

the application of the provision to other persons or circumstances is not affected.

Passed the House April 18, 1989.

Passed the Senate April 6, 1989.

Approved by the Governor May 12, 1989, with the exception of certain items which were vetoed.

Filed in Office of Secretary of State May 12, 1989.

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. 1397 entitled:

"AN ACT Relating to water use efficiency and conservation."

The definition of "water use efficiency" contained in section 4 uses the concepts and terminology utilized in the energy conservation arena. I agree that the work done with respect to energy conservation should be the model for use in water conservation. However, the definition contained in this bill does not match the concept utilized by the Northwest Power Planning Council.

The federal legislation which introduced the successful implementation of this concept is the Northwest Power Act. That act makes explicit and repeated provision for consideration of environmental values. For example, the Northwest Power Act provides that costs include "such quantifiable environmental costs and benefits as the Administrator determines.....are directly attributable to such measure or resource." The federal legislation further provides for methods to determine quantifiable environmental costs and benefits.

To assure conformity with existing state laws, such as the State Environmental Policy Act, the Department of Ecology must interpret "water use efficiency" to require explicit consideration of environmental and other public costs of efficiency measures and of alternative sources of water supply.

In the absence of a statutory definition, the Department of Ecology shall interpret the term "water use efficiency" in a manner which is consistent with existing state law and based on the least cost approach used by the Northwest Power Planning Council.

With the exception of section 4, Substitute House Bill No. 1397 is approved."

CHAPTER 349

[Substitute House Bill No. 1369]

WATERFRONT SEWER SYSTEMS—REPAIR—STANDARDS

AN ACT Relating to the repair of waterfront sewer systems; adding new sections to chapter 70.118 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.** *A new section is added to chapter 70.118 RCW to read as follows:*

The legislature finds that:

- (1) *Many saltwater-front lots were developed without adequate means of sewage disposal;*
- (2) *Installation of community sewers is not practical in many of these areas;*

(3) Many of these homes are being expanded, remodeled, or rebuilt in violation of the building code; and

(4) These sewer systems are polluting the waters of the state.

The legislature further finds that modern technology has developed effective ways to treat the sewage from these residences in order to protect against significant health hazards and water quality degradation.

It is the intent of the legislature to allow the owners of single-family saltwater-front residences to replace inadequate on-site sewage treatment facilities with modern effective systems. It is also the intent of the legislature to provide incentives for these homeowners to upgrade their sewage disposal systems by allowing these homes to be remodeled, rebuilt, or expanded.

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

NEW SECTION. Sec. 2. A new section is added to chapter 70.118 RCW to read as follows:

The owners of single-family residences that were legally occupied prior to June 9, 1988, and that are on property adjacent to marine waters or discharge untreated sewage directly into marine waters, who repair or replace an existing on-site sewage disposal system so that the system achieves a thirty-day average effluent quality of: (1) Less than 10 mg/l BOD₅, and (2) less than 10 mg/l total suspended solids, and (3) less than 200 MPN/100 ml fecal coliform bacteria may remodel, expand, or replace the single-family residence. This standard must be met prior to discharge of the effluent below the surface of the ground. Residences expanded under this section shall use low-flow plumbing fixtures. Not later than January 1, 1990, the state board of health shall adopt such minimum nutrient loading standards for systems allowed under this section as the board finds necessary to ensure protection of the public health, attainment of state water quality standards, and the protection of shellfish and other public resources.

If the department of social and health services finds that more restrictive standards are necessary to ensure protection of the public health, attainment of state water quality standards, and the protection of shellfish and other public resources, the department may propose rules for adoption by the state board of health identifying the standards necessary for implementing its finding. The department may also identify the geographic areas where it is necessary to implement the more restrictive standards. In addition, the department may propose standards for the design, construction, maintenance, and monitoring of sewage disposal systems.

NEW SECTION. Sec. 3. A new section is added to chapter 70.118 RCW to read as follows:

If the legislative authority of a county or city finds that more restrictive standards than those contained in section 2 of this act or those adopted by the state board of health for systems allowed under section 2 of this act or limitations on expansion of a residence are necessary to ensure protection of the public health, attainment of state water quality standards, and the

protection of shellfish and other public resources, the legislative authority may adopt ordinances or resolutions setting standards as they may find necessary for implementing their findings. The legislative authority may identify the geographic areas where it is necessary to implement the more restrictive standards. In addition, the legislative authority may adopt standards for the design, construction, maintenance, and monitoring of sewage disposal systems.

NEW SECTION. Sec. 4. (1) Except as provided in subsection (2) of this section, this act shall take effect November 1, 1989.

(2) Section 2 of this act shall not take effect if the state board of health adopts standards for the replacement and repair of existing on-site sewage disposal systems located on property adjacent to marine waters by October 31, 1989.

***NEW SECTION.** Sec. 5. *The house of representatives committee on environmental affairs and the senate committee on environment and natural resources shall investigate on-site sewage regulation and practices in the state including, but not limited to, ways to ensure long-term maintenance and operation of these systems and report to their respective houses at the 1990 session of the Washington state legislature.*

*Sec. 5 was vetoed, see message at end of chapter.

Passed the House April 18, 1989.

Passed the Senate April 4, 1989.

Approved by the Governor May 12, 1989, with the exception of certain items which were vetoed.

Filed in Office of Secretary of State May 12, 1989.

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

"I am returning herewith, without my approval as to sections 1 and 5, Engrossed Substitute House Bill No. 1369 entitled:

"AN ACT Relating to the repair of waterfront sewer systems."

Section 1 states the intent of the Legislature that owners of single-family salt waterfront residences be allowed to expand, remodel, or rebuild their homes by upgrading their sewage disposal systems or replacing them with modern effective systems. Existing on-site systems for homes on salt waterfront properties pose significant water quality problems for both ground water and for Puget Sound. This problem will only become aggravated as more individuals and families seek to expand, repair, or rebuild their homes, thereby placing additional pressures on these inadequate on-site systems. There is clearly a question as to whether modern systems are or can be effective given the sensitive water quality issues at stake. This is a question that needs detailed examination by local county health officials, the Department of Social and Health Services, the Department of Ecology and the State Board of Health.

Section 5 directs the appropriate committees of the House and Senate to investigate on-site systems and to report to their respective houses at the 1991 Legislature. House and Senate committees do not need statutory authority to report to their respective chambers.

Under this bill, the Legislature sets effluent standards to be met by new on-site disposal systems. These standards will take effect November 1, 1989, unless the State Board of Health adopts regulations, which may be more restrictive than stipulated in

the bill, by that date. The bill also provides local government with authority to adopt more restrictive regulations for on-site disposal systems.

With the exception of sections 1 and 5, Engrossed Substitute House Bill No. 1369 is approved."

CHAPTER 350

[Second Substitute Senate Bill No. 5375] DNA IDENTIFICATION PROGRAM

AN ACT Relating to DNA identification; adding new sections to chapter 43.43 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 recent developments in molecular biology and genetics have important applications for forensic science. It has been scientifically established that there is a unique pattern to the chemical structure of the deoxyribonucleic acid (DNA) contained in each cell of the human body. The process for identifying this pattern is called "DNA identification."

The legislature further finds that the accuracy of identification provided by this method is superior to that of any presently existing technique and recognizes the importance of this scientific breakthrough in providing a reliable and accurate tool for the investigation and prosecution of sex offenses as defined in RCW 9.94A.030(26) and violent offenses as defined in RCW 9.94A.030(29).

NEW SECTION. Sec. 2. (1) To support criminal justice services in the local communities throughout this state, the state patrol in consultation with the University of Washington school of medicine shall develop a plan for and establish a DNA identification system. In implementing the plan, the state patrol shall purchase the appropriate equipment and supplies. The state patrol shall procure the most efficient equipment available.

(2) The DNA identification system as established shall be compatible with that utilized by the federal bureau of investigation.

(3) The state patrol and the University of Washington school of medicine shall report on the DNA identification system to the legislature no later than November 1, 1989. The report shall include a time line for implementing each stage, a local agency financial participation analysis, a system analysis, a full cost/purchase analysis, a vendor bid evaluation, and a space location analysis that includes a site determination. The state patrol shall coordinate the preparation of this report with the office of financial management.

***NEW SECTION.** Sec. 3. (1) *An oversight committee shall recommend to the legislature by November 1, 1989, specific rules and procedures for the collection, analysis, storage, expungement, and use of DNA identification*