A.58.096	RECD	33	4
28A.57.425	RECD	33	4	28A.58.098	RECD	33	4
28A.57.425	AMD	33	327	28A.58.099	RECD	33	4
28A.57.425	AMD	59	99	28A.58.099	REMD	33	382
	(Effective 7/1/92)			28A.58.0991	AMD	23	4
28A.57.435	RECD	33	4	28A.58.0991	RECD	33	4
28A.57.435	AMD	33	328	28A.58.1001	RECD	33	4
28A.57.435	AMD	59	72	28A.58.1001	AMD	33	383
	(Effective 7/1/92)			28A.58.1002	RECD	33	4
28A.57.900	RECD	33	4	28A.58.1003	RECD	33	4
28A.57.900	AMD	33	329	28A.58.1003	AMD	33	405
28A.58.010	RECD	33	4	28A.58.101	RECD	33	4
28A.58.020	RECD	33	4	28A.58.101	AMD	33	496
28A.58.030	RECD	33	4	28A.58.1011	RECD	33	4
28A.58.031	RECD	33	4	28A.58.1011	AMD	33	497
28A.58.032	RECD	33	4	28A.58.102	RECD	33	4
28A.58.032	AMD	33	353	28A.58.103	RECD	33	4
28A.58.033	RECD	33	4	28A.58.104	RECD	33	4
28A.58.033	AMD	33	354	28A.58.105	RECD	33	4
28A.58.033	AMD	96	1	28A.58.107	RECD	33	4
28A.58.034	RECD	33	4	28A.58.107	AMD	33	331
28A.58.034	AMD	33	355	28A.58.108	RECD	33	4
28A.58.035	RECD	33	4	28A.58.110	RECD	33	4
28A.58.036	RECD	33	4	28A.58.113	RECD	33	4
28A.58.036	AMD	33	356	28A.58.115	RECD	33	4
28A.58.037	RECD	33	4	28A.58.120	RECD	33	4
28A.58.037	AMD	33	357	28A.58.120	AMD	33	340
28A.58.040	RECD	33	4	28A.58.125	RECD	33	4
28A.58.040	AMD	33	358	28A.58.125	AMD	33	502
28A.58.0401	RECD	33	4	28A.58.131	RECD	33	4
28A.58.044	RECD	33	4	28A.58.131	AMD	33	360
28A.58.045	RECD	33	4	28A.58.133	RECD	33	4
28A.58.0461	RECD	33	4	28A.58.133	AMD	33	140
28A.58.047	RECD	33	4	28A.58.135	RECD	33	4
28A.58.048	RECD	33	4	28A.58.135	AMD	33	362
28A.58.050	RECD	33	4	28A.58.136	RECD	33	4

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RCW		CH.	SEC.	RCW		CH.	SEC.
28A.58.136	AMD	33	247	28A.58.435	AMD	33	336
28A.58.137	RECD	33	4	28A.58.440	RECD	33	4
28A.58.137	AMD	33	376	28A.58.441	RECD	33	4
28A.58.140	RECD	33	4	28A.58.441	AMD	33	337
28A.58.140	AMD	33	377	28A.58.445	RECD	33	4
28A.58.150	RECD	33	4	28A.58.445	AMD	33	394
28A.58.150	AMD	33	378	28A.58.450	RECD	33	4
28A.58.160	RECD	33	4	28A.58.450	AMD	33	395
28A.58.170	RECD	33	4	28A.58.455	RECD	33	4
28A.58.170	AMD	33	380	28A.58.455	AMD	33	396
28A.58.190	RECD	33	4	28A.58.460	RECD	33	4
28A.58.195	RECD	33	4	28A.58.460	AMD	33	397
28A.58.195	AMD	33	498	28A.58.470	RECD	33	4
28A.58.200	RECD	33	4	28A.58.470	AMD	33	398
28A.58.201	RECD	33	4	28A.58.480	RECD	33	4
28A.58.201	AMD	33	379	28A.58.490	RECD	33	4
28A.58.210	RECD	33	4	28A.58.490	AMD	33	399
28A.58.215	RECD	33	4	28A.58.500	RECD	33	4
28A.58.215	AMD	33	233	28A.58.510	RECD	33	4
28A.58.217	RECD	33	4	28A.58.510	AMD	33	400
28A.58.217	AMD	33	169	28A.58.515	RECD	33	4
28A.58.220	RECD	33	4	28A.58.515	AMD	33	401
28A.58.225	RECD	33	4	28A.58.520	RECD	33	4
28A.58.225	AMD	33	234	28A.58.521	RECD	33	4
28A.58.230	RECD	33	4	28A.58.530	RECD	33	4
28A.58.230	AMD	33	235	28A.58.535	RECD	33	4
28A.58.235	RECD	33	4	28A.58.550	RECD	33	4
28A.58.240	RECD	33	4	28A.58.560	RECD	33	4
28A.58.242	RECD	33	4	28A.58.565	RECD	33	4
28A.58.242	AMD	33	236	28A.58.580	RECD	33	4
28A.58.243	RECD	33	4	28A.58.600	RECD	33	4
28A.58.245	RECD	33	4	28A.58.601	RECD	33	4
28A.58.246	RECD	33	4	28A.58.602	RECD	33	4
28A.58.246	REMD	33	510	28A.58.603	RECD	33	4
28A.58.247	RECD	33	4	28A.58.610	RECD	33	4
28A.58.250	RECD	33	4	28A.58.620	RECD	33	4
28A.58.255	RECD	33	4	28A.58.620	AMD	33	332
28A.58.255	AMD	33	238	28A.58.630	RECD	33	4
28A.58.275	RECD	33	4	28A.58.630	AMD	33	330
28A.58.310	RECD	33	4	28A.58.640	RECD	33	4
28A.58.370	RECD	33	4	28A.58.642	RECD	33	4
28A.58.380	RECD	33	4	28A.58.642	AMD	33	508
28A.58.380	AMD	33	338	28A.58.644	RECD	33	4
28A.58.390	RECD	33	4	28A.58.644	AMD	33	509
28A.58.410	RECD	33	4	28A.58.646	RECD	33	4
28A.58.420	AMD	11	E1 3	28A.58.648	RECD	33	4
28A.58.420	RECD	33	4	28A.58.720	RECD	33	4
28A.58.420	AMD	74	1	28A.58.720	AMD	33	511
28A.58.423	RECD	33	4	28A.58.722	RECD	33	4
28A.58.425	RECD	33	4	28A.58.722	AMD	33	512
28A.58.428	RECD	33	4	28A.58.724	RECD	33	4
28A.58.428	AMD	33	139	28A.58.730	RECD	33	4
28A.58.430	RECD	33	4	28A.58.740	RECD	33	4
28A.58.430	AMD	33	335	28A.58.750	RECD	33	4
28A.58.435	RECD	33	4	28A.58.750	AMD	33	104

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RCW	CH.	SEC.	RCW	CH.	SEC.		
28A.58.752	RECD	33	4	28A.59.110	AMD	33	346
28A.58.754	RECD	33	4	28A.59.150	RECD	33	4
28A.58.754	AMD	33	105	28A.59.150	AMD	33	347
28A.58.758	RECD	33	4	28A.59.180	RECD	33	4
28A.58.758	AMD	33	106	28A.59.180	AMD	33	348
28A.58.760	RECD	33	4	28A.59.185	RECD	33	4
28A.58.765	RECD	33	4	28A.60.010	RECD	33	4
28A.58.765	AMD	33	170	28A.60.010	AMD	33	349
28A.58.770	RECD	33	4	28A.60.070	RECD	33	4
28A.58.770	AMD	33	171	28A.60.070	AMD	33	350
28A.58.772	RECD	33	4	28A.60.181	RECD	33	4
28A.58.772	AMD	33	172	28A.60.190	RECD	33	4
28A.58.774	RECD	33	4	28A.60.200	RECD	33	4
28A.58.774	AMD	33	173	28A.60.200	AMD	33	363
28A.58.776	RECD	33	4	28A.60.210	RECD	33	4
28A.58.776	AMD	33	174	28A.60.210	AMD	33	364
28A.58.778	RECD	33	4	28A.60.220	RECD	33	4
28A.58.778	AMD	33	175	28A.60.220	AMD	33	365
28A.58.800	RECD	33	4	28A.60.310	RECD	33	4
28A.58.800	AMD	33	163	28A.60.310	AMD	33	351
28A.58.801	RECD	33	4	28A.60.320	RECD	33	4
28A.58.802	RECD	33	4	28A.60.328	RECD	33	4
28A.58.802	AMD	33	164	28A.60.328	AMD	33	352
28A.58.804	RECD	33	4	28A.60.350	RECD	33	4
28A.58.806	RECD	33	4	28A.60.360	RECD	33	4
28A.58.808	RECD	33	4	28A.61.010	RECD	33	4
28A.58.808	AMD	33	165	28A.61.020	RECD	33	4
28A.58.809	RECD	33	4	28A.61.030	RECD	33	4
28A.58.809	AMD	33	166	28A.61.030	AMD	33	372
28A.58.810	RECD	33	4	28A.61.040	RECD	33	4
28A.58.810	AMD	33	167	28A.61.050	RECD	33	4
28A.58.820	RECD	33	4	28A.61.070	RECD	33	4
28A.58.820	AMD	33	499	28A.61.900	RECD	33	4
28A.58.822	RECD	33	4	28A.61.900	REP	297	26
28A.58.824	RECD	33	4	28A.61.910	RECD	33	4
28A.58.826	RECD	33	4	28A.65.400	RECD	33	4
28A.58.826	AMD	33	500	28A.65.405	RECD	33	4
28A.58.828	RECD	33	4	28A.65.405	AMD	33	416
28A.58.828	AMD	33	501	28A.65.410	RECD	33	4
28A.58.830	RECD	33	4	28A.65.415	RECD	33	4
28A.58.842	RECD	33	4	28A.65.420	RECD	33	4
28A.58.842	AMD	33	520	28A.65.420	AMD	33	417
28A.59.030	RECD	33	4	28A.65.425	RECD	33	4
28A.59.030	AMD	33	341	28A.65.425	AMD	33	418
28A.59.040	RECD	33	4	28A.65.430	RECD	33	4
28A.59.040	AMD	33	342	28A.65.430	AMD	33	419
28A.59.050	RECD	33	4	28A.65.435	RECD	33	4
28A.59.060	RECD	33	4	28A.65.440	RECD	33	4
28A.59.060	AMD	33	343	28A.65.445	RECD	33	4
28A.59.070	RECD	33	4	28A.65.445	AMD	33	420
28A.59.070	AMD	33	344	28A.65.450	RECD	33	4
28A.59.080	RECD	33	4	28A.65.450	AMD	33	421
28A.59.080	AMD	33	345	28A.65.455	RECD	33	4
28A.59.100	RECD	33	4	28A.65.460	RECD	33	4
28A.59.110	RECD	33	4	28A.65.465	RECD	33	4

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RCW	CH.	SEC.	RCW	CH.	SEC.
28A.65.465	AMD	33	422	28A.67.250	RECD 33 4
28A.65.470	RECD	33	4	28A.67.260	RECD 33 4
28A.65.470	AMD	33	423	28A.67.270	RECD 33 4
28A.65.475	RECD	33	4	28A.67.300	RECD 33 4
28A.65.480	RECD	33	4	28A.67.310	RECD 33 4
28A.65.480	AMD	33	424	28A.67.310	AMD 33 503
28A.65.485	RECD	33	4	28A.67.320	RECD 33 4
28A.65.485	AMD	33	425	28A.67.330	RECD 33 4
28A.65.490	RECD	33	4	28A.67.330	AMD 33 504
28A.66.010	RECD	33	4	28A.67.900	RECD 33 4
28A.66.010	AMD	33	373	28A.67.900	AMD 33 404
28A.66.020	RECD	33	4	28A.70.005	RECD 33 4
28A.66.020	AMD	33	374	28A.70.010	RECD 33 4
28A.66.030	RECD	33	4	28A.70.040	RECD 33 4
28A.66.040	RECD	33	4	28A.70.040	REMD 33 406
28A.66.040	AMD	33	375	28A.70.042	RECD 33 4
28A.66.050	RECD	33	4	28A.70.110	RECD 33 4
28A.66.070	RECD	33	4	28A.70.110	AMD 33 407
28A.66.080	RECD	33	4	28A.70.130	RECD 33 4
28A.67.010	RECD	33	4	28A.70.160	RECD 33 4
28A.67.020	RECD	33	4	28A.70.160	AMD 33 408
28A.67.020	AMD	243	7	28A.70.170	RECD 33 4
28A.67.030	RECD	33	4	28A.70.170	AMD 33 409
28A.67.030	AMD	33	384	28A.70.180	RECD 33 4
28A.67.035	RECD	33	4	28A.70.180	AMD 33 410
28A.67.035	AMD	33	385	28A.70.395	RECD 33 4
28A.67.060	RECD	33	4	28A.70.400	RECD 33 4
28A.67.065	RECD	33	4	28A.70.402	RECD 33 4
28A.67.065	AMD	33	386	28A.70.402	AMD 33 412
28A.67.066	RECD	33	4	28A.70.404	RECD 33 4
28A.67.070	RECD	33	4	28A.70.406	RECD 33 4
28A.67.070	REMD	33	390	28A.70.406	AMD 33 413
28A.67.072	RECD	33	4	28A.70.408	RECD 33 4
28A.67.072	AMD	33	391	28A.70.900	RECD 33 4
28A.67.073	RECD	33	4	28A.70.900	RECD 33 602
28A.67.073	AMD	33	392	28A.71.100	RECD 33 4
28A.67.074	RECD	33	4	28A.71.100	AMD 33 414
28A.67.074	AMD	33	393	28A.71.110	RECD 33 4
28A.67.095	RECD	33	4	28A.71.110	AMD 33 415
28A.67.096	RECD	33	4	28A.71.200	RECD 33 4
28A.67.096	AMD	33	402	28A.71.210	RECD 33 4
28A.67.110	RECD	33	4	28A.71.220	RECD 33 4
28A.67.115	RECD	33	4	28A.85.010	RECD 33 4
28A.67.120	RECD	33	4	28A.85.020	RECD 33 4
28A.67.205	RECD	33	4	28A.85.030	RECD 33 4
28A.67.210	RECD	33	4	28A.85.040	RECD 33 4
28A.67.215	RECD	33	4	28A.85.050	RECD 33 4
28A.67.220	RECD	33	4	28A.85.900	RECD 33 4
28A.67.220	AMD	33	387	28A.87.010	RECD 33 4
28A.67.225	RECD	33	4	28A.87.010	AMD 33 536
28A.67.225	AMD	33	388	28A.87.020	RECD 33 4
28A.67.230	RECD	33	4	28A.87.055	RECD 33 4
28A.67.230	AMD	33	389	28A.87.060	RECD 33 4
28A.67.240	RECD	33	4	28A.87.070	RECD 33 4
28A.67.240	AMD	33	403	28A.87.090	RECD 33 4

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28A.87.090	AMD	33	537	28A.100.019	RECD	33	4
28A.87.120	RECD	33	4	28A.100.020	RECD	33	4
28A.87.130	RECD	33	4	28A.100.025	RECD	33	4
28A.87.130	AMD	33	538	28A.100.025	AMD	33	524
28A.87.135	RECD	33	4	28A.100.026	RECD	33	4
28A.87.135	AMD	33	539	28A.100.030	RECD	33	4
28A.87.230	RECD	33	4	28A.100.032	RECD	33	4
28A.87.230	AMD	33	540	28A.100.032	AMD	33	525
28A.87.231	RECD	33	4	28A.100.034	RECD	33	4
28A.87.231	AMD	33	541	28A.100.034	AMD	33	526
28A.87.232	RECD	33	4	28A.100.036	RECD	33	4
28A.87.232	AMD	33	542	28A.100.036	AMD	33	527
28A.87.233	RECD	33	4	28A.100.038	RECD	33	4
28A.87.233	AMD	33	543	28A.100.040	RECD	33	4
28A.88.010	RECD	33	4	28A.100.040	AMD	33	528
28A.88.010	AMD	33	544	28A.100.042	RECD	33	4
28A.88.013	RECD	33	4	28A.100.042	AMD	33	529
28A.88.015	RECD	33	4	28A.100.044	RECD	33	4
28A.88.090	RECD	33	4	28A.100.044	AMD	33	530
28A.92.010	RECD	33	4	28A.100.048	RECD	33	4
28A.92.010	AMD	33	548	28A.100.050	RECD	33	4
28A.92.020	RECD	33	4	28A.100.052	RECD	33	4
28A.92.030	RECD	33	4	28A.100.054	RECD	33	4
28A.92.030	AMD	33	549	28A.100.054	AMD	33	531
28A.92.040	RECD	33	4	28A.100.056	RECD	33	4
28A.92.040	AMD	33	550	28A.100.058	RECD	33	4
28A.92.050	RECD	33	4	28A.100.068	RECD	33	4
28A.92.060	RECD	33	4	28A.100.068	AMD	33	532
28A.92.070	RECD	33	4	28A.100.080	RECD	33	4
28A.92.080	RECD	33	4	28A.100.080	AMD	33	366
28A.93.010	RECD	33	4	28A.100.082	RECD	33	4
28A.93.010	AMD	33	545	28A.100.082	AMD	33	367
28A.93.020	RECD	33	4	28A.100.084	RECD	33	4
28A.93.020	AMD	33	546	28A.100.084	AMD	33	368
28A.93.030	RECD	33	4	28A.100.086	RECD	33	4
28A.93.030	AMD	33	547	28A.100.086	AMD	33	369
28A.97.010	RECD	33	4	28A.100.088	RECD	33	4
28A.97.010	AMD	33	180	28A.100.088	AMD	33	370
28A.97.020	RECD	33	4	28A.100.090	RECD	33	4
28A.97.020	AMD	33	181	28A.100.090	AMD	33	371
28A.97.030	RECD	33	4	28A.100.092	RECD	33	4
28A.97.030	AMD	33	182	28A.120.010	RECD	33	4
28A.97.040	RECD	33	4	28A.120.012	RECD	33	4
28A.97.040	AMD	33	183	28A.120.014	RECD	33	4
28A.97.050	RECD	33	4	28A.120.014	AMD	33	148
28A.97.050	AMD	33	184	28A.120.016	RECD	33	4
28A.97.110	RECD	33	4	28A.120.016	AMD	33	149
28A.97.120	RECD	33	4	28A.120.018	RECD	33	4
28A.97.120	AMD	33	185	28A.120.020	RECD	33	4
28A.97.125	RECD	33	4	28A.120.022	RECD	33	4
28A.97.125	AMD	33	186	28A.120.022	AMD	33	150
28A.97.130	RECD	33	4	28A.120.024	RECD	33	4
28A.97.130	AMD	33	187	28A.120.024	AMD	33	151
28A.100.017	RECD	33	4	28A.120.026	RECD	33	4
28A.100.018	RECD	33	4	28A.120.026	AMD	33	152

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28A.120.030	RECD	33	4	28A.900	ADD	33	3
28A.120.032	RECD	33	4	28B	ADD	243	2-6
28A.120.032	AMD	33	153	28B	ADD	271	9
28A.120.034	RECD	33	4	28B	ADD	287	1-8
28A.120.036	RECD	33	4	28B	ADD	288	2-6
28A.120.036	AMD	33	154	28B	ADD	289	1-4
28A.120.038	RECD	33	4	28B.10	ADD	288	7
28A.120.040	RECD	33	4	28B.10.025	AMD	33	557
28A.120.050	RECD	33	4	28B.15	ADD	88	1
28A.120.050	AMD	33	155	28B.15.045	AMD	7	1
28A.120.060	RECD	33	4	28B.15.067	AMD	9 E1	413
28A.120.062	RECD	33	4	28B.15.380	AMD	154	1
28A.120.062	AMD	33	160	28B.15.520	AMD	154	2
28A.120.064	RECD	33	4	28B.15.543	AMD	33	558
28A.120.064	AMD	33	161	28B.16	ADD	204	4
28A.120.068	RECD	33	4	28B.16.040	AMD	60	201
28A.120.068	AMD	33	162	28B.16.100	REMD	60	202
28A.120.070	RECD	33	4	28B.20	ADD	282	1-6
28A.120.072	RECD	33	4	28B.35.361	AMD	154	3
28A.120.080	RECD	33	4	28B.40.361	AMD	154	4
28A.120.080	AMD	33	156	28B.50	ADD	29	1-5
28A.120.082	RECD	33	4	28B.50	ADD	208	10
28A.120.082	AMD	33	157	28B.50.140	REMD	135	1
28A.120.084	RECD	33	4	28B.50.873	AMD	33	559
28A.120.084	AMD	33	158	28B.52	ADD	29	6
28A.120.086	RECD	33	4	28B.80	ADD	208	9
28A.120.086	AMD	33	159	28B.80	ADD	288	1
28A.120.090	RECD	33	4	28B.80.245	AMD	33	560
28A.120.092	RECD	33	4	28B.80.360	AMD	33	561
28A.120.094	RECD	33	4	28B.80.530	REP	288	9
28A.120.094	AMD	33	522	28B.80.540	REP	288	9
28A.120.096	RECD	33	4	28C.10.020	AMD	188	5
28A.120.096	AMD	33	523	28C.10.030	AMD	188	6
28A.120.800	RECD	33	4	28C.10.050	AMD	188	7
28A.125.010	RECD	33	4	28C.10.084	AMD	188	8
28A.125.020	RECD	33	4	28C.10.110	AMD	188	9
28A.125.020	AMD	33	533	28C.10.120	AMD	188	10
28A.125.030	RECD	33	4	29.01	ADD	59	77
28A.125.030	AMD	33	534		(Effective 7/1/92)		
28A.125.040	RECD	33	4	29.01	ADD	59	3,4,6
28A.125.040	AMD	33	535		(Effective 7/1/92)		
28A.125.100	RECD	33	4	29.01.006	AMD	59	2
28A.125.900	RECD	33	4		(Effective 7/1/92)		
28A.130.010	RECD	33	4	29.01.050	AMD	59	5
28A.130.010	AMD	33	505		(Effective 7/1/92)		
28A.130.012	RECD	33	4	29.04	ADD	59	7
28A.130.012	AMD	33	506	29.04	ADD	184	1
28A.130.014	RECD	33	4	29.04.180	AMD	59	100
28A.130.014	AMD	33	507		(Effective 7/1/92)		
28A.130.016	RECD	33	4	29.07	ADD	143	10,11
28A.130.018	RECD	33	4	29.07	ADD	143	1-5
28A.130.020	RECD	33	4		(Effective 1/1/92)		
28A.225.220	AMD	9 E1	201	29.07.070	AMD	143	7
28A.225.230	AMD	9 E1	204		(Effective 1/1/92)		
28A.230.090	AMD	9 E1	301				

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29.07.080	AMD 143 (Effective 1/1/92)	8	29.18.100	REP 59 (Effective 7/1/92)	112
29.07.140	AMD 143	9	29.18.105	AMD 59 (Effective 7/1/92)	86
29.13.020	AMD 33	562	29.18.105	RECD 59 (Effective 7/1/92)	110
29.13.025	AMD 59 (Effective 7/1/92)	101	29.18.110	REP 59 (Effective 7/1/92)	112
29.13.060	AMD 33	563	29.18.120	AMD 59 (Effective 7/1/92)	87
29.13.075	RECD 59 (Effective 7/1/92)	110	29.18.150	AMD 59 (Effective 7/1/92)	102
29.18.010	AMD 59 (Effective 7/1/92)	78	29.18.200	AMD 59 (Effective 7/1/92)	88
29.18.015	AMD 59 (Effective 7/1/92)	79	29.21.010	AMD 59 (Effective 7/1/92)	89
29.18.015	RECD 59 (Effective 7/1/92)	110	29.21.015	AMD 59 (Effective 7/1/92)	90
29.18.020	REP 59 (Effective 7/1/92)	112	29.21.017	REP 59 (Effective 7/1/92)	112
29.18.022	REP 59 (Effective 7/1/92)	112	29.21.020	REP 59 (Effective 7/1/92)	112
29.18.025	AMD 59 (Effective 7/1/92)	81	29.21.040	REP 59 (Effective 7/1/92)	112
29.18.025	RECD 59 (Effective 7/1/92)	110	29.21.060	REP 59 (Effective 7/1/92)	112
29.18.030	REP 59 (Effective 7/1/92)	112	29.21.070	AMD 59 (Effective 7/1/92)	91
29.18.031	REP 59 (Effective 7/1/92)	112	29.21.075	REP 59 (Effective 7/1/92)	112
29.18.032	RECD 59 (Effective 7/1/92)	110	29.21.080	REP 59 (Effective 7/1/92)	112
29.18.035	REP 59 (Effective 7/1/92)	112	29.21.085	REP 59 (Effective 7/1/92)	112
29.18.040	AMD 59 (Effective 7/1/92)	84	29.21.090	REP 59 (Effective 7/1/92)	112
29.18.040	RECD 59 (Effective 7/1/92)	110	29.21.110	REP 59 (Effective 7/1/92)	112
29.18.045	RECD 59 (Effective 7/1/92)	110	29.21.120	REP 59 (Effective 7/1/92)	112
29.18.050	AMD 59 (Effective 7/1/92)	85	29.21.130	REP 59 (Effective 7/1/92)	112
29.18.050	RECD 59 (Effective 7/1/92)	110	29.21.140	AMD 59 (Effective 7/1/92)	92
29.18.053	RECD 59 (Effective 7/1/92)	110	29.21.140	RECD 59 (Effective 7/1/92)	110
29.18.055	RECD 59 (Effective 7/1/92)	110	29.21.150	REP 59 (Effective 7/1/92)	112
29.18.057	RECD 59 (Effective 7/1/92)	110	29.21.160	REP 59 (Effective 7/1/92)	112
29.18.060	REP 59 (Effective 7/1/92)	112	29.21.180	REP 59 (Effective 7/1/92)	112
29.18.070	RECD 59 (Effective 7/1/92)	110	29.21.190	REP 59 (Effective 7/1/92)	112
29.18.080	RECD 59 (Effective 7/1/92)	110			
29.18.090	REP 59 (Effective 7/1/92)	112			

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29.21.200	REP 59 (Effective 7/1/92)	112	29.30.111	REP 1 E2 (Effective 1/1/91)	525
29.21.210	REP 59 (Effective 7/1/92)	112	29.30.130	AMD 59 (Effective 7/1/92)	16
29.21.220	REP 59 (Effective 7/1/92)	112	29.30.310	REP 59 (Effective 7/1/92)	112
29.21.330	REP 59 (Effective 7/1/92)	112	29.30.320	REP 59 (Effective 7/1/92)	112
29.21.350	RECD 59 (Effective 7/1/92)	110	29.30.330	REP 59 (Effective 7/1/92)	112
29.21.360	RECD 59 (Effective 7/1/92)	110	29.30.340	REP 59 (Effective 7/1/92)	112
29.21.370	RECD 59 (Effective 7/1/92)	110	29.30.350	REP 59 (Effective 7/1/92)	112
29.21.380	RECD 59 (Effective 7/1/92)	110	29.30.370	REP 59 (Effective 7/1/92)	112
29.21.385	RECD 59 (Effective 7/1/92)	110	29.30.380	REP 59 (Effective 7/1/92)	112
29.21.390	RECD 59 (Effective 7/1/92)	110	29.30.390	REP 59 (Effective 7/1/92)	112
29.21.400	RECD 59 (Effective 7/1/92)	110	29.30.410	REP 59 (Effective 7/1/92)	112
29.24.070	AMD 59 (Effective 7/1/92)	103	29.30.420	REP 59 (Effective 7/1/92)	112
29.27.010	REP 59 (Effective 7/1/92)	112	29.30.430	REP 59 (Effective 7/1/92)	112
29.27.020	AMD 59 (Effective 7/1/92)	8	29.30.440	REP 59 (Effective 7/1/92)	112
29.27.040	REP 59 (Effective 7/1/92)	112	29.30.450	REP 59 (Effective 7/1/92)	112
29.27.045	REP 59 (Effective 7/1/92)	112	29.30.460	REP 59 (Effective 7/1/92)	112
29.27.050	AMD 59 (Effective 7/1/92)	9	29.30.480	REP 59 (Effective 7/1/92)	112
29.30	ADD 59 (Effective 7/1/92)	15,80, 93,95,96	29.30.490	REP 59 (Effective 7/1/92)	112
29.30.010	AMD 59 (Effective 7/1/92)	10	29.33	ADD 59 (Effective 7/1/92)	23,25
29.30.020	AMD 59 (Effective 7/1/92)	11	29.33.010	REP 59 (Effective 7/1/92)	112
29.30.030	REP 59 (Effective 7/1/92)	112	29.33.015	REP 59 (Effective 7/1/92)	112
29.30.040	AMD 59 (Effective 7/1/92)	94	29.33.020	AMD 59 (Effective 7/1/92)	17
29.30.060	AMD 59 (Effective 7/1/92)	12	29.33.041	AMD 59 (Effective 7/1/92)	18
29.30.061	REP 59 (Effective 7/1/92)	112	29.33.051	AMD 59 (Effective 7/1/92)	19
29.30.081	AMD 59 (Effective 7/1/92)	13	29.33.061	AMD 59 (Effective 7/1/92)	20
29.30.091	REP 59 (Effective 7/1/92)	112	29.33.081	AMD 59 (Effective 7/1/92)	21
29.30.101	AMD 59 (Effective 7/1/92)	14	29.33.090	REP 59 (Effective 7/1/92)	112

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29.33.110	REP 59 (Effective 7/1/92)	112	29.34.153	AMD 59 (Effective 7/1/92)	30
29.33.120	REP 59 (Effective 7/1/92)	112	29.34.153	RECD 59 (Effective 7/1/92)	110
29.33.130	AMD 59 (Effective 7/1/92)	22	29.34.157	AMD 59 (Effective 7/1/92)	31
29.33.140	REP 59 (Effective 7/1/92)	112	29.34.157	RECD 59 (Effective 7/1/92)	110
29.33.150	REP 59 (Effective 7/1/92)	112	29.34.163	AMD 59 (Effective 7/1/92)	32
29.33.160	REP 59 (Effective 7/1/92)	112	29.34.163	RECD 59 (Effective 7/1/92)	110
29.33.170	REP 59 (Effective 7/1/92)	112	29.34.167	AMD 59 (Effective 7/1/92)	33
29.33.180	REP 59 (Effective 7/1/92)	112	29.34.167	RECD 59 (Effective 7/1/92)	110
29.33.190	REP 59 (Effective 7/1/92)	112	29.34.170	AMD 59 (Effective 7/1/92)	34
29.33.200	REP 59 (Effective 7/1/92)	112	29.34.170	RECD 59 (Effective 7/1/92)	110
29.33.210	REP 59 (Effective 7/1/92)	112	29.34.180	REP 59 (Effective 7/1/92)	112
29.33.220	REP 59 (Effective 7/1/92)	112	29.36.070	AMD 262	2
29.33.230	AMD 59 (Effective 7/1/92)	24	29.36.130	AMD 59 (Effective 7/1/92)	76
29.33.230	RECD 59 (Effective 7/1/92)	110	29.42.040	REMD 59 (Effective 7/1/92)	104
29.34.010	REP 59 (Effective 7/1/92)	112	29.45.060	AMD 59 (Effective 7/1/92)	74
29.34.080	AMD 59 (Effective 7/1/92)	26	29.48.010	AMD 59 (Effective 7/1/92)	35
29.34.080	RECD 59 (Effective 7/1/92)	110	29.48.030	AMD 59 (Effective 7/1/92)	36
29.34.085	AMD 59 (Effective 7/1/92)	27	29.48.070	AMD 59 (Effective 7/1/92)	37
29.34.085	RECD 59 (Effective 7/1/92)	110	29.48.100	AMD 59 (Effective 7/1/92)	38
29.34.090	AMD 59 (Effective 7/1/92)	28	29.51	ADD 59 (Effective 7/1/92)	49
29.34.090	RECD 59 (Effective 7/1/92)	110	29.51.010	AMD 59 (Effective 7/1/92)	39
29.34.125	REP 59 (Effective 7/1/92)	112	29.51.020	AMD 59 (Effective 7/1/92)	75
29.34.130	REP 59 (Effective 7/1/92)	112	29.51.050	AMD 59 (Effective 7/1/92)	40
29.34.140	REP 59 (Effective 7/1/92)	112	29.51.060	AMD 59 (Effective 7/1/92)	41
29.34.143	AMD 59 (Effective 7/1/92)	29	29.51.070	AMD 59 (Effective 7/1/92)	42
29.34.143	RECD 59 (Effective 7/1/92)	110	29.51.080	REP 59 (Effective 7/1/92)	112
29.34.145	REP 59 (Effective 7/1/92)	112	29.51.100	AMD 59 (Effective 7/1/92)	43
			29.51.110	REP 59 (Effective 7/1/92)	112

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29.51.120	REP 59 (Effective 7/1/92)	112	29.54.110	REP 59 (Effective 7/1/92)	112
29.51.130	REP 59 (Effective 7/1/92)	112	29.54.120	REP 59 (Effective 7/1/92)	112
29.51.140	AMD 59 (Effective 7/1/92)	44	29.54.130	REP 59 (Effective 7/1/92)	112
29.51.150	AMD 59 (Effective 7/1/92)	45	29.54.140	REP 59 (Effective 7/1/92)	112
29.51.160	REP 59 (Effective 7/1/92)	112	29.54.170	AMD 59 (Effective 7/1/92)	61
29.51.175	AMD 59 (Effective 7/1/92)	46	29.62.010	AMD 59 (Effective 7/1/92)	62
29.51.180	AMD 59 (Effective 7/1/92)	47	29.62.040	AMD 59 (Effective 7/1/92)	63
29.51.190	AMD 59 (Effective 7/1/92)	48	29.62.050	AMD 59 (Effective 7/1/92)	64
29.51.220	REP 59 (Effective 7/1/92)	112	29.62.090	AMD 262	1
29.51.240	AMD 59 (Effective 7/1/92)	50	29.64.030	AMD 59 (Effective 7/1/92)	65
29.51.250	AMD 59 (Effective 7/1/92)	51	29.64.040	AMD 59 (Effective 7/1/92)	66
29.51.260	REP 59 (Effective 7/1/92)	112	29.64.050	AMD 59 (Effective 7/1/92)	67
29.54	ADD 59 (Effective 7/1/92)	53,54, 58-60	29.64.060	AMD 59 (Effective 7/1/92)	68
29.54.010	AMD 59 (Effective 7/1/92)	52	29.68.080	AMD 59 (Effective 7/1/92)	105
29.54.020	REP 59 (Effective 7/1/92)	112	29.71.020	AMD 59 (Effective 7/1/92)	69
29.54.030	REP 59 (Effective 7/1/92)	112	29.74.080	AMD 59 (Effective 7/1/92)	70
29.54.035	AMD 59 (Effective 7/1/92)	55	29.82.130	AMD 59 (Effective 7/1/92)	71
29.54.035	RECD 59 (Effective 7/1/92)	110	29.85	ADD 59	110
29.54.040	REP 59 (Effective 7/1/92)	112	29.85.200	AMD 143 ADD 134	12 1-11
29.54.043	REP 59 (Effective 7/1/92)	112	31.12.125	AMD 33	564
29.54.045	REP 59 (Effective 7/1/92)	112	35.13	ADD 17 E1	30
29.54.050	AMD 59 (Effective 7/1/92)	56	35.13.125	AMD 33	565
29.54.060	AMD 59 (Effective 7/1/92)	57	35.13.130	AMD 33	566
29.54.070	REP 59 (Effective 7/1/92)	112	35.20.200	AMD 182	1
29.54.080	REP 59 (Effective 7/1/92)	112	35.21	ADD 189	1
29.54.090	REP 59 (Effective 7/1/92)	112	35.21.300	AMD 1 E1	1
29.54.100	REP 59 (Effective 7/1/92)	112	35.21.301	AMD 1 E1	2
			35.21.755	AMD 131	1
			35.22.280	AMD 189	3
			35.24.090	AMD 212	1
			35.27.130	AMD 212	2
			35.42.200	AMD 205	1
			35.58.090	AMD 1 E2 (Effective 1/1/91)	504
			35.58.116	AMD 1 E2 (Effective 1/1/91)	505
			35.58.2721	AMD 42 (Effective 9/1/90)	315

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RCW		CH.	SEC.	RCW		CH.	SEC.
35.58.273	AMD	42	316	36.69.140	AMD	1 E2	511
	(Effective 9/1/90)				(Effective 1/1/91)		
35.58.2795	AMD	17 E1	60	36.69.145	REP	1 E2	525
35.61.210	AMD	234	3		(Effective 1/1/91)		
35.61.210	AMD	1 E2	506	36.70	ADD	17 E1	24
	(Effective 1/1/91)			36.78.060	AMD	266	1
35.62	ADD	193	1-3	36.78.070	AMD	266	2
35.62.020	REP	193	4	36.78.110	AMD	266	3
35.62.030	REP	193	4	36.79.140	AMD	42	104
35.62.040	REP	193	4	36.81.121	AMD	17 E1	58
35.62.050	REP	193	4	36.83.030	AMD	1 E2	512
35.63	ADD	17 E1	22		(Effective 1/1/91)		
35.77.010	AMD	17 E1	59	36.93	ADD	273	2
35.92.040	AMD	189	4	36.93.150	AMD	273	1
35.92.060	AMD	43	49	36.94.040	AMD	17 E1	33
35A.02.020	AMD	259	2	36.94.140	AMD	133	2
35A.02.060	AMD	259	3	39.33.070	AMD	33	567
35A.06.040	AMD	259	4	39.34.030	AMD	33	568
35A.07.020	AMD	259	5	39.44.200	AMD	220	1
35A.07.050	AMD	259	6	39.44.210	AMD	220	2
35A.08.040	AMD	259	7	39.86.120	AMD	50	1
35A.09.020	AMD	259	8	39.94.020	AMD	47	3
35A.09.040	AMD	259	9	41.04	ADD	60	301-304
35A.10.030	AMD	259	10	41.04.205	AMD	222	1
35A.14	ADD	17 E1	31	41.04.340	AMD	162	1
35A.15.010	AMD	259	11	41.04.445	AMD	274	6
35A.29.105	AMD	59	106		(Effective 9/1/90)		
	(Effective 7/1/92)			41.04.655	AMD	33	569
35A.29.110	AMD	59	107	41.04.660	AMD	23	1
	(Effective 7/1/92)			41.04.665	AMD	23	2
35A.63	ADD	17 E1	23	41.04.670	AMD	23	3
36	ADD	17 E1	1-17, 19,20	41.05	ADD	222	6
				41.05.011	AMD	222	2
36.16.030	AMD	252	8	41.05.021	AMD	222	3
	(Effective 1/1/93)			41.05.031	AMD	222	4
36.23	ADD	146	10	41.05.090	AMD	222	5
36.32	ADD	5 E1	2	41.06	ADD	14	1
36.32	ADD	252	2-6	41.06	ADD	204	3
	(Effective 1/1/93)			41.06.070	AMD	60	101
36.32.010	AMD	252	1	41.06.084	AMD	37	2
	(Effective 1/1/93)			41.06.087	AMD	229	3
36.32.070	AMD	252	7		(Effective 7/1/90)		
	(Effective 1/1/93)			41.06.150	REMD	60	103
36.34	ADD	253	7	41.06.300	DECD	60	402
36.58.150	AMD	1 E2	507	41.06.320	DECD	60	402
	(Effective 1/1/91)			41.06.330	DECD	60	402
36.60.040	AMD	1 E2	508	41.06.430	AMD	60	102
	(Effective 1/1/91)			41.26.085	REP	8	5
36.68.480	AMD	1 E2	509	41.26.460	AMD	249	3
	(Effective 1/1/91)			41.26.470	REMD	249	19
36.68.520	REMD	1 E2	510	41.26.500	AMD	274	12
	(Effective 1/1/91)			41.26.510	AMD	249	14
36.68.525	REP	1 E2	525	41.32	ADD	274	5
	(Effective 1/1/91)				(Effective 9/1/90)		
36.69.010	AMD	32	1	41.32.005	REMD	274	16

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RCW	CH.	SEC.	RCW	CH.	SEC.
41.32.010	AMD 274	2	42.17.310	AMD 1 E2	1103
	(Effective 9/1/90)		42.17.311	AMD 256	2
41.32.011	AMD 33	570	42.23.030	AMD 33	573
41.32.350	AMD 274	7	42.30.140	AMD 98	1
	(Effective 9/1/90)		43	ADD 3	1201, 1203-1208
41.32.403	AMD 274	8	43	ADD 14 E1	1-12
	(Effective 9/1/90)		43.03.050	AMD 30	1
41.32.493	REP 249	22	43.03.060	AMD 30	2
41.32.4932	REP 249	22	43.17	ADD 17 E1	77
41.32.497	AMD 249	12	43.17.205	AMD 33	574
41.32.498	AMD 249	4	43.17.210	AMD 33	575
41.32.520	AMD 249	15	43.19	ADD 206	1-5
41.32.530	AMD 249	5	43.19.455	AMD 33	576
41.32.775	AMD 274	9	43.19.554	AMD 75	1
41.32.780	AMD 274	15	43.20	ADD 132	3
41.32.785	AMD 249	6	43.20A.440	RECD 100	9
41.32.790	AMD 249	20	43.20A.720	AMD 89	2
41.32.800	AMD 274	13	43.20A.725	AMD 89	3
41.32.805	AMD 249	16	43.20A.730	AMD 89	4
41.40	ADD 249	9	43.20B	ADD 100	7,8
41.40.010	REMD 274	3	43.20B.635	AMD 100	1
	(Effective 9/1/90)		43.21B.005	AMD 65	1
41.40.120	AMD 192	4	43.21B.090	AMD 65	2
41.40.120	AMD 274	10	43.21B.130	AMD 65	3
41.40.150	REMD 249	17	43.21B.150	AMD 65	4
41.40.185	AMD 249	7	43.21B.160	AMD 65	5
41.40.190	AMD 249	8	43.21B.230	AMD 65	6
41.40.270	AMD 249	11	43.21F.035	AMD 12	1
41.40.330	AMD 8	4		(Effective 7/1/90)	
41.40.450	AMD 274	4	43.21F.045	AMD 12	2
	(Effective 9/1/90)			(Effective 7/1/90)	
41.40.508	REP 249	22	43.22	ADD 176	1
41.40.660	AMD 249	10	43.23.010	AMD 37	1
41.40.670	AMD 249	21	43.31	ADD 17 E1	71
41.40.690	AMD 274	11	43.31	ADD 281	2,3
41.40.700	AMD 249	18	43.31	ADD 297	28
41.45.060	AMD 18	1	43.31.005	AMD 17 E1	68
	(Effective 9/1/91)		43.31.035	AMD 17 E1	69
41.45.070	AMD 18	2	43.31.522	AMD 57	2
	(Effective 9/1/91)		43.31.524	AMD 57	3
41.50	ADD 8	2	43.31.526	AMD 57	4
41.50.110	AMD 8	3	43.31.556	AMD 127	1
41.54	ADD 192	3	43.34	ADD 93	1
41.54.010	AMD 192	1	43.43	ADD 3	403
41.54.030	AMD 192	2	43.43	ADD 230	1
41.54.040	AMD 192	5	43.43.745	AMD 3	409
41.54.060	REP 192	6	43.43.754	AMD 230	3
41.59.935	AMD 33	571	43.43.758	AMD 230	2
41.59.940	AMD 33	572	43.43.765	AMD 3	131
42.17.020	REMD 139	2	43.43.830	REMD 3	1101
42.17.170	AMD 139	3	43.43.830	REMD 146	8
42.17.180	AMD 139	4	43.43.832	REMD 3	1102
42.17.200	AMD 139	5	43.43.834	REMD 3	1103
42.17.310	REMD 168	20	43.43.838	REMD 3	1104
42.17.310	REMD 256	1			

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RCW	CH.	SEC.	RCW	CH.	SEC.
43.43.845	AMD	33	577	43.131.050	AMD 297 2
43.46.095	AMD	33	578	43.131.249	REP 83 2
43.51.290	AMD	49	2	43.131.250	REP 83 2
43.51.290	AMD	136	2	43.131.254	AMD 52 1
43.51.300	AMD	49	3	43.131.256	REP 297 27
43.51.340	AMD	49	1	43.131.269	REP 297 27
43.62	ADD	17 E1	32	43.131.270	REP 297 27
43.62.010	AMD	42	317	43.131.301	AMD 297 3
	(Effective 9/1/90)			43.131.301	RECD 297 28
43.63A	ADD	17 E1	21	43.131.302	AMD 297 4
43.63A	ADD	17 E1	67	43.131.302	RECD 297 28
43.63A	ADD	156	1	43.131.303	AMD 297 5
43.63A	ADD	176	2	43.131.303	RECD 297 28
43.63A	ADD	253	5,6	43.131.304	AMD 297 6
43.63A	ADD	278	2	43.131.304	RECD 297 28
43.63A.065	AMD	17 E1	70	43.131.315	REP 297 27
43.63A.066	AMD	33	579	43.131.316	REP 297 27
43.70	ADD	133	4	43.131.319	REP 297 27
43.70	ADD	253	1-3	43.131.320	REP 297 27
43.70	ADD	270	1-4,6	43.131.323	AMD 297 7
43.70.130	AMD	132	2	43.131.323	RECD 297 28
43.70.190	AMD	133	3	43.131.331	REP 297 27
43.70.200	AMD	133	5	43.131.332	REP 297 27
43.70.900	AMD	33	580	43.131.335	REP 13 2
43.79.425	AMD	33	581	43.131.336	REP 13 2
43.82.010	AMD	47	1	43.131.339	REP 297 27
43.83A.020	REEN	15 E1	7	43.131.343	AMD 297 9
43.84.090	AMD	106	5	43.131.343	RECD 297 28
43.84.090	AMD	1 E2	203	43.131.344	AMD 297 10
43.84.092	AMD	1 E2	204	43.131.344	RECD 297 28
43.88.020	AMD	229	4	43.131.345	REP 297 27
	(Effective 7/1/90)			43.131.346	REP 297 27
43.88.030	REMD	115	1	43.131.349	AMD 6 1
43.99.070	AMD	42	116	43.131.350	AMD 6 2
43.99E.015	REEN	15 E1	8	43.131.351	AMD 297 11
43.99F.020	REEN	15 E1	9	43.131.351	RECD 297 28
43.99H.010	AMD	15 E1	1	43.131.352	AMD 297 12
43.99H.020	AMD	15 E1	2	43.131.352	RECD 297 28
43.99H.020	AMD	33	582	43.131.357	AMD 297 13
43.99H.030	AMD	15 E1	4	43.131.357	RECD 297 28
43.99H.040	AMD	15 E1	5	43.131.358	AMD 297 14
43.99H.060	AMD	15 E1	6	43.131.358	RECD 297 28
43.99H.080	AMD	15 E1	3	43.131.359	RECD 297 28
43.105	ADD	208	13	43.131.360	RECD 297 28
43.105.005	AMD	208	1	43.131.361	REP 297 27
43.105.017	AMD	208	2	43.131.362	REP 297 27
43.105.020	AMD	208	3	43.131.363	RECD 297 28
43.105.041	AMD	208	6	43.131.364	RECD 297 28
43.105.052	AMD	208	7	43.135.060	AMD 184 2
43.110	ADD	104	2	43.135.060	AMD 1 E2 601
43.110.010	AMD	104	1	43.145.020	AMD 21 5
43.131	ADD	115	11,12	43.155.065	AMD 133 7
43.131	ADD	278	7,8	43.155.070	AMD 17 E1 82
43.131	ADD	297	20,21	43.155.070	AMD 133 6
43.131.010	AMD	297	1	43.160.060	AMD 17 E1 73

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RCW	CH.	SEC.	RCW	CH.	SEC.
43.160.070	AMD	16 E1 802	46.12.120	AMD	238 5
43.163.005	AMD	53 1	46.12.125	REP	238 8
43.163.020	AMD	53 2	46.12.140	AMD	250 29
43.163.050	AMD	53 3	46.12.151	AMD	250 30
43.163.070	AMD	53 4	46.12.181	AMD	250 31
43.163.080	AMD	53 5	46.12.360	AMD	42 325
43.163.100	AMD	53 6		(Effective 9/1/90)	
43.168.050	AMD	17 E1 74	46.12.380	AMD	232 2
43.180	ADD	167 2-8	46.16	ADD	250 1-9
43.180.020	AMD	167 1		(Effective 1/1/91)	
43.200	ADD	21 4	46.16	ADD	250 10
43.200.080	AMD	21 6		(Effective 7/1/90)	
43.200.170	AMD	21 3	46.16.015	AMD	42 318
43.200.200	AMD	82 1		(Effective 9/1/90)	
43.200.210	AMD	82 2	46.16.030	AMD	42 110
43.210.010	AMD	17 E1 65		(Effective 9/1/90)	
43.210.020	AMD	17 E1 66	46.16.035	AMD	33 584
43.220.070	AMD	71 2	46.16.045	AMD	198 1
43.220.230	AMD	71 3	46.16.070	AMD	42 105
43.230.010	AMD	33 583		(Effective 9/1/90)	
43.240	ADD	297 28	46.16.216	AMD	1 E2 401
43.250.020	AMD	106 1	46.16.270	AMD	250 32
43.250.030	AMD	106 2	46.16.310	REP	250 12
43.250.060	AMD	106 3		(Effective 1/1/91)	
43.250.070	AMD	106 4	46.16.311	REP	250 12
44.05.090	AMD	126 1		(Effective 1/1/91)	
44.28.170	REP	275 6	46.16.315	REP	250 12
46.01.030	AMD	250 14		(Effective 1/1/91)	
46.01.090	AMD	250 15	46.16.320	REP	250 12
46.01.100	AMD	250 16		(Effective 1/1/91)	
46.01.140	AMD	250 89	46.16.330	REP	250 12
46.04	ADD	250 21		(Effective 1/1/91)	
46.04.303	AMD	250 17	46.16.350	AMD	250 11
46.04.304	AMD	250 18		(Effective 1/1/91)	
46.04.305	AMD	250 19	46.16.381	AMD	24 1
46.04.330	AMD	250 20	46.16.620	REP	250 12
46.04.400	AMD	241 1		(Effective 1/1/91)	
46.04.580	AMD	250 22	46.16.625	REP	250 12
46.08.010	AMD	42 207		(Effective 1/1/91)	
46.08.172	REP	206 8	46.16.660	REP	250 12
46.09.030	AMD	250 23		(Effective 1/1/91)	
46.09.080	AMD	250 24	46.20	ADD	3 407
46.09.140	AMD	250 25	46.20	ADD	143 6
46.09.170	AMD	42 115		(Effective 1/1/92)	
46.10.050	AMD	250 26	46.20	ADD	210 4
46.10.140	AMD	250 27	46.20.021	AMD	250 33
46.10.170	AMD	42 117	46.20.055	AMD	250 34
46.12	ADD	176 3	46.20.091	AMD	250 35
46.12	ADD	232 3	46.20.100	AMD	250 36
46.12	ADD	238 6	46.20.118	AMD	250 37
46.12.030	AMD	238 1	46.20.119	AMD	250 38
46.12.040	AMD	238 2	46.20.120	AMD	9 1
46.12.050	AMD	238 3	46.20.130	AMD	250 39
46.12.070	AMD	250 28	46.20.161	AMD	250 40
46.12.101	AMD	238 4	46.20.171	REP	250 86

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RCW	CH.	SEC.	RCW	CH.	SEC.
46.20.181	AMD	250	41	46.64.020	AMD 210 1
46.20.270	AMD	250	42	46.64.020	AMD 250 61
46.20.270	AMD	1 E2	402	46.64.048	AMD 250 60
46.20.285	AMD	250	43	46.65.070	AMD 250 62
46.20.293	AMD	250	44	46.65.090	AMD 210 7
46.20.311	AMD	250	45	46.68	ADD 42 103
46.20.326	AMD	250	46	46.68	ADD 42 411
46.20.336	AMD	210	3	46.68.030	AMD 42 109
46.20.342	AMD	210	5		(Effective 9/1/90)
46.20.342	AMD	250	47	46.68.035	AMD 42 106
46.20.416	REP	250	86		(Effective 9/1/90)
46.20.418	REP	250	86	46.68.090	AMD 42 102
46.20.420	AMD	210	6	46.68.124	REMD 33 586
46.20.599	REP	250	86	46.70.029	AMD 250 63
46.20.911	AMD	250	49	46.70.041	AMD 250 64
46.25.050	AMD	56	1	46.70.061	AMD 250 65
46.25.120	AMD	250	50	46.70.083	AMD 250 66
46.29.110	AMD	250	51	46.70.085	AMD 250 67
46.29.330	AMD	250	52	46.70.120	AMD 238 7
46.29.430	AMD	250	53	46.70.180	AMD 44 14
46.29.610	AMD	250	54	46.76.040	AMD 250 68
46.37	ADD	94	2	46.79.010	AMD 250 69
46.37	ADD	95	2	46.79.020	AMD 250 70
46.37	ADD	241	10	46.79.070	AMD 250 71
46.37.420	AMD	105	1	46.80.030	AMD 250 72
46.37.425	AMD	105	2	46.82.410	AMD 250 73
46.37.430	AMD	95	1	46.87	ADD 250 74
46.37.530	REMD	270	7	46.87.020	AMD 42 111
46.37.535	AMD	270	8		(Effective 9/1/90)
46.44.030	AMD	28	1	46.87.025	AMD 250 75
46.44.0941	AMD	42	107	46.87.070	AMD 42 112
		(Effective 9/1/90)			(Effective 9/1/90)
46.44.095	AMD	42	108	46.87.120	AMD 42 113
		(Effective 9/1/90)			(Effective 9/1/90)
46.44.105	AMD	217	1	46.87.140	AMD 42 114
46.52.020	AMD	210	2		(Effective 9/1/90)
46.61.005	AMD	291	4	46.87.270	AMD 250 77
46.61.055	AMD	241	2	46.90.300	AMD 250 78
46.61.060	AMD	241	3	47	ADD 17 E1 53-57
46.61.205	AMD	250	88	47	ADD 43 36-40
46.61.235	AMD	241	4	47	ADD 298 39-45
46.61.240	AMD	241	5	47.01.250	AMD 266 5
46.61.250	AMD	241	6	47.02	ADD 293 1-8
46.61.266	AMD	241	7	47.17	ADD 233 1
46.61.370	AMD	241	8	47.17.255	AMD 108 1
46.61.375	AMD	241	9	47.17.375	AMD 108 2
46.61.385	AMD	33	585	47.17.820	AMD 97 1
46.61.455	AMD	105	3	47.26.121	AMD 266 4
46.61.500	AMD	291	1	47.28.170	AMD 265 1
46.61.585	AMD	49	4	47.39	ADD 240 2
46.61.655	AMD	250	56	47.39.020	AMD 240 3
46.61.685	AMD	250	57	47.40	ADD 258 5
46.61.688	AMD	250	58	47.42.020	AMD 258 1
46.63.020	REMD	95	3	47.42.040	AMD 258 2
46.63.020	REMD	250	59	47.56.365	REP 42 410

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RCW	CH.	SEC.	RCW	CH.	SEC.
47.56.711	AMD	42	401	48.44.070	AMD 120 9
	(Effective 9/1/90)			48.44.080	AMD 120 10
47.56.712	REP	42	403	48.44.240	AMD 3 E1 12
	(Effective 9/1/90)			48.46	ADD 119 4,5,7-9
47.56.713	REP	42	403	48.46	ADD 187 4
	(Effective 9/1/90)			48.46.020	AMD 119 1
47.56.714	REP	42	403	48.46.030	AMD 119 2
	(Effective 9/1/90)			48.46.040	AMD 119 3
47.56.715	REP	42	403	48.46.230	REP 119 12
	(Effective 9/1/90)			48.46.240	AMD 119 6
47.56.716	REP	42	403	48.46.350	AMD 3 E1 14
	(Effective 9/1/90)			48.46.420	AMD 119 10
47.60	ADD	42	409	48.80.030	AMD 119 11
47.60.150	REMD	42	405	48.96	ADD 239 2-5
47.60.160	REP	42	410		(Effective 1/1/91)
47.60.326	AMD	42	406	48.96.030	AMD 239 6
47.60.420	AMD	42	407		(Effective 1/1/91)
47.60.440	AMD	42	408	48.96.040	AMD 239 7
47.60.540	REP	78	1		(Effective 1/1/91)
47.60.543	REP	42	410	48.96.050	AMD 239 8
47.76	ADD	43	1-10		(Effective 1/1/91)
47.76.030	REMD	43	11	48.96.060	AMD 239 9
47.78.010	AMD	43	47		(Effective 1/1/91)
48	ADD	271	20-24	49.04.100	AMD 72 1
48.01.050	AMD	130	1	49.04.110	AMD 72 2
48.04.010	AMD	3 E1	1	49.04.120	AMD 72 3
48.17	ADD	121	1	49.04.130	AMD 72 4
48.17.110	AMD	3 E1	2	49.30.005	AMD 245 10
48.17.160	AMD	3 E1	3	49.46.025	REP 149 1
48.17.180	AMD	3 E1	4	50.04	ADD 245 3
48.17.440	REP	3 E1	15		(Effective 7/1/90)
48.17.450	AMD	3 E1	5	50.04.030	REMD 245 1
48.17.540	AMD	3 E1	6	50.04.205	AMD 245 2
48.17.590	REP	121	2		(Effective 7/1/90)
48.21	ADD	187	2	50.20.160	AMD 245 4
48.21.180	AMD	3 E1	7	50.20.190	AMD 245 5
48.29.020	AMD	76	1	50.24.110	AMD 245 6
48.29.040	AMD	76	2		(Effective 7/1/90)
48.30.140	AMD	3 E1	8	50.29.025	AMD 245 7
48.30.150	AMD	3 E1	9		(Effective 7/1/90)
48.30.210	AMD	3 E1	10	50.29.070	AMD 245 8
48.30.230	AMD	3 E1	11		(Effective 7/1/90)
48.30.260	AMD	3 E1	13	50.44.050	AMD 33 587
48.32A.010	AMD	51	1	50.44.060	AMD 245 9
48.32A.020	AMD	51	2		(Effective 7/1/90)
48.32A.030	AMD	51	3	51.14.020	AMD 209 1
48.32A.060	AMD	51	4		(Effective 1/1/91)
48.32A.080	AMD	51	5	51.28.070	AMD 209 2
48.32A.090	AMD	51	6	51.32	ADD 204 5
48.44	ADD	120	2-4,8,11	51.44	ADD 204 2
48.44	ADD	187	3		(Effective 7/1/90)
48.44.010	AMD	120	1	51.44.100	AMD 80 1
48.44.020	AMD	120	5	51.52.120	AMD 15 1
48.44.026	AMD	120	6	52.02.030	AMD 259 12
48.44.030	AMD	120	7	52.06.020	AMD 259 13

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RCW SECTIONS AFFECTED BY 1990 STATUTES

RCW		CH.	SEC.	RCW		CH.	SEC.
52.14.015	AMD	259	14	59.20.074	AMD	169	2
52.18	ADD	294	10	59.21	ADD	171	4
52.18.010	AMD	294	1	59.21.010	AMD	171	1
52.18.020	AMD	294	2	59.21.020	AMD	171	2
52.18.030	AMD	294	3	59.21.030	AMD	171	3
52.18.040	AMD	294	4	59.21.050	AMD	171	5
52.18.050	AMD	294	5	59.21.060	AMD	171	6
52.18.060	AMD	294	6		(Effective 7/1/90)		
52.18.065	AMD	294	7	59.21.080	AMD	171	9
52.18.070	AMD	294	8	59.21.090	REP	171	12
52.18.080	AMD	294	9	59.22.060	AMD	171	10
53.04.020	AMD	259	15	60.04.250	AMD	81	1
53.04.080	AMD	259	16	60.72.010	AMD	169	3
53.04.085	AMD	259	17	61.24.030	AMD	111	1
53.04.110	AMD	259	18	61.24.100	AMD	111	2
53.08	ADD	5	1,2	62A.1-201	AMD	228	1
53.12.035	AMD	59	108	62A.3	ADD	203	2
	(Effective 7/1/92)			63.24.170	AMD	41	1
53.12.060	AMD	259	19	63.29	ADD	1 E2	301
53.12.150	AMD	40	1	63.29.190	AMD	1 E2	302
53.31	ADD	297	22,23	64	ADD	213 1-7,9-11	
53.31.900	REP	297	26	64.34	ADD	166 8,11,14,15	
53.36.030	AMD	254	1		(Effective 7/1/90)		
53.46.020	AMD	259	20	64.34.020	AMD	166	1
54.04.070	AMD	251	1		(Effective 7/1/90)		
54.12.010	AMD	59	109	64.34.200	AMD	166	2
	(Effective 7/1/92)				(Effective 7/1/90)		
54.16	ADD	107	1	64.34.304	AMD	166	3
54.16.100	AMD	16	1		(Effective 7/1/90)		
54.16.285	AMD	1 E1	3	64.34.304	AMD	166	3
54.16.286	AMD	1 E1	4	64.34.352	AMD	166	4
56.04.030	AMD	259	21		(Effective 7/1/90)		
56.04.050	AMD	259	22	64.34.360	AMD	166	5
56.04.050	AMD	1 E2	513		(Effective 7/1/90)		
	(Effective 1/1/91)			64.34.364	AMD	166	6
56.08.020	AMD	17 E1	34		(Effective 7/1/90)		
56.12.015	AMD	259	23	64.34.372	AMD	166	7
56.12.030	AMD	259	24		(Effective 7/1/90)		
56.24.070	AMD	259	25	64.34.400	AMD	166	9
56.24.200	AMD	259	26		(Effective 7/1/90)		
57.04.030	AMD	259	27	64.34.415	AMD	166	10
57.04.050	AMD	259	28		(Effective 7/1/90)		
57.04.050	AMD	1 E2	514	64.34.425	AMD	166	12
	(Effective 1/1/91)				(Effective 7/1/90)		
57.12.015	AMD	259	29	64.34.440	AMD	166	13
57.12.020	AMD	259	30		(Effective 7/1/90)		
57.16.010	AMD	17 E1	35	66.28	ADD	125	1,2
57.24.010	AMD	259	31	67.16	ADD	297	24,25
57.24.190	AMD	259	32	67.16.240	REP	297	26
58.17.060	AMD	17 E1	51	67.28.210	AMD	17	1
58.17.110	AMD	17 E1	52	67.38.130	AMD	1 E2	515
58.17.310	AMD	194	1		(Effective 1/1/91)		
59.18	ADD	17 E1	49,50	67.40	ADD	181	3
59.20.060	AMD	169	1	67.40.030	AMD	181	1
59.20.060	AMD	174	1	67.40.040	AMD	181	2

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RCW SECTIONS AFFECTED BY 1990 STATUTES

RCW	CH.	SEC.	RCW	CH.	SEC.	
67.40.100	AMD	242	70.95	ADD	114	4
67.70.900	REP	297	70.95C	ADD	114	6-10
68	ADD	92	70.95C.010	AMD	114	1
68.04.040	AMD	92	70.95C.020	AMD	114	2
68.05.410	REP	92	70.95C.030	AMD	114	3
68.05.420	RECD	92	70.95C.040	AMD	114	5
68.52.220	AMD	259	70.96A.020	REMD	151	2
68.52.230	REP	259	70.96A.090	REMD	151	5
68.52.250	AMD	259	70.96A.110	AMD	151	7
68.54.010	AMD	259	70.96A.120	AMD	151	8
68.54.020	AMD	259	70.96A.140	AMD	151	3
68.54.030	AMD	259	70.96A.150	AMD	151	1
69.04	ADD	202	70.96A.180	AMD	151	6
69.04.810	AMD	202	70.96A.320	AMD	151	9
69.41.030	AMD	219	70.98	ADD	82	3
69.41.120	AMD	218	70.98.050	AMD	173	2
69.50.101	AMD	196	70.98.085	AMD	21	7
69.50.101	AMD	219	70.98.095	AMD	82	4
69.50.101	AMD	248	70.105A.010	REP	114	21
69.50.435	AMD	33	70.105A.020	REP	114	21
69.50.435	AMD	244	70.105A.030	REP	114	21
69.50.505	AMD	213	70.105A.040	REP	114	21
69.50.505	AMD	248	70.105A.050	REP	114	21
69.50.511	AMD	213	70.105A.060	REP	114	21
70	ADD	114	70.105A.070	REP	114	21
70	ADD	271	70.105A.080	REP	114	21
		10-17,19,28	70.105A.090	REP	114	21
70.05.070	AMD	133	70.105A.900	REP	114	21
70.44.020	AMD	259	70.105A.905	REP	114	21
70.44.040	AMD	259	70.119A.040	AMD	133	8
70.44.060	AMD	234	70.119A.060	AMD	132	4
70.44.060	AMD	1 E2	70.148	ADD	64	11
	(Effective 1/1/91)	516	70.148.005	AMD	64	1
70.47	ADD	54	70.148.010	AMD	64	2
70.48	ADD	3	70.148.020	AMD	64	3
70.48.100	AMD	3	70.148.030	AMD	64	4
70.48.210	AMD	3	70.148.040	AMD	64	5
	(Effective 7/1/90)	203	70.148.050	AMD	64	6
70.54	ADD	280	70.148.060	AMD	64	7
70.54.110	AMD	253	70.148.070	AMD	64	8
70.58.030	AMD	99	70.148.080	AMD	64	9
70.88.070	AMD	136	70.148.090	AMD	64	10
70.88.080	AMD	136	70.148.100	REP	64	13
70.93	ADD	66	70.168	ADD	269	2-4,
70.94	ADD	157				8-11,13,26
70.94.091	AMD	1 E2	70.168.010	AMD	269	1
	(Effective 1/1/91)	517	70.168.020	AMD	269	5
70.94.0935	REP	157	70.168.040	AMD	269	17
70.94.431	AMD	157	70.170.100	AMD	269	12
70.94.473	AMD	128	70.175	ADD	271	18
70.94.477	AMD	128	71	ADD	3	1001-1012
70.94.480	AMD	128		(Effective 7/1/90)		
70.94.483	AMD	128	71.05	ADD	3	109,110
70.94.656	AMD	113	71.05.325	AMD	3	111
70.94.715	AMD	128	71.05.390	AMD	3	112

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RCW SECTIONS AFFECTED BY 1990 STATUTES

RCW		CH.	SEC.	RCW		CH.	SEC.
71.05.420	AMD	3	113	75.08.011	AMD	35	3
71.05.440	AMD	3	114	75.08.011	AMD	63	6
71.05.670	AMD	3	115	75.08.255	AMD	36	1
71.06	ADD	3	120	75.10	ADD	63	5
71.24.035	AMD	8 E1	1	75.10	ADD	144	1-4
71A.20.050	AMD	33	589	75.10.030	AMD	144	5
71A.20.070	AMD	33	590	75.10.110	AMD	144	6
72.01.045	AMD	153	1	75.10.120	AMD	144	7
72.01.200	AMD	33	591	75.10.140	AMD	163	7
72.02.180	REP	302	1	75.12.090	AMD	144	8
72.02.190	REP	302	1	75.25	ADD	34	2
72.05.130	AMD	33	592	75.25	ADD	35	2
72.09	ADD	3	405	75.28.287	AMD	163	6
72.09	ADD	3	708	75.30	ADD	61	2
72.09	ADD	66	2	75.30	ADD	63	2,3,4
72.09.100	AMD	22	1	75.30.050	AMD	61	3
72.20.040	AMD	33	593	75.30.210	AMD	62	2
73.04.115	AMD	250	91	75.48.020	REEN	15 E1	10
74.04.005	AMD	285	2	75.50	ADD	58	2,4
74.09	ADD	296	1,2,4,5	75.50	ADD	58	3
	(Effective 7/1/90)				(Effective 1/1/91)		
74.09.010	AMD	296	6	76.09.050	AMD	17 E1	61
	(Effective 7/1/90)			76.09.060	AMD	17 E1	62
74.09.180	AMD	100	2	77.04.010	AMD	84	1
74.09.182	AMD	100	3	77.04.055	AMD	84	2
74.09.182	RECD	100	10	77.12	ADD	110	2
74.09.184	REP	100	12	77.12	ADD	195	3,4
74.09.186	AMD	100	4	77.12	ADD	297	28
74.09.186	RECD	100	10	77.12.195	REP	195	7
74.09.290	AMD	100	5	77.12.203	AMD	15 E1	11
74.09.520	REMD	25	1	77.12.655	AMD	84	3
74.09.520	REMD	33	594	77.12.660	REP	84	8
74.09.524	AMD	33	595	77.32.235	AMD	35	4
74.09.750	RECD	100	11	77.32.320	AMD	84	4
74.09.790	AMD	151	4	77.32.340	AMD	84	5
74.13	ADD	3	305	77.32.350	AMD	84	6
	(Effective 7/1/90)			77.32.360	AMD	84	7
74.13	ADD	284	1,2,4,6, 8,10-13, 15,16	79.01	ADD	163	8
	(Effective 7/1/90)			79.01.774	AMD	33	596
74.13	ADD	285	5	79.90	ADD	163	2
74.13.031	REMD	146	9	79.90.210	AMD	163	1
74.13.109	AMD	285	7	79.90.240	AMD	163	3
74.13.130	AMD	285	8	79.96	ADD	163	9
74.20A.020	REMD	2 E1	15	79.96.080	AMD	163	4
74.20A.055	AMD	2 E1	21	79.96.085	AMD	163	5
74.21.020	AMD	6 E1	1	80	ADD	132	6
74.21.030	AMD	6 E1	2	80.04.130	AMD	170	1
74.21.040	AMD	6 E1	3	80.24.010	AMD	48	1
74.21.050	AMD	6 E1	4	80.28	ADD	2	9
74.21.070	AMD	6 E1	5	80.28.010	AMD	1 E1	5
74.21.190	AMD	6 E1	6	80.28.011	AMD	1 E1	6
74.38.070	AMD	164	1	80.28.110	AMD	132	5
74.46.481	AMD	207	1	80.36	ADD	170	7
				80.36	ADD	221	1
				80.36	ADD	247	2,3

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RCW SECTIONS AFFECTED BY 1990 STATUTES

RCW	CH.	SEC.	RCW	CH.	SEC.	
80.36.350	AMD	10	1	82.16	ADD 2	10
80.36.370	AMD	118	1	82.23A.020	AMD 64	12
80.36.420	AMD	170	2	82.24.030	AMD 216	1
80.36.430	AMD	170	3	82.24.040	AMD 216	2
80.36.440	AMD	170	4	82.24.050	AMD 216	3
80.36.460	AMD	170	5	82.24.110	AMD 216	4
80.36.470	AMD	170	6	82.24.120	AMD 267	1
80.36.480	REP	170	9		(Effective 1/1/91)	
80.36.530	AMD	247	4	82.24.130	AMD 216	5
80.50.030	AMD	12	3	82.24.180	AMD 267	2
		(Effective 7/1/90)			(Effective 1/1/91)	
80.50.040	AMD	12	4	82.24.250	AMD 216	6
		(Effective 7/1/90)		82.27.060	AMD 214	1
81	ADD	43	12-35, 41-45	82.32	ADD 69	3
					(Effective 1/1/91)	
81	ADD	1	E2 902	82.32.060	AMD 69	1
					(Effective 1/1/91)	
81.04	ADD	21	8	82.32.080	AMD 69	2
81.24.010	AMD	48	2		(Effective 1/1/91)	
81.44.150	REP	27	2		(Effective 1/1/91)	
81.44.160	REP	27	2	82.32.330	AMD 67	1
81.80	ADD	123	1,3	82.36.010	AMD 250	79
81.80.430	AMD	109	1	82.36.025	AMD 42	101
82	ADD	42	201, 206,208-214	82.36.030	AMD 42	202
				82.36.190	AMD 250	80
82.01.120	REMD	229	2	82.36.440	AMD 42	204
		(Effective 7/1/90)		82.38.040	AMD 250	81
82.01.120	RECD	229	5	82.38.050	AMD 250	82
		(Effective 7/1/90)		82.38.070	AMD 250	83
82.01.125	RECD	229	5	82.38.080	AMD 185	1
		(Effective 7/1/90)		82.38.090	AMD 250	84
82.01.130	AMD	229	1	82.38.120	AMD 250	85
		(Effective 7/1/90)		82.38.150	AMD 42	203
82.01.130	RECD	229	5	82.38.280	AMD 42	205
		(Effective 7/1/90)		82.44	ADD 42	303,305, 309,312
82.01.135	RECD	229	5		(Effective 9/1/90)	
		(Effective 7/1/90)		82.44	ADD 1	E2 101
82.02	ADD	17	E1 43,44, 46-48	82.44.010	AMD 42	301
					(Effective 9/1/90)	
82.02.020	AMD	17	E1 42	82.44.013	REP 42	328
82.02.030	REMD	42	319		(Effective 9/1/90)	
		(Effective 9/1/90)		82.44.020	AMD 42	302
82.04	ADD	141	1		(Effective 9/1/90)	
82.04.260	AMD	21	2	82.44.040	REP 42	328
82.08.065	AMD	171	8		(Effective 9/1/90)	
		(Effective 7/1/90)		82.44.045	REP 42	328
82.14	ADD	1	E2 102- 105,901		(Effective 9/1/90)	
				82.44.050	REP 42	328
82.14.050	AMD	1	E2 201		(Effective 9/1/90)	
82.14.060	AMD	1	E2 202	82.44.060	AMD 42	304
82.14.200	AMD	42	313		(Effective 7/1/91)	
		(Effective 9/1/90)		82.44.110	AMD 42	306
82.14.210	AMD	42	314		(Effective 9/1/90)	
		(Effective 9/1/90)		82.44.110	AMD 1	E2 801
82.14.210	AMD	1	E2 701		(Effective 9/1/90)	
		(Effective 9/1/90)				

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RCW SECTIONS AFFECTED BY 1990 STATUTES

RCW	CH.	SEC.	RCW	CH.	SEC.
82.44.120	AMD 42 (Effective 9/1/90)	307	84.52.043	AMD 1 E2 (Effective 1/1/91)	519
82.44.150	AMD 42 (Effective 9/1/90)	308	84.52.052	AMD 1 E2 (Effective 1/1/91)	520
82.44.160	AMD 42 (Effective 9/1/90)	310	84.52.053	AMD 1 E2 (Effective 1/1/91)	522
82.44.160	AMD 104	3	84.52.0531	AMD 33	601
82.44.170	AMD 42 (Effective 9/1/90)	311	84.52.054	AMD 1 E2 (Effective 1/1/91)	501
82.45.090	AMD 171 (Effective 7/1/90)	7	84.52.056	AMD 1 E2 (Effective 1/1/91)	523
82.46	ADD 5 E1	3	84.52.069	REP 1 E2 (Effective 1/1/91)	525
82.46	ADD 17 E1	38	84.52.100	REP 234	5
82.46.010	AMD 17 E1	36	84.69.020	AMD 1 E2 (Effective 1/1/91)	524
82.46.030	AMD 17 E1	37	87.03	ADD 39	2
82.46.040	AMD 5 E1	4	87.03.435	AMD 39	1
82.46.040	AMD 17 E1	39	87.03.460	AMD 38	1
82.46.050	AMD 17 E1	40	88	ADD 117 (Effective 7/1/90)	1-25
82.46.060	AMD 5 E1	5	88	ADD 117	3(10), 3(12),(13), 3(15)
82.46.060	AMD 17 E1	41			
82.50	ADD 42 (Effective 9/1/90)	323,324	88.02	ADD 250	90
82.50.400	AMD 42 (Effective 9/1/90)	320	88.02.095	AMD 31	1
82.50.410	AMD 42 (Effective 9/1/90)	321	88.02.095	AMD 231 (Effective 7/1/90)	3
82.50.420	REP 42 (Effective 9/1/90)	328	88.08	ADD 235	1,2
82.50.430	REP 42 (Effective 9/1/90)	328	88.12.040	AMD 231 (Effective 7/1/90)	2
82.50.510	AMD 42 (Effective 9/1/90)	322	88.12.070	AMD 231 (Effective 7/1/90)	1
83.100.020	AMD 224	1	88.16	ADD 116	26
83.110.030	AMD 180	6	88.16.090	AMD 112	1
84	ADD 168	1-18	88.16.090	AMD 116	27
84.09.037	AMD 33	597	88.16.100	AMD 116	28
84.26.140	REP 297	29	88.40.005	AMD 116	29
84.33.010	AMD 33	598	88.40.010	AMD 116	30
84.33.160	AMD 33	600	88.40.020	AMD 116	31
84.36.010	AMD 47	2	88.40.030	AMD 116	32
84.36.030	AMD 283	6	90.48	ADD 116	3-10,12, 13,15, 16,25
84.36.043	AMD 283	2	90.48.315	AMD 116	2
84.36.805	AMD 283	3	90.48.320	AMD 116	17
84.36.805	AMD 283	7	90.48.330	AMD 116	21
84.36.810	AMD 283	4	90.48.335	AMD 116	22
84.48.080	AMD 283	1	90.48.336	AMD 116	18
84.52	ADD 283	5	90.48.338	AMD 116	19
84.52	ADD 1 E2 (Effective 1/1/91)	521	90.48.350	AMD 116	20
84.52.010	AMD 234	4	90.48.355	AMD 116	23
84.52.010	AMD 1 E2 (Effective 1/1/91)	518	90.48.360	AMD 116	24
84.52.043	AMD 234	1	90.48.400	REMD 116	14

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RCW SECTIONS AFFECTED BY 1990 STATUTES

RCW		CH.	SEC.
90.54	ADD	29	3
90.54.010	AMD	295	1
90.54.030	AMD	295	2
90.58.140	AMD	201	2
90.62.040	AMD	137	1
90.70	ADD	115	8-10
90.70.011	AMD	115	2
90.70.045	AMD	115	3
90.70.055	AMD	115	4
90.70.060	AMD	115	5
90.70.070	AMD	115	6
90.70.080	AMD	115	7
90.70.900	REP	115	14

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**UNCODIFIED SESSION LAW SECTIONS AFFECTED BY 1990
STATUTES**

LAWS 1969 EX.			LAWS 1990		LAWS 1989 1st EX.			LAWS 1990	
Ch.	Sec.	Action	Ch.	Sec.	Ch.	Sec.	Action	Ch.	Sec.
183	1	AMD	72	5	6	12	AMD	298	10
LAWS 1987			LAWS 1990		6	13	AMD	298	12
229	12	AMD	170	8	6	16	AMD	298	14
304	7	REP	89	5	6	17	AMD	298	15
387	9	REP	297	26	6	19	AMD	298	16
LAWS 1987 1st EX.			LAWS 1990		6	20	AMD	298	17
8	1	AMD	181	3	6	24	AMD	298	19
8	9		181	4	6	25	AMD	298	20
LAWS 1988			LAWS 1990		6	26	AMD	298	21
264	1	AMD	100	6	6	28	AMD	298	22
LAWS 1988 1st EX.			LAWS 1990		6	29	AMD	298	23
1	9	AMD	181	3	6	30	AMD	298	24
1	10	AMD	181	4	6	31	AMD	298	25
LAWS 1989			LAWS 1990		6	32	AMD	298	26
37	1	AMD	62	1	6	36	AMD	298	27
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HISTORY OF STATE MEASURES FILED WITH THE SECRETARY OF STATE

INITIATIVES TO THE PEOPLE

- INITIATIVE MEASURE NO. 1 (State-wide Prohibition)--Filed January 2, 1914. Refiled as Initiative Measure No. 3.
- INITIATIVE MEASURE NO. 2 (Eight Hour Law)--Filed January 3, 1914. Refiled as Initiative Measure No. 5.
- *INITIATIVE MEASURE NO. 3 (State-Wide Prohibition)--Filed January 8, 1914. Submitted to the voters at the state general election held on November 3, 1914. Measure approved into law by the following vote: For--189,840 Against--171,208. Act is now identified as Chapter 2, Laws of 1915.
- INITIATIVE MEASURE NO. 4 (Drugless Healers)--Filed January 13, 1914. No petition filed.
- INITIATIVE MEASURE NO. 5 (Eight Hour Law)--Filed January 15, 1914. No petition filed. See Initiative Measure No. 13, covering same subject.
- INITIATIVE MEASURE NO. 6 (Blue Sky Law)--Filed January 30, 1914. Submitted to voters at the state general election held on November 3, 1914. Failed to pass by the following vote: For--142,017 Against--147,298.
- INITIATIVE MEASURE NO. 7 (Abolishing Bureau of Inspection)--Filed January 30, 1914. Submitted to the voters at the state general election held on November 3, 1914. Failed to pass by the following vote: For--117,882 Against--167,080.
- *INITIATIVE MEASURE NO. 8 (Abolishing Employment Offices)--Filed January 30, 1914. Submitted to the voters at the state general election held on November 3, 1914. Measure approved into law by the following vote: For--162,054 Against--144,544. Act is now identified as Chapter 1, Laws of 1915.
- INITIATIVE MEASURE NO. 9 (First Aid to Injured)--Filed January 29, 1914. Submitted to the voters at the state general election held on November 3, 1914. Failed to pass by the following vote: For--143,738 Against--154,166.
- INITIATIVE MEASURE NO. 10 (Convict Labor Road Measure)--Filed January 29, 1914. Submitted to the voters at the state general election held on November 3, 1914. Failed to pass by the following vote: For--111,805 Against--183,726.
- INITIATIVE MEASURE NO. 11 (Fish Code)--Filed January 29, 1914. Petition failed. Not enough valid signatures obtained to place the measure on the November 3, 1914 state general election ballot.
- INITIATIVE MEASURE NO. 12 (Abolishing Tax Commission)--Filed January 29, 1914. Petition failed. Not enough valid signatures obtained to place the measure on the November 3, 1914 state general election ballot.
- INITIATIVE MEASURE NO. 13 (Eight Hour Law)--Filed February 10, 1914. Submitted to the voters at the state general election held on November 3, 1914. Failed to pass by the following vote: For--118,881 Against--212,935.
- INITIATIVE MEASURE NO. 14 (Legislative Reapportionment)--Filed May 13, 1914. No petition filed.

*Indicates measure became law.

INITIATIVES TO THE PEOPLE

- INITIATIVE MEASURE NO. 15 (**Fundamental Reform Act**)--Filed May 15, 1914. No petition filed.
- INITIATIVE MEASURE NO. 16 (**Legislative Reapportionment**)--Filed May 20, 1914. No petition filed.
- INITIATIVE MEASURE NO. 17 (**State Road Measure**)--Filed June 13, 1914. No petition filed.
- INITIATIVE MEASURE NO. 18 (**Brewers' Hotel Bill**)--Filed December 14, 1914. The 1915 Legislature failed to take action, and as provided by the state constitution the measure then was submitted to the voters for final decision at the November 7, 1916 state general election. Measure was defeated by the following vote: **For--48,354 Against--263,390.**
(This initiative was erroneously numbered since it was actually an initiative to the Legislature. Now renumbered as Initiative to the Legislature No. 1A.)
- INITIATIVE MEASURE NO. 19 (**Nonpartisan Election and Presidential Primary**)--Filed February 11, 1916. No petition filed.
- INITIATIVE MEASURE NO. 20 (**First Aid**)--Filed February 11, 1916. No petition filed.
- INITIATIVE MEASURE NO. 21 (**Home Rule**)--Filed February 11, 1916. No petition filed.
- INITIATIVE MEASURE NO. 22 (**Fisheries Code**)--Filed February 11, 1916. No petition filed.
- INITIATIVE MEASURE NO. 23 (**Politicians' Code**)--Filed March 29, 1916. No petition filed.
- INITIATIVE MEASURE NO. 24 (**Brewers' Bill**)--Filed April 20, 1916. Submitted to the voters at the state general election held on November 7, 1916. Failed to pass by the following vote: **For--98,843 Against--245,399.**
- INITIATIVE MEASURE NO. 25 (**Repealing State-Wide Prohibition**)--Filed May 11, 1916. No petition filed.
- INITIATIVE MEASURE NO. 26 (**Making the State a Prohibition District**)--Filed October 13, 1916. No petition filed.
- INITIATIVE MEASURE NO. 27 (**Repealing Chapter 57, Laws of 1915, Relating to Regulation of Common Carriers**)--Filed October 13, 1916. No petition filed.
- INITIATIVE MEASURE NO. 28 (**Nonpartisan Elections**)--Filed October 26, 1916. No petition filed.
- INITIATIVE MEASURE NO. 29 (**Capitol Removal Bill**)--Filed November 27, 1916. No petition filed.
- INITIATIVE MEASURE NO. 30 (**Eight Hour Law**)--Filed January 9, 1918. No petition filed.
- INITIATIVE MEASURE NO. 31 (**Municipal Marketing Measure**)--Filed February 5, 1918. No petition filed.
- INITIATIVE MEASURE NO. 32 (**Picketing Measure**)--Filed February 5, 1918. No petition filed.
- INITIATIVE MEASURE NO. 33 (**Nonpartisan Elections and Presidential Primary**)--Filed February 5, 1918. No petition filed.
- INITIATIVE MEASURE NO. 34 (**Relating to Salmon Fishing**)--Filed February 8, 1918. No petition filed.
- INITIATIVE MEASURE NO. 35 (**Repealing Chapter 174, Laws of 1919, Relating to Prevention of Criminal Syndicalism**)--Filed October 7, 1920. Insufficient number of signatures on petition; failed.

*Indicates measure became law.

INITIATIVES TO THE PEOPLE

- INITIATIVE MEASURE NO. 36 (Municipal Marketing Measure)--Filed November 16, 1920. No petition filed.
- INITIATIVE MEASURE NO. 37 (Relating to Ownership of Land by Aliens)--Filed November 19, 1920. No petition filed.
- INITIATIVE MEASURE NO. 38 (Repealing Chapter 209, Laws of 1907, Relating to the Nomination of Candidates for Public Office)--Filed January 11, 1922. No petition filed.
- INITIATIVE MEASURE NO. 39 (Repealing Chapter 138, Laws of 1913, Relating to the Initiative Procedure)--Filed January 11, 1922. No petition filed.
- *INITIATIVE MEASURE NO. 40 (Repealing Chapter 174, Laws of 1921, Relating to the Poll Tax)--Filed January 18, 1922. Submitted to the voters at the state general election held on November 7, 1922. Measure approved into law by the following vote: For--193,356 Against--63,494. Act is now identified as Chapter 1, Laws of 1923.
- INITIATIVE MEASURE NO. 41 (Nonpartisan Elections)--Filed January 18, 1922. No petition filed.
- INITIATIVE MEASURE NO. 42 (Workmen's Compensation Measure)--Filed January 24, 1922. Same as Initiative Measure No. 47; no petition filed.
- INITIATIVE MEASURE NO. 43 (Relating to Injunctions in Labor Disputes)--Filed January 24, 1922. No petition filed.
- INITIATIVE MEASURE NO. 44 (Relating to Municipal Ownership)--Filed January 28, 1922. No petition filed.
- INITIATIVE MEASURE NO. 45 (Legislative Reapportionment)--Filed February 14, 1922. No petition filed.
- INITIATIVE MEASURE NO. 46 ("30-10" School Plan)--Filed February 21, 1922. Submitted to the voters at the state general election held on November 7, 1922. Failed to pass by the following vote: For--99,150 Against--150,114.
- INITIATIVE MEASURE NO. 47 (Workmen's Compensation Measure)--Filed March 27, 1922. No petition filed.
- INITIATIVE MEASURE NO. 48 (Compulsory School Attendance)--Filed January 7, 1924. No petition filed.
- INITIATIVE MEASURE NO. 49 (Compulsory School Attendance)--Filed January 15, 1924. Submitted to the voters at the state general election held on November 4, 1924. Failed to pass by the following vote: For--158,922 Against--221,500.
- INITIATIVE MEASURE NO. 50 (Limitation of Taxation)--Filed February 21, 1924. Submitted to the voters at the state general election held on November 4, 1924. Failed to pass by the following vote: For--128,677 Against--211,948.
- INITIATIVE MEASURE NO. 51 (Pertaining to Salmon Fishing)--Filed April 2, 1924. No petition filed.
- INITIATIVE MEASURE NO. 52 (Electric Power Measure)--Filed April 8, 1924. Submitted to the voters at the state general election held on November 4, 1924. Failed to pass by the following vote: For--139,492 Against--217,393.
- INITIATIVE MEASURE NO. 53 (Relating to Sanipractic)--Filed February 4, 1926. No petition filed.
- INITIATIVE MEASURE NO. 54 (State Commission to License and Regulate Horse-Racing, Pool-Selling, etc.--Parimutuel Measure)--Filed February 5, 1926. No petition filed.
- INITIATIVE MEASURE NO. 55 (Prohibiting Use of Purse Seines, Fish Traps, Fish Wheels, etc.)--Filed February 16, 1928. No petition filed.

*Indicates measure became law.

INITIATIVES TO THE PEOPLE

INITIATIVE MEASURE NO. 56 (Redistricting State For Legislative Purposes)--Filed April 24, 1930. Refiled as Initiative Measure No. 57.

*INITIATIVE MEASURE NO. 57 (Redistricting State for Legislative Purposes)--Filed April 25, 1930. Submitted to the voters at the state general election held on November 4, 1930. Measure approved into law by the following vote: For--116,436 Against--115,641. Act is now identified as Chapter 2, Laws of 1931.

*INITIATIVE MEASURE NO. 58 (Permanent Registration)--Filed January 9, 1932. Submitted to the voters at the state general election held on November 8, 1932. Measure approved into law by the following vote: For--372,061 Against--75,381. Act is now identified as Chapter 1, Laws of 1933.

INITIATIVE MEASURE NO. 59 (Tax Free Homes)--Filed January 9, 1932. No petition filed.

INITIATIVE MEASURE NO. 60 (Licensing of Mercantile Establishments)--Filed January 9, 1932. No petition filed.

*INITIATIVE MEASURE NO. 61 (Relating to Intoxicating Liquors)--Filed January 9, 1932. Submitted to the voters at the state general election held on November 8, 1932. Measure approved into law by the following vote: For--341,450 Against--208,211. Act is now identified as Chapter 2, Laws of 1933.

*INITIATIVE MEASURE NO. 62 (Creating Department of Game)--Filed January 9, 1932. Submitted to the voters at the state general election held on November 8, 1932. Measure approved into law by the following vote: For--270,421 Against--231,863. Act is now identified as Chapter 3, Laws of 1933.

INITIATIVE MEASURE NO. 63 (Exemption of Homes from Taxation)--Filed January 9, 1932. No petition filed.

*INITIATIVE MEASURE NO. 64 (Limits Tax Levy on Real and Personal Property to 40 Mills)--Filed January 9, 1932. Submitted to the voters at the state general election held on November 8, 1932. Measure approved into law by the following vote: For--303,384 Against--190,619. Act is now identified as Chapter 4, Laws of 1933.

INITIATIVE MEASURE NO. 65 (Cascade Mountain Tunnel)--Filed February 19, 1932. No petition filed.

INITIATIVE MEASURE NO. 66 (Scientific Birth Control)--Filed February 26, 1932. No petition filed.

INITIATIVE MEASURE NO. 67 (Abolishes Excise Tax on Butter Substitutes)--Filed March 7, 1932. No petition filed.

INITIATIVE MEASURE NO. 68 (Unemployment Insurance)--Filed March 21, 1932. No petition filed.

*INITIATIVE MEASURE NO. 69 (Income Tax Measure)--Filed March 22, 1932. Submitted to the voters at the state general election held on November 8, 1932. Measure approved into law by the following vote: For--322,919 Against--136,983. Act is now identified as Chapter 5, Laws of 1933.

INITIATIVE MEASURE NO. 70 (Compulsory Military Training Prohibited)--Filed April 4, 1932. No petition filed.

INITIATIVE MEASURE NO. 71 (Liquor Control)--Filed January 8, 1934. No petition filed.

INITIATIVE MEASURE NO. 72 (Distribution of Highway Funds)--Filed January 8, 1934. No petition filed.

INITIATIVE MEASURE NO. 73 (Catching of Fish)--Filed January 8, 1934. No petition filed.

*Indicates measure became law.

INITIATIVES TO THE PEOPLE

- INITIATIVE MEASURE NO. 74 (Tax Free Homes)--Filed January 8, 1934. No petition filed.
- INITIATIVE MEASURE NO. 75 (Unemployment Insurance)--Filed January 19, 1934. No petition filed.
- INITIATIVE MEASURE NO. 76 (Tax Free Homes)--Filed January 22, 1934. No petition filed.
- *INITIATIVE MEASURE NO. 77 (Fish Traps and Fishing Regulations)--Filed February 1, 1934. Submitted to the voters at the state general election held on November 6, 1934. Measure approved into law by the following vote: For--275,507 Against--153,811. Act is now identified as Chapter 1, Laws of 1935.
- INITIATIVE MEASURE NO. 78 (Distribution of Highway Funds)--Filed February 9, 1934. No petition filed.
- INITIATIVE MEASURE NO. 79 (Liquor Control)--Filed February 20, 1934. No petition filed.
- INITIATIVE MEASURE NO. 80 (Liquor Control)--Filed February 24, 1934. No petition filed.
- INITIATIVE MEASURE NO. 81 (Liquor Control)--Filed February 28, 1934. No petition filed.
- INITIATIVE MEASURE NO. 82 (Fishing Regulations)--Filed March 10, 1934. No petition filed.
- INITIATIVE MEASURE NO. 83 (State Sale of Gasoline)--Filed March 16, 1934. No petition filed.
- INITIATIVE MEASURE NO. 84 (Blanket Primary)--Filed March 17, 1934. No petition filed.
- INITIATIVE MEASURE NO. 85 (State Fire Insurance)--Filed March 17, 1934. No petition filed.
- INITIATIVE MEASURE NO. 86 (State Fire Insurance)--Filed March 21, 1934. No petition filed.
- INITIATIVE MEASURE NO. 87 (Workmen's Compensation)--Filed March 22, 1934. No petition filed.
- INITIATIVE MEASURE NO. 88 (Liquor Control)--Filed March 24, 1934. No petition filed.
- INITIATIVE MEASURE NO. 89 (One Man Grand Jury)--Filed March 30, 1934. No petition filed.
- INITIATIVE MEASURE NO. 90 (Criminal Appeals)--Filed March 30, 1934. No petition filed.
- INITIATIVE MEASURE NO. 91 (Regulating Motor Carriers)--Filed March 31, 1934. No petition filed.
- INITIATIVE MEASURE NO. 92 (Regulating Motor Carriers)--Filed April 9, 1934. No petition filed.
- INITIATIVE MEASURE NO. 93 (Distribution of Highway Funds)--Filed May 10, 1934. Insufficient number of signatures on petition; failed.
- *INITIATIVE MEASURE NO. 94 (40-Mill Tax Limit)--Filed May 18, 1934. Submitted to the voters at the state general election held on November 6, 1934. Measure approved into law by the following vote: For--219,635 Against--192,168. Act is now identified as Chapter 2, Laws of 1935.
- INITIATIVE MEASURE NO. 95 (Liquor Control)--Filed May 26, 1934. No petition filed.

*Indicates measure became law.

INITIATIVES TO THE PEOPLE

- INITIATIVE MEASURE NO. 96 (Repeal of Business Occupation Tax)--Filed June 4, 1934. No petition filed.
- INITIATIVE MEASURE NO. 97 (Dog Racing)--Filed June 7, 1934. Insufficient number of signatures on petition; failed.
- INITIATIVE MEASURE NO. 98 (Business and Occupation Tax)--Filed January 4, 1936. No petition filed.
- INITIATIVE MEASURE NO. 99 (Distribution of Highway Funds)--Filed January 4, 1936. No petition filed.
- INITIATIVE MEASURE NO. 100 (40-Mill Tax Limit)--Filed January 4, 1936. No petition filed.
- INITIATIVE MEASURE NO. 101 (Civil Service)--Filed January 14, 1936. Submitted to the voters at the state general election held on November 3, 1936. Failed to pass by the following vote: For--208,904 Against--300,274.
- INITIATIVE MEASURE NO. 102 (Creating "State Government Bank" Department)--Filed January 21, 1936. No petition filed.
- INITIATIVE MEASURE NO. 103 (Old Age Pension)--Filed January 17, 1936. No petition filed.
- INITIATIVE MEASURE NO. 104 (Tax on Gasoline)--Filed February 27, 1936. No petition filed.
- INITIATIVE MEASURE NO. 105 (Relating to Gill Nets)--Filed March 3, 1936. No petition filed.
- INITIATIVE MEASURE NO. 106 (Voter's Identification Certificate)--Filed March 3, 1936. No petition filed.
- INITIATIVE MEASURE NO. 107 (Tax on Gasoline)--Filed March 7, 1936. No petition filed.
- INITIATIVE MEASURE NO. 108 (40-Mill Tax Limit)--Filed March 12, 1936. No petition filed.
- INITIATIVE MEASURE NO. 109 (Admission of Sick to Hospitals)--Filed March 14, 1936. No petition filed.
- INITIATIVE MEASURE NO. 110 (Annuity for Crippled and Blind)--Filed March 27, 1936. No petition filed.
- INITIATIVE MEASURE NO. 111 (Admission of Sick to Hospitals)--Filed April 8, 1936. No petition filed.
- INITIATIVE MEASURE NO. 112 (Abolishing Compulsory Military Training)--Filed April 9, 1936. No petition filed.
- INITIATIVE MEASURE NO. 113 (Tax on Gasoline)--Filed April 15, 1936. No petition filed.
- *INITIATIVE MEASURE NO. 114 (40-Mill Tax Limit)--Filed April 21, 1936. Submitted to the voters at the state general election held on November 3, 1936. Measure approved into law by the following vote: For--417,641 Against--120,478. Act is now identified as Chapter 1, Laws of 1937.
- INITIATIVE MEASURE NO. 115 (Old Age Pension)--Filed April 21, 1936. Submitted to the voters at the state general election held on November 3, 1936. Failed to pass by the following vote: For--153,551 Against--354,162.
- INITIATIVE MEASURE NO. 116 (Tax on Gasoline)--Filed April 24, 1936. No petition filed.

*Indicates measure became law.

INITIATIVES TO THE PEOPLE

- INITIATIVE MEASURE NO. 117 (Production for Use)--Filed May 1, 1936. No petition filed.
- INITIATIVE MEASURE NO. 118 (Liens for Labor)--Filed May 5, 1936. No petition filed.
- INITIATIVE MEASURE NO. 119 (Production for Use)--Filed May 9, 1936. Submitted to the voters at the state general election held on November 3, 1936. Failed to pass by the following vote: For--97,329 Against--370,140.
- INITIATIVE MEASURE NO. 120 (Tax on Gasoline)--Filed May 11, 1936. No petition filed.
- INITIATIVE MEASURE NO. 121 (Beer on Sunday)--Filed May 14, 1936. No petition filed.
- INITIATIVE MEASURE NO. 122 (Pertaining to Bribery and Grafting)--Filed May 21, 1936. No petition filed.
- INITIATIVE MEASURE NO. 123 (Business and Occupation Tax)--Filed January 27, 1938. No petition filed.
- INITIATIVE MEASURE NO. 124 (Distribution of Highway Funds)--Filed February 9, 1938. No petition filed.
- INITIATIVE MEASURE NO. 125 (Tax on Intoxicating Liquors)--Filed February 15, 1938. No petition filed.
- *INITIATIVE MEASURE NO. 126 (Nonpartisan School Election)--Filed February 24, 1938. Submitted to the voters at the state general election held on November 8, 1938. Measure approved into law by the following vote: For--293,202 Against--153,142. Act is now identified as Chapter 1, Laws of 1939.
- INITIATIVE MEASURE NO. 127 (Distribution of Highway Funds)--Filed March 14, 1938. No petition filed.
- INITIATIVE MEASURE NO. 128 (Civil Service)--Filed March 14, 1938. No petition filed.
- *INITIATIVE MEASURE NO. 129 (40-Mill Tax Limit)--Filed March 18, 1938. Submitted to the voters at the state general election held on November 8, 1938. Measure approved into law by the following vote: For--340,296 Against--149,534. Act is now identified as Chapter 2, Laws of 1939.
- INITIATIVE MEASURE NO. 130 (Regulation of Labor Disputes)--Filed April 6, 1938. Submitted to the voters at the state general election held on November 8, 1938. Failed by the following vote: For--268,848 Against--295,431.
- INITIATIVE MEASURE NO. 131 (Civil Service)--Filed April 7, 1938. No petition filed.
- INITIATIVE MEASURE NO. 132 (Old Age Assistance)--Filed April 12, 1938. No petition filed.
- INITIATIVE MEASURE NO. 133 (Relating to Licensing Gambling)--Filed April 15, 1938. No petition filed.
- INITIATIVE MEASURE NO. 134 (Old Age Assistance)--Filed April 19, 1938. No petition filed.
- INITIATIVE MEASURE NO. 135 (40-Mill Tax Limit)--Filed May 14, 1938. Insufficient number of signatures on petition; failed.
- INITIATIVE MEASURE NO. 136 (Relating to Retail Beer and Wine Licenses)--Filed June 3, 1938. No petition filed.
- INITIATIVE MEASURE NO. 137 (Relating to Gambling)--Filed June 9, 1938. No petition filed.
- INITIATIVE MEASURE NO. 138 (Relating to Gambling)--Filed June 13, 1938. No petition filed.

*Indicates measure became law.

INITIATIVES TO THE PEOPLE

- INITIATIVE MEASURE NO. 139 (P. U. D. Bonds)--Filed January 5, 1940. Submitted to the voters at the state general election held on November 5, 1940. Failed by the following vote: For--253,318 Against--362,508.
- INITIATIVE MEASURE NO. 140 (Liquor Control)--Filed January 9, 1940. No petition filed.
- *INITIATIVE MEASURE NO. 141 (Old Age Pension)--Filed January 11, 1940. Submitted to the voters at the state general election held on November 5, 1940. Measure approved into law by the following vote: For--358,009 Against--258,819. Act is now identified as Chapter 1, Laws of 1941.
- INITIATIVE MEASURE NO. 142 (Chain Store Tax)--Filed January 16, 1940. No petition filed.
- INITIATIVE MEASURE NO. 143 (Relating to State Sale of Gas and Oil)--Filed February 2, 1940. No petition filed.
- INITIATIVE MEASURE NO. 144 (Unicameral Legislature)--Filed February 23, 1940. Withdrawn. Refiled as Initiative Measure No. 147.
- INITIATIVE MEASURE NO. 145 (Government Reorganization)--Filed March 18, 1940. No petition filed.
- INITIATIVE MEASURE NO. 146 (Relating to Sabbath Breaking)--Filed March 22, 1940. No petition filed.
- INITIATIVE MEASURE NO. 147 (Unicameral Legislature)--Filed April 9, 1940. No petition filed.
- INITIATIVE MEASURE NO. 148 (Liquor Control)--Filed May 18, 1940. No petition filed.
- INITIATIVE MEASURE NO. 149 (Anti-Subversive Activities)--Filed May 23, 1940. No petition filed.
- INITIATIVE MEASURE NO. 150 (Intoxicating Liquor Sold by the Drink)--Filed January 3, 1942. No petition filed.
- INITIATIVE MEASURE NO. 151 (Old Age Assistance)--Filed January 3, 1942. Submitted to the voters at the state general election held on November 3, 1942. Failed to pass by the following vote: For--160,084 Against--225,027.
- INITIATIVE MEASURE NO. 152 (Creating State Elective Offices of Director of Labor and Industries, Director of Social Security and Director of Agriculture)--Filed January 27, 1942. No petition filed.
- INITIATIVE MEASURE NO. 153 (Reconstitution of Board of State Land Commissioners)--Filed February 24, 1942. No petition filed.
- INITIATIVE MEASURE NO. 154 (After Discharge Benefits to Persons in the Armed Forces)--Filed April 28, 1942. No petition filed.
- INITIATIVE MEASURE NO. 155 (Washington Employment Peace Act)--Filed January 10, 1944. No petition filed.
- INITIATIVE MEASURE NO. 156 (Liberalization of Old Age Assistance Laws)--Filed February 19, 1944. Refiled as Initiative Measure No. 157.
- INITIATIVE MEASURE NO. 157 (Liberalization of Old Age Assistance Laws)--Filed March 3, 1944. Submitted to the voters at the state general election November 7, 1944. Failed to pass by the following vote: For--240,565 Against--403,756.
- INITIATIVE MEASURE NO. 158 (Liberalization of Old Age Assistance Laws by the Townsend Clubs of Washington)--Filed March 28, 1944. Submitted to the voters at the state general election November 7, 1944. Failed to pass by the following vote: For--184,405 Against--437,502.

*Indicates measure became law.

INITIATIVES TO THE PEOPLE

- INITIATIVE MEASURE NO. 159 (Increase of Injured Workmen's Compensation)--Filed January 5, 1946. Insufficient signatures presented July 10, 1946, and measure not certified to general election ballot.
- INITIATIVE MEASURE NO. 160 (Increase of Injured Workmen's Compensation)--Filed January 5, 1946. No petition filed.
- INITIATIVE MEASURE NO. 161 (Changing Form of General Election Ballot to Conform with Primary Election Ballot)--Filed January 5, 1946. No petition filed.
- INITIATIVE MEASURE NO. 162 (Prohibiting the Governor from Employing Members of the Legislature During the Term for Which He Shall Have Been Elected)--Filed January 5, 1946. No petition filed.
- INITIATIVE MEASURE NO. 163 (Prohibiting the Sale of Beer or Wine by any Person other than the State of Washington)--Filed January 9, 1946. Insufficient signatures presented July 6, 1946, and measure not certified to general election ballot.
- INITIATIVE MEASURE NO. 164 (Prohibiting the Sale of Fortified Wines)--Filed February 25, 1946. No petition filed.
- INITIATIVE MEASURE NO. 165 (Providing for the Sale of Liquor by the Drink)--Filed March 1, 1946. Insufficient signatures presented July 8, 1946, and measure not certified to general election ballot.
- INITIATIVE MEASURE NO. 166 (Relating to Public Utility Districts; requiring approval of voters as prerequisite to acquisition of any operating electrical utility properties, etc.)--Filed April 24, 1946. Signature petitions filed June 29, 1946, submitted to the voters at the state general election held on November 5, 1946. Failed by the following vote: For--220,239 Against--367,836.
- INITIATIVE MEASURE NO. 167 (Providing Liquor by the Drink at Licensed Establishments)--Filed January 2, 1948. Insufficient valid signatures presented July 6, 1948, and measure not certified to state general election ballot.
- INITIATIVE MEASURE NO. 168 (Providing Liquor by the Drink for Consumption on Premises Where Sold)--Filed January 2, 1948. No signature petitions presented for checking.
- *INITIATIVE MEASURE NO. 169 (Providing Bonus to Veterans of World War II)--Filed January 2, 1948. Signature petitions filed July 9, 1948, and found sufficient. Submitted to the voters at the state general election held on November 2, 1948. Measure approved into law by the following vote: For--438,518 Against--337,410. However, State Supreme Court ruled measure unconstitutional February 4, 1949. As consequence similar measure passed into law by 1949 Legislature (Chapter 180, Laws of 1949).
- INITIATIVE MEASURE NO. 170 (Relating to Liberalization of Social Security Laws)--Filed January 13, 1948. Because sponsor desired changes in text of proposed law, measure refiled as Initiative Measure No. 172.
- INITIATIVE MEASURE NO. 171 (Providing Liquor by the Drink with Certain Restrictions)--Filed January 19, 1948. Signature petitions filed July 7, 1948, and found sufficient. Submitted to the voters at the state general election held on November 2, 1948. Measure approved into law by the following vote: For--416,227 Against--373,418. Act is now identified as Chapter 5, Laws of 1949.
- *INITIATIVE MEASURE NO. 172 (Relating to Liberalization of Social Security Laws)--Filed February 26, 1948. Signature petitions filed July 9, 1948, and found sufficient. Submitted to the voters at the state general election held on November 2, 1948. Measure approved into law by the following vote: For--420,751 Against--352,642. Act is now identified as Chapter 6, Laws of 1949.
- INITIATIVE MEASURE NO. 173 (Providing for the Observance of Daylight Saving Time in the State of Washington)--Filed May 20, 1948. No signature petitions presented for checking.

*Indicates measure became law.

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- INITIATIVE MEASURE NO. 174 (Making application to Congress to call a Convention for the sole purpose of proposing an amendment to the Constitution of the United States to expedite and insure participation of the United States in a world federal government)--Filed January 16, 1950. No signature petitions presented for checking.
- INITIATIVE MEASURE NO. 175 (Establishing a Department of Youth Protection to operate the Washington State Training School and the State School for Girls under nonpartisan control)--Filed March 31, 1950. No signature petitions presented for canvassing. Essential provisions of this measure enacted by the 1951 Legislature (Chapter 234, Laws of 1951).
- INITIATIVE MEASURE NO. 176 (Increasing to sixty-five dollars monthly the minimum grant for certain categories of public assistance, otherwise extending the social security program, and making an appropriation)--Filed April 20, 1950. Submitted to the voters at the state general election held on November 7, 1950. Failed to pass by the following vote: For--159,400 Against--534,689.
- INITIATIVE MEASURE NO. 177--Filed May 1, 1950. Refiled May 5, 1950, as Initiative Measure No. 178.
- *INITIATIVE MEASURE NO. 178 (Modifying the Citizens' Security Act of 1948 (Initiative Measure No. 172) and transferring the public assistance medical program to the State Department of Health)--Filed May 5, 1950. Submitted to the voters at the state general election held on November 7, 1950. Measure approved into law by the following vote: For--394,261 Against--296,290. Act is now identified as Chapter 1, Laws of 1951.
- INITIATIVE MEASURE NO. 179 (Liberalizing unemployment compensation benefits and repealing that portion of the Unemployment Compensation Act providing for employer experience rating)--Filed May 5, 1950. No signature petitions presented for checking.
- *INITIATIVE MEASURE NO. 180 (Authorizing the Manufacture, Sale and Use of Colored Oleomargarine)--Filed February 4, 1952. Submitted to the voters at the state general election held on November 4, 1952. Measure approved into law by the following vote: For--836,580 Against--163,752. Act is now identified as Chapter 1, Laws of 1953.
- *INITIATIVE MEASURE NO. 181 (Prescribing the Observance of Standard Time)--Filed February 27, 1952. Submitted to the voters at the state general election held on November 4, 1952. Measure approved into law by the following vote: For--597,558 Against--397,928. Act is now identified as Chapter 2, Laws of 1953.
- INITIATIVE MEASURE NO. 182 (Repealing Sunday Blue Laws)--Filed March 24, 1952. No signature petitions presented for checking.
- INITIATIVE MEASURE NO. 183 (Petitioning Congress to declare a policy of the United States to live in peaceful coexistence with other nations and to call a conference of the heads of leading nations to negotiate a settlement of existing differences)--Filed March 26, 1952. No signature petitions presented for checking.
- INITIATIVE MEASURE NO. 184 (Liberalizing Old Age Pension Laws)--Filed April 3, 1952. Submitted to the voters at the state general election held on November 4, 1952. Failed by the following vote: For--265,193 Against--646,534.
- INITIATIVE MEASURE NO. 185 (Liberalizing Old Age Pension Laws)--Filed April 11, 1952. No signature petitions presented for checking.
- INITIATIVE MEASURE NO. 186 (Providing a Civil Service System for Employees of County Sheriffs)--Filed April 14, 1952. No signature petitions presented for checking.
- INITIATIVE MEASURE NO. 187 (Permitting a Modified Coloring of Oleomargarine)--Filed May 15, 1952. No signature petitions presented for checking.
- INITIATIVE MEASURE NO. 188 (Raising Standards for Chiropractic Examinations)--Filed January 4, 1954. Submitted to the voters at the state general election held on November 2, 1954. Failed by the following vote: For--320,179 Against--493,108.

*Indicates measure became law.

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- INITIATIVE MEASURE NO. 189 (Legislative Reapportionment)--Filed January 4, 1954. No signature petitions presented for checking.
- INITIATIVE MEASURE NO. 190 (Presidential Preference Primary)--Filed January 6, 1954. No signature petitions presented for checking.
- INITIATIVE MEASURE NO. 191 (Attorneys' Fees in Probate)--Filed January 21, 1954. No signature petitions presented for checking.
- INITIATIVE MEASURE NO. 192 (Regulation of Commercial Salmon Fishing)--Filed February 16, 1954. Submitted to the voters at the state general election held on November 2, 1954. Failed by the following vote: For--237,004 Against--555,151.
- INITIATIVE MEASURE NO. 193 (State-Wide Daylight Saving Time)--Filed February 23, 1954. Submitted to the voters at the state general election held on November 2, 1954. Failed by the following vote: For--370,005 Against--457,529.
- INITIATIVE MEASURE NO. 194 (Restricting Television Alcoholic Beverage Advertising)--Filed March 26, 1954. Submitted to the voters at the state general election held on November 2, 1954. Failed by the following vote: For--207,746 Against--615,794.
- INITIATIVE MEASURE NO. 195 (State Toll Commission)--Filed March 30, 1954. No signature petitions presented for checking.
- INITIATIVE MEASURE NO. 196 (Amending the Unemployment Compensation Act)--Filed April 23, 1954. No signature petitions presented for checking.
- INITIATIVE MEASURE NO. 197 (Restricting Dams: Columbia River Tributaries)--Filed May 12, 1954. No signature petitions presented for checking.
- INITIATIVE MEASURE NO. 198 (Affecting Employer-Employee Relations)--Filed January 19, 1956. Submitted to the voters at the state general election held on November 6, 1956. Failed to pass by the following vote: For--329,653 Against--704,903.
- *INITIATIVE MEASURE NO. 199 (Legislative Reapportionment and Redistricting)--Filed February 16, 1956. Submitted to the voters at the November 6, 1956 state general election. Measure approved into law by the following vote: For--448,121 Against--406,287. However, 1957 Legislature extensively amended this act by passing Chapter 289, Laws of 1957 by two-thirds approval of both branches of the Legislature.
- INITIATIVE MEASURE NO. 200 (Increasing Public Assistance Benefits)--Filed February 27, 1956. No signature petitions submitted for checking.
- INITIATIVE MEASURE NO. 201 (Washington Fair Labor Standards Act)--Filed March 2, 1956. No signature petitions submitted for checking.
- INITIATIVE MEASURE NO. 202 (Restricting Labor Agreements)--Filed January 6, 1958. Signature petitions filed July 3, 1958 and found sufficient. Submitted to voters at the state general election held on November 4, 1958. Failed by the following vote: For--339,742 Against--596,949.
- INITIATIVE MEASURE NO. 203 (Wood Pulp Waste Tax)--Filed February 28, 1959. No signature petitions presented for checking.
- INITIATIVE MEASURE NO. 204 (Civil Service for State Employees)--Filed January 8, 1960. No signature petitions presented for checking.
- INITIATIVE MEASURE NO. 205 (Authorizing Tavern Spirituous Liquor Licenses)--Filed January 8, 1960. Signature petitions filed July 8, 1960 and found sufficient. Submitted to the voters at the November 8, 1960 state general election. Failed by the following vote: For--357,455 Against--799,643.
- INITIATIVE MEASURE NO. 206 (Authorizing and Licensing "Dentistry")--Filed January 11, 1960. No signature petitions presented for checking.

*Indicates measure became law.

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- ***INITIATIVE MEASURE NO. 207 (Civil Service for State Employees)**--Filed January 13, 1960. Signature petitions filed July 8, 1960 and found sufficient. Submitted to the voters at the November 8, 1960 state general election. Measure approved into law by the following vote: **For**--606,511 **Against**--471,730. Act is now identified as Chapter 1, Laws of 1961.
- ***INITIATIVE MEASURE NO. 208 (Authorizing Joint Tenancies in Property)**--Filed January 13, 1960. Signature petitions filed July 8, 1960 and found sufficient. Submitted to the voters at the November 8, 1960 state general election. Measure approved into law by the following vote: **For**--647,529 **Against**--430,698. Act is now identified as Chapter 2, Laws of 1961.
- INITIATIVE MEASURE NO. 209 (Minimum Old Age Assistance Grants)**--Filed February 8, 1960. No signature petitions presented for checking.
- ***INITIATIVE MEASURE NO. 210 (State-Wide Daylight Saving Time)**--Filed April 15, 1960. Signature petitions filed July 8, 1960 and found sufficient. Submitted to the voters at the November 8, 1960 state general election. Measure approved into law by the following vote: **For**--596,135 **Against**--556,623. Act is now identified as Chapter 3, Laws of 1961.
- INITIATIVE MEASURE NO. 211 (State Legislative Reapportionment and Redistricting)**--Filed January 8, 1962 by the League of Women Voters of Washington. Signature petitions filed on June 29, 1962 and as of August 22, 1962 it was determined that the necessary number of valid signatures had been submitted to certify measure to the voters for decision at the 1962 state general election. Measure was rejected by the voters by the vote: **For**--396,419 **Against**--441,085.
- INITIATIVE MEASURE NO. 212 (Repealing Certain 1961 Tax Laws)**--Filed January 8, 1962 by the Citizens' Tax Revolt Group. Campaign for supporting signatures was not successful and, as a consequence, no signature petition sheets were filed for checking.
- INITIATIVE MEASURE NO. 213 (Authorizing and Licensing "Dentistry")**--Filed January 8, 1962 by the Washington Society of Denturists. Campaign for supporting signatures was not successful and, as a consequence, no signature petition sheets were filed for checking.
- INITIATIVE MEASURE NO. 214 (Restricting the Legislature's Tax Power)**--Filed February 19, 1962 by the Citizens' Tax Revolt Group. Campaign for supporting signatures was not successful and, as a consequence, no signature petition sheets were filed for checking.
- ***INITIATIVE MEASURE NO. 215 (Marine Recreation Land Act)**--Filed January 3, 1964 by the Citizens for Outdoor Recreation--Marvin B. Durning, Chairman. Signature petitions filed July 3, 1964 and found sufficient. Submitted to the voters at the November 3, 1964 state general election. Measure approved into law by the following vote: **For**--665,737 **Against**--381,743. Act is now identified as Chapter 5, Laws of 1965.
- INITIATIVE MEASURE NO. 216 (Repeal--County, Regional Planning Act)**--Filed January 3, 1964 by the Committee for Private Property Rights--Joseph W. Shott, Chairman. No signature petitions presented for checking.
- INITIATIVE MEASURE NO. 217 (Election of State Game Commissioners)**--Filed January 8, 1964 by the Washington State Wild Life Council, Inc.--Theodore E. Lohman, Vice President. Refiled as Initiative Measure No. 221.
- INITIATIVE MEASURE NO. 218 (Automotive Repair Regulatory Act)**--Filed January 10, 1964 by the Car Owners Association of Washington--John S. Kelly, President. No signature petitions presented for checking.
- INITIATIVE MEASURE NO. 219 (Repeal of Metro Enabling Act)**--Filed January 20, 1964 by the Committee on Constitutional Rights of the State of Washington--Mrs. Ann Katheryn Jensen, Chairman. No signature petitions presented for checking.
- INITIATIVE MEASURE NO. 220 (Repeal of Urban Renewal Law)**--Filed January 20, 1964 by the Committee on Constitutional Rights of the State of Washington--Mrs. Ann Katheryn Jensen, Chairman. No signature petitions presented for checking.

*Indicates measure became law.

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- INITIATIVE MEASURE NO. 221 (Election of State Game Commissioners)--Filed February 13, 1964 by the Washington State Wild Life Council, Inc.—Theodore E. Lohman, Vice President. No signature petitions presented for checking.
- INITIATIVE MEASURE NO. 222 (Reallocation of Liquor Sales Revenue)--Filed February 20, 1964 by the More & Better Schools for Washington—Lloyd M. Brown, President. No signature petitions presented for checking.
- INITIATIVE MEASURE NO. 223 (Extending Saturday Night Closing Hours)--Filed February 26, 1964 by the Citizens Committee for Sensible Closing Hours—Chester W. Ramage, President. No signature petitions presented for checking.
- INITIATIVE MEASURE NO. 224 (Prohibiting City Street Parking Fees)--Filed March 31, 1964 by the Committee to Ban Parking Meters in the State of Washington—Edward John Kiter, Chairman. No signature petitions presented for checking.
- INITIATIVE MEASURE NO. 225 (Repealing State Statutes Against Discrimination)--Filed April 23, 1964 by the Committee for Preservation of Freedom of Choice—William P. Brophy, Chairman. No signature petitions presented for checking.
- INITIATIVE MEASURE NO. 226 (Cities Sharing Sales, Use Taxes)--Filed January 10, 1966 by the Citizens' Committee for Community Betterment, Wayne C. Booth, Sr. of Seattle, Chairman. Signatures (180,896) filed July 8, 1966 and found sufficient. Measure submitted to the voters for decision at the November 8, 1966 state general election and rejected by the following vote: For--403,700 Against--514,281.
- INITIATIVE MEASURE NO. 227 (Buying Back Breakable Beverage Bottles)--Filed January 10, 1966 by W. N. Dahmen on behalf of his son Randall Douglas Dahmen of Spokane. No signatures presented for checking.
- INITIATIVE MEASURE NO. 228 (Tax Exemption: Food and Medicine)--Filed February 1, 1966 by Karl J. Beaty of Tacoma. No signatures presented for checking.
- *INITIATIVE MEASURE NO. 229 (Repealing Sunday Activities Blue Law)--Filed February 17, 1966 by Lembhard G. Howell, David Sternhoff and Mark Patterson. Signatures (187,463) filed July 6, 1966 and found sufficient. Measure submitted to the voters for decision at the November 8, 1966 state general election and approved into law by the following vote: For--604,096 Against--333,972. Act is now identified as Chapter 1, Laws of 1967.
- INITIATIVE MEASURE NO. 230 (Rendering Emergency Aid--Liability Limitation)--Filed February 17, 1966 and cosponsored jointly by the Washington State Association of Fire Chiefs, Washington State Firemen's Association, and Washington Association of Sheriffs and Police Chiefs. No signatures presented for checking.
- INITIATIVE MEASURE NO. 231 (Repealing Freight Train Crew Law)--Filed March 11, 1966 by the Committee for Transportation Economy—Fred H. Tolan, Chairman. Refiled as Initiative Measure No. 233.
- INITIATIVE MEASURE NO. 232 (Supreme Court Judges--Powers--Election)--Filed March 14, 1966 by Walter H. Philipp of Seattle. No signatures presented for checking. Refiled as Initiative Measure No. 31 to the Legislature.
- *INITIATIVE MEASURE NO. 233 (Repealing Freight Train Crew Law)--Filed March 22, 1966 by same sponsors of Initiative Measure No. 231. The only change in text of Initiative Measure No. 233 was the deletion of one sentence of the preamble as contained in Section I of Initiative Measure No. 231. Thus, for all practical purposes, the two initiative measures cover the same legal ground. Signatures (166,866) filed July 6, 1966 and found to be sufficient. Measure submitted to the voters for decision at the November 8, 1966 state general election and approved into law by the following vote: For--591,015 Against--339,978. Act is now identified as Chapter 2, Laws of 1967.
- INITIATIVE MEASURE NO. 234 (Civil Service--Certain County Employees)--Filed March 30, 1966 by the Committee to Improve County Government. The scope of this measure

*Indicates measure became law.

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was limited to class AA and class A counties (King, Pierce and Spokane). In order to obtain additional support, a new proposal was drafted extending civil service to all counties and filed as Initiative Measure No. 237. For this reason, no attempt was made to obtain signatures for Initiative Measure No. 234.

- INITIATIVE MEASURE NO. 235 (**Repealing Certain Mental Health Laws**)--Filed April 1, 1966 by Mrs. Rose R. Garrett Nelson of Puyallup. No signatures presented for checking.
- INITIATIVE MEASURE NO. 236 (**Regulating Highway--Railroad Crossings**)--Filed April 15, 1966 by the Committee for the Elimination of Public Grade Crossings--Arthur J. McGinn of Spokane, Chairman. No signatures presented for checking.
- INITIATIVE MEASURE NO. 237 (**Civil Service for County Employees**)--Filed April 15, 1966 by the Committee to Improve County Government--Anne Shannon of Des Moines, Secretary. No signatures presented for checking.
- INITIATIVE MEASURE NO. 238 (**Prohibiting Regulation of Land Use**)--Filed January 5, 1968 by the Committee for Private Property Rights--Joseph W. Shott of Olympia, Chairman. No signatures presented for checking.
- INITIATIVE MEASURE NO. 239 (**Mandatory County Civil Service System**)--Filed January 10, 1968 by the Special Committee of the King County Employees Association--Walter P. Barclay of Seattle, Chairman. No signatures presented for checking.
- INITIATIVE MEASURE NO. 240 (**Termination: Certain Land Use Regulations**)--Filed January 15, 1968 by Robert W. Sollars of Everett. No signatures presented for checking.
- INITIATIVE MEASURE NO. 241 (**Calling 1970 State Constitutional Convention**)--Filed February 2, 1968 by the Committee to Call a Constitutional Convention--S. Lynn Sutcliffe of Seattle, Chairman. No signatures presented for checking.
- *INITIATIVE MEASURE NO. 242 (**Drivers' Implied Consent--Intoxication Tests**)--Filed February 8, 1968 by the Washington State Medical Association--Dr. Charles P. Larson of Seattle, Vice-President. Signatures (123,589) filed July 3, 1968 and found sufficient. Measure submitted to the voters for decision at the November 5, 1968 state general election and approved into law by the following vote: **For--792,242 Against--394,644**. Act is now identified as Chapter 1, Laws of 1969.
- INITIATIVE MEASURE NO. 243 (**Information for Life Insurance Purchasers**)--Filed February 19, 1968 by Theodore Radcliffe of Wenatchee. No signatures presented for checking.
- INITIATIVE MEASURE NO. 244 (**State--County Tax Millage Shift**)--Filed February 23, 1969 by the Washington State Association of County Commissioners. No signatures presented for checking.
- *INITIATIVE MEASURE NO. 245 (**Reducing Maximum Retail Service Charges**)--Filed April 4, 1968 by Joseph H. Davis, President, and Marvin L. Williams, Secretary-Treasurer of the Washington State Labor Council, AFL-CIO. Signatures (143,395) filed July 5, 1968 and found sufficient. Measure submitted to the voters for decision at the November 5, 1968 state general election and approved into law by the following vote: **For--642,902 Against--551,394**. Act is now identified as Chapter 2, Laws of 1969.
- INITIATIVE MEASURE NO. 246--Filed January 6, 1970 by Donald N. McDonald. Immediately after filing, the sponsor decided to abandon the initiative measure. For this reason, Attorney General did not issue ballot title and no further action was taken. Refiled January 22, 1970 as Initiative Measure No. 248.
- INITIATIVE MEASURE NO. 247 (**Increasing Maximum Retail Service Charges**)--Filed January 20, 1970 by the Washington Citizens for Competitive Credit--A. F. Carey of Seattle, Secretary-Treasurer. No signatures presented for checking.
- INITIATIVE MEASURE NO. 248 (**Property Tax Millage Rate Reallocation**)--Filed January 22, 1970 by Donald N. McDonald of Bothell. No signatures presented for checking.

*Indicates measure became law.

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- INITIATIVE MEASURE NO. 249—Filed February 11, 1970 by the Committee for Bingo for Washington—State Representative Mark Litchman, Jr. of Seattle, Chairman. NOTE: Attorney General refused to issue a ballot title for this measure because, in his opinion, the initiative procedure cannot be used to amend the state constitution. No further action was taken by the sponsor.
- INITIATIVE MEASURE NO. 250 (Certain Salary Increases—Voter Approval)—Filed February 17, 1970 by the Committee for Voter Approved Salary Increases—Albert C. Navone of Seattle, Chairman. No signatures presented for checking.
- INITIATIVE MEASURE NO. 251 (State Taxation—To Regulate Imposition)—Filed March 12, 1970 by Vick Gould of Tax Limit League, Bellevue. Signatures (135,668) filed July 3, 1970 and found sufficient. Measure submitted to the voters for decision at the November 3, 1970 state general election and rejected by the following vote: For—504,779 Against—527,263.
- INITIATIVE MEASURE NO. 252 (Property Taxation—Fixing Maximum Rate)—Filed March 12, 1970 by Overtaxed, Inc.—Harley H. Hoppe, President. Due to technical reasons, the sponsor abandoned this measure and no further action was taken.
- INITIATIVE MEASURE NO. 253 (Open Land—Special Taxation Basis)—Filed March 24, 1970 by the Island County Branch of American Taxpayers Association, Inc.—John Metcalf, Vice-chairman. No signatures presented for checking.
- INITIATIVE MEASURE NO. 254 (Certain Gambling Activities—Criminal Exemptions)—Filed March 26, 1970 by the Washington State Federation of Fraternal, Patriotic, City and Country Clubs—M. R. Reynolds, President. No signatures presented for checking.
- INITIATIVE MEASURE NO. 255—Filed April 20, 1970 by Robert H. Keller, Jr. of Bellingham. Refiled April 23, 1970 as Initiative Measure No. 256.
- INITIATIVE MEASURE NO. 256 (Prohibiting Certain Nonrefundable Beverage Receptacles)—Filed April 23, 1970 by Robert H. Keller, Jr., of Bellingham. Signatures (188,102) filed July 1, 1970 and found sufficient. Measure submitted to the voters for decision at the November 3, 1970 state general election and rejected by the following vote: For—511,248 Against—538,118.
- INITIATIVE MEASURE NO. 257 (Licensing Dog Racing—Parimutuel Betting)—Filed April 29, 1970 by Donald Nicholson of Kirkland. No signatures presented for checking.
- INITIATIVE MEASURE NO. 258 (Certain Cities—Greyhound Racing Franchises)—Filed January 7, 1972 by Donald Nicholson of Kirkland. Signatures (151,856) filed July 7, 1972 and found sufficient. Measure submitted to the voters for decision at the November 7, 1972 state general election and rejected by the following vote: For—526,371 Against—895,385.
- INITIATIVE MEASURE NO. 259 (Providing for Presidential Preference Primary)—Filed January 7, 1972 by Bellingham Junior Chamber of Commerce of Bellingham. No signatures presented for checking.
- INITIATIVE MEASURE NO. 260 (Regulating Horse and Dog Racing)—Filed January 7, 1972 by Friends of Dog Racing (et al.) of Federal Way. No signatures presented for checking.
- INITIATIVE MEASURE NO. 261 (Liquor Sales by Licensed Retailers)—Filed January 10, 1972 by Warren B. McPherson and Robert B. Gould of Seattle. Signatures (122,241) filed July 7, 1972 and found sufficient. Measure submitted to the voters for decision at the November 7, 1972 state general election and rejected by the following vote: For—634,973 Against—779,568.
- INITIATIVE MEASURE NO. 262 (Minimum Age—Alcoholic Beverage Purchases)—Filed January 13, 1972 by David G. Huey of Sedro Woolley. No signatures presented for checking.

*Indicates measure became law.

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- INITIATIVE MEASURE NO. 263 (**Tax Reform**)--Filed January 19, 1972 by Robert J. Corcoran of Puyallup. Refiled January 31, 1972 as Initiative Measure No. 267.
- INITIATIVE MEASURE NO. 264 (**Liberalizing State Regulation of Marijuana**)--Filed January 20, 1972 by Stephen Wilcox, Debbie Yarbrough, and Thomsen Abbott of Olympia. No signatures presented for checking.
- INITIATIVE MEASURE NO. 265--Filed January 20, 1972 by Joe Davis of Seattle. Refiled January 25, 1972 as Initiative Measure No. 266 with new sponsor.
- INITIATIVE MEASURE NO. 266 (**Changing Congressional and Legislative Districts**)--Filed January 25, 1972 by Vernon L. Martin of Olympia. No signatures presented for checking.
- INITIATIVE MEASURE NO. 267 (**Repealing Most Property Tax Exemptions**)--Filed January 31, 1972 by Robert J. Corcoran of Puyallup. No signatures presented for checking.
- INITIATIVE MEASURE NO. 268 (**Unicameral Legislature**)--Filed February 8, 1972 by Philip Tenney Rensvold of Olympia. (Attorney General refused to issue ballot title because of opinion that initiative procedure cannot be used to amend constitution.)
- INITIATIVE MEASURE NO. 269 (**Examinations for Diplomas and Degrees**)--Filed February 9, 1972 by Eugene Lydic of Kelso. No signatures presented for checking.
- INITIATIVE MEASURE NO. 270 (**Election Campaign Financial Reports**)--Filed February 10, 1972 by Robert Corcoran of Puyallup. No signatures presented for checking.
- INITIATIVE MEASURE NO. 271 (**Income Tax and Revenue Distribution**)--Filed February 28, 1972 by Charles Clark Marshall of Seattle. No signatures presented for checking.
- INITIATIVE MEASURE NO. 272 (**Recreational Personal Property--Taxation Removed**)--Filed March 1, 1972 by Gary K. Ballew of Vancouver. No signatures presented for checking.
- INITIATIVE MEASURE NO. 273--Filed March 2, 1972 by Margaret C. Tunks of Seattle. Refiled March 13, 1972 as Initiative Measure No. 274 with new sponsor.
- INITIATIVE MEASURE NO. 274 (**Reducing Motor Vehicle Fuel Tax**)--Filed March 13, 1972 by Jeffrey R. Perkins of Seattle. No signatures presented for checking.
- INITIATIVE MEASURE NO. 275 (**Regulating Nonnative Wild Animal Sales**)--Filed March 23, 1972 by Harry and June Delaloye of Seattle. No signatures presented for checking.
- *INITIATIVE MEASURE NO. 276 (**Disclosure--Campaign Finances--Lobbying--Records**)--Filed March 29, 1972 by Michael T. Hildt of Seattle. Signatures (162,710) were submitted and found sufficient. Submitted to the voters for decision at the November 7, 1972 state general election and approved by the following vote: **For--959,143 Against--372,693**. Act is now identified as Chapter 1, Laws of 1973.
- INITIATIVE MEASURE NO. 277 (**Camping on Certain Ocean-Beaches**)--Filed April 5, 1972 by Carl P. Hanun of Aberdeen. No signatures presented for checking.
- INITIATIVE MEASURE NO. 278 (**Tax Revision--Income Tax--Schools**)--Filed April 14, 1972 by Senator Francis E. Holman, Senator Nat Washington, and Representative Charles Moon of Seattle. No signatures presented for checking.
- INITIATIVE MEASURE NO. 279 (**State Funding of Public Schools**)--Filed May 19, 1972 by Alvin C. Leonard, Jr., of Bothell. No signatures presented for checking.
- INITIATIVE MEASURE NO. 280 (**Limiting Special Legislative Sessions**)--Filed March 12, 1973 by Axel Julin, Chairman, Committee to Retain a Part Time Citizen Legislature. No signatures presented for checking.
- INITIATIVE MEASURE NO. 281--Filed June 8, 1973 by Bruce Helm of Alderwood Manor. Refiled June 12, 1973 as Initiative Measure No. 282 with a new sponsor, Kenneth D. Hansen of Seattle.

*Indicates measure became law.

INITIATIVES TO THE PEOPLE

- *INITIATIVE MEASURE NO. 282 (Shall state elected officials' salary increases be limited to 5.5% over 1965 levels, and judges' the same over 1972 levels?)**--Filed June 12, 1973 by Kenneth D. Hansen of Seattle. Signatures (699,098) were submitted and found sufficient. Measure submitted to the voters for decision at the November 6, 1973 state general election and was approved by the following vote: **For--798,338 Against--197,795**. Act is now identified as Chapter 149, Laws of 1974 Extraordinary Session.
- INITIATIVE MEASURE NO. 283 (Shall it be unlawful, except in an emergency, to hitchhike, or to pick up a hitchhiker along a public highway?)**--Filed January 18, 1974 by Ms. Sallyann Devine of Seattle. No signatures presented for checking.
- INITIATIVE MEASURE NO. 284 (Shall corporations pay a 12% excise tax measured by income so that special school levies may be reduced or eliminated?)**--Filed January 22, 1974 by Representative Charles Moon. No signatures presented for checking.
- INITIATIVE MEASURE NO. 285 (Shall all privately or corporately owned land, including residential real estate, annually be taxed a minimum of \$2.50 per acre?)**--Filed January 24, 1974 by Donn C. Higley of Seattle. No signatures presented for checking.
- INITIATIVE MEASURE NO. 286 (Shall the membership of the legislature be reduced from forty-nine senators and ninety-eight representatives to twenty-one senators and sixty-three representatives?)**--Filed January 30, 1974 by Harley H. Hoppe of Seattle. No signatures presented for checking.
- INITIATIVE MEASURE NO. 287 (Shall salmon net fishing be prohibited in designated Puget Sound and adjacent waters unless permitted by a newly established commission?)**--Filed January 31, 1974 by Dr. Charles F. Raab of Port Angeles. No signatures presented for checking.
- INITIATIVE MEASURE NO. 288 (Shall couples with children under 18 be ineligible for divorce and, upon separation, shall a commission oversee their children's rights?)**--Filed February 1, 1974 by Joseph Garske of Yakima. No signatures presented for checking.
- INITIATIVE MEASURE NO. 289 (Shall additional gambling activities, including slot machines and card rooms, be legalized, local regulation prohibited, and the state gambling commission replaced?)**--Filed February 4, 1974 by Roy Needham of Yakima. No signatures presented for checking.
- INITIATIVE MEASURE NO. 290 (Shall liquor prices be limited and revenue distribution formulas changed, a new seven-member liquor board created, and an administrator appointed?)**--Filed February 25, 1974 by Senator William S. "Bill" Day of Spokane. No signatures presented for checking.
- INITIATIVE MEASURE NO. 291 (Shall parents and other persons be prohibited from inflicting or threatening bodily punishment upon children or mentally retarded persons?)**--Filed March 12, 1974 by Ms. Shirley Amiel of Bellevue. No signatures presented for checking.
- INITIATIVE MEASURE NO. 292 (Shall criminal penalties for state traffic law violations and laws imposing state retail sales taxes and use taxes be repealed?)**--Filed March 18, 1974 by Jack Zektzer of Seattle. No signatures presented for checking.
- INITIATIVE MEASURE NO. 293 (Shall present laws governing modification, renewal or nonrenewal of certificated school employees' contracts be repealed and merit salary systems adopted?)**--Filed March 18, 1974 by Senator Hubert F. Donohue of Dayton. No signatures presented for checking.
- INITIATIVE MEASURE NO. 294 (Shall the legislature be reduced to 21 senators and 63 representatives elected from single-member districts established by this initiative?)**--Filed March 26, 1974 by Elizabeth J. Bracelin and Robert L. Burnham, Cosponsors. No signatures presented for checking.
- INITIATIVE MEASURE NO. 295 (Shall the retail sales tax be eliminated on sales of food, clothing, medicines and medical devices, and residential construction costs?)**--Filed April

*Indicates measure became law.

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- 4, 1974 by Richard Dymont, Chairman, Libertarian Party of Washington. No signatures presented for checking.
- INITIATIVE MEASURE NO. 296 (Shall the 1973 law substituting principles of comparative negligence for those of contributory negligence in civil damage actions be repealed?)--Filed April 9, 1974 by James M. Petra of Chehalis. No signatures presented for checking.
- INITIATIVE MEASURE NO. 297 (Shall any gambling activities be legal when licensed by the state gambling commission and authorized by the municipality where conducted?)--Filed April 15, 1974 by Gary Bacon, Chairman, Committee for Local Option. No signatures presented for checking.
- INITIATIVE MEASURE NO. 298 (Shall an initiative be adopted stating that no person shall serve for more than eight consecutive years in the legislature?)--Filed May 10, 1974 by Harry S. Foster of Edmonds. No signatures presented for checking.
- INITIATIVE MEASURE NO. 299 (Shall the tax on retail sales of liquor (spirits) in the original package be reduced by two cents per ounce?)--Filed May 13, 1974 by Alfred J. Schweppe on behalf of the Citizens Committee for Lower Liquor Taxes. Signatures (134,695) filed July 5, 1974. Petition failed. Not enough valid signatures obtained to place the measure on the November 5, 1974 state general election ballot.
- INITIATIVE MEASURE NO. 300 (Shall certain rights of parents regarding public school curricula and teaching materials be defined and some school district programs restricted?)--Filed May 13, 1974 by Ms. Sally F. Tinner of Steilacoom. No signatures presented for checking.
- INITIATIVE MEASURE NO. 301 (Shall present laws governing modification, renewal or nonrenewal of certificated school employees' contracts be repealed?)--Filed January 16, 1975 by Ms. Dorothy Roberts of Bellevue. No signatures presented for checking.
- INITIATIVE MEASURE NO. 302 (Shall the minimum age for the purchase or consumption of alcoholic beverages be lowered to 18 years?)--Filed January 28, 1975 by Ms. Diahn Schmidt of Olympia. No signatures presented for checking.
- INITIATIVE MEASURE NO. 303 (Shall an initiative be adopted declaring persons having served in the Congress a total of twelve years ineligible for reelection?)--Filed January 29, 1975 by Gene Goosman, Sr. of Seattle. No signatures presented for checking.
- INITIATIVE MEASURE NO. 304 (Shall a new commission appoint the director of fisheries and manage food fish and shellfish for commercial and recreational purposes?)--Filed February 3, 1975 by Dr. Charles F. Raab of Port Angeles. No signatures presented for checking.
- INITIATIVE MEASURE NO. 305 (Shall the legal age for the use and consumption of alcoholic beverages be lowered to 19 years?)--Filed February 6, 1975 by Richard Spaulding and William G. Bowie, both of Cheney. No signatures presented for checking.
- INITIATIVE MEASURE NO. 306 (Shall state appropriations be limited to 9% of state personal income and decreases in state support to municipalities be restricted?)--Filed February 13, 1975 by Kenneth D. Hansen of Seattle. No signatures presented for checking.
- INITIATIVE MEASURE NO. 307 (Shall some common school curricula be specified, teaching methods limited and written parental consent to certain school activities be required?)--Filed March 7, 1975 by Paul O. Snyder of Tacoma. No signatures presented for checking.
- INITIATIVE MEASURE NO. 308 (Shall sales and business and occupation taxes be removed from certain transactions involving clothing, food, shelter, and health care products?)--Filed March 10, 1975 by Carl R. Nicolai of Seattle. No signatures presented for checking.
- INITIATIVE MEASURE NO. 309 (Shall the Shoreline Management Act of 1971 and the subsequent amendments to that Act be repealed?)--Filed March 14, 1975 by James Mark Toevs of Chehalis. No signatures presented for checking.

*Indicates measure became law.

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- INITIATIVE MEASURE NO. 310 (Shall the present forest practices act be repealed and be replaced with provisions relating solely to requirements for reforestation?)—Filed March 18, 1975 by Ms. Betty J. Wells of Camano Island. No signatures presented for checking.
- INITIATIVE MEASURE NO. 311 (Shall the death penalty be mandatory in cases of first degree murder and the definitions of degrees of murder revised?)—Filed March 20, 1975 by Representative Earl F. Tilly. No signatures presented for checking.
- INITIATIVE MEASURE NO. 312 (Shall an initiative be passed lowering certain real property taxes to 1960 levels, or, if greater, those at last transfer?)—Filed April 4, 1975 by Donald H. Sallee of Brinnon. No signatures presented for checking.
- INITIATIVE MEASURE NO. 313 (Shall the names of signers of initiative and referendum petitions be confidential and the petitions destroyed after they are canvassed?)—Filed April 4, 1975 by Donald H. Sallee of Brinnon. No signatures presented for checking.
- INITIATIVE MEASURE NO. 314 (Shall corporations pay a 12% excise tax measured by income so that special school levies may be reduced or eliminated?)—Filed April 16, 1975 by Representative Charles Moon of Snohomish. Signatures (136,077) submitted and found sufficient. Submitted to the voters for decision at the November 4, 1975 state general election and was rejected by the following vote: For—323,831 Against—652,178.
- INITIATIVE MEASURE NO. 315 (Shall maximum income levels entitling elderly and disabled persons to certain property tax exemptions be raised to \$10,000.00?)—Filed April 18, 1975 by Representatives Eleanor A. Fortson and John M. Fischer. No signature petitions presented for checking.
- *INITIATIVE MEASURE NO. 316 (Shall the death penalty be mandatory in the case of aggravated murder in the first degree?)—Filed May 26, 1975 by Representative Earl Tilly of Wenatchee. Signatures (134,290) submitted and found sufficient. Submitted to the voters for decision at the November 4, 1975 state general election and was approved by the following vote: For—662,535 Against—296,257. Act is now identified as Chapter 9, Laws of 1975-'76 2nd Extraordinary Session.
- INITIATIVE MEASURE NO. 317 (Shall evidence of speeding violations obtained by radar, certain other electronic devices or unmarked police vehicles be inadmissible in court?)—Filed January 2, 1976 by David L. Bovy of Seattle. No signature petitions presented for checking.
- INITIATIVE MEASURE NO. 318 (Shall all minimum age requirements of twenty-one years be reduced to eighteen?)—Filed January 6, 1976 by Martin Ringhofer of Seattle. No signature petitions presented for checking.
- INITIATIVE MEASURE NO. 319 (Shall an initiative be adopted memorializing Congress to call a federal constitutional convention to limit taxation on income?)—Filed January 7, 1976 by Clarence P. Keating, Jr. of Seattle. No signature petitions presented for checking.
- INITIATIVE MEASURE NO. 320 (Shall new or increased taxes be prohibited and regular property taxes retained in the districts where they are collected?)—Filed January 2, 1976 by Shirley Amiel of Seattle. No signature petitions presented for checking.
- INITIATIVE MEASURE NO. 321 (Shall municipalities be empowered to permit gambling within their boundaries, licensed by the state, with tax revenues allocated to schools?)—Filed January 13, 1976 by William O. Kumbera and the Committee for Tax Relief Through Local Option Gambling of Ocean Shores. Signatures (136,006) submitted and found insufficient to qualify measure to the state general election ballot.
- INITIATIVE MEASURE NO. 322 (Shall fluoridation of public water supplies be made unlawful and violations subject to criminal penalties?)—Filed January 2, 1976 by Caroline A. Sudduth of Seattle. Signatures (135,441) submitted and found insufficient to qualify measure to the state general election ballot. Suit was filed with Thurston County Superior Court against the Secretary of State and on appeal to the Supreme Court, Initiative Measure No. 322 was placed on the general election ballot on October 13. It was rejected

*Indicates measure became law.

INITIATIVES TO THE PEOPLE

- at the November 2, 1976 general election by the following vote: **For--469,929 Against--870,631.**
- INITIATIVE MEASURE NO. 323 (Shall an initiative be adopted declaring that no person shall hold most state elective offices more than twelve consecutive years?)--**Filed January 2, 1976 by Senator Peter von Reichbauer of Burton and Jack Metcalf of Langley. No signature petitions presenting for checking.
- INITIATIVE MEASURE NO. 324 (Shall the Shoreline Management Act of 1971 and subsequent amendments to that act be repealed?)--**Filed January 12, 1976 by Melvin G. Toyne of Mt. Vernon. No signature petitions presented for checking.
- INITIATIVE MEASURE NO. 325 (Shall future nuclear power facilities which do not meet certain conditions and receive two-thirds approval by the legislature be prohibited?)--**Filed February 3, 1976 by David C. H. Howard of Olympia Signatures (approximately 165,000) submitted and found sufficient. Submitted to the voters at the November 2, 1976 general election and rejected by the following vote: **For--482,953 Against--963,756.**
- INITIATIVE MEASURE NO. 326 (Shall grocery store sales of spirituous liquor be allowed, revenue distribution formulas changed, and the state liquor control board reconstituted?)--**Filed March 17, 1976 by Ruth Berliner of Tacoma. Sponsorship of initiative withdrawn May 17, 1976.
- INITIATIVE MEASURE NO. 327 (Shall commercial fishing and shellfishing be banned on Hood Canal until a sufficient supply is found to exist?)--**Filed March 12, 1976 by J.L. Parsons of Union. Refiled as Initiative Measure No. 330.
- INITIATIVE MEASURE NO. 328 (Relating to Term Limitation)--**Filed March 16, 1976 by Patrick W. Biggs of Seattle for the Thomas Jefferson Society. Attorney General declined to prepare ballot title.
- INITIATIVE MEASURE NO. 329 (Shall places where obscene films are publicly and regularly shown or obscene publications a principal stock in trade be prohibited?)--**Filed March 26, 1976 by C.R. Lonergan, Jr. of Seattle. Signatures (120,621) submitted and found insufficient to qualify measure for state general election ballot.
- INITIATIVE MEASURE NO. 330 (Shall the commercial taking of fish, crab and shrimp be banned on Hood Canal until a sufficient supply is available?)--**Filed April 12, 1976 by J.L. Parsons of Union. Refiled as Initiative to the Legislature No. 52.
- INITIATIVE MEASURE NO. 331 (Shall future school district special levies for operations be prohibited and previously approved operational levies for collection in 1977 be reduced?)--**Filed March 27, 1976 by Jerold W. Thiedt of Monroe. No signature petitions presented for checking.
- INITIATIVE MEASURE NO. 332 (Shall the state be removed from the liquor business in favor of large grocers and certain other private business enterprises?)--**Filed April 19, 1976 by Robert B. Gould and Warren McPherson of Woodinville. No signature petitions presented for checking.
- INITIATIVE MEASURE NO. 333 (Shall a single pension system, coordinated with social security, replace existing systems for most public employees hired after June 30, 1977?)--**Filed April 19, 1976 by Senator August P. Mardesich of Everett. No signature petitions presented for checking.
- INITIATIVE MEASURE NO. 334 (Shall the fluid ounce tax on spirituous liquor in the original package be lowered from four to two cents?)--**Filed April 29, 1976 by Juanita K. Heaton of Seattle. No signature petitions presented for checking.
- *INITIATIVE MEASURE NO. 335 (Shall places where obscene films are publicly and regularly shown or obscene publications a principal stock in trade be prohibited?)--**Filed January 10,

*Indicates measure became law.

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1977 by C.R. Lonergan, Jr. of Seattle. Signatures (175,998) submitted and found sufficient. Submitted to the voters at the November 8, 1977 state general election and was approved by the following vote: For--522,921 Against--431,989. Act is now identified as Chapter 1, Laws of 1979.

INITIATIVE MEASURE NO. 336 (Shall every municipality be authorized to permit all forms of state licensed gambling with tax revenues allocated to schools?)--Filed January 11, 1977 by William O. Kumbera of The Committee for Tax Relief Through Local Option Gambling in Ocean Shores. No signature petitions presented for checking.

INITIATIVE MEASURE NO. 337 (Shall an initiative be adopted promoting the pursuit of peace through principals of mutual love and respect?)--Filed January 10, 1977 by Kevin McKeigue of Seattle. No signature petitions presented for checking.

INITIATIVE MEASURE NO. 338 (Shall driving motor vehicles up to 10 M.P.H. over the maximum speed limit be subject to fines not exceeding \$15.00?)--Filed January 10, 1977 by Timothy Ramey of Seattle. No signature petitions presented for checking.

INITIATIVE MEASURE NO. 339 (Shall the use of electronic voting devices and electronic vote tallying systems in any election in this state be prohibited?)--Filed January 24, 1977 by Clarence P. Keating, Jr. of Seattle. No signature petitions presented for checking.

INITIATIVE MEASURE NO. 340 (Shall a convention be called to propose a new state constitution for approval or rejection by the people in 1979?)--Filed January 20, 1977 by Tom A. Alberg, Citizens Coalition for a Constitutional Convention of Seattle. No signature petitions presented for checking.

INITIATIVE MEASURE NO. 341 (Shall minimum age requirements for various purposes other than drinking alcoholic beverages be reduced to eighteen years?)--Filed February 7, 1977 by Martin Ringhofer of Seattle. No signature petitions presented for checking.

INITIATIVE MEASURE NO. 342 (Shall an initiative be adopted urging all state legislatures to reject and rescind approval of the federal equal rights amendment?)--Filed February 15, 1977 by Mrs. J.L. Glesener of Kennewick. No signature petitions presented for checking.

INITIATIVE MEASURE NO. 343 (Shall state property taxes be eliminated, all other taxes limited, and state support levels for local government, including schools, mandated?)--Filed February 29, 1977 by Shirley Amiel, State Tax Freeze and School Funding Initiative Political Committee of Bellevue. No signature petitions presented for checking.

INITIATIVE MEASURE NO. 344 (Shall the laws of the state be rewritten by January 1, 1981, to eliminate, if possible, ambiguity, redundancy and complexity?)--Filed March 7, 1977 by Patrick M. Crawford of Tumwater. No signature petitions presented for checking.

***INITIATIVE MEASURE NO. 345 (Shall most food products be exempt from state and local retail sales and use taxes, effective July 1, 1978?)**--Filed March 30, 1977 by J. Linsey Hinand, Chairperson. Signatures (168,281) submitted and found sufficient. Submitted to the voters at the November 8, 1977 state general election and was approved by the following vote: For--521,062 Against--443,840. Act is now identified as Chapter 2, Laws of 1979.

INITIATIVE MEASURE NO. 346 (Shall the system of property assessment be repealed and a state assessor adopt a system of uniform state-wide property assessment?)--Filed May 31, 1977 by Susan Sink of Seattle. No signature petitions presented for checking.

INITIATIVE MEASURE NO. 347 (Shall payment of legislator's per diem allowances be limited to 120 days in odd-numbered years and 60 days in even-numbered years?)--Filed June 13, 1977 by Robert B. Overstreet of Everett. No signature petitions presented for checking.

INITIATIVE MEASURE NO. 348 (Shall the new variable motor vehicle fuel tax be repealed and the previous tax and distribution formula be reinstated?)--Filed June 29, 1977 by Harley Hoppe of Mercer Island. Signatures (202,168) submitted and found sufficient.

*Indicates measure became law.

INITIATIVES TO THE PEOPLE

Submitted to the voters at the November 8, 1977 general election and after a mandatory recount was rejected by the following vote: For--470,147 Against--471,031.

INITIATIVE MEASURE NO. 349 (Shall minimum age requirements for various purposes other than for drinking alcoholic beverages be reduced to eighteen years?)--Filed January 12, 1978 by Mr. Martin Ringhofer of Seattle. Sponsor failed to submit signatures for checking.

*INITIATIVE MEASURE NO. 350 (Shall public educational authorities be prohibited from, assigning students to other than the nearest or next-nearest school with limited exceptions?)--Filed February 10, 1978 by Mr. Ben Caley of Seattle. Signatures (182,882) submitted and found sufficient. Submitted to the voters at the November 7, 1978 general election and was approved by the following vote: For--585,903 Against--297,991. Act is now identified as Chapter 4, Laws of 1979.

INITIATIVE MEASURE NO. 351 (Shall the age at which persons may purchase, consume or sell alcoholic beverages be lowered from 21 to 19 years?)--Filed February 24, 1978 by Timothy J. Niggemeyer of Spokane. Sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 352 (Shall property owners not be liable for a trespasser's injury, unless the property owner intentionally and knowingly caused the injury?)--Filed February 27, 1978 by Gayle Crawford of Olympia. Sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 353 (Shall all containers of alcoholic beverages clearly bear the warning "Contents may cause brain damage, communication breakdown and family degradation"?)--Filed April 28, 1978 by June and Pam Riggs of Mountlake Terrace. Sponsors failed to submit signatures for checking.

INITIATIVE MEASURE NO. 354 (Shall the first \$10,000 value of a residence regularly occupied by its owner or tenant be exempt from property taxes?)--Filed May 5, 1978 by Harley Hoppe of Mercer Island. Sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 355 (Refiled as Initiative Measure No. 356)

INITIATIVE MEASURE NO. 356 (Shall gambling and lotteries be permitted, and time and food sale limitations removed from sales of liquor by the drink?)--Filed May 23, 1978 by Mr. James Banker of Renton. Sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 357 (Shall the system of property assessment be repealed and a state assessor adopt a system of uniform state-wide property assessment?)--Filed May 9, 1978 by Ms. Susan M. Sink of Seattle. Sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 358 (Shall assessed valuations of retired persons' residences remain unchanged and nonvoted school levies generally be limited to 6% annual increase?)--Filed May 31, 1978 by Harley H. Hoppe of Mercer Island. Sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 359 (Shall increases in state tax revenues and expenditures be limited to the estimated rate of growth of state personal income?)--Filed June 6, 1978 by Mr. Will Knedlik of Kirkland. Sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 360 (Shall an initiative be adopted limiting property taxes to 1% of value and requiring 2/3 legislative approval to change taxes?)--Filed June 8, 1978 by Messrs. J. Van Self and A. M. Lee Parker of Tacoma. Sponsors submitted signatures but they were insufficient to appear on the November ballot.

INITIATIVE MEASURE NO. 361 (Shall minimum age requirements for various purposes other than for drinking alcoholic beverages be reduced to eighteen years?)--Filed January 8, 1979 by Mr. Martin Ringhofer of Seattle. No signatures were presented for checking.

INITIATIVE MEASURE NO. 362 (Shall an initiative be adopted prohibiting the possession, construction, transportation or sale of nuclear weapons within the state of Washington?)--Filed January 19, 1979 by Mr. Randal South of Seattle. No signatures were presented for checking.

*Indicates measure became law.

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- INITIATIVE MEASURE NO. 363 (Shall strikes by public school teachers and other certified employees be prohibited and penalties imposed for participation in such strikes?)--Filed January 31, 1979 by Mr. Alan Gottlieb of Bellevue. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 364 (Shall persons with physical handicaps be allowed to serve in the state militia and state and local law enforcement units?)--Filed February 1, 1979 by Mr. Daniel M. Jones of Olympia. No signatures presented for checking.
- INITIATIVE MEASURE No. 365 (Shall liquor retailing become a private business and a new five-member Liquor Control Board be created?)--Filed February 22, 1979 by Mr. Dennis L. Weaver of Seattle. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 366 (Shall liquor retailing become a private business and any required food to liquor sales ratio in licensed restaurants be prohibited?)--Filed February 22, 1979 by Mr. Dennis L. Weaver of Seattle. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 367 (Shall nursing homes be required to pay employees wages and benefits equal to those paid hospital employees performing comparable work?)--Filed February 9, 1979 by Mr. John W. Hempelmann of Seattle. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 368 (Shall the state be absolutely prohibited from levying any property taxes and school districts be similarly restricted?)--Filed February 16, 1979 by Mr. John R. McBride of Spokane. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 369 (Shall the possession or sale of firearms be restricted, and mandatory sentences imposed for the commission of crimes involving firearms?)--Filed February 26, 1979 by Mr. Steven L. Kendall of Seattle. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 370 (Shall a presidential preference primary be held to determine the percentage of delegate positions allocated each major political party candidate?)--Filed March 30, 1979 by Mr. Edward H. Hilscher of Seattle. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 371 (Shall nuclear facilities be required to meet certain safety and liability standards and obtain state-wide voter approval prior to operation?)--Filed April 26, 1979 by Mr. William C. Montague of Seattle. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 372 (State Lottery)--Filed January 4, 1980 by Mr. Lawrence C. Clever of Olympia. This measure was refiled as Initiative Measure No. 380.
- INITIATIVE MEASURE NO. 373 (Shall a Retiree's Residence be Taxed at its 1977 Value or, when Retirement Occurs after 1981, its Retirement Year Value?)--Filed January 4, 1980 by Doyle R. Conner of Longview. No signatures presented for checking.
- INITIATIVE MEASURE NO. 374 (Shall Property Tax Increases be Limited to Two Percent Annually and Special Property Tax Exemptions Granted to Retired Persons?)--Filed January 4, 1980 by Bill E. Hughes of Vancouver. No signatures presented for checking.
- INITIATIVE MEASURE NO. 375 (Shall There be Mandatory Minimum Sentences, Restricted Local Firearms Regulations, No Affirmative Action for Police and Firemen, and Additional Prisons?)--Filed by Kent Pullen of Kent. No signatures presented for checking.
- INITIATIVE MEASURE NO. 376 (Shall Minimum Age Requirements for Various Legal Purposes, other than for Allowing Alcoholic Beverage consumption, be Reduced to Eighteen Years?)--Filed January 16, 1980 by Martin Ringhofer of Seattle. No signature presented for checking.
- INITIATIVE MEASURE NO. 377 (Shall Liquor Retailing Become a Private Business and any Required Food to Liquor Sales Ratio in Licensed Restaurants be Prohibited?)--Filed January 24, 1980. No signatures presented for checking. Sponsored by Walter M. Friel of Tacoma.

*Indicates measure became law.

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- INITIATIVE MEASURE NO. 378 (Shall the State be Absolutely Prohibited from Levying any Property Taxes and School Districts be Similarly Restricted with Limited Exceptions?)--Filed by Art Lee of Bellingham. No signatures presented for checking.
- INITIATIVE MEASURE NO. 379 (Shall Binding Arbitration of Public School Collective Bargaining Disputes be Required, Strikes by Public School Employees Prohibited and Penalties Established?)--Filed by Cathleen R. Pearsall of Tacoma. No signatures presented for checking. Filed on February 11, 1980.
- INITIATIVE MEASURE NO. 380 (Shall a State Lottery be Established and Operated by the Gambling Commission, with the Profits Deposited in the General Fund?)--Filed February 11, 1980 by Lawrence C. Clever of Olympia. No signatures presented for checking.
- INITIATIVE MEASURE NO. 381 (Shall Snare and Leghold Traps be Prohibited after January 1, 1986, with Certain Exceptions Including Rodent Control and Public Health?)--Filed January 31, 1980 by Curtiss J. Clumpner and Howard F. McGraw of Bellingham. The sponsors refiled the measure as No. 386.
- INITIATIVE MEASURE NO. 382 (Shall Joint Operating Agencies Obtain Voter Approval Prior to Issuing Bonds for the Construction or Acquisition of Significant Energy Facilities?)--Filed February 15, 1980 by Tom Casey. Measure was later refiled as No. 385.
- *INITIATIVE MEASURE NO. 383 (Shall Washington Ban the Importation and Storage of Non-medical Radioactive Wastes Generated Outside Washington, Unless Otherwise Permitted by Interstate Compact?)--Filed February 7, 1980 by Allan H. Jones of Seattle. Sponsor submitted 148,166 signatures and the measure was subsequently certified to the ballot. Submitted to the voters at the November 4, 1980 general election and was approved by the following vote: For--1,211,606 Against--393,415.
- INITIATIVE MEASURE NO. 384 (Shall Limitations on Property Taxes and Assessments be Imposed and Other Tax Increases Prohibited Except by a Two-thirds Legislative Vote?)--Filed February 20, 1980 by Normal Hildebrand of Tacoma. No signatures presented for checking.
- INITIATIVE MEASURE NO. 385 (Shall Joint Operating Agencies Obtain Voter Approval Prior to Issuing Bonds for the Construction or Acquisition of Significant Energy Facilities?)--Filed March 3, 1980 by Tom Casey of Elma. No signatures presented for checking.
- INITIATIVE MEASURE NO. 386 (Shall Snare and Leghold Traps be Prohibited after January 1, 1986, with Certain Exceptions, Including Rodent Control and Public Health?)--Filed March 3, 1980 by Curtiss Clumpner of Lynnwood. No signatures presented for checking.
- INITIATIVE MEASURE NO. 387 (Shall Political Contributions and Campaign Practices be Limited, Conflicts of Interest Regulated, Disclosure Requirements Increased and Statutes in Conflict Repealed?)--Filed March 11, 1980 by Ann Quantock of Olympia. No signatures presented for checking.
- INITIATIVE MEASURE NO. 388 (Shall Congress be Memorialized to Create a Space Shuttle/Energy Lottery to Increase Space Travel and Achieve Energy Independence?)--Filed March 11, 1980 by Jeff Vale of Des Moines. No signatures presented for checking.
- INITIATIVE MEASURE NO. 389 (Shall it be Unlawful to Drive a Motor Vehicle Between the Hours of One and Two O'Clock on Sunday Afternoon?)--Filed March 12, 1980 by Keith G. Wesley of Seattle. No signatures presented for checking.
- INITIATIVE MEASURE NO. 390 (Shall Private Retailers Replace State Liquor Stores with Sunday Package Sales Permitted, Tax Rates Revised and Certain Licensing Conditions Prohibited?)--Filed April 1, 1980 by John Franco of Seattle. No signatures presented for checking.
- INITIATIVE MEASURE NO. 391 (Shall an Initiative be Adopted Providing that all Washington Land Shall be Taxed Exclusive of any Improvements on the Land?)--Filed

*Indicates measure became law.

INITIATIVES TO THE PEOPLE

- April 11, 1980 by Jimmy D. Whittenburg of Olympia. No signatures presented for checking.
- INITIATIVE MEASURE NO. 392 (Shall a retiree's residence be taxed at its 1977 value or, when retirement occurs after 1982, its retirement year value?)--Filed January 19, 1981 by Doyle R. Conner of Longview. No signatures presented for checking.
- INITIATIVE MEASURE NO. 393 (Shall all timber sold by the state, or any political subdivision, be primarily processed within the state, and violations penalized?)--Filed January 5, 1981 by Brian Sirls of Tacoma. No signatures presented for checking.
- *INITIATIVE MEASURE NO. 394 (Shall public agencies obtain voter approval prior to issuing bonds for the construction or acquisition of major public energy projects?)--Filed January 6, 1981 by Steve Zemke of Seattle. Sponsor submitted 185,984 signatures. The measure was subsequently certified to the ballot. Submitted to the voters at the November 3, 1981 general election and was approved by the following vote: For--532,178 Against--384,419
- INITIATIVE MEASURE NO. 395 (Shall all property be taxable based on 1977 valuations; revaluations be prohibited; and excess school levies required two-thirds voter approval?)--Filed January 5, 1981 by Art Lee of Bellingham. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 396 (Shall voter approval be required to construct or finance public or private energy facilities costing more than one billion dollars?)--Filed January 19, 1981 by Gretchen J. Hendricks and Jim Lazar of Olympia. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 397 (Shall an initiative be adopted requiring the legislature to petition Congress to call a constitutional convention to roll back gasoline prices?)--Filed January 19, 1981 by Robert G. Materson of Ellensburg. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 398 (Inheritance and Gift Tax)--Filed by Dick Patten of Seattle. This measure was refiled as Initiative Measure No. 402.
- INITIATIVE MEASURE NO. 399 (Shall inheritance and gift taxes be abolished, and state death taxes be restricted to the federal estate tax credit allowed?)--Filed February 19, 1981 by Dick Patten of Seattle. Sponsor refiled this initiative as Initiative Measure No. 402.
- INITIATIVE MEASURE NO. 400 (Shall excise, inheritance, gift and property taxes be replaced by a transaction tax on receiving property, limited to one percent?)--Filed March 27, 1981 by Clarence P. Keating, Jr. of Seattle. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 401 (Shall contributions to legislative candidates be limited, publicity practices regulated, disclosure required, and civil enforcement and criminal penalties be imposed?)--Filed April 1, 1981 by Carol Jean Coe of Federal Way. The sponsor presented 141,282 signatures for checking. These signatures were found insufficient to qualify for the general election ballot.
- *INITIATIVE MEASURE NO. 402 (Shall inheritance and gift taxes be abolished, and state death taxes be restricted to the federal estate tax credit allowed?)--Filed April 3, 1981 by Dick Patten of Seattle. The sponsor presented 161,449 signatures for checking. The measure was subsequently certified to the ballot. Submitted to the voters at the November 3, 1981 general election and was approved by the following vote: For--610,507 Against--297,445.
- INITIATIVE MEASURE NO. 403 (Shall the legal possession of handguns or handgun ammunition be restricted, licensing requirements be broadened and criminal penalties be imposed?)--Filed March 16, 1981 by Steven L. Kendall of Seattle. No signatures were presented for checking.

*Indicates measure became law.

INITIATIVES TO THE PEOPLE

- INITIATIVE MEASURE NO. 404 (Shall an independent commission be responsible for both congressional and legislative redistricting every ten years according to certain prescribed standards?)--Filed April 30, 1981 by Jolene Unsoeld of Olympia. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 405 (Alcoholic beverages)--Filed April 23, 1981 by Robert J. Corcoran of Puyallup. This measure was refiled as Initiative Measure No. 406.
- INITIATIVE MEASURE NO. 406 (Shall all liquor retailing become a private business subject to certain restrictions, and the tax on liquor sales be reduced?)--Filed May 15, 1981 by Robert J. Corcoran of Puyallup. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 407 (Shall the crime victims' compensation program be continued, funds appropriated, and programs established to provide information to victims and witnesses?)--Filed May 20, 1981 by Manuel E. Costa of Marysville. This measure was refiled as Initiative to the Legislature No. 75.
- INITIATIVE MEASURE NO. 408 (Motor fuel taxes)--Filed May 20, 1981 by Harley H. Hoppe of Mercer Island. This measure was refiled as Initiative Measure No. 409.
- INITIATIVE MEASURE NO. 409 (Shall the motor vehicle fuel and license tax laws be amended to restore prior tax rates and revise revenue distribution?)--Filed June 1, 1981 by Harley H. Hoppe of Mercer Island. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 410 (Shall all real and personal property be taxable on the basis of 1977 valuations and any revaluation thereafter be prohibited?)--Filed January 4, 1982 by Arthur E. Lee of Wenatchee. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 411 (Shall most maximum loan and retail sales interest rates be the higher of 12% or 1% over the discount rate?)--Filed January 4, 1982 by Marvin L. Williams and Larence G. Kenney of Seattle. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 412 (Shall the maximum interest rate on retail sales be the higher of 12% or 1% over the federal discount rates?)--Filed January 4, 1982 by Marvin L. Williams and Lawrence G. Kenney of Seattle. The sponsors submitted 183,249 signatures for checking. The measure was subsequently certified to the ballot. Submitted to the voters at the November 2, 1982 general election and was rejected by the following vote: For--452,710 Against--880,135.
- INITIATIVE MEASURE NO. 413 (Shall the present state owned and operated liquor distribution system be abolished and replace with licensed privately owned liquor dealers?)--Filed January 6, 1982 by Robert J. Corcoran of Puyallup. This measure refiled as Initiative No. 434.
- INITIATIVE MEASURE NO. 414 (Shall a system requiring a minimum five cent refund on sales of beer, malt and carbonated beverage containers be established?)--Filed January 7, 1982 by Robert C. Swanson (Citizens for a Cleaner Washington) of Seattle. The sponsors submitted 193,347 signatures for checking. The measure was subsequently certified to the ballot. It was submitted to the voters at the November 2, 1982 general election and was rejected by the following vote: For--400,156 Against--965,951.
- INITIATIVE MEASURE NO. 415 (Shall a state board of dentistry be established to license and regulate the practice of dentistry independent of licensed dentists?)--Filed January 19, 1982 by Homer A. Mouthrop (Citizens of Washington for Independent Dentistry) of Seattle. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 416 (Shall voter approval be required to increase private utility rates by more than eight percent in any twelve-month period?)--Filed January 27, 1982 by Wilmot A. Hall, Jr. of Olympia. This measure refiled as Initiative No. 419.
- INITIATIVE MEASURE NO. 417 (Shall the taxable value of principal residences of retirees over 60 be frozen at 75% of current assessed value?)--Filed January 27, 1982 by Ann Clifton of Olympia. No signatures were presented for checking.

*Indicates measure became law.

INITIATIVES TO THE PEOPLE

- INITIATIVE MEASURE NO. 418 (Shall the state's temporarily increased retail sales and use tax rate be reduced from 5.5% to 4.5%?)--Filed February 8, 1982 by Gregory R. McDonald of Redmond. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 419 (Shall voter approval be required to increase most utility rates by more than eight percent in any twelve-month period?)--Filed February 11, 1982 by Wilmot A. Hall of Olympia. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 420 (Shall all penalties, taxes and other limitations pertaining to the use, possession, cultivation, sale or transportation of marijuana be removed?)--Filed February 22, 1982 by Lawrence P. McMahon of Seattle. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 421 (Shall emission limitations for motor vehicles, air quality standards relating to such emissions, and vehicle emission inspection programs be abolished?)--Filed February 22, 1982 by Douglas L. Solbeck and Linda D. Solbeck of Lynnwood. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 422 (Shall a transaction tax on money and property transfers, not exceeding 1%, be substituted for excise, inheritance and property taxes?)--Filed February 10, 1982 by Clarence P. Keating, Jr. of Seattle. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 423 (Shall most sales or transfers of vehicles, aircraft and boats be taxed at current values, less trade-in, unless previously taxed?)--Filed February 25, 1982 by Stephen Michael and Earl N. Dunham of Longview. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 424 (Number assigned in error.)
- INITIATIVE MEASURE NO. 425 (Shall state marijuana criminal prohibitions, except sales for profit, be repealed but municipal prohibitions be permitted for those under eighteen?)--Filed March 12, 1982 by Lawrence P. McMahon of Seattle. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 426 (Shall the value of trade-ins of like kind be subtracted from the tax base for state sales and use taxes?)--Filed March 12, 1982 by Stephen Michael and Earl N. Dunham of Longview. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 427 (Shall the state Industrial Insurance Act be amended so as to eliminate the option for covered employers to self-insure?)--Filed March 4, 1982 by Jack C. Martin of Olympia. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 428 (Shall per diem, travel expenses and moving allowances to public officers, employees, board members and elected officials be largely prohibited?)--Filed March 2, 1982 by V. R. Van Dyk of Seattle. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 429 (Shall public officers' salaries be reduced to 1979 levels; benefits eliminated; and any further salary increases conditioned upon voter approval?)--Filed March 2, 1982 by V. R. Van Dyk of Seattle. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 430 (Shall the possession, use, cultivation and transportation of marijuana by persons nineteen years of age and older be legalized?)--Filed March 25, 1982 by Lawrence P. McMahon of Seattle. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 431 (Shall laws concerning lobbying, political fund raising, and the use of such funds be amended, with fees and penalties imposed?)--Filed March 10, 1982 by V. R. Van Dyk of Seattle. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 432 (Shall monthly grants of Aid to Families with Dependent Children be limited to \$300 or \$450, depending upon family size?)--Filed March 16, 1982 by Robert S. Havens and Jean M. Havens of Spokane. No signatures were presented for checking.

*Indicates measure became law.

INITIATIVES TO THE PEOPLE

- INITIATIVE MEASURE NO. 433 (Shall able persons receiving aid to families with dependent children be required to participate in a community work experience program?)--Filed March 19, 1982 by Robert S. Havens and Jean M. Havens of Spokane. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 434 (Shall the state owned and operated liquor distribution system be abolished and replaced with licensed privately owned liquor dealers?)--Filed April 13, 1982 by Robert J. Corcoran of Puyallup. This initiative was withdrawn and later filed as Initiative to the Legislature No. 78.
- INITIATIVE MEASURE NO. 435 (Shall corporate franchise taxes, measured by net income, replace sales taxes on food and state corporate business and occupation taxes?)--Filed April 12, 1982 by Dr. James A. McDermott of Seattle. The sponsor submitted 250,285 signatures for checking. The measure was subsequently certified to the ballot. It was submitted to the voters at the November 2, 1982 general election and was rejected by the following vote: For--453,221 Against--889,091.
- INITIATIVE MEASURE NO. 436 (Shall most food products be exempt from state and local retail sales and use taxes, effective December 2, 1982?)--Filed April 16, 1982 by Gregory McDonald of Redmond. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 437 (Shall the Food Tax Elimination Act of 1982, exempting most food products from retail sales and use taxation be enacted?)--Filed April 15, 1982 by Stephen Michael and Frank Brunner of Lacey. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 438 (Shall tuition and fees be reduced, and the legislature set future increases based on a percentage of the educational costs?)--Filed April 16, 1982 by Dennis Eagle (People for Affordable College Tuition) of Bremerton. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 439 (Shall county energy allocations in energy emergencies be in direct proportion to the percentage voting against Initiative 394 in 1981?)--Filed May 5, 1982 by Richard Hastings of Pasco. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 440 (Shall sellers of home electronic equipment be licensed and commercial repairers of such equipment be required to meet competency standards?)--Filed April 20, 1982 by Carl E. McDonald of Sunnyside. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 441 (Shall Initiative 394, requiring voter approval of bonds for major energy project construction or acquisition by public agencies, be repealed?)--Filed April 27, 1982 by David L. Moore of Richland. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 442 (Shall the present gambling act be repealed, broader gambling activities authorized, taxes imposed, and certain revenues be dedicated to schools?)--Filed April 30, 1982 by Harry Rowe (Committee for Gambling Taxes for Schools) of Seattle. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 443 (Shall the present gambling act be repealed, broader gambling activities authorized, taxes imposed, and certain revenues be dedicated to schools?)--Filed May 25, 1982 by Clifford A. Stone of Seattle. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 444 (Shall a tax not to exceed 1% be imposed upon transfers of money or property and present taxes be repealed?)--Filed January 14, 1983 by Clarence P. Keating of Seattle. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 445 (Shall eligibility for appointment to Game Commission be restricted; fees reduced; and processing of wildlife claims be eliminated?)--Filed January 14, 1983 by David Littlejohn of Olympia. No signatures were presented for checking.

*Indicates measure became law.

INITIATIVES TO THE PEOPLE

- INITIATIVE MEASURE NO. 446 (Shall elections be held to approve or disapprove the performance of state agencies designated by petitions signed by 10,000 registered voters?)**--Filed January 31, 1983 by James R. Collier of Silverdale. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 447 (Shall the present Gambling Act be repealed; broader gambling activities authorized; taxes imposed; and certain revenues dedicated to schools?)**--Filed February 14, 1983 by Audrey Stone of Seattle. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 448 (Shall retail sales and use taxes be reduced, the watercraft use tax eliminated, and a penalty for tax nonpayment reduced?)**--Filed February 25, 1983 by Kent Pullen of Kent. This measure refiled as Initiative Measure No. 452.
- INITIATIVE MEASURE NO. 449 (Elimination of WPPSS)**--Filed March 1, 1983 by Theodore A. Mahr of Olympia. This measure refiled as Initiative Measure No. 451.
- INITIATIVE MEASURE NO. 450 (Attorney General declined to prepare a ballot title)**--Filed March 4, 1983 by John A. Kilma of Mercer Island. This measure refiled as Initiative Measure No. 453.
- INITIATIVE MEASURE NO. 451 (Shall laws relating to electrical joint operating agencies be repealed and existing agencies be directed to sell assets and terminate?)**--Filed March 7, 1983 by Theodore Mahr of Olympia. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 452 (Shall the state sales tax be reduced to 4.5% and business and occupation surtaxes and boat excise taxes be repealed?)**--Filed March 11, 1983 by Kent Pullen of Kent. The sponsors submitted 146,689 signatures for checking. Verification was not complete at time of publication.
- INITIATIVE MEASURE NO. 453 (Shall the federal Internal Revenue Service's notices of the Privacy and Paper Work Reduction Acts be, by state law declarations, prohibited?)**--Filed March 21, 1983 by John A. Kilma of Mercer Island. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 454 (Shall abortions, unless necessary to preserve life, be ineligible for state medical aid to categorically needy persons under Title XIX?)**--Filed March 28, 1983 by James L. King, Jr. of Tacoma. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 455 (Shall the state be directed go seek, to require payment in gold of state held securities having a gold clause?)**--Filed January 9, 1984 by Robert Ellison of Seattle. This measure refiled as Initiative Measure No. 461.
- *INITIATIVE MEASURE NO. 456 (Shall Congress be petitioned to decommercialize steel-head, and state policies respecting Indian rights and management of natural resources be enacted?)**--Filed January 13, 1984 by Ellis Lind of Redmond and S/SPAWN. Sponsor submitted 201,188 signatures. The measure was subsequently certified to the ballot. Submitted to the voters at the November 6, 1984 general election and was approved by the following vote: For--916,855 Against--807,825
- INITIATIVE MEASURE NO. 457 (Shall minimum age requirements by public and private entities be reduced to age 18 except those relating to drinking alcohol?)**--Filed January 9, 1984 by Martin D. Ringhofer of Seattle. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 458 (Shall watercraft be taxed on length rather than value and the funds be used for boating safety programs and facilities?)**--Filed January 18, 1984 by Joseph L. Williams of Mercer Island. This measure refiled as Initiative Measure No. 459.
- INITIATIVE MEASURE NO. 459 (Shall watercraft be taxed on length rather than value and the funds be used for boating safety programs and facilities?)**--Filed January 20, 1984 by Louise Miller of Woodinville. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 460 (Shall an additional tax be imposed, on beer, liquor, and out-of-state wine, for crime victims, alcohol rehabilitation, enforcement, and education?)**--

*Indicates measure became law.

INITIATIVES TO THE PEOPLE

- Filed January 12, 1984 by E.C. Renas of Lynnwood. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 461 (Shall the state seek to require corporations which issued securities having a gold clause to make payment in gold coin?)--Filed January 23, 1984 by Robert Ellison of Seattle. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 462 (Shall Congress be memorialized to create a space shuttle/energy lottery to increase space travel and achieve energy independence?)--Filed January 13, 1984 by Jeff Vale of Seattle. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 463 (Shall the legislature be directed to petition Congress to either propose a balanced budget constitutional amendment or call a convention?)--Filed January 24, 1984 by James R. Medley of Seattle. No signatures were presented for checking.
- *INITIATIVE MEASURE NO. 464 (Shall the value of trade-ins of like kind property be excluded from the selling price for the sales tax computation?)--Filed February 24, 1984 by Eugene A. Prince of Thornton. Sponsor submitted 196,728 signatures. The measure was subsequently certified to the ballot. Submitted to the voters at the November 6, 1984 general election and was approved by the following vote: For--1,175,781 Against--529,560
- INITIATIVE MEASURE NO. 465 (Shall state sales and business tax rates be reduced and limitations imposed on state general fund spending and tax increases?)--Filed February 16, 1984 by Kent Pullen of Kent. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 466 (Shall Nevada type gambling, regulated by the State Gambling Commission, be permitted if approved by voters in cities and counties?)--Filed February 10, 1984 by Fred M. Ladd of Ocean Shores. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 467 (Shall a tax not to exceed 1% be imposed upon transfers of money or property and present taxes be repealed?)--Filed February 14, 1984 by Clarence P. Keating, Jr. of Seattle. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 468 (Shall real property tax rates be generally limited to one percent of 1975 property tax values, subject to limited adjustments?)--Filed March 20, 1984 by Martin H. Ottesen of Tacoma. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 469 (Shall the State Gambling Commission be abolished and the net proceeds of some gambling activities be taxed 25% for schools?)--Filed March 15, 1984 by Michael J. Kinsley of Seattle. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 470 (Shall public funding of abortions be prohibited, and state funding required to prevent deaths of unborn children and pregnant women?)--Filed April 2, 1984 by Michael Undseth of Brier. This measure refiled as Initiative Measure No. 471.
- INITIATIVE MEASURE NO. 471 (Shall public funding of abortions be prohibited except to prevent the death of the pregnant woman or her unborn child?)--Filed April 16, 1984 by Michael Undseth of Brier. Sponsor submitted 162,324 signatures. The measure was subsequently certified to the ballot. Submitted to the voters at the November 6, 1984 general election and was rejected by the following vote: For--838,083 Against--949,921
- INITIATIVE MEASURE NO. 472 (Regarding federal initiative and referendum powers.)--Filed June 25, 1984 by Steven A. Panteli of Bellingham. Attorney General declined to write a ballot title because time limit expired.
- INITIATIVE MEASURE NO. 473 (Shall a transaction tax, not to exceed 1%, on transfers of money or property replace present state and local taxes?)--Filed January 7, 1985 by Clarence P. Keating, Jr. of Seattle. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 474 (Shall property taxes be reduced by deleting taxes previously paid on property now exempt from the 106% tax levy calculation?)--Filed January

*Indicates measure became law.

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- 31, 1985 by Orville L. Barnes of Spokane. This measure refiled as Initiative Measure No. 477.
- INITIATIVE MEASURE NO. 475 (Shall Congress be requested to call a constitutional convention solely to propose an amendment providing federal initiative and referendum powers?)**--Filed January 23, 1985 by Steven A. Panteli of Bellingham. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 476 (Shall denturists be licensed by the state and permitted to supply dentures to people without written directives from a dentist?)**--Filed February 25, 1985 by Eldo Al Hohman of Seattle. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 477 (Shall maximum permissible regular property tax levies be reduced by excluding inventory taxes, and voter-approved taxes from the 106% limitation?)**--Filed March 14, 1985 by Orville L. Barnes of Spokane. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 478 (Shall a transaction tax, not to exceed 1%, on transfers of money or property replace present state and local taxes?)**--Filed January 6, 1986 by Clarence P. Keating, Jr. of Seattle. Sponsor failed to submit signatures for checking.
- INITIATIVE MEASURE NO. 479 (Shall state and local governments be prohibited from funding abortion services unless they are necessary to preserve the woman's life?)**--Filed January 6, 1986 by Michael Undseth of Lynwood. The sponsors submitted 173,858 signatures for checking and they were found insufficient to qualify the measure for the state general election ballot.
- INITIATIVE MEASURE NO. 480 (Regarding the publishing of names of victims of sexual attack.)**--Filed January 6, 1986 by Philip A. Hamlin of Shelton. This measure refiled as Initiative Measure No. 481.
- INITIATIVE MEASURE NO. 481 (Shall news media identifying victims, witnesses, or those accused, of sex crimes be fined unless law enforcement has requested disclosure?)**--Filed January 14, 1986 by Philip A. Hamlin of Shelton. Sponsor failed to submit signatures for checking.
- INITIATIVE MEASURE NO. 482 (Shall more out-of-state licensed motor vehicles be required to obtain Washington licenses and the penalties imposed for non-compliance be increased?)**--Filed January 6, 1986 by M. Anders Tronsen of Duvall. Sponsor failed to submit signatures for checking.
- INITIATIVE MEASURE NO. 483 (Shall the 55 m.p.h. speed limit adopted for energy conservation be rescinded and higher speed limits be established as appropriate?)**--Filed January 7, 1986 by DeAnn Pullar of Bellingham. Sponsor failed to submit signatures for checking.
- INITIATIVE MEASURE NO. 484 (Shall the state owned liquor stores be permanently closed and grocery stores and other outlets be licensed to sell liquor?)**--Filed January 10, 1986 by Russell J. McCurdy of Seattle. This measure was refiled as Initiative Measure No. 487.
- INITIATIVE MEASURE NO. 485 (Shall the state be directed to submit a notice to Congress disapproving designation of a Washington nuclear waste repository site?)**--Filed January 28, 1986 by Patricia Anne Herbert of Seattle. This measure was withdrawn by the sponsor.
- INITIATIVE MEASURE NO. 486 (Shall new taxes or increases in tax rates require a two-thirds vote by the governing body of the taxing authority?)**--Filed January 29, 1986 by Don Jewett of Langley. Sponsor failed to submit signatures for checking.
- INITIATIVE MEASURE NO. 487 (Shall state liquor stores, and state wholesaling of liquor, be discontinued and qualified grocery stores be licensed to sell liquor?)**--Filed February 2, 1986 by Russell J. McCurdy of Seattle. Sponsor failed to submit signatures for checking.
- INITIATIVE MEASURE NO. 488 (Shall the state ferry system be managed by three full-time commissioners who will set ferry fares, staffing levels, and wages?)**--Filed February 3,

*Indicates measure became law.

INITIATIVES TO THE PEOPLE

1986 by Winfred P. Williams of Bainbridge Island. Sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 489 (Shall the legislature submit a constitutional amendment requiring voter approval of new taxes and full funding of state retirement systems?)--Filed February 11, 1986 by James L. King, Jr. of Tacoma. Sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 490 (Shall knowingly employing, in certain jobs, persons having preferences for or orientation toward conduct defined as sexually deviant, be prohibited?)--Filed February 21, 1986 by Glen Dobbs, of Chehalis. Sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 491 (Shall the minimum disability retirement allowance for Washington Public Employees' Retirement System members be sufficient to pay for medical insurance?)--Filed February 14, 1986 by Winfred P. Williams of Bainbridge Island. Sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 492 (Shall disability retirees under the Washington Public Employees' Retirement System be exempt from paying state recreational use and entry fees?)--Filed February 14, 1986 by Winfred P. Williams of Bainbridge Island. Sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 493 (Shall the legislature be statutorily prohibited from increasing taxes or imposing new taxes unless approved by 60% of each house?)--Filed March 11, 1986 by G. Robert Williams of Longview. Sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 494 (Shall state bonds be issued to raise funds for consumer grants to be deposited in banks for qualified registered voters?)--Filed March 24, 1986 by Steven A. Tracy of Longview. Sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 495 (Shall hazardous waste laws be amended to broaden state cleanup enforcement authority, increase and impose fees and specify strict liability?)--Filed April 24, 1986 by Pam Crocker-Davis of Lacey. Sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 496 (Shall certain excise taxes imposed in lieu of property taxes be limited to one percent of true and fair value?)--Filed on January 5, 1987 by Frank D. Parsons of Bellevue. Sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 497 (Shall constitutional impact statements reflecting constitutional compliance or noncompliance be required to accompany all bills introduced in the state legislature?)--Filed on January 5, 1987 by John A. Klima of Issaquah. Sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 498 (Shall approval by two-thirds of a governing body be required for new taxes, tax rate increases, or tax base enlargement?)--Filed on January 9, 1987 by D.E. Jewett of Langley. Sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 499 (Shall maximum tax rates on real and personal property be reduced and a new maximum include voter approved tax levies?)--Filed on January 23, 1987 by Frank D. Parsons of Bellevue. Sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 500 (Shall a transaction tax, not to exceed 1% on transfers of money or property replace present state and local taxes?)--Filed on January 20, 1987 by Clarence P. Keating, Jr. of Seattle. Sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 501 (Shall the statutory maximum tax per gallon on motor vehicle fuels be reduced to a 15 cents per gallon maximum?)--Filed on January 28, 1987 by Cecil F. Herman of Olympia. Sponsored failed to submit signatures for checking.

INITIATIVE MEASURE NO. 502 (Shall the state law which requires the driver and passengers of a motor vehicle to use safety belts be repealed?)--Filed on February 9, 1987 by Donald T. Adsitt of Kennewick. Sponsor failed to submit signatures for checking.

*Indicates measure became law.

INITIATIVES TO THE PEOPLE

- INITIATIVE MEASURE NO. 503 (Shall motor vehicle owners and operators be required to maintain vehicle liability insurance and submit proof thereof to license vehicles?)--Filed on February 13, 1987 by William D. Smith of Cashmere. Sponsor failed to submit signatures for checking.
- INITIATIVE MEASURE NO. 504 (Shall individuals' net worth be taxed except for current bonded indebtedness be eliminated, and other taxes be reduced?)--Filed on March 17, 1987 by Meta Heller of Olympia. Sponsor failed to submit signatures for checking.
- INITIATIVE MEASURE NO. 505 (Shall individuals' and trusts' net worth be taxed, not property except for current bonded indebtedness, and other taxes be reduced?)--Filed on March 27, 1987 by Meta Heller of Olympia. Sponsor failed to submit signatures for checking.
- INITIATIVE MEASURE NO. 506 (Shall the State conduct a March presidential preference primary for major political party candidates and certain election statutes be changed?)--Filed on May 12, 1987 by Eddie Rye, Jr. of Seattle. Sponsor failed to submit signatures for checking.
- INITIATIVE MEASURE NO. 507 (Shall motor vehicle liability insurance be required to drive in this state and proof of insurance submitted to license vehicles?)--Filed on January 12, 1988 by William D. Smith of Cashmere. Sponsor failed to submit signatures for checking.
- INITIATIVE MEASURE NO. 508 (Shall the maximum for property tax rates be reduced and a maximum established to include tax levies approved by voters?)--Filed on January 8, 1988 by Frank D. Parsons of Bellevue. Sponsor failed to submit signatures for checking.
- INITIATIVE MEASURE NO. 509 (Shall the first \$150,000 of each piece of property's assessed valuation be exempt from the payment of the property taxes?)--Filed on January 15, 1988 by Frank D. Parsons of Bellevue. Sponsor failed to submit signatures for checking.
- INITIATIVE MEASURE NO. 510 (Shall a two-thirds vote of approval be required to impose new taxes, increase tax rates, or enlarge the tax base?)--Filed on January 12, 1988 by D. E. Jewett of Langley. Sponsor failed to submit signatures for checking.
- INITIATIVE MEASURE NO. 511 (Shall the 106% levy lid limiting the amount taxing districts can levy as regular property taxes be reduced to 98%?)--Filed on January 21, 1988 by Frank D. Parsons of Bellevue. Sponsor failed to submit signatures for checking.
- INITIATIVE MEASURE NO. 512 (Shall state and local tax rates, fees, fines and other charges be stabilized then reduced 2% annually for five years?)--Filed on January 11, 1988 by Judith Anderson of Brush Prairie. Sponsor failed to submit signatures for checking.
- INITIATIVE MEASURE NO. 513 Filed on January 19, 1988 by Michael P. Shanks of Seattle. Measure was refiled as Initiative No. 514.
- INITIATIVE MEASURE NO. 514 (Shall household and local commercial movers be exempted from rate and service area regulation by the Utilities and Transportation Commission?)--Filed on February 11, 1988 by Michael P. Shanks of Seattle. Sponsor failed to submit signatures for checking.
- INITIATIVE MEASURE NO. 515 (Shall the January state holiday which celebrates the birth of Martin Luther King, Jr. be officially designated "Civil Rights Day"?)--Filed on February 10, 1988 by Brian Burgett of Olympia. Sponsor failed to submit signatures for checking.
- INITIATIVE MEASURE NO. 516 (Shall a transaction tax, not to exceed 1%, on transfers of money or property replace present state and local taxes?)--Filed on March 4, 1988 by Clarence P. Keating of Seattle. Sponsor failed to submit signatures for checking.
- INITIATIVE MEASURE NO. 517 (Shall the state operate waste dumpsites and a Hanford facility, require separation of recyclable refuse, and regulate all garbage collectors?)--

*Indicates measure became law.

INITIATIVES TO THE PEOPLE

Filed on March 9, 1988 by Michael P. Shanks of Seattle. Sponsor failed to submit signatures for checking.

***INITIATIVE MEASURE NO. 518 (Shall the state minimum wage increase from \$2.30 to \$3.85 (January 1, 1989) and then to \$4.25 (January 1, 1990) and include agricultural workers?)**--Filed on March 21, 1988 by Jennifer Belcher of Olympia and Art Wang of Tacoma. The sponsors submitted 300,900 signatures for checking. The measure was subsequently certified to the ballot and was submitted to the voters at the November 8, 1988 general election. It was approved by the following vote: **For--1,354,454; Against--414,926.**

INITIATIVE MEASURE NO. 519 (Shall continued frequent contacts with both parents be the most important factor considered by a court in determining child custody?)--Filed on March 3, 1988 by Dan D. Milne of Spokane. Sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 520 (Shall blood donors, in a voluntary noncompensatory blood donation program, have the right to designate the recipient of their blood?)--Filed on March 29, 1988 by Richard E. Woodrow of Lynnwood. Sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 521 (Shall active members of the Washington State Bar Association be ineligible to serve as a state legislative representative or senator?)--Filed on March 29, 1988 by Eugene Goosman of Seattle. Sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 522 Filed on March 24, 1988 by James K. Linderman of Yacolt. Measure was refiled as Initiative to the Legislature No. 101.

INITIATIVE MEASURE NO. 523 (Shall a two-thirds vote of approval be required to impose new taxes, increase tax rates, or enlarge the tax base?)--Filed on January 9, 1989 by D. E. Jewett of Langley. Sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 524 (Shall the state expand the definition of child pornography, restrict display of materials, and limit defenses to sexual exploitation charges?)--Filed on January 10, 1989 by Andrea K. Vangor of Kirkland. The sponsor submitted 163,670 signatures for checking and they were found insufficient to qualify the measure for the state general election ballot.

INITIATIVE MEASURE NO. 525 (Shall the first \$100,000 of the assessed value of each piece of property be exempt from payment of property taxes?)--Filed on January 9, 1989 by Frank D. Parsons of Bellevue. Sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 526 (Shall tax, fee and fine rates be reduced 2% annually for five years and new taxes require two-thirds voter approval?)--Filed on January 23, 1989 by Judith Anderson of Vancouver. Sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 527 (Shall a transaction tax, not exceeding 1% on the transfers of money or property, replace present state and local taxes?)--Filed on January 18, 1989 by Clarence P. Keating of Seattle. Sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 528 (Shall state laws relating to child custody be revised emphasizing frequent contact with each parent and each having equal custody?)--Filed on January 18, 1989 by Dan Milne of Spokane. Sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 529 (Shall blood donors, in a voluntary noncompensatory blood donation program, have the right to designate the recipient of their blood?)--Filed on February 16, 1989 by Richard E. Woodrow of Lynnwood. Sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 530 Filed on April 13, 1989 by Lyle Bates of Spanaway. Measure was refiled as Initiative to the People No. 531.

*Indicates measure became law.

INITIATIVES TO THE PEOPLE

INITIATIVE MEASURE NO. 531 (Shall business donations for child services, benefiting those with income below 200% of federal poverty guidelines, receive state tax credits?)--
Filed on April 26, 1989 by Lyle Bates of Spanaway. Sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 532 (Shall the 1989 Omnibus Alcohol and Controlled Substances Act be repealed, penalties revised for supplying minors, and some marihuana legalized?)--Filed on May 10, 1989 by Michael Shanks of Seattle. Sponsor failed to submit signatures for checking.

INITIATIVES TO THE LEGISLATURE

- *INITIATIVE TO THE LEGISLATURE NO. 1 (District Power Measure)**--Filed October 25, 1928. The 1929 Legislature failed to take action, and as provided by the state constitution the measure then was submitted to the voters for final decision at the November 4, 1930 state general election. Measure was approved into law by the following vote: **For--152,487 Against--130,901**. The act is now identified as Chapter 1, Laws of 1931.
- INITIATIVE TO THE LEGISLATURE NO. 1A (Brewers' Hotel Bill)**--Filed December 14, 1914. The 1915 Legislature failed to take action, and as provided by the state constitution the measure then was submitted to the voters for final decision at the November 7, 1916 state general election. Measure was defeated by the following vote: **For--48,354 Against--263,390**.
- *INITIATIVE TO THE LEGISLATURE NO. 2 (Blanket Primary Ballot)**--Filed August 21, 1934. Passed by the Legislature February 21, 1935. Now identified as Chapter 26, Laws of 1935.
- INITIATIVE TO THE LEGISLATURE NO. 3 (Tax Free Homes)**--Filed August 25, 1934. No petition filed.
- INITIATIVE TO THE LEGISLATURE NO. 4 (Unemployment Insurance)**--Filed September 5, 1934. No petition filed.
- INITIATIVE TO THE LEGISLATURE NO. 5 (Prohibiting Fishing with Purse Seines)**--Filed November 20, 1934. Insufficient number of signatures on petition; failed.
- INITIATIVE TO THE LEGISLATURE NO. 6 (Legal Holiday on Saturday)**--Filed August 17, 1938. No petition filed.
- INITIATIVE TO THE LEGISLATURE NO. 7 (Pension for Blind)**--Filed October 7, 1938. Refiled as Initiative to the Legislature No. 8.
- INITIATIVE TO THE LEGISLATURE NO. 8 (Pension for Blind)**--Filed October 10, 1938. No petition filed.
- INITIATIVE TO THE LEGISLATURE NO. 9 (Relating to Intoxicating Liquors)**--Filed December 8, 1938. No petition filed.
- INITIATIVE TO THE LEGISLATURE NO. 10 (Unicameral Legislature)**--Filed May 23, 1940. No petition filed.
- INITIATIVE TO THE LEGISLATURE NO. 11 (Reapportionment of State Legislative Districts)**--Filed July 8, 1942. No petition filed.
- *INITIATIVE TO THE LEGISLATURE NO. 12 (Public Power Resources)**--Filed August 29, 1942. Passed by the Legislature February 17, 1943. Now identified as Chapter 15, Laws of 1943. Act invalidated through Referendum Measure No. 25.
- INITIATIVE TO THE LEGISLATURE NO. 13 (Restricting Sales of Beer and Wine to State Liquor Stores)**--This measure is the same as Initiative Measure No. 163 and was filed August 23, 1946. Signature petitions filed January 3, 1947. The 1947 Legislature failed to take action as provided by the state constitution the measure then was submitted to the voters for final decision at the November 2, 1948 state general election. Measure was defeated by the following vote: **For--208,337 Against--602,141**.
- INITIATIVE TO THE LEGISLATURE NO. 14 (Reapportionment of State Legislative Districts)**--Filed September 19, 1946. No petition filed.
- INITIATIVE TO THE LEGISLATURE NO. 15 (Establishing a Civil Service System for the Employees of the State of Washington)**--Filed October 16, 1946. No petition filed.
- INITIATIVE TO THE LEGISLATURE NO. 16 (Providing for the Election of State Game Commissioners)**--Filed September 8, 1948. No signature petitions presented.

*Indicates measure became law.

INITIATIVES TO THE LEGISLATURE

- INITIATIVE TO THE LEGISLATURE NO. 17 (Regulating Legislative Committee Hearings)**—Filed October 16, 1948. No signature petitions filed.
- INITIATIVE TO THE LEGISLATURE NO. 18 (Petitioning Congress to declare that it is the policy of the United States to live in peaceful coexistence with other nations, etc.)**—This measure is the same as Initiative Measure No. 183 and was filed September 3, 1952. No signature petitions presented for checking.
- INITIATIVE TO THE LEGISLATURE NO. 19 (Repealing the Subversive Activities Act)**—Filed September 19, 1952. No signature petitions presented for checking.
- INITIATIVE TO THE LEGISLATURE NO. 20 (Legislative and Congressional Districting)**—Filed April 16, 1954. Sponsors dissatisfied with ballot title and, as a consequence, measure (with some minor changes, all occurring in section 5) was refiled as of May 17, 1954 and measure refiled as Initiative No. 22 to the Legislature.
- INITIATIVE TO THE LEGISLATURE NO. 21 (Professional Practice Boards)**—Filed April 20, 1954. No signature petitions presented for checking.
- INITIATIVE TO THE LEGISLATURE NO. 22 (Legislative and Congressional Districting)**—Filed May 17, 1954. No signature petitions presented for checking.
- *INITIATIVE TO THE LEGISLATURE NO. 23 (Civil Service for Sheriff's Employees)**—Measure filed August 7, 1956. Signature petitions filed December 5, 1956, and found sufficient. The 1957 Legislature failed to take action, and as provided by the state constitution the measure was then submitted to the voters for final decision at the November 4, 1958 state general election. Measure was approved by the following vote: **For**—539,640 **Against**—289,575. Act is now identified as Chapter 1, Laws of 1959.
- INITIATIVE TO THE LEGISLATURE NO. 24 (Limiting Dams in Fish Sanctuaries)**—Measure filed September 18, 1956. Signature petitions containing approximately 85,600 signatures filed January 3, 1957. However, attorney general ruled that provisions of the 30th amendment to the state constitution approved by the voters at the 1956 state general election applied at the time signatures were presented. This amendment provided that the number of signatures necessary to validate an initiative must be equal to at least 8% of the votes cast on the position of governor at the last preceding gubernatorial election. This computation set the necessary number as 90,319 valid signatures. Sponsors appealed to the State Supreme Court which held that the attorney general was correct. For this reason the Secretary of State did not check signature petitions and the initiative was not certified to the 1957 Legislature.
- *INITIATIVE TO THE LEGISLATURE NO. 25 (Dam Construction and Water Diversion)**—Measure filed April 3, 1958. Signature petitions filed January 2, 1959 and upon completion of canvass found sufficient. The 1959 Legislature failed to take final action and as provided by the state constitution the measure was submitted to the voters for final decision at the November 8, 1960 state general election. Measure was approved by the following vote: **For**—526,130 **Against**—483,449. Act is now identified as Chapter 4, Laws of 1961.
- INITIATIVE TO THE LEGISLATURE NO. 26 (Abolishing Capital Punishment)**—Measure filed March 10, 1960. No signature petitions presented for checking.
- INITIATIVE TO THE LEGISLATURE NO. 27 (Restricting Federal Taxation and Activities)**—Measure filed June 27, 1960. No signature petitions presented for checking.
- INITIATIVE TO THE LEGISLATURE NO. 28 (Civil Service for County Employees)**—Measure filed July 1, 1960. No signature petitions presented for checking.
- INITIATIVE TO THE LEGISLATURE NO. 29 (Repealing Certain 1961 Tax Laws)**—Filed March 27, 1962 by the Citizens' Tax Revolt Group. Campaign for supporting signatures was not successful and, as a consequence, no signature petition sheets were filed for checking.

*Indicates measure became law.

INITIATIVES TO THE LEGISLATURE

- INITIATIVE TO THE LEGISLATURE NO. 30 (Reorganization of State Fisheries Department)**--Filed May 28, 1962 by the Washington State Sportsmen's Council. Campaign for supporting signatures was not successful and, as a consequence, no signature petition sheets were filed for checking.
- INITIATIVE TO THE LEGISLATURE NO. 31 (Laws Regulating Courts--Judges--Attorneys)**--Filed May 17, 1966 by Walter H. Philipp of Seattle. This was, in effect, a refile of Initiative Measure No. 232 and again no signatures were presented for checking.
- INITIATIVE TO THE LEGISLATURE NO. 32 (Local Processing of State Timber)**--Filed May 31, 1966 by the Committee for Full Employment in Washington. Signatures (136,181) filed December 30, 1966 and found sufficient. The 1967 Legislature failed to take final action and, as provided by the state constitution, the measure was submitted to the voters for final decision at the November 5, 1968 state general election. Measure was rejected by the following vote: **For--450,559 Against--716,291**.
- INITIATIVE TO THE LEGISLATURE NO. 33 (No caption written)**--Filed July 1, 1966 by George A. Guilmet of Edmonds. This was a proposed memorial to Congress concerning "the ending of the war now being waged by the United States Government and its armed forces in Vietnam and Southeast Asia." However, the office of the attorney general reversed its position in that a similar measure was filed in 1952 (Initiative to the Legislature No. 18) and declined to issue a ballot title on the grounds that the subject matter was not a proper subject to fall within the scope of the initiative procedure. As a consequence, the secretary of state returned the measure and filing fee to the sponsor.
- INITIATIVE TO THE LEGISLATURE NO. 34 ("Personal Effects" Tax Exemption)**--Filed March 20, 1968 by the Committee Against Unfair Personal Property Tax. No signatures presented for checking.
- INITIATIVE TO THE LEGISLATURE NO. 35 (State Citizens--War and Taxes)**--Filed April 28, 1970 by the Seattle Liberation Front--William Edward Kononen, Initiative Circulation Chairman. No signatures presented for checking.
- INITIATIVE TO THE LEGISLATURE NO. 36 (Licensing Dog Racing--Parimutuel Betting)**--Filed July 3, 1970 by Donald Nicholson of Kirkland. Because of technical errors, measure was refiled August 18, 1970 as Initiative to the Legislature No. 39.
- INITIATIVE TO THE LEGISLATURE NO. 37. (Transportation Revenues--Use and Distribution)**--Filed July 9, 1970 by William L. McCord and William L. Harrington, Co-sponsors. No signatures presented for checking.
- INITIATIVE TO THE LEGISLATURE NO. 38 (Certain Cities--Greyhound Racing Franchises)**--Filed July 31, 1970 by Herbert B. Shannon of Medina. Signatures (121,077) filed December 31, 1970. Checking revealed insufficient valid signatures submitted and the initiative was not certified to the 1971 Legislature.
- INITIATIVE TO THE LEGISLATURE NO. 39 (Licensing Dog Racing--Parimutuel Betting)**--Filed August 18, 1970 by Donald Nicholson and Dr. Lawrence Pirkle, Co-sponsors. Signatures (124,394) filed December 31, 1970. Checking revealed insufficient valid signatures submitted and the initiative was not certified to the 1971 Legislature.
- INITIATIVE TO THE LEGISLATURE NO. 40 (Litter Control Act)**--Filed August 20, 1970 by the Washington Committee to Stop Litter--Irving B. Stimpson, Secretary. Signatures (141,228) filed December 30, 1970 and found sufficient and the measure was certified to the Legislature as of January 29, 1971. The Legislature took no action insofar as Initiative Measure No. 40 but did pass an alternative measure No. 40B now identified as Chapter 307, Laws of 1971 1st Extraordinary Session, which contained an emergency clause and became effective law upon approval of the Governor on May 21, 1971. However, as required by the state constitution, both measures were submitted to the voters for final decision at the November 7, 1972 state general election. The votes cast on the original measure and the alternative proposal were as follows:

*Indicates measure became law.

INITIATIVES TO THE LEGISLATURE

For Either	Against Both	Prefer No. 40	Prefer No. 40B
788,151	418,764	194,128	798,931

As a consequence, Alternative Measure No. 40B prevailed which sustained Chapter 307, Laws of 1971 1st Extraordinary Session, as law.

INITIATIVE TO THE LEGISLATURE NO. 41 (Public Schools--Certain Courses Curtailed)--Filed September 4, 1970 by the Schools Belong to You Committee of the State of Washington--Dale R. Dorman, Chairman. No signatures presented for checking.

INITIATIVE TO THE LEGISLATURE NO. 42--Filed September 21, 1970 by the Washington Environmental Council. Re-filed September 25, 1970 as Initiative to the Legislature No. 43.

INITIATIVE TO THE LEGISLATURE NO. 43 (Regulating Shoreline Use and Development)--Filed September 25, 1970 by the Washington Environmental Council. Signatures (160,421) filed December 31, 1970 and found sufficient and the measure was certified to the Legislature as of January 29, 1971. The legislature took no action insofar as Initiative No. 43 but did pass an alternative measure No. 43B now identified as Chapter 286, Laws of 1971 1st Extraordinary Session, which became effective law as of June 1, 1971. However, as required by the state constitution both measures were submitted to the November 7, 1972 state general election. The votes cast on the original measure and the alternative proposal were as follows:

For Either	Against Both	Prefer No. 43	Prefer No. 43B
603,167	551,132	285,721	611,748

As a consequence, Alternative Measure No. 43B prevailed which sustained Chapter 286, Laws of 1971 1st Extraordinary Session, as law.

***INITIATIVE TO THE LEGISLATURE NO. 44 (Statutory Tax Limitation--20 Mills)**--Filed October 15, 1970 by the 40-Mill Tax Limit Committee--Lester P. Jenkins, Secretary. Signatures (229,785) filed December 30, 1970 and found sufficient and the measure was certified to the Legislature as of January 29, 1971. The Legislature took no action and, as provided by the state constitution, the initiative was submitted to the voters for final decision at the November 7, 1972 state general election and approved by the following vote: **For--930,275 Against--301,238.** Act is now identified as Chapter 2, Laws of 1973.

INITIATIVE TO THE LEGISLATURE NO. 45 (Restoration of Law Prohibiting Hitchhiking)--Filed July 10, 1972 by Mildred C. Trantow, President, Washington State Chapter of Pro America. No signatures presented for checking.

INITIATIVE TO THE LEGISLATURE NO. 46 (Restricting School District Excess Levies)--Filed July 25, 1972 by Representative Paul Barden and Representative Vaughn Hubbard, Co-sponsors. No signatures presented for checking.

INITIATIVE TO THE LEGISLATURE NO. 47 (Shall public schools be prohibited from teaching either the theory of evolution or that of creation unless both are taught?)--Filed April 3, 1974 by Ward E. Ellsworth. No signatures presented for checking.

INITIATIVE TO THE LEGISLATURE NO. 48 (Shall state financial support for public schools be greatly increased for 1975-77 and school district excess levies restricted after 1975?)--Filed April 9, 1974 by the Committee for State School Support. No signatures presented for checking.

INITIATIVE TO THE LEGISLATURE NO. 49 (Shall an initiative be adopted declaring persons ineligible for election to given state offices for more than 12 consecutive years?)--Filed July 5, 1974 by Senator Peter von Reichbauer. No signatures presented for checking.

*Indicates measure became law.

INITIATIVES TO THE LEGISLATURE

- INITIATIVE TO THE LEGISLATURE NO. 50 (Shall greyhound dog racing, with parimutuel betting, be permitted when licensed by a state commission and subject to its control?)-- Filed July 16, 1974 by Donald Nicholson. No signatures presented for checking.
- INITIATIVE TO THE LEGISLATURE NO. 51 (Constitutional Amendment--Qualifications of Legislators)--Filed March 11, 1976 by Harley H. Hoppe of Mercer Island. Attorney General declined to prepare ballot title.
- INITIATIVE TO THE LEGISLATURE NO. 52 (Shall commercial fishing for or taking of food fish, crab or shrimp in Hood Canal be prohibited?)--Filed April 15, 1976 by J.L. Parsons of Union, WA. No signatures presented for checking.
- INITIATIVE TO THE LEGISLATURE NO. 53 (Shall special levies be limited, and additional state support provided to most districts which approve such limited levies?)--Filed April 21, 1976 by Representative Phyllis K. Erickson of Tacoma. No signatures presented for checking.
- INITIATIVE TO THE LEGISLATURE NO. 54 (Shall an initiative be adopted prohibiting holding most state offices longer than twelve years and judicial offices past age 70?)--Filed April 28, 1976 by Jack Metcalf of Langley, WA. No signatures presented for checking.
- INITIATIVE TO THE LEGISLATURE NO. 55 (Shall persons convicted of certain felonies be imprisoned for a mandatory period of years?)--Filed May 7, 1976 by Senator Kent Pullen of Kent, WA. Re filed as Initiative to the Legislature No. 56.
- INITIATIVE TO THE LEGISLATURE NO. 56 (Shall persons convicted of most felonies be imprisoned for a mandatory period of years?)--Filed June 1, 1976 by Senator Kent Pullen of Kent, WA. No signatures presented for checking.
- INITIATIVE TO THE LEGISLATURE NO. 57 (Shall an initiative be adopted providing that special legislative sessions, however convened, be limited to thirty days and specific subjects?)--Filed July 14, 1976 by Senator Harry Lewis of Olympia. No signatures presented for checking.
- INITIATIVE TO THE LEGISLATURE NO. 58 (Shall an initiative be adopted memorializing the legislature to impeach and remove King County Superior Court Judge Solie M. Ringold?)--Filed July 14, 1976 by Paul O. Snyder of Seattle. No petition submitted.
- *INITIATIVE TO THE LEGISLATURE NO. 59 (Shall new appropriations of public water for nonpublic agricultural irrigation be limited to farms of 2,000 acres or less?)--Filed August 16, 1976 by Ray Hill of Seattle. Signatures (191,012) submitted and found sufficient and measure was certified to the legislature January 14, 1977. The legislature referred this measure to the 1977 state general election ballot. At the November 8, 1977 general election the measure was approved by the following vote: For--457,054 Against--437,682. Act is now identified as Chapter 3, Laws of 1979.
- INITIATIVE TO THE LEGISLATURE NO. 60 (Shall an initiative be adopted authorizing a legislator to convene a grand jury to consider allegations of improper judicial conduct?)-- Filed March 28, 1978 by Mr. Gerald P. Hanson of Maple Valley. No signatures were presented for checking.
- INITIATIVE TO THE LEGISLATURE NO. 61 (Shall a system requiring a minimum five cent refund on sales of beer, malt and carbonated beverage containers be established?)-- Filed May 1, 1978 by Mr. Steve Zemke of Seattle. Signatures (164,325) submitted and a random sample of 8,180 was taken and found sufficient and measure was certified to the Legislature on February 19, 1979. The legislature referred this measure to the 1979 state general election ballot. At the November 6, 1979 general election the measure was rejected. The preliminary figures for the vote are: For--333,062 Against--427,822.
- *INITIATIVE TO THE LEGISLATURE NO. 62 (Shall state tax revenues be limited so that increases do not exceed the growth rate of total state personal income?)--Filed June 1, 1978 by Ron Dunlap and Ellen Craswell of the Washington Tax Limitation Committee.

*Indicates measure became law.

INITIATIVES TO THE LEGISLATURE

Signatures (169,456) submitted and found sufficient and measure was certified to the legislature on January 18, 1979. The legislature referred this measure to the 1979 state general election ballot. At the November 6, 1979 general election the measure was approved. The preliminary figures for the vote are: For--509,349 Against--235,431. Act is now identified as Chapter 1, Laws of 1980.

INITIATIVE TO THE LEGISLATURE NO. 63 (Shall participation in the state militia and law enforcement units not be denied to persons by reason of physical handicaps?)--Filed June 28, 1978 by Mr. Daniel M. Jones of Olympia. No signatures were presented for checking.

INITIATIVE TO THE LEGISLATURE NO. 64--Attorney General refused to write a ballot title.

INITIATIVE TO THE LEGISLATURE NO. 65 (Shall state school levies be subject to the same six percent annual increase limit as other regular property tax levies?)--Filed July 12, 1978 by Mr. Ron Dunlap and Mrs. Ellen Craswell. No signatures were presented for checking.

INITIATIVE TO THE LEGISLATURE NO. 66 (Shall the Consumer Protection Act be amended to provide trebled actual damages in private actions and define specific unlawful acts?)--Filed July 14, 1978 by Mr. Norman L. Bachert of Seattle. No signatures were brought in for checking.

INITIATIVE TO THE LEGISLATURE NO. 67 (Shall an initiative be adopted providing for the recall of United States senators and representatives during legislatively called special elections?)--Filed July 27, 1978 by Mr. Victor J. Bonagofski of Centralia. No signatures were presented for checking.

INITIATIVE TO THE LEGISLATURE NO. 68 (Shall property tax assessments be based on 1976 values, with certain exceptions and assessment increases limited to 2% per year?)--Filed July 21, 1978 by Mr. Bruce Gould of Vancouver. No signatures were presented for checking.

INITIATIVE TO THE LEGISLATURE NO. 69 (Shall single family dwellings and farm buildings be tax exempt, and state and local taxing and borrowing powers be restricted?)--Filed July 26, 1978 by Mr. Gerald P. Hanson of Maple Valley. No signatures were presented for checking.

INITIATIVE TO THE LEGISLATURE NO. 70 (Shall the rates of state sales and business taxes temporarily be reduced 22.2% and 25% respectively during the year 1980?)--Filed August 11, 1978 by Mr. Paul Sanders of Bellevue. No signatures were presented for checking.

INITIATIVE TO THE LEGISLATURE NO. 71 (Shall property taxes be based on 1976 values limited to 2% annual increases, and other property tax changes be enacted?)--Filed August 16, 1978 by Mr. J. Van Self of Tacoma. No signatures were presented for checking.

INITIATIVE TO THE LEGISLATURE NO. 72 (Shall state school levies be limited to 6% annual increases and disabled retirees or elderly property tax exemptions be increased?)--Filed November 20, 1978 by Mr. Claude Oliver of Kennewick. No signatures were presented for checking.

INITIATIVE TO THE LEGISLATURE NO. 73 (Shall Government Agencies, Employees, and Private Individuals be Prohibited from Promoting Certain Sexual Practices, and the Age of Consent Raised?)--Filed May 13, 1980 by David Estes of Seattle. No signatures were presented for checking.

INITIATIVE TO THE LEGISLATURE NO. 74 (Shall There be Mandatory Minimum Prison Sentences for Certain Felonies, Expanded Concealed Weapons' Permits and State Preemption of Firearms' Regulation?)--Filed July 31, 1980 by Kent Pullen of Kent, WA. No signatures presented for checking.

*Indicates measure became law.

INITIATIVES TO THE LEGISLATURE

- INITIATIVE TO THE LEGISLATURE NO. 75. (Shall the Crime Victims Compensation Act be extended to crimes committed after July 1, 1981, and its coverage be broadened?)-- Filed September 4, 1981 by Manuel E. Costa of Marysville. No signatures were presented for checking.
- INITIATIVE TO THE LEGISLATURE NO. 76 (Shall the legislature petition Congress to amend the Constitution, or call a constitutional convention, to require a balanced federal budget?)--Filed March 12, 1982 by Harry Erwin Truitt of Seattle. No signatures were presented for checking.
- INITIATIVE TO THE LEGISLATURE NO. 77 (Shall public employee compensation be reduced or frozen if state expenditures exceed revenues or new taxes are imposed or authorized?)--Filed March 22, 1982 by Glenn Blubaugh of Tacoma. No signatures were presented for checking.
- INITIATIVE TO THE LEGISLATURE NO. 78 (Shall the present state owned and operated liquor distribution system be abolished and replaced with licensed privately owned liquor dealers?)--Filed May 27, 1982 by Robert J. Corcoran of Puyallup. No signatures were presented for checking.
- INITIATIVE TO THE LEGISLATURE NO. 79 (Shall employers have the option, effective July 1, 1984, of securing private insurance to meet the state requirements for workmen's compensation?)--Filed September 29, 1982 by Richard M. Farrow of Seattle. No signatures were presented for checking.
- INITIATIVE TO THE LEGISLATURE NO. 80 (Unemployment Insurance)--Filed September 29, 1982 by Richard C. King of Seattle. Initiative withdrawn by the sponsor.
- INITIATIVE TO THE LEGISLATURE NO. 81 (Political Contributions)--Filed September 29, 1982 by R. M. (Dick) Bond of Spokane. Initiative withdrawn by the sponsor.
- INITIATIVE TO THE LEGISLATURE NO. 82 (Public Purchasing)--Filed September 29, 1982 by Priscilla K. Stockner of Puyallup. Initiative withdrawn by the sponsor.
- INITIATIVE TO THE LEGISLATURE NO. 83 (Shall the 1983-85 state general operating budget be limited by statute to a maximum of 109% of the 1981-83 budget?)--Filed September 29, 1982 by Charles J. McClure of Tacoma. No signatures were presented for checking.
- INITIATIVE TO THE LEGISLATURE NO. 84 (Shall state policies regarding natural resource management, Indian rights, federal court decisions, and the expenditure of state funds be enacted?)--Filed May 13, 1983 by John B. Mitchum of Mt. Vernon. Sponsors have until December 31, 1983 to submit signatures.
- INITIATIVE TO THE LEGISLATURE NO. 85 (Shall the legislature be directed to petition Congress to call a convention to propose a balanced federal budget constitutional amendment?)--Filed June 7, 1983 by James R. Medley of Seattle. Sponsors have until December 31, 1983 to submit signatures.
- INITIATIVE TO THE LEGISLATURE NO. 86. (Shall the legislature submit a state constitutional amendment requiring taxes be approved by voters and full funding of retirement systems?)--Filed August 17, 1984 by James L. King, Jr. of Tacoma. No signatures were submitted for checking.
- INITIATIVE TO THE LEGISLATURE NO. 87. (Shall juvenile diversion agreements require home or nonsecurity residency or placement in secure facilities if a juvenile thereafter runs away?)--Filed October 19, 1984 by Theresa J. Green of Seattle. No signatures were submitted for checking.
- INITIATIVE TO THE LEGISLATURE NO. 88. (Shall candidates for legislative and state executive offices be prohibited from receiving more than specified maximum campaign contributions and loans?)--Filed March 25, 1985 by Roger J. Douglas of Olympia. No signatures were presented for checking.

*Indicates measure became law.

INITIATIVES TO THE LEGISLATURE

- INITIATIVE TO THE LEGISLATURE NO. 89.** (Shall the legislature submit a constitutional amendment requiring voter approval of new taxes and full funding of state retirement systems?)--Filed June 20, 1985 by James L. King, Jr. of Tacoma. No signatures were presented for checking.
- INITIATIVE TO THE LEGISLATURE NO. 90.** (Shall sales and use taxes be increased, 1/8th of 1%, to fund comprehensive fish and wildlife conservation and recreation programs?)--Filed July 22, 1985 by John C. McGlenn of Seattle. 211,299 signatures were submitted and found sufficient and the measure was certified to the legislature on January 24, 1986. The legislature referred this measure to the 1986 general election ballot. At the November 4, 1986 general election the measure was defeated by the following vote: For--493,794. Against--784,382.
- INITIATIVE TO THE LEGISLATURE NO. 91.** (Shall the state administered workers industrial insurance compensation system be modified and employers be granted the option of privately insuring?)--Filed August 9, 1985 by Donald D. Eldridge of Olympia. No signatures were presented for checking.
- INITIATIVE TO THE LEGISLATURE NO. 92.** (Shall it be a consumer protection violation for doctors treating Medicare eligible patients to charge more than Medicare's reasonable charges?)--Filed March 31, 1986 by Lars Hennum of Seattle. 219, 716 signatures were submitted and were found sufficient and the measure was certified to the legislature on January 15, 1987.
- INITIATIVE TO THE LEGISLATURE NO. 93.** (Shall courts be authorized to require that convicted felons after release from prison be subject to restrictions and state supervision?)--Filed May 5, 1986 by Stuart A. Halsan of Centralia. No signatures were presented for checking.
- INITIATIVE TO THE LEGISLATURE NO. 94.** (Shall conviction for possessing more than five ounces of, or selling, "dangerous drugs" result in at least five years imprisonment?)--Filed August 22, 1986 by Clyde Ballard of East Wenatchee. No signatures were presented for checking.
- INITIATIVE TO THE LEGISLATURE NO. 95** (Shall denturists be licensed, dental hygienists' activities be expanded, and both be permitted to function without supervision of a dentist?)--Filed on April 17, 1987 by Kenneth S. MacPherson of Redmond. No signatures were presented for checking.
- INITIATIVE TO THE LEGISLATURE NO. 96** (Cleanup of Toxic Waste)--Filed on July 16, 1987 by David A. Bricklin of Seattle. Initiative refiled as Initiative 97.
- *INITIATIVE TO THE LEGISLATURE NO. 97** (Shall a hazardous waste cleanup program, partially funded by a 7/10 of 1% tax on hazardous substances, be enacted?)--Filed on August 13, 1987 by Christine Platt of Olympia. 215,505 signatures were submitted and were found sufficient. The measure was certified to the legislature on February 8, 1988.
- INITIATIVE TO THE LEGISLATURE NO. 98** (Shall conversations concerning controlled drugs be recordable with one party's consent and limited court use of unauthorized recordings be permitted?)--Filed on April 1, 1988 by Frank Kancko of Olympia. Sponsor failed to submit signatures for checking.
- *INITIATIVE TO THE LEGISLATURE NO. 99** (Shall a state presidential preference primary election determine each presidential candidate's percentage of delegates to major party national conventions?)--Filed on April 24, 1988 by Ross E. Davis of Seattle and Joe E. Murphy of Seattle. 202, 872 signatures were submitted and were found sufficient. The measure was certified to the legislature on February 6, 1989.
- INITIATIVE TO THE LEGISLATURE NO. 100** (Shall private property rights be a compelling state interest restricting eminent domain, state agreements with governments, and some agency rules?)--Filed on April 11, 1988 by Neil Amondson of Centralia. Sponsor failed to submit signatures for checking.

*Indicates measure became law.

INITIATIVES TO THE LEGISLATURE

- INITIATIVE TO THE LEGISLATURE NO. 101 (Shall mandatory minimum jail sentences be required for some drug offenses including possessing materials or equipment to illegally manufacture drugs?)**--Filed on May 5, 1988 by James K. Linderman of Yacolt. Sponsor failed to submit signatures for checking.
- INITIATIVE TO THE LEGISLATURE NO. 102 (Shall the state support of children and family services, including some education programs, be increased by \$360,000,000 in new taxes?)**--Filed on June 24, 1988 by Jon LeVeque of Seattle. 217,143 signatures were submitted and found sufficient. The measure was certified to the Legislature on January 20, 1989.
- INITIATIVE TO THE LEGISLATURE NO. 103 (Shall rent increases in mobile home parks be prohibited until June 30, 1990 and thereafter increases would require a state board's approval?)**--Filed on July 8, 1988 by Shirley J. Johnson of Everett. Sponsor failed to submit signatures for checking.
- INITIATIVE TO THE LEGISLATURE NO. 104 (Shall proposed thermal power plants be required to demonstrate that their operation will not increase carbon dioxide in the atmosphere?)**--Filed on August 22, 1988 by Allen W. Hayward of Olympia. Sponsor failed to submit signatures for checking.
- INITIATIVE TO THE LEGISLATURE NO. 105 (Regarding attorneys as members of the Legislature)**--Filed on July 20, 1988 by Eugene Goosman of Seattle. Attorney General refused to write ballot title on the grounds that the initiative proposed to amend the Constitution.
- INITIATIVE TO THE LEGISLATURE NO. 106 (Shall the state issue tax obligation bonds and use the proceeds for consumer grants, state projects, reinvestment and bond expenses?)**--Filed on August 23, 1988 by Steven A. Tracy of Longview. Sponsor failed to submit signatures for checking.
- INITIATIVE TO THE LEGISLATURE NO. 107 (Shall new limitations be imposed upon the adoption of state and local rules and ordinances restricting property rights of landowners?)**--Filed on September 12, 1988 by Ellen Pickell of Hoquiam and Neil Amondson of Centralia. Sponsors failed to submit signatures for checking.
- INITIATIVE TO THE LEGISLATURE NO. 108 (Shall a toll bridge connecting Bainbridge Island to land east of Bremerton by financed by \$22,000,000 and general obligation bonds?)**--Filed on September 29, 1988 by T. H. Tees of Bremerton. Sponsor failed to submit signatures for checking.
- INITIATIVE TO THE LEGISLATURE NO. 109 (Shall women considering abortion be advised by the physician of their opportunity to receive certain information about abortion and alternatives?)**--Filed on April 19, 1989 by Mike Padden of Spokane. 153,619 signatures were submitted and were found insufficient.
- INITIATIVE TO THE LEGISLATURE NO. 110 (Regarding a mandatory sentence for the manufacture or sale of narcotics.)**--Filed on April 3, 1989 by James Linderman, Sr. of Yacolt. Sponsor abandoned this initiative and refiled it as Initiative to the Legislature No. 111.
- INITIATIVE TO THE LEGISLATURE NO. 111 (Shall mandatory minimum jail sentences and fines be required for certain drug offenses and other drug maximum sentences be increased?)**--Filed on May 10, 1989 by James K. Linderman, Sr. of Yacolt. Sponsor failed to submit signatures for checking.
- INITIATIVE TO THE LEGISLATURE NO. 112 (Shall the state regulate oil refiners' prices, rates, services and practices dealing with, or charged to, retail motor fuel outlets?)**--Filed on May 25, 1989 by Timothy Hamilton of McCleary. Sponsor failed to submit signatures for checking.
- INITIATIVE TO THE LEGISLATURE NO. 113 (Shall certain drug offenses have mandatory jail sentences, other drug sentences increased, and penalties paid to local jurisdiction drug**

*Indicates measure became law.

INITIATIVES TO THE LEGISLATURE

funds?)—Filed on June 23, 1989 by James K. Linderman, Sr. of Yacolt. Sponsor failed to submit signatures for checking.

INITIATIVE TO THE LEGISLATURE NO. 114 (Regarding the burning or defacing of the American flag.)—Filed on June 30, 1989 by Carl R. Barbec of Seattle. The Attorney General declined to write a ballot title.

INITIATIVE TO THE LEGISLATURE NO. 115 (Shall the state and local tax rates on commercial and residential buildings and new construction be reduced at least 50%?)—Filed on July 11, 1989 by Charles Caussey of Spokane. Sponsor failed to submit signatures for checking.

INITIATIVE TO THE LEGISLATURE NO. 116 (Shall child support laws be revised, including a disregarding of parents' income in fixing a schedule for child support payments?)—Filed on August 21, 1989 by William Harrington of Lynnwood. Sponsor failed to submit signatures for checking.

INITIATIVE TO THE LEGISLATURE NO. 117 (Shall political contributions be limited regarding amount, timing and residency of contributors, and elected officials restricted on mailings and honoraria?)—Filed on September 12, 1989 by Robert E. Adams of Bellevue. Sponsor failed to submit signatures for checking.

*Indicates measure became law.

REFERENDUM MEASURES

- REFERENDUM MEASURE NO. 1 (Chapter 48, Laws of 1913, Teachers' Retirement Fund)--Filed March 11, 1913. Submitted to the people at the state general election held on November 3, 1914. *Failed to pass by the following vote: For--59,051 Against--252,356. As a consequence, Chapter 48, Laws of 1913 did not become law.
- REFERENDUM MEASURE NO. 2 (Chapter 180, Laws of 1913, Quincy Valley Irrigation Measure)--Filed March 25, 1913. Submitted to the people at the state general election held on November 3, 1914. *Failed to pass by the following vote: For--102,315 Against--189,065. As a consequence, Chapter 180, Laws of 1913 did not become law.
- REFERENDUM MEASURE NO. 3 (Chapter 54, Laws of 1915, Relating to Initiative and Referendum)--Filed March 18, 1915. Submitted to the people at the state general election held on November 7, 1916. *Failed to pass by the following vote: For--62,117 Against--196,363. As a consequence, Chapter 54, Laws of 1915 did not become law.
- REFERENDUM MEASURE NO. 4 (Chapter 55, Laws of 1915, Recall of Elective Public Officers)--Filed March 18, 1915. Submitted to the people at the state general election held on November 7, 1916. *Failed to pass by the following vote: For--63,646 Against--193,686. As a consequence, Chapter 55, Laws of 1915 did not become law.
- REFERENDUM MEASURE NO. 5 (Chapter 52, Laws of 1915, Party Conventions Act)--Filed March 25, 1915. Submitted to the people at the state general election held on November 7, 1916. *Failed to pass by the following vote: For--49,370 Against--200,499. As a consequence, Chapter 52, Laws of 1915 did not become law.
- REFERENDUM MEASURE NO. 6 (Chapter 181, Laws of 1915, Anti-Picketing)--Filed March 25, 1915. Submitted to the people at the state general election held on November 7, 1916. *Failed to pass by the following vote: For--85,672 Against--183,042. As a consequence, Chapter 181, Laws of 1915 did not become law.
- REFERENDUM MEASURE NO. 7 (Chapter 178, Laws of 1915, Certificate of Necessity Act)--Filed March 25, 1915. Submitted to the people at the state general election held on November 7, 1916. *Failed to pass by the following vote: For--46,820 Against--201,742. As a consequence, Chapter 178, Laws of 1915 did not become law.
- REFERENDUM MEASURE NO. 8 (Chapter 46, Laws of 1915, Port Commission)--Filed March 25, 1915. Submitted to the people at the state general election held on November 7, 1916. *Failed to pass by the following vote: For--45,264 Against--195,253. As a consequence, Chapter 46, Laws of 1915 did not become law.
- REFERENDUM MEASURE NO. 9 (Chapter 49, Laws of 1915, Budget System)--Filed March 25, 1915. Submitted to the people at the state general election held on November 7, 1916. *Failed to pass by the following vote: For--67,205 Against--181,833. As a consequence, Chapter 49, Laws of 1915 did not become law.
- REFERENDUM MEASURE NO. 10 (Chapter 19, Laws of 1917, Bone Dry Law)--Filed February 20, 1917. Submitted to the people at the state general election held on November 5, 1918. Measure passed by the following vote: For--96,100 Against--54,322.
- REFERENDUM MEASURE NO. 11 (Chapter 167, Laws of 1917, Capitol Building Fund Bonds)--Filed April 23, 1917. No petition filed.
- REFERENDUM MEASURE NO. 12A (Chapter 77, Laws of 1919, Salary of Judges)--Filed April 14, 1919. No petition filed.
- REFERENDUM MEASURE NO. 12B (Chapter 59, Laws of 1921, Certificate of Necessity)--Filed March 26, 1921. Submitted to the people at the state general election held on November 7, 1922. *Failed to pass by the following vote: For--64,800 Against--154,905. As a consequence, Chapter 59, Laws of 1921 did not become law.

*Term "Failed to pass" indicates sponsor of Referendum was successful in attempt to prevent measure from becoming effective law.

REFERENDUM MEASURES

- REFERENDUM MEASURE NO. 13A (Chapter 112, Laws of 1919, Death Penalty)—Filed April 14, 1919. No petition filed.
- REFERENDUM MEASURE NO. 13B (Chapter 175, Laws of 1921, Physical Examination of School Children)—Filed April 4, 1921. Submitted to the people at the state general election held on November 7, 1922. *Failed to pass by the following vote: For--96,874 Against--156,113. As a consequence, Chapter 175, Laws of 1921 did not become law.
- REFERENDUM MEASURE NO. 14A (Senate Joint Resolution No. 1, Laws of 1919, Intoxicating Liquor)—Filed March 20, 1919. Insufficient number of signatures on petition.
- REFERENDUM MEASURE NO. 14B (Chapter 177, Laws of 1921, Primary Nominations and Registrations)—Filed April 9, 1921. Submitted to the people at the state general election held on November 7, 1922. *Failed to pass by the following vote: For--60,593 Against--164,004. As a consequence, Chapter 177, Laws of 1921 did not become law.
- REFERENDUM MEASURE NO. 15 (Chapter 176, Laws of 1921, Party Conventions)—Filed April 9, 1921. Submitted to the people at the state general election held on November 7, 1922. *Failed to pass by the following vote: For--57,324 Against--140,299. As a consequence, Chapter 176, Laws of 1921 did not become law.
- REFERENDUM MEASURE NO. 16 (Chapter 22, Laws of 1923, Butter Substitutes)—Filed March 22, 1923. Submitted to the people at the state general election held on November 4, 1924. *Failed to pass by the following vote: For--169,047 Against--203,016. As a consequence, Chapter 22, Laws of 1923 did not become law.
- REFERENDUM MEASURE NO. 17 (Chapter 115, Laws of 1929, Creating Department of Highways)—Filed April 27, 1929. No petition filed.
- REFERENDUM MEASURE NO. 18 (Chapter 51, Laws of 1933, Cities and Towns; Electric Energy)—Filed April 7, 1933. Submitted to the people at the state general election held on November 6, 1934. Measure passed by the following vote: For--221,590 Against--160,244.
- REFERENDUM MEASURE NO. 19 (Chapter 55, Laws of 1933, Horse Racing)—Filed April 3, 1933. No petition filed.
- REFERENDUM MEASURE NO. 20 (Chapter 118, Laws of 1935, Regulating Pilots)—Filed February 8, 1935. No petition filed.
- REFERENDUM MEASURE NO. 21 (Chapter 26, Laws of 1935, Blanket Primary Ballot)—Filed April 8, 1935. No petition filed.
- REFERENDUM MEASURE NO. 22 (Chapter 209, Laws of 1941, Industrial Insurance)—Filed April 3, 1941. Submitted to the people at the state general election held on November 3, 1942. Measure passed by the following vote: For--246,257 Against--108,845.
- REFERENDUM MEASURE NO. 23 (Chapter 158, Laws of 1941, Providing for Legal Adviser for Grand Juries)—Filed April 16, 1941. Submitted to the people at the state general election held on November 3, 1942. *Failed to pass by the following vote: For--126,972 Against--148,266. As a consequence, Chapter 158, Laws of 1941 did not become law.
- REFERENDUM MEASURE NO. 24 (Chapter 191, Laws of 1941, Prosecuting Attorneys; Providing that they shall no longer give advice to Grand Juries)—Filed April 16, 1941. Submitted to the people at the state general election held on November 3, 1942. *Failed to pass by the following vote: For--114,603 Against--148,439. As a consequence, Chapter 191, Laws of 1941 did not become law.
- REFERENDUM MEASURE NO. 25 (Chapter 15, Laws of 1943, Relating to Public Utility Districts)—Filed March 18, 1943. Submitted to the people at the state general election held on November 7, 1944. *Failed to pass by the following: For--297,919 Against--373,051. As a consequence, Chapter 15, Laws of 1943 did not become law.

*Term "Failed to pass" indicates sponsor of Referendum was successful in attempt to prevent measure from becoming effective law.

REFERENDUM MEASURES

- REFERENDUM MEASURE NO. 26 (Chapter 37, Laws of 1945, Relating to appointment of State Game Commissioners by the Governor)**--Filed April 3, 1945. Signature petitions filed June 6, 1945, and found sufficient. Submitted to the people at the state general election held on November 5, 1946. *Failed to pass by the following vote: For--69,490 Against--447,819. As a consequence, Chapter 37, Laws of 1945 did not become law.
- REFERENDUM MEASURE NO. 27 (Chapter 202, Laws of 1945, Relating to the creation of a State Timber Resources Board)**--Filed April 3, 1945. Signature petitions filed June 6, 1945, and found sufficient. Submitted to the people at the state general election held on November 5, 1946. *Failed to pass by the following vote: For--107,731 Against--422,026. As a consequence, Chapter 202, Laws of 1945 did not become law.
- REFERENDUM MEASURE NO. 28 (Portion of Chapter 235, Laws of 1949, Relating to accident and health insurance covering employees eligible for unemployment compensation)**--Filed March 30, 1949. Signature petitions filed June 8, 1949 and found sufficient. Submitted to the people at the state general election held on November 7, 1950. *Failed to pass by the following vote: For--163,923 Against--467,574. As a consequence, only sections 1 through 5, inclusive, became law.
- REFERENDUM MEASURE NO. 29 (Portion of Chapter 190, Laws of 1949, Amending State Insurance Code)**--Filed April 2, 1949. No signature petitions presented for canvassing.
- REFERENDUM MEASURE NO. 30 (Chapter 280, Laws of 1957, Inheritance Tax on Insurance Proceeds)**--Filed April 12, 1957. Signature petitions filed June 17, 1957, and found sufficient. Measure submitted to the voters at the state general election held on November 4, 1958. *Failed to pass by the following vote: For--52,223 Against--811,539. As a consequence, Chapter 280, Laws of 1957 did not become law.
- REFERENDUM MEASURE NO. 31 (Portion of Chapter 297, Laws of 1959, Authorizing corporations and joint stock associations to practice engineering)**--Filed March 31, 1959. Signature petition sheets presented for canvassing June 10, 1959. Results of canvassing revealed that sponsors missed obtaining necessary number of valid signatures by 1,124 signatures. As a result attempt to refer law to voters failed.
- REFERENDUM MEASURE NO. 32 (Chapter 298, Laws of 1961, Washington State Milk Marketing Act)**--Filed March 22, 1961 by the Washington State Milk Consumers' League. Supporting signature petition sheets filed June 14, 1961, and as of July 26, 1961, it was determined that the necessary number of valid signatures had been obtained to certify measure for final decision by the voters at the state general election held on November 6, 1962. *Failed to pass by the following vote: For--153,419 Against--677,530. As a consequence, Chapter 298, Laws of 1961 did not become law.
- REFERENDUM MEASURE NO. 33 (Chapter 275, Laws of 1961, Private Auditors of Municipal Accounts)**--Filed April 3, 1961 by Cliff Yelle, State Auditor. Supporting signature petition sheets filed June 6, 1961, and as of July 18, 1961, it was determined that the necessary number of valid signatures had been obtained to certify measure for final decision by the voters at the state general election held on November 6, 1962. *Failed to pass by the following vote: For--242,189 Against--563,475. As a consequence, Chapter 275, Laws of 1961 did not become law.
- REFERENDUM MEASURE NO. 34 (Chapter 37, Laws of 1963, Mechanical Devices, Salesboards, Cardrooms, Bingo)**--Filed April 11, 1963 by Dr. Homer W. Humiston of Tacoma, Washington. Since said act contained an emergency clause making the law effective upon the approval of the Governor it was necessary for Dr. Humiston to initiate court action to determine whether or not emergency clause was valid. As of April 11, 1963 the State Supreme Court setting en banc ruled that the emergency clause was not valid and directed the Secretary of State to accept and file papers relative to the referendum (Case No. 36998).
Dr. Humiston, as sponsor of Referendum Measure No. 34, filed signature petition sheets containing a total of 82,995 signatures supporting Referendum Measure No. 34, during the period June 3 through June 12, 1963.

*Term "Failed to pass" indicates sponsor of Referendum was successful in attempt to prevent measure from becoming effective law.

REFERENDUM MEASURES

- As of June 24, 1963, it was discovered that all such signature petition sheets had been stolen. However, two days later (June 26, 1963), Secretary of State Victor A. Meyers certified Referendum Measure No. 34 to the respective county auditors with direction that said measure appear upon the November 3, 1964 state general election ballot in spite of the fact that the signatures had been stolen. Such action was justified upon the grounds that the sponsor of said referendum had filed 82,995 signatures when only 48,630 valid signatures were needed. On July 22, 1963 the Amusement Association of Washington brought court action against the Secretary of State challenging the certification of Referendum Measure No. 34.
- On July 22, 1963, the Thurston County Superior Court ruled that the Secretary of State had acted properly under the circumstances. On March 26, 1964, the State Supreme Court sustained the Thurston County Superior Court by likewise ruling that the Secretary of State's certification was valid.
- Measure then submitted to the voters at the state general election held on November 3, 1964. ***Failed to pass** by the following vote: For--505,633 Against--622,987. As a consequence, Chapter 37, Laws of 1963 did not become law.
- REFERENDUM MEASURE NO. 35 (Portion of Chapter 22, Laws of 1967, Nondiscrimination by Realty Brokers, Salesmen)**--Filed March 22, 1967 by the AD-HOC (Advisory Home Owners Committee). Signatures (81,146) filed June 6, 1967 and found sufficient. Measure submitted to the voters for decision at the November 5, 1968 state general election. Measure passed by the following vote: For--580,578 Against--276,161. Consequently, the attempt by the sponsors of this referendum to negate the open housing provision of Chapter 22, Laws of 1967 was unsuccessful.
- REFERENDUM MEASURE NO. 36 (Chapter 100, Laws of 1973, Minimum Age--Alcoholic Beverage Control)**--Filed April 4, 1973 by Lloyd C. Tremain, Chairman, Citizens United for Responsible Legislation. Signatures (79,389) filed June 7, 1973 and found sufficient. Measure submitted to the voters for decision at the November 6, 1973 state general election. ***Failed to pass** by the following vote: For--495,624 Against--510,491. As a consequence, Chapter 100, Laws of 1973 did not become law.
- REFERENDUM MEASURE NO. 37 (Chapter 288, Laws of 1975 Extraordinary Session, Shall the present law governing professional negotiations for certificated educational employees be repealed, and a new law substituted therefore?)**--Filed July 18, 1975 by Mrs. Alice K. Matz of Kent, Washington. No signatures presented for checking.
- REFERENDUM MEASURE NO. 38 (Chapter 113, Laws of 1975-'76 2nd Extraordinary Session, Shall the salaries of state legislators be increased from \$3,800 to \$7,200 effective at the beginning of their next term?)**--Filed April 6, 1976 by Mr. Paul E. Byrd of Tacoma. No signatures presented for checking.
- REFERENDUM MEASURE NO. 39 (Chapter 361, Laws of 1977 Extraordinary Session, Shall certain changes be made in voter registration laws, including registration by mail and absentee voting on one day's registration?)**--Filed June 22, 1977 by Kent Pullen. Signatures (74,000) filed September 20, 1977 and found sufficient. Measure submitted to the voters for decision at the November 8, 1977 state general election. ***Failed to pass** by the following vote: For--303,353 Against--632,131. As a consequence, Chapter 361, Laws of 1977 Ex. Sess. did not become law.
- REFERENDUM MEASURE NO. 40 (Chapter 288, Laws of 1977 Extraordinary Session, Shall a state women's commission be established by statute?)**--Filed July 29, 1977 by Susan Roylance, Representative of Women for Integrity in the Nation. Signatures (108,000) filed September 20, 1977 and found sufficient. Measure submitted to the voters for decision at the November 8, 1977 state general election. ***Failed to pass** by the following vote: For--259,761 Against--664,962. As a consequence, Chapter 288, Laws of 1977 Ex. Sess. did not become law.
- REFERENDUM MEASURE NO. 41 (Chapter 204, Laws of 1984, Shall the timber harvest tax be continued at a 6.5% rate rather than gradually reduced over four years to 5%?)**--Filed March 22, 1984 by Eleanor Fortson of Camano Island. The court ordered a writ of

*Term "Failed to pass" indicates sponsor of Referendum was successful in attempt to prevent measure from becoming effective law.

REFERENDUM MEASURES

prohibition to prevent the referendum form appearing on the November, 1984 election ballot.

REFERENDUM MEASURE NO. 42 (Chapter 152, Laws of 1986, Shall seat belt use be mandatory for drivers and passengers of motor vehicles federally required to have installed seat belts?)--Filed April 7, 1986 by Mark Gabel of Parkland. No signatures presented for checking.

REFERENDUM MEASURE NO. 43 (Second Substitute House Bill No. 758)--Attorney General refused to write a ballot title because the Governor had not yet signed the bill. Filing of the referendum petition was premature.

REFERENDUM MEASURE NO. 44 (Chapter 506, Laws of 1987, Shall the director of the Department of Wildlife (formerly Game) be appointed by the Governor, not by the State Wildlife Commission?)--Filed May 20, 1987 by Ted Cowan of Issaquah. No signatures presented for checking.

REFERENDUM MEASURE NO. 45 (Chapter 1, Laws of 1987, First Extraordinary Session, Shall the salary increases, established by the constitutionally created Citizens' Commission, for state elected officials, legislators and judges be approved?)--Filed June 5, 1987 by Ed Phillips of Mossyrock. No signatures presented for checking.

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REFERENDUM BILLS

(Measures passed by the Legislature and referred to the voters)

REFERENDUM BILL NO. 1 (Chapter 99, Laws of 1919, State System Trunk Line Highways)--Filed March 13, 1919. Submitted to the people at the state general election held on November 2, 1920. Failed to pass by the following vote: For--117,425 Against--191,783.

*REFERENDUM BILL NO. 2 (Chapter 1, Laws of 1920 Extraordinary Session, Soldiers' Equalized Compensation)--Filed March 25, 1920. Submitted to the people at the state general election held on November 2, 1922. Measure approved by the following vote: For--224,356 Against--88,128.

REFERENDUM BILL NO. 3 (Chapter 87, Laws of 1923, Electric Power Bill)--Filed March 22, 1923. Submitted to the people at the state general election held on November 4, 1924. Failed to pass by the following vote: For--99,459 Against--208,809.

REFERENDUM BILL NO. 4 (Chapter 164, Laws of 1935, Flood Control; Creating Sinking Fund)--Filed March 22, 1935. Submitted to the people at the state general election held on November 3, 1936. Failed to pass by the following vote: For--114,055 Against--334,035.

*REFERENDUM BILL NO. 5 (Chapter 83, Laws of 1939, 40-Mill Tax Limit)--Filed March 10, 1939. Submitted to the people at the state general election held on November 5, 1940. Measure approved by the following vote: For--390,639 Against--149,843.

*REFERENDUM BILL NO. 6 (Chapter 176, Laws of 1941, Taxation of Real and Personal Property)--Filed March 22, 1941. Submitted to the people at the state general election held on November 3, 1942. Measure approved by the following vote: For--252,431 Against--75,540.

*REFERENDUM BILL NO. 7 (Chapter 229, Laws of 1949--\$40,000,000.00 Bond Issue to Give State Assistance in Construction of Public School Plant Facilities)--Filed March 22, 1949. Submitted to the people at the state general election held on November 7, 1950. Measure approved by the following vote: For--395,417 Against--248,200.

*REFERENDUM BILL NO. 8 (Chapter 230, Laws of 1949--\$20,000,000.00 Bond Issue to Provide Funds for Buildings at State Operated Institutions)--Filed March 22, 1949. Submitted to the people at the state general election held on November 7, 1950. Measure approved by the following vote: For--377,941 Against--262,615.

REFERENDUM BILL NO. 9 (Chapter 231, Laws of 1949--\$20,000,000.00 Bond Issue to Provide Funds for Buildings at State Institutions of Higher Learning)--Filed March 22, 1949. Submitted to the people at the state general election held on November 7, 1950. Failed to pass by the following vote: For--312,500 Against--314,840.

*REFERENDUM BILL NO. 10 (Chapter 299, Laws of 1957--\$25,000,000.00 Bond Issue to Provide Funds for Buildings at State Operated Institutions and State Institutions of Higher Learning)--Filed March 26, 1957. Measure submitted to the voters at the state general election held on November 4, 1958. Measure approved by the following vote: For--402,937 Against--391,726.

*REFERENDUM BILL NO. 11 (Chapter 12, Laws of 1963 Extraordinary Session--Outdoor Recreation Bond Issue)--Filed April 18, 1963. Submitted to the voters at the state general election held on November 3, 1964. Measure approved by the following vote: For--614,903 Against--434,978.

*REFERENDUM BILL NO. 12 (Chapter 26, Laws of 1963 Extraordinary Session--Bonds For Public School Facilities)--Filed April 18, 1963. Submitted to the voters at the state general election held on November 3, 1964. Measure approved by the following vote: For--782,682 Against--300,674.

*Indicates measure became law.

REFERENDUM BILLS

- *REFERENDUM BILL NO. 13 (Chapter 27, Laws of 1963 Extraordinary Session--Bonds For Juvenile Correctional Institution)--Filed April 18, 1963. Submitted to the voters at the state general election held on November 3, 1964. Measure approved by the following vote: For--761,862 Against--299,783.
- *REFERENDUM BILL NO. 14 (Chapter 158, Laws of 1965 Extraordinary Session--Bonds for Public School Facilities)--Filed May 12, 1965. Measure submitted to the voters for decision at the November 8, 1966 state general election and was approved by the following vote: For--583,705 Against--288,357.
- *REFERENDUM BILL NO. 15 (Chapter 172, Laws of 1965 Extraordinary Session--Bonds for Public Institutions)--Filed May 15, 1965. Measure submitted to the voters for decision at the November 8, 1966 state general election and was approved by the following vote: For--597,715 Against--263,902.
- *REFERENDUM BILL NO. 16 (Chapter 152, Laws of 1965 Extraordinary Session--Congressional Reapportionment and Redistricting)--Enrolled bill was received directly from the office of Chief Clerk, House of Representatives and filed May 7, 1965, thus bypassing the office of the Governor. Measure submitted to the voters for decision at the November 8, 1966 state general election and was approved by the following vote: For--416,630 Against--384,466.
- *REFERENDUM BILL NO. 17 (Chapter 106, Laws of 1967--Water Pollution Control Facilities Bonds)--Filed March 21, 1967. Measure submitted to the voters for decision at the November 5, 1968 state general election and was approved by the following vote: For--845,372 Against--276,161.
- *REFERENDUM BILL NO. 18 (Chapter 126, Laws of 1967 Extraordinary Session--Bonds for Outdoor Recreation)--Filed May 3, 1967. Measure submitted to the voters for decision at the November 5, 1968 state general election and was approved by the following vote: For--763,806 Against--354,646.
- *REFERENDUM BILL NO. 19 (Chapter 148, Laws of 1967 Extraordinary Session--State Building Projects: Bond Issue)--Filed May 10, 1967. Measure submitted to the voters for decision at the November 5, 1968 state general election and was approved by the following vote: For--606,236 Against--458,358.
- *REFERENDUM BILL NO. 20 (Chapter 3, Laws of 1970 Extraordinary Session--Changes in Abortion Law)--Filed February 9, 1970. Measure submitted to the voters for decision at the November 3, 1970 state general election and was approved by the following vote: For--599,959 Against--462,174.
- *REFERENDUM BILL NO. 21 (Chapter 40, Laws of 1970 Extraordinary Session--Outdoor Recreation Bonds--Sales; Interest)--Filed February 24, 1970. Measure submitted to the voters for decision at the November 3, 1970 state general election and was approved by the following vote: For--520,162 Against--474,548.
- REFERENDUM BILL NO. 22 (Chapter 66, Laws of 1970 Extraordinary Session--State Building Bonds--Sales; Interest)--Filed February 24, 1970. Measure submitted to the voters for decision at the November 3, 1970 state general election and failed to pass by the following vote: For--399,608 Against--574,887.
- *REFERENDUM BILL NO. 23 (Chapter 67, Laws of 1970 Extraordinary Session--Pollution Control Bonds--Sales; Interest)--Filed February 24, 1970. Measure submitted to the voters for decision at the November 3, 1970 state general election and was approved by the following vote: For--581,819 Against--414,976.
- *REFERENDUM BILL NO. 24 (Chapter 82, Laws of 1972 Extraordinary Session--Lobbyists--Regulation, Registration and Reporting)--Filed February 22, 1972. Measure submitted to the voters for decision at the November 7, 1972 state general election and was approved by the following vote: For--696,455 Against--576,404.
- *REFERENDUM BILL NO. 25 (Chapter 98, Laws of 1972 Extraordinary Session--Regulating Certain Electoral Campaign Financing)--Filed February 24, 1972. Measure submitted to

*Indicates measure became law.

REFERENDUM BILLS

the voters for decision at the November 7, 1972 state general election and was approved by the following vote: For--694,818 Against--574,856.

*REFERENDUM BILL NO. 26 (Chapter 127, Laws of 1972 Extraordinary Session--Bonds for Waste Disposal Facilities)--Filed February 25, 1972. Measure submitted to the voters for decision at the November 7, 1972 state general election and was approved by the following vote: For--827,077 Against--489,459.

*REFERENDUM BILL NO. 27 (Chapter 128, Laws of 1972 Extraordinary Session--Bonds for Water Supply Facilities)--Filed February 28, 1972. Measure submitted to the voters for decision at the November 7, 1972 state general election and was approved by the following vote: For--790,063 Against--544,176.

*REFERENDUM BILL NO. 28 (Chapter 129, Laws of 1972 Extraordinary Session--Bonds for Public Recreation Facilities)--Filed February 28, 1972. Measure submitted to the voters for decision at the November 7, 1972 state general election and was approved by the following vote: For--758,530 Against--579,975.

*REFERENDUM BILL NO. 29 (Chapter 130, Laws of 1972 Extraordinary Session--Health, Social Service Facility Bonds)--Filed February 28, 1972. Measure submitted to the voters for decision at the November 7, 1972 state general election and was approved by the following vote: For--734,712 Against--594,172.

REFERENDUM BILL NO. 30 (Chapter 132, Laws of 1972 Extraordinary Session--Bonds for Public Transportation Improvements)--Filed February 28, 1972. Measure submitted to the voters for decision at the November 7, 1972 state general election and was rejected by the following vote: Against--665,493 For--637,841.

*REFERENDUM BILL NO. 31 (Chapter 133, Laws of 1972 Extraordinary Session--Bonds for Community College Facilities)--Filed February 28, 1972. Measure submitted to the voters for decision at the November 7, 1972 state general election and was approved by the following votes: For--721,403 Against--594,963.

REFERENDUM BILL NO. 32 (Chapter 199, Laws of 1973 1st Extraordinary Session--Shall county auditors be required to appoint precinct committeemen of major political parties as deputy voting registrars upon their request?)--Filed April 26, 1973. Measure submitted to the voters for decision at the November 6, 1973 state general election and was rejected by the following vote: For--291,323 Against--609,306.

*REFERENDUM BILL NO. 33 (Chapter 200, Laws of 1973 1st Extraordinary Session--Shall personalized motor vehicle license plates be issued with resulting extra fees to be used exclusively for wildlife preservation?)--Filed April 26, 1973. Measure submitted to the voters for decision at the November 6, 1973 state general election and was approved by the following vote: For--613,921 Against--362,195.

REFERENDUM BILL NO. 34 (Chapter 152, Laws of 1974 Extraordinary Session--Shall a state lottery be conducted under gambling commission regulations with prizes totaling not less than 45% of gross income?)--Filed April 26, 1974. Measure submitted to the voters for decision at the November 5, 1974 state general election, received the following vote: For--515,404 Against--425,903, and thus failed to be approved by a sixty percent majority of the voters votin ; on the measure, see state Constitution, Amendment 56 and AGLO 1974 No. 49.

REFERENDUM BILL NO. 35 (Chapter 89, Laws of 1975 1st Extraordinary Session--Shall the Governor, in filling U.S. Senate vacancies, be limited to the same political party as the former incumbent?)--Filed March 27, 1975. Measure submitted to the voters for decision at the November 4, 1975 state general election and was defeated by the following vote: For--430,642 Against--501,894.

*REFERENDUM BILL NO. 36 (Chapter 104, Laws of 1975-'76 2nd Extraordinary Session-- Shall certain appointed state officers be required to file reports of their financial affairs with

*Indicates measure became law.

REFERENDUM BILLS

the public disclosure commission?)--Filed March 19, 1976. Measure submitted to the voters for decision at the November 2, 1976 state general election and was approved by the following vote: For--963,309 Against--419,693.

*REFERENDUM BILL NO. 37 (Chapter 221, Laws of 1979 Extraordinary Session, Shall \$25 Million in State General Obligation Bonds be Authorized for Facilities to Train, Rehabilitate and Care for Handicapped Persons?)--Filed June 11, 1979. Measure submitted to the voters for decision at the November 6, 1979 state general election and was approved by the following vote: For--576,882 Against--286,365.

*REFERENDUM BILL NO. 38 (Chapter 234, Laws of 1979 Extraordinary Session, Shall \$125 Million in State General Obligation Bonds be Authorized for Planning, Acquisition, Construction and Improvement of Water Supply Facilities?)--Passed November 4, 1980. Measure submitted to the voters for decision at the state general election and was approved by the following vote: For--1,008,646 Against--527,454.

*REFERENDUM BILL NO. 39 (Chapter 159, Laws of 1980, 46th Legislature, Shall \$450,000,000 in State General Obligation Bonds be Authorized for Planning, Designing, Acquiring, Constructing and Improving Public Waste Disposal Facilities?)--Passed November 4, 1980. Measure submitted to the voters for decision at the state general election and was approved by the following vote: For--964,450 Against--558,328.

*REFERENDUM BILL NO. 40 (Chapter 1, Laws of 1986, 1st extraordinary session, Shall state officials continue challenges to the federal selection process for high-level nuclear waste repositories and shall a means be provided for voter disapproval of any Washington site?)--Filed August 1, 1986. Measure submitted to the voters for decision at the state general election and was approved by the following vote: For--1,055,896 Against--222,141.

REFERENDUM BILL NO. 41 (Chapter 246, Laws of 1987, Regular Session, Shall the State challenge in the United States Supreme Court the constitutionality of authority delegated to the federal reserve system?)--Filed April 24, 1987. Measure submitted to the voters for decision at the state general election and was rejected by the following vote: For--282,613 Against--541,387.

*Indicates measure became law.

HISTORY OF CONSTITUTIONAL AMENDMENTS ADOPTED SINCE STATEHOOD

- No. 1. Amending Section 5, Article XVI. Re: **Permanent School Fund**. Adopted November, 1894.
- No. 2. Amending Section 1, Article VI. Re: **Qualification of Electors**. Adopted November, 1896.
- No. 3. Amending Section 2, Article VII. Re: **Uniform Rates of Taxation**. Adopted November, 1900.
- No. 4. Amending Section 11, Article I. Re: **Religious Freedom**. Adopted November, 1904.
- No. 5. Amending Section 1, Article VI. Re: **Equal Suffrage**. Adopted November, 1910.
- No. 6. Amending Section 10, Article III. Re: **Succession in Office of Governor**. Adopted November, 1910.
- No. 7. Amending Section 1, Article II. Re: **Initiative and Referendum**. Adopted November, 1912.
- No. 8. Adding Sections 33 and 34, Article I. Re: **Recall**. Adopted November, 1912.
- No. 9. Amending Section 16, Article I. Re: **Taking of Private Property**. Adopted November, 1922.
- No. 10. Amending Section 22, Article I. Re: **Right of Appeal**. Adopted November, 1922.
- No. 11. Amending Section 4, Article VIII. Re: **Appropriation**. Adopted November, 1922.
- No. 12. Amending Section 5, Article XI. Re: **Consolidation of County Offices**. Adopted November, 1924.
- No. 13. Amending Section 15, Article II. Re: **Vacancies in the Legislature**. Adopted November, 1930.
- No. 14. Amending Article VII. Re: **Revenue and Taxation**. Adopted November, 1930.
- No. 15. Amending Section 1, Article XV. Re: **Harbors and Harbor Areas**. Adopted November, 1932.
- No. 16. Amending Section 11, Article XII. Re: **Double Liability of Stockholders**. Adopted November, 1940.
- No. 17. Amending Section 2, Article VII. Re: **40-Mill Tax Limit**. Adopted November, 1944.
- No. 18. Adding Section 40, Article II. Re: **Restriction of motor vehicle license fees and excise taxes on motor fuels to highway purposes only**. Adopted November, 1944.
- No. 19. Adding Section 3, Article VII. Re: **State to tax the United States and its instrumentalities to the extent that the laws of the United States will allow**. Adopted November, 1946.
- No. 20. Adding Section 1, Article XXVIII. Re: **Legislature to fix the salaries of state elective officials**. Adopted November, 1948.
- No. 21. Amending Section 4, Article XI. Re: **Permit counties to adopt "Home Rule" charters**. Adopted November, 1948.
- No. 22. Repealing Section 7 of Article XI. Re: **County elective officials**. (These officials can now hold same office more than two terms in succession.) Adopted November, 1948.
- No. 23. Adding Section 16, Article XI. Re: **Permitting the formation, under a charter, of combined city and county municipal corporations having a population of 300,000 or more**. Adopted November, 1948.

HISTORY OF ADOPTED CONSTITUTIONAL AMDTS.

- No. 24. Amending Article II, Section 33. Re: **Permitting ownership of land by Canadians who are citizens of provinces wherein citizens of the State of Washington may own land.** (All provinces of Canada authorize such ownership.) Adopted November, 1950.
- No. 25. Adding Section 3(a), Article IV. Re: **Establishing Retirement Age for Judges of Supreme and Superior Courts.** Adopted November, 1952.
- No. 26. Adding Section 41, Article II. Re: **Permitting the Legislature to Amend Initiative Measures.** Adopted November, 1952.
- No. 27. Amending Section 6, Article VIII. Re: **Extending Bonding Powers of School Districts.** Adopted November, 1952.
- No. 28. Amending Sections 6 and 10, Article IV. Re: **Increasing Monetary Jurisdiction of Justice Courts.** Adopted November, 1952.
- No. 29. Amending Article II, Section 33. Re: **Redefining "Alien," thereby permitting the Legislature to determine the policy of the state respecting the ownership of land by corporations having alien shareholders.** Adopted November, 1954.
- No. 30. Adding Section 1A, Article II. Re: **Increasing the number of signatures necessary to certify a state initiative or referendum measure.** Adopted November, 1956.
- No. 31. Amending Section 25, Article III. Re: **Removing the restriction prohibiting the state treasurer from being elected for more than one successive term.** Adopted November, 1956.
- No. 32. Amending Section 2, Article XV. Re: **Filling vacancies in the state legislature.** Adopted November, 1956.
- No. 33. Amending Section 1, Article XXIV. Re: **Modification of state boundaries by compact.** Adopted November, 1958.
- No. 34. Amending Section 11, Article I. Re: **Employment of chaplains at state institutions.** Adopted November, 1958.
- No. 35. Amending Section 25, Article II. Re: **Pensions and Employees' Extra Compensation.** Adopted November, 1958.
- No. 36. Amending Section 1, Article II by adding a new subsection (e). Re: **Publication and Distribution of Voters' Pamphlet.** Adopted November, 1962.
- No. 37. Amending Section 1, Article XXIII. Re: **Publication of Proposed Constitutional Amendments.** Adopted November, 1962.
- No. 38. Adding Section 2(c), Article IV. Re: **Temporary Performance of Judicial Duties.** Adopted November, 1962.
- No. 39. Adding Section 42, Article II. Re: **Governmental Continuity During Emergency Periods.** Adopted November, 1962.
- No. 40. Amending Section 10, Article XI. Re: **Lowering minimum population for first class cities from 20,000 to 10,000. Also changing newspaper publication requirements for proposed charters.** Adopted November, 1964.
- No. 41. Amending Section 29, Article IV. Re: **Election of Superior Court Judges.** Adopted November, 1966.
- No. 42. Repealing Section 33, Article II and Amendments 24 and 29. Re: **Alien Ownership of Lands.** Adopted November, 1966.
- No. 43. Amending Section 3, Article IX. Re: **Funds for Support of the Common Schools.** Adopted November, 1966.
- No. 44. Amending Section 5, Article XVI. Re: **Investment of Permanent Common School Fund.** Adopted November, 1966.

HISTORY OF ADOPTED CONSTITUTIONAL AMDTS.

- No. 45. Adding Section 8, Article VIII. Re: **Port Expenditures--Industrial Development--Promotion.** Adopted November, 1966.
- No. 46. Adding Section 1A, Article VI. Re: **Voter Qualifications for Presidential Elections.** Adopted November, 1966.
- No. 47. Adding Section 10, Article VII. Re: **Retired Persons Property Tax Exemption.** Adopted November, 1966.
- No. 48. Amending Section 3, Article VIII. Re: **Public Special Indebtedness, How Authorized.** Adopted November, 1966.
- No. 49. Adding Section 1, Article XXIX. Re: **Investments of Public Pension and Retirement Funds.** Adopted November, 1968.
- No. 50. Adding Section 30, Article IV. Re: **Court of Appeals.** Adopted November, 1968.
- No. 51. Adding Section 9, Article VIII. Re: **State Building Authority.** Adopted November, 1968.
- No. 52. Amending Section 15, Article II. Re: **Vacancies in Legislature and in Partisan County Elective Office.** Also amending Section 6, Article XI. Re: **Vacancies in Township, Precinct or Road District Office.** Adopted November, 1968.
- No. 53. Adding Section 11, Article VII. Re: **Taxation Based on Actual Use.** Adopted November, 1968.
- No. 54. Adding Section 1, Article XXX. Re: **Authorizing Compensation Increase During Term.** Adopted November, 1968.
- No. 55. Amending Section 2, Article VII. Re: **Limitation on Levies.** Adopted November, 1972.
- No. 56. Amending Section 24, Article II. Re: **Lotteries and Divorce.** Adopted November, 1972.
- No. 57. Amending Section 5, Article XI. Re: **County Government.** Adopted November, 1972.
- No. 58. Amending Section 16, Article XI. Re: **Combined City-County.** Adopted November, 1972.
- No. 59. Amending Section 2, Article VII. Re: **Limitation on Levies.** Adopted November, 1972.
- No. 60. Amending Section 1, Article VIII. Re: **State Debt.** Also amending Section 3, Article VIII. Re: **Special Indebtedness, How Authorized.** Approved November, 1972.
- No. 61. Adding new Article XXXI. Re: **Sex Equality, Rights and Responsibilities.** Adopted November, 1972.
- No. 62. Amending Section 12, Article III. Re: **Veto Power.** Adopted November, 1974.
- No. 63. Amending Section 1, Article VI. Re: **Qualifications of Electors.** Adopted November, 1974.
- No. 64. Amending Section 2, Article VII. Re: **Limitation on Levies.** Adopted November, 1976.
- No. 65. Amending Section 6, Article IV. Re: **Jurisdiction of Superior Courts.** Also amending Section 10, Article IV. Re: **Justices of the Peace.** Adopted November, 1976.
- No. 66. Amending Section 18, Article XII. Re: **Rates for Transportation.** Adopted November, 1977.
- No. 67. Repealing Section 14, Article XII. Re: **Prohibition Against Combinations by Carriers.** Adopted November, 1977.
- No. 68. Amending Section 12, Article II. Re: **Legislative Sessions, When--Duration.** Adopted November, 1979.

HISTORY OF ADOPTED CONSTITUTIONAL AMDTS.

- No. 69. Amending Section 13, Article II. Re: **Limitation on Members Holding Office in the State.** Adopted November, 1979.
- No. 70. Adding Section 10, Article VIII. Re: **Residential Energy Conservation.** Adopted November, 1979.
- No. 71. Adding Section 31, Article IV. Re: **Judicial Qualifications Commission—Removal, Censure, Suspension, or Retirement of Judges or Justices.** Adopted November, 1980.
- No. 72. Amending Sections 1 and 1(a), Article II. Re: **Legislative Powers, Where Vested and Initiative and Referendum, Signatures Required.** Adopted November, 1981.
- No. 73. Adding Section 1, Article XXXII. Re: **Special Revenue Financing.** Adopted November, 1981.
- No. 74. Adding Section 43, Article II. Re: **Redistricting.** Adopted November, 1983.
- No. 75. Amending Section 1, Article XXIX. Re: **May be Invested as Authorized by Law.** Adopted November, 1985.
- No. 76. Adding Section 11, Article VIII. Re: **Agricultural Commodity Assessments—Development, Promotion, and Hosting.** Adopted November, 1985.
- No. 77. Amending Section 31, Article IV. Re: **Commission on Judicial Conduct—Removal, Censure, Suspension, or Retirement of Judges or Justices—Proceedings.** Adopted November, 1986.
- No. 78. Amending Section 1, Article XXVIII. Re: **Salaries for Legislators, Elected State Officials, and Judges—Independent Commission—Referendum.** Adopted November, 1986.
- No. 79. Amending Section 2, Article VII. Re: **Limitation on Levies.** Adopted November, 1986.
- No. 80. Amending Section 7, Article IV. Re: **Exchange of judges—Judge Pro Tempore.** Adopted November, 1987.
- No. 81. Amending Section 1, Article VII. Re: **Taxation.** Adopted November, 1988.
- No. 82. Amending Section 10, Article VIII. Re: **Residential Energy Conservation.** Adopted November, 1988.
- No. 83. Amending Section 3, Article VI. Re: **Who disqualified.** Also amending Section 1, Article XIII. Re: **Educational, reformatory and penal institutions.** Adopted November, 1988.
- No. 84. Adding Section 35, Article I. Re: **Victims of Crimes—Rights.** Adopted November, 1989.
- No. 85. Amending Section 31, Article IV. Re: **Commission on Judicial Conduct.** Adopted November, 1989.
- No. 86. Amending Section 10, Article VIII. Re: **Energy and Water Conservation Assistance.** Adopted November, 1989.